

EXECUTIVE SUMMARY

Purpose. The purpose of a Local Waterfront Revitalization Program (LWRP) is to promote economic development and revitalization of the Village's local waterfront revitalization area while assuring the protection and beneficial use of coastal resources therein.

Authority. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (NYS Executive Law, Article 42) and the implementing of rules and regulations for the Act (Part 600 of Title 19, NYCRR) authorize the preparation of Local Waterfront Revitalization Programs with financial and technical assistance from the NYS Department of State. Article 42 and Part 600 also require that all State agency actions proposed in a local waterfront area covered by an approved program be undertaken in a manner consistent, to the maximum extent practicable, with the policies and purposes of such program. In the absence of an approved LWRP, State agency actions in the coastal area must be consistent with the forty-four (44) coastal policies set forth in the New York State Coastal Management Program (CMP). When a LWRP has been approved by the NYS Secretary of State its policies and purposes are substituted for those of the CMP.

Approach. The approach to managing the waterfront areas taken by New York State is significantly different from the approach used in other States. While State government can promote development and provide protection for critical resources, it is recognized that municipalities are in the best position to determine their own waterfront objectives and to adapt statewide approaches to specific local needs. Accordingly, the Department of State, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, has encouraged waterfront communities to prepare their own Local Waterfront Revitalization Programs.

A Local Waterfront Revitalization Program (LWRP) is a comprehensive program that refines legislatively established waterfront policies by incorporating local circumstances and objectives. It is a voluntary grass roots effort which brings together local, State, and federal governments, commerce, environmental interests, private organizations, and community citizens to assess current circumstances and opportunities and constraints and to build a consensus on the desired future of the community's waterfront area. More important, the LWRP provides a strategy for achieving that vision.

In general, a LWRP is a detailed and realistic effort to promote and protect waterfront resources. By preparing a LWRP, a community has the opportunity to evaluate its waterfront resources and to develop and implement a management program for the best use and development of those resources. Decision makers will then be able to respond with increased knowledge and purpose to future events affecting their waterfront area and to actively pursue an agreed upon program.

The LWRP includes a comprehensive inventory and analysis of the community's waterfront area resources, issues, and opportunities. From this, the community can refine the 44 State Coastal Policies to better reflect local circumstances and issues. The local policies are included in Section III. One of the components of the LWRP is the identification of long term uses within the waterfront area and specific projects that will help to implement the policies and purposes of the Program. These are discussed in Section IV. These uses and projects, in conjunction with an established

management program, can significantly increase a community's ability to attract development activities that will take best advantage of the unique cultural and natural characteristics of the community. Techniques to implement the LWRP are discussed in Section V. This section addresses the ability of a community's existing local regulations to implement the LWRP and how these may be modified to implement the policies and proposed land uses outlined in Sections III and IV.

The opportunities for communities to tackle the issues and opportunities associated with its waterfront and nearshore water areas have been provided by amendments to Article 42 of the Executive Law. These provide local governments with the clear authority to comprehensively manage activities in harbor and nearshore areas through harbor management plans and associated laws. A harbor management plan addresses conflict, congestion, and competition for space in the use of a community's surface waters and underwater land. Article 42 provides consideration of and guidance and regulation on the managing of boat traffic, general harbor use, optimum location and number of boat support structures, such as docks, piers, moorings, pump-out facilities, special anchorage areas, and identification of local and federal navigation channels. It also provides the opportunity to identify various alternatives for optimum use of the waterfront and adjacent water surface, while at the same time analyzing the probable environmental effects of these alternatives.

As harbor management programs are now a required element of a LWRP, the Village of Sleepy Hollow has chosen to integrate the *Village of Sleepy Hollow Harbor Management Plan* into the LWRP. The harbor management plan considers many uses of Sleepy Hollow's water area. Section II discusses the many uses and issues associated with the Hudson River; Section III includes policies for harbor management; Section IV puts forward proposed water uses and identifies sites for water-dependent uses; Section V considers the need for local regulation to implement the *Village of Sleepy Hollow Harbor Management Plan*.

Steps. A draft LWRP was prepared following guidelines developed by the NYS Department of State. The draft LWRP provided an assessment of local waterfront conditions, identified policies applicable to those conditions, proposed future land and water uses and projects for the local waterfront area and described local means for implementing such policies, uses and projects. It also identified State and Federal agencies that would be affected by or would be needed to implement the program; indicated those government agencies and other organizations consulted during preparation of the program, and described measures taken to assure local commitment to program implementation. A draft generic environmental impact statement (EIS) was prepared for the local action of adopting the Local Waterfront Revitalization Program.

Next, the draft LWRP was submitted to the NYS Department of State with a resolution from the local governing body authorizing the submission. The Department of State, in turn, prepared a program summary and distributed copies of the summary and the draft LWRP to approximately 70 State and Federal agencies for their review and comment during a 60-day review period. Coincident with this review period, the local governing body provided for public review and comment on both the draft LWRP and draft EIS.

The Department of State then assisted the Village with preparation of a final EIS and a final LWRP which addressed comments received on the draft EIS and the draft LWRP. When the Village Board adopted the LWRP and all local regulatory measures needed to implement the program, the NYS

Secretary of State and the U.S. Office of Ocean and Coastal Resource Management were asked to approve the LWRP. Upon approval of the LWRP, all State and Federal agencies are required by law to undertake proposed actions in the local waterfront area in a manner that is consistent, to the maximum extent practicable, with the policies and purposes of the approved LWRP. The Village is similarly obligated by a local law they enacted, to assure consistency.

Summary of the Village of Sleepy Hollow LWRP

The six final sections of the Village of Sleepy Hollow LWRP are summarized as follows:

- SECTION I WATERFRONT REVITALIZATION AREA BOUNDARY.** The first section identifies and clarifies both the landward and waterside boundaries of the Village's local waterfront revitalization area.
- SECTION II INVENTORY AND ANALYSIS.** This section inventories and analyzes the Village's natural resources (water, land, vegetation, fish and wildlife and scenic resources), community/cultural resources (development, public access and recreation, historic and archeological resources and agricultural resources), land and water uses and important economic activities within the waterfront area. For each category inventoried, the analysis portion discusses problems, issues and/or opportunities addressed in other portions of the program.
- SECTION III WATERFRONT REVITALIZATION PROGRAM POLICIES.** Section III lists the 44 NYS coastal policies under the headings Development Policies, Fish and Wildlife Policies, Flooding and Erosion Hazard Policies, General Policy, Public Access and Recreation Policies, Scenic Resources Policies, Agricultural Lands Policy, Energy and Ice Management Policies, and Water and Air Resources Policies. Of the 44 State coastal policies listed, 37 are explained as applicable while 7 are identified as not applicable. Accompanying the State policies are 56 local policies of the Village aimed at providing greater specificity and additional coastal management capability. Where appropriate, guidelines are included to assist in applying the State and local policies.
- SECTION IV PROPOSED USES AND PROJECTS.** Here, proposed future land and water uses are identified for the Village's waterfront area.
- The Village has proposed fifteen (15) projects that will enhance, encourage, and contribute to the redevelopment of the entire Village. Projects range from municipal park improvements and coastal public access projects to major waterfront redevelopment initiatives.
- SECTION V TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM.** This section describes the local laws and regulations, other public and private actions, management structures and financial resources

necessary to implement the LWRP. It also describes new local laws which were specifically enacted to implement the program, such as amendments to the Village's Zoning Regulations and Architectural Review Law. In addition, the Village has enacted a Local Waterfront Revitalization Program Consistency Review Law that will provide a framework for agencies of the Village to consider the policies and purposes of the LWRP when reviewing applications for actions or direct agency actions located in the Village's waterfront area. In addition, the LWRP Consistency Review Law will assure that such actions and direct actions are consistent with the LWRP policies and purposes.

Other Village implementation measures are identified in this section. They include: means of financing proposed projects, studies and plans; management responsibilities of local officials; and, descriptions of the processes for local and State/Federal consistency reviews.

SECTION VI FEDERAL AND STATE PROGRAMS LIKELY TO AFFECT IMPLEMENTATION. This section identifies those State and Federal agencies which must act consistently with the Village of Sleepy Hollow Local Waterfront Revitalization Program, and those whose actions would be needed for the local program's implementation.

Benefits of an Approved Program

1. The program establishes (through its various policies) means of both protecting and enhancing local coastal resources within the framework of Village regulations, projects and other implementation techniques.
2. State and Federal agencies will be required by law to be consistent with the local program's policies and purposes once it has been approved.
3. An approved LWRP can help attract public and private investment in waterfront projects since it demonstrates a community's commitment to revitalization and resource protection, and contains conceptual plans for projects which make the development process more predictable and efficient. These plans help to convince funding entities and private developers that the projects are realistic and that money will be well spent and fits into a comprehensive plan that will ultimately protect the investment.
4. With an approved Local Waterfront Revitalization Program, the Village is eligible to apply for grant funding assistance through Title 11 of the NYS Environmental Protection Act of 1993 to assist with implementation of their LWRP.