

V. TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

This section describes the Village techniques and management structure for implementation of the Village of Sleepy Hollow LWRP. It describes the land use controls that have been enacted by the Village to implement the policies and projects of their LWRP, and describes the means for long-term management of Sleepy Hollow's LWRP. It specifies the authority of the Village to implement the LWRP and presents the organizational strategy that the Village will follow to implement the LWRP's policies and projects.

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE VILLAGE'S LOCAL WATERFRONT REVITALIZATION PROGRAM

1. Introduction

One of the primary means of implementing the Sleepy Hollow LWRP is through local laws and regulations concerning land use. The balance between development/redevelopment and resource protection that is apparent in the LWRP policies and the proposed land uses of the LWRP has been achieved through the application and amendment of many of the Village's existing laws and regulations.

2. Village of Sleepy Hollow Master Plan, Local Laws and Regulations

a. Master Plan

The only master plan or comprehensive plan the Village of Sleepy Hollow has is an April, 1980 plan done by the consulting firm *Raymond, Parish, Pine, and Weiner, Inc.* The Plan was titled: *Master Plan of Census Tract #116*. With the exception of the *Master Plan of Census Tract #116*, all of the planning work done in the Village is comprised of rather separate and discrete studies and plans that were designed to solve specific problems or purposes at a particular point in time. Further, none of the plans or studies, with the exception of certain elements of the proposed Halpern Development proposal work, focused on the opportunities and potential associated with the Village's Hudson River waterfront location.

While many of the recommendations of the Census Tract #116 Master Plan are still relevant today, the Village did not have, until completion of their LWRP, a comprehensive plan that looks at the whole Village. Because the Village did not have a Village-wide comprehensive plan and because of the limited scope of many of the plans and studies, the Village's Local Waterfront Revitalization Program is viewed by the Village as a comprehensive planning document and program. Because of the comprehensive nature of the NYS Coastal Management Program, the Sleepy Hollow Local Waterfront Revitalization Program has easily accommodated the Village's desire for it to be a comprehensive master plan.

b. Zoning Regulations

The zoning regulations for the Village of Sleepy Hollow were adopted in September 8, 1964. The Zoning Regulations establish use districts and regulates the uses within these districts. The Zoning Regulations establish setback and density requirements, regulate the bulk and arrangement of buildings, the area of lots covered, the open spaces to be preserved, provision of off-street parking, access, drainage, accessory uses, fences and walls, signs, lighting, screening and landscaping, swimming pools, and other similar issues normally regulated within zoning regulations.

In addition, the Village's Zoning Regulations contain within them Site Plan Review provisions. These regulations require site plan review and approval for: (1) "erection, enlargement, rehabilitation, conversion, change in use, change in occupancy or reuse of all buildings other than single-family house constructed on a separate lot and not part of a subdivision, and alterations to single-family and two-family houses"; and for (2) "all uses of land where no building is proposed, including the proposed use and development of all land within proposed subdivisions of three (3) or more lots, blocks, parcels or sites."

Prior to adoption of the Village's LWRP, the Village's Zoning Regulations divided the Village of Sleepy Hollow into the following zoning districts:

R-1	One-Family Residence, Open
R-2	One-Family Residence, Low Density
R-2A	One-Family Residence, Low Density
R-3	One-Family Residence, Medium Density
R-4	One- and Two-Family Residence
R-5	Multiple Residence, Medium Density
R-6	Multiple Residence, High Density
H	Hospital
C-1	Highway Commercial
C-2	General Commercial
M	Manufacturing
CEM	Cemetery Area
P	Parks
PP	Public Parking Area

The boundaries of these zoning districts are identified on the Village's Zoning Map, Map 8.

The land area currently occupied by the closed General Motors Assembly Plant, the plant's associated parking lots, and the property located to the south of the GM plant on both sides of River Street have been rezoned from M - Manufacturing to the new RF- Riverfront Development Zoning District. The Village of Sleepy Hollow has identified this area as

a primary area for redevelopment following closure of the General Motors plant. The area has been identified as suitable for the location of water-dependent and water-enhanced uses, featuring a balanced mix of uses, including small retail, offices, restaurants, residential, recreational, and public uses. For this area of the Village, the LWRP and the new RF - Riverfront Development Zoning District are designed 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. Both the LWRP and RF Zoning District call for a mix of 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 the LWRP and RF Zoning District to encourage and allow for 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. Such a development for this area of the Village is envisioned to replicate an "old Hudson River waterfront community image" with architectural style and overall development layout to reflect that which prevailed in the Hudson River Valley prior to 1900. Both the LWRP and the RF Zoning District also call for a high level of public access (both physical and visual) to the waterfront.

In general, the Zoning Regulations of the Village are a significant tool in the implementation of the Village of Sleepy Hollow LWRP. In order to satisfactorily implement the LWRP the Village recognized that there would need to be some amendments made to the Zoning Regulations. These amendments have been made and are described in Section V-A-3.

In addition to the specific issues related to the proposed land and water uses of the LWRP, there are a number of inconsistencies in actual land use development patterns in certain portions of the Village and what is permitted in the District Zoning Regulations. These general problems require a detailed examination of the Zoning Regulations and Zoning Map. The Zoning Regulations would also benefit from an examination in light of the recent initiatives of the New York State Legislative Commission on Rural Resources that have resulted in amendments to existing land use and planning statutes in New York State. Some of these issues are also considered in Section V-A-3.

c. Subdivision Regulations

The Village also has Subdivision Regulations that were adopted in 1965. The regulations require the submission of proposed subdivisions to the Village Planning Board for review and approval. They include standards for street layout, lot configuration, drainage improvements, provision of open space and recreation land or improvements, and the preservation of natural features.

The current regulations do not include the provision for clustered subdivisions.

Amendment of the law to allow the use of this planning and design technique would improve the regulations and the Village's ability to implement the LWRP. However, this may not be a significant issue in light of the fact that there are very few areas within the Village where further subdivision of land can occur that has not already been developed, and because of the comprehensive nature of the RF - Riverfront Development District Regulations to allow for and encourage a clustered type of planned development.

Similar to the Zoning Regulations, the Subdivision Regulations could benefit from an examination in light of the recent initiatives of the New York State Legislative Commission on Rural Resources that have resulted in amendments to existing land use and planning statutes in New York State.

d. Flood Damage Prevention Law

This law requires permits for construction within flood hazard areas identified by the Federal Emergency Management Agency. With such a law in place, property owners are eligible for purchase of subsidized flood damage insurance that would not otherwise be available. Projects within the flood hazard area are reviewed to ensure that hazards from flooding are minimized through appropriate standards concerning construction techniques and materials, siting, and protection and maintenance of drainage areas. The law also requires subdivision proposals to be consistent with the need to minimize flood damage. The law is administered by the Village Building Inspector. Appeals may be made to the Village Planning Board.

e. Wetland/Watercourse Protection Law

This law was adopted in 1990. It is very comprehensive in its application of protection to wetlands and watercourses within the Village. The law states that "[i]t is the intent of the Village of Sleepy Hollow that activities in and around wetland/watercourse complexes conform to all applicable building codes, sediment control regulations and other regulations and that such activities not threaten public safety or the natural environment or cause nuisances by:

- A. Impeding flood flows, reducing flood storage areas or destroying storm barriers, thereby resulting in increased flood heights, frequencies, or velocities on other lands.
- B. Increasing water pollution through location of domestic waste disposal systems in wet soils; inappropriate siting of stormwater control facilities; unauthorized application of fertilizers, pesticides, herbicides and algicides; disposal of solid wastes at inappropriate sites; creation of unstabilized fills; or the destruction of wetland soils and vegetation serving pollution and sediment control functions.

- C. Increasing erosion.
- D. Decreasing breeding, nesting, and feeding areas for many species of waterfowl and shorebirds, including those rare and endangered.
- E. Interfering with the exchange of nutrients needed by fish and other forms of wildlife.
- F. Decreasing habitat for fish and other forms of wildlife.
- G. Adversely altering the recharge or discharge functions of wetlands and watercourses, thereby impacting groundwater or surface water supplies.
- H. Significantly altering the wetland/watercourse hydroperiod and thereby causing either short- or long-term changes in vegetational composition, soils characteristics, nutrient recycling, or water chemistry.
- I. Destroying sites needed for education and scientific research, such as outdoor biophysical laboratories, living classrooms and training areas.
- J. Interfering with public rights in navigable waters and the recreation opportunities provided by wetlands/watercourses for fishing, boating, hiking, birdwatching, photography, camping, and other passive uses.
- K. Destroying or damaging aesthetic and property values, including significant public viewsheds."

The law has a very comprehensive list of regulated activities for which a permit from the Planning Board is required. Because of the comprehensive nature of this law, it implements many of the natural resource protection policies of the Village's LWRP.

f. Architectural Review Board Law

The Village adopted its Architectural Review Board Law in 1989. As stated in the law, it is the purpose of the law to prevent "excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings or other structures erected, reconstructed, or altered in any area of the Village [that] adversely affects the desirability of the immediate area and the neighboring area within the community for residential, business or other purposes and by so doing impairs the benefits of occupancy or use of property in such unimproved real property in such areas, prevents the most appropriate development of such areas, produces degenerative conditions affecting the health, safety, comfort and general welfare of the inhabitants of the community, and destroys a proper relationship between the taxable values of real property

in the areas and the cost of municipal services provided therefor."

The law establishes an Architectural Review Board of seven members and specifies certain types of qualifications sought.

The law requires review by this Board for every building permit application that includes:

- (1) Construction, reconstruction or alteration of any building or structure that:
 - (a) Affects the exterior appearance of the building or other structure;
and
 - (b) Is visible from any public street.
- (2) Construction, reconstruction or alteration of any deck or uncovered porch that:
 - (a) Affects the exterior appearance of the building or other structure;
 - (b) Is visible from any public street; and
 - (c) Exceeds 25 square feet, including steps.
- (3) Construction, reconstruction or alteration of existing/new windows or security grills, that:
 - (a) Affect the exterior appearance of the building or other structure;
and
 - (b) Are visible from any public street.
- (4) Construction, reconstruction or alteration of any fence or wall exceeding three feet in height or twenty feet in length that is visible from any public street.

Through amendments discussed in Section V-A-3, the Village's Architectural Review Board Law implements the scenic, visual and historic resource protection policies of the LWRP, as well as certain others.

g. Westchester County Hudson River and Tarrytown Lakes and Immediate Drainage Area Critical Environmental Areas

In 1989 the Westchester County Board adopted local law number 16-1989 that established

a number of Critical Environmental Areas throughout the County pursuant to 6 NYCRR § 617.4(h) of the SEQRA regulations. Within the Village of Sleepy Hollow there are two areas that have been designated as Critical Environmental Areas: (1) the Hudson River Critical Environmental Area; and (2) the Tarrytown Lakes and Immediate Drainage Area Critical Environmental Area.

The Hudson River CEA within Sleepy Hollow encompasses all lands and water west of U.S. Route 9 to the center of the Hudson River. The Tarrytown Lakes and Immediate Drainage Area CEA encompasses a small triangular area in the very southeast corner of the Village (Kykuit Hill). The significance of this designation by Westchester County is that all actions undertaken within these areas are defined as Type I actions by SEQRA and thus the likelihood that environmental impact statements will have to be prepared for such actions is increased.

While this is not a Village of Sleepy Hollow law, it does impact upon actions that take place in certain portions of the Village and provides greater environmental scrutiny for projects that are proposed within these areas. Thus, this County law will aid in implementing certain policies of the Village's LWRP.

3. New or Revised Local Laws and Regulations

a. Introduction

The Village of Sleepy Hollow recognizes that waterfront revitalization and appropriate redevelopment is one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts within the Village. Village efforts will focus on promoting the maritime identity and character of the Village, encouraging such activities as recreational boating and fishing, commercial water transportation, marinas and docking for transient boaters, historic preservation, diversification of small-scale commercial retail uses, water-dependent educational uses, water-related recreational uses, and related activities which have made waterfront communities appealing as commercial and residential areas for residents and visitors.

Within the previous section (Section V-A-2), the various local laws and regulations of the Village were examined to determine how well they implement the policies and proposals of the Village's LWRP. It was determined that the Village should establish a bold new zoning district for the land area currently occupied by the closed General Motors assembly plant and the land areas immediately to the south along both sides of River Street. It was also determined that the Village will need a regulatory mechanism to review, designate, and protect historic resources. Further, the Village needs to amend their Zoning Regulations by authorizing the Planning Board to issue Special Use Permits. Prior to their recent amendment as part of the LWRP, the Village's Zoning Regulations did not contain Special Uses. Finally, the Zoning Regulations would benefit from a review to improve

definitions, remove inconsistencies, and take into account the recent amendments to the State planning and zoning statutes that were initiated by the New York State Legislative Commission on Rural Resources.

b. Amendments to the Village of Sleepy Hollow's Zoning Regulations in order to Implement the Local Waterfront Revitalization Program

1. Adoption of a New Zoning District: The RF - Riverfront Development Zoning District and Rezoning Certain Areas of the Village's Waterfront in this New District.

The Village is proposing a dramatic shift in land use for a large portion of its immediate waterfront area. As such, the Village has eliminated the M - Manufacturing zoning district classification for the lands associated with the General Motors Assembly Plant and the lands immediately to the south on both sides of River Street and changed it to a new planned development type of zoning district; the RF - Riverfront Development Zoning District. See Map 8 for the location of this new zoning district. For this area of the Village, the LWRP and the RF Zoning District are designed 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. Both the LWRP and the RF Zoning District call for a mix of 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 the LWRP and RF Zoning District to encourage and allow for 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. Such a development for this area of the Village is envisioned to replicate an "old Hudson River waterfront community image" with architectural style and overall development layout to reflect that which prevailed in the Hudson River Valley prior to 1900. Both the LWRP and the RF Zoning District also call for a high level of public access (both physical and visual) to the waterfront.

2. Adoption of a New Zoning District Called the R-4A - One- and Two-Family Residence/Neighborhood Commercial Zoning District for Lands Previously Zoned M - Manufacturing Located East of Hudson Street, South of Beekman Avenue, and West of the Railroad Right-of-Way.

As part of the RF - Riverfront Development rezoning action, it was recognized that the existing land uses along the east side of Hudson Street do not lend themselves to M - Manufacturing, and should not be part of the proposed new RF - Riverfront Development District. Therefore, it was proposed that a new zoning district be

established for this portion of the Village that reflects the current type and pattern of development found there. The result was adoption of the R-4A - One- and Two-Family Residence/Neighborhood Commercial Zoning District. This new zoning district mirrors the existing type and pattern of one- and two-family residential development found in this portion of the Village as closely as possible. Also found here, and the type of use the Village would like to encourage, is small-scale neighborhood commercial uses that primarily serve the needs of the residents in the immediate neighborhood. Therefore, this type of use has been included as part of the R-4A Zoning District.

See Map 8 for the location of the lands that have been rezoned R-4A.

3. Amendment of the Village's Architectural Review Board Law, Chapter 6 of the Village Code, to Add Historic Resource Designation and Protection Provisions.

In order to implement those policies of the LWRP that pertain to the protection of historic resources, the Village has amended their existing Architectural Review Board Law by adding provisions that provide for the designation, review, and protection of historic resources.

The amendments authorize the seven member Architectural Review Board, using their existing review procedure, to review actions involving historic sites which are listed on or nominated for inclusion on the State or National Register of Historic Places. It also establishes a procedure whereby a newly created "Historic Resource Evaluation Committee" can recommend to the Village Board of Trustees the designation of properties, areas, or structures having special historic, cultural, architectural, or archaeological value to the Village of Sleepy Hollow as landmarks, historic sites, or historic districts of local significance. The historic resource amendments also provide a review procedure for the Architectural Review Board to consider applications for demolition permits involving historic properties and a mandatory waiting period before authorizing the issuance of a demolition permit to allow a party to come forward for possibly saving the historic property.

4. Amendment of the Village's Zoning Regulations to Define and Authorize the Issuance of Demolition Permits.

During the course of reviewing the Village's Zoning Regulations and drafting the historic resource protection provisions for the Architectural Review Board Law, it was discovered that the Village Zoning Regulations did not clearly authorize the issuance of demolition permits. Nor did they provide a definition for "building permit," "demolition," or "demolition permit."

Therefore, the Village's Zoning Regulations have been amended to provide for a definition for the terms: "building permit," "demolition," and "demolition permit." The Zoning Regulations have also been amended in Section 62-34 to provide authorization for the issuance of demolition permits.

5. Establishment of a New Local Law to be Entitled the "Village of Sleepy Hollow Waterfront Consistency Review Law."

The purpose of this new local law is to provide a framework and procedures for agencies of the Village to consider the policies and purposes contained in the Sleepy Hollow LWRP when reviewing applications for actions or direct agency actions located within the Village; and to assure that such actions and direct actions are consistent with the policies and purposes of the Village's LWRP.

This proposed local law establishes consistency review procedures for Village actions within the Village in order to implement the LWRP. This local law will require of each board, department, office, officer or other body of the Village of Sleepy Hollow that its actions to directly undertake, or to permit, fund or otherwise approve any project, use or activity within the Village, be consistent to the maximum extent practicable with the State and local policies set forth in the Village of Sleepy Hollow Local Waterfront Revitalization Program. To this end, the LWRP Consistency Review Law establishes procedures for:

- (1) initial review of proposed actions in a manner compatible with requirements of the State Environmental Quality Review Act (SEQRA) and Title 6, Part 617 NYCRR;
 - (2) advisement and assistance to applicants (if involved) and/or the boards, the departments, offices, officers, or other bodies of the Village involved regarding forms, procedures, etc.; and
 - (3) LWRP consistency and SEQRA review through advisement from a newly created Waterfront Advisory Committee and the local lead agency, respectively.
- 6. Amendment of the Village Zoning Regulations to Authorize the Village Planning Board to Issue Special Use Permits.**

Upon creating the new RF - Riverfront Development Zoning District, which establishes a number of special uses, it became apparent that the Village's Zoning Regulations did not provide for the issuance of general Special Use Permits. Because the proposed RF - Riverfront Development Zoning District contains a number of "special uses," it was necessary that an amendment be made

authorizing the Planning Board to issue permits for "special uses."

Previously, the Zoning Regulations only authorized the Board of Zoning Appeals to issue special permits for "an off-site parking area or joint use of parking facilities subject to the provisions of Section 62-21 as to the location and design and of Section 62-29 as the site plan review by the Planning Board," This was the only authorization for the issuance of special use permits found anywhere within the Village's Zoning Regulations. Because of its limited nature and because of the land use planning types of decisions involved in reviewing a development project proposed under the RF - Riverfront Development District regulations, it was necessary that the Zoning Regulations be amended to allow the Village Planning Board to issue Special Use Permits for Special Uses as specified within each zoning district. The current authorization for the Board of Zoning Appeals to issuance special permits for off-site parking or joint use parking facilities was not changed.

7. Adoption of a New Local Law to Establish the Village of Sleepy Hollow Waterfront Advisory Committee

In order to provide general oversight for administration of the Village's Local Waterfront Revitalization Program and technical assistance in the form of advice, the Village created, by local law, a Waterfront Advisory Committee. 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 Local Waterfront Revitalization Program. 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.

B. OTHER ACTIONS TO IMPLEMENT THE LOCAL WATERFRONT REVITALIZATION PROGRAM

In addition to the local laws and regulations identified above, a number of other public and private actions will be necessary to implement the Village's LWRP.

1. Proposed Projects

The Village has identified a number of improvement projects designed to address and implement many of the LWRP Policies outlined in Section III. These projects are discussed in detail in Section IV. The projects seek to:

- restore and revitalize underutilized waterfront areas;

- improve existing public recreational facilities and provide additional public access and recreational opportunities to the waterfront and other areas of the Village;
- link public sites along the waterfront and throughout the Village; and
- protect and improve historical and natural resources.

In implementing these projects the Village will seek to develop a full range of public/private partnerships. Actions necessary to implement these projects are discussed in Section IV.

2. Village of Sleepy Hollow Harbor Management Plan

The Village of Sleepy Hollow has identified the need to manage the use of its coastal waters through the implementation of the *Village of Sleepy Hollow Harbor Management Plan*. This plan is integrated within the LWRP. It addresses conflict, congestion and competition for space in the use of Sleepy Hollow's surface waters and underwater land. The key harbor management issues identified in Section II are the lack of a public boat docking and launch area, the lack of marina space and opportunities and the limited facilities for transient boaters. Many of these issues are to be addressed through the implementation of the proposed projects discussed in Section IV. The proposed water uses, sites for water-dependent and water-enhanced uses and the priority for land uses on the immediate waterfront identified in Section IV-B have been incorporated into the recently enacted amendments to the Zoning Regulations discussed in Section V-A.

In addition, the Village will examine and consider the desirability of enacting a local law to extend Village authority to regulate structures and other activities in the Hudson River, pursuant to authority given to the Village in Article 42 of the NYS Executive Law.

3. Hudson River Valley Greenway

The Village of Sleepy Hollow LWRP, through its policies and proposed projects, furthers the goals of the Hudson River Valley Greenway Communities Council and the Greenway Heritage Conservancy for the Hudson River Valley. The Hudson River Valley Greenway encourages compatible economic development while preserving the resources and natural beauty of the Hudson River Valley, one of the main objectives of the Village's LWRP. As such, the Village of Sleepy Hollow has identified the Hudson River Valley Greenway Communities Council and the Greenway Heritage Conservancy for the Hudson River Valley as important partners in the implementation of the Village's LWRP.

The Village has incorporated the five basic criteria identified as the basis for attaining the goal of a Hudson River Valley Greenway within the policies, proposed land use, and proposed projects outlined in the Sleepy Hollow LWRP. These criteria are natural and cultural resource protection, regional planning, economic development, public access, and heritage environmental education. This means that the Village of Sleepy Hollow LWRP should be acceptable as the Village of Sleepy Hollow's local greenway plan, allowing the designation of the Village of Sleepy Hollow as a participating "Greenway Community." The Village of Sleepy Hollow LWRP should form the

basis of the community's planning input into the sub-regional and Greenway Compact planning process.

One of the main objectives of the Hudson River Valley Greenway is to promote public access to the Hudson River, with a goal being the creation of a trail from Troy to Manhattan along the Hudson River. The Village of Sleepy Hollow will work with the Trail Coordinator of the Greenway Conservancy for the Hudson River Valley to develop further the access projects contained in the Village of Sleepy Hollow LWRP and to ensure their inclusion as part of the designated Hudson River Greenway Trail system and the Hudson River Waterway Trail.

C. MANAGEMENT STRUCTURE TO IMPLEMENT THE LOCAL WATERFRONT REVITALIZATION PROGRAM

It is the intention of the Village of Sleepy Hollow that the revitalization of the Village take place in a coordinated and comprehensive manner that ensures a proper balance between the protection of natural resources and the need for economic development and revitalization. The issues associated with preparation of the Village's Draft LWRP were given to the Village's Conservation Advisory Council and the Village's Environmental Advisory Committee. Both advisory groups worked together as one entity. As this joint Committee was focussed solely on waterfront issues, it was able to come to terms with the vast array of information and opportunities to further management of LWRP issues within the Village that arose during its preparation. The effective functioning of this joint advisory committee demonstrated the benefits and importance of establishing a relatively small committee that is able to focus exclusively on the complex array of issues involved with LWRP preparation and management.

In order to provide a LWRP focus within the community, the Village has enacted a Local Consistency Review Law and a Waterfront Advisory Committee Local Law that provide for establishment of an advisory committee and a process for the review of actions within the Village for consistency with the LWRP. The procedures for review are identified in the Local Consistency Review Law.

The Waterfront Advisory Committee will assist in interpreting the LWRP to the Village Board, the Planning Board, the Architectural Review Board, Zoning Board of Appeals, and any and all other Village agencies, officers, offices, personnel, and the general public, and will also be responsible for coordinating and/or overseeing implementation of projects identified in Section IV of the LWRP. The main role of the Waterfront Advisory Committee will be to advise the Village Board of Trustees and Mayor, Planning Board, and Architectural Review Board on the consistency of proposed actions in the Village with the policies of the Village's LWRP. The recommendation of consistency by the Waterfront Advisory Committee will be an important element in the decision by the Lead Agency relating to both the determination of consistency and the eventual approval, disapproval, or modification of the project proposal.

The purpose of the LWRP Consistency Review Law is to provide a framework for agencies of the

Village to consider the policies, purposes, and common interests contained in the Village's LWRP when reviewing applications for actions or direct Village agency actions and to assure that such actions are consistent with those policies and purposes. The procedures for consistency review are intended to ensure that all of the policies of the Village's LWRP are considered as early as possible in the formulation of a proposed action. Timing for review by the Waterfront Advisory Committee is established so as to avoid delays in the permitting process.

1. Assignment of Specific Responsibilities

The complexity and far-reaching nature of the Local Waterfront Revitalization Program will result in the involvement of several agencies, boards, and individual officials. Therefore, effective coordination of the Local Waterfront Revitalization Program requires that, in addition to designating a lead agency and official, specific responsibilities be identified and assigned wherever possible.

This type of action will eliminate confusion and duplication of effort and will also establish accountability among various participants in the management process. A summary of functional assignments follows:

a. Village Board of Trustees

By virtue of its legislative authority, the Village Board exercises ultimate control over all other agencies described in this section. Only the Mayor, who is elected separately, is outside this mandate. Even the Mayor's actions, as they relate to the Local Waterfront Revitalization Program, are governed by this document and parameters imposed by the legislation which created various other agencies listed below.

The Village Board, therefore, has ultimate responsibility for the implementation of the Local Waterfront Revitalization Program. This responsibility is exercised through the other Village agencies listed in this section in the manner described. The Village Board relates to these agencies as the body to which any appeals to agency actions are referred and as the body to which these same agencies themselves must appeal in cases where the actions of others prevent them from properly carrying out their Local Waterfront Revitalization Program responsibilities. The Village Board also exercises legislative and budgetary control over these agencies.

b. Mayor

The Mayor's relationship with the Village Board is one in which he/she must seek their approval in the form of funds and/or legislation for major projects within the Village's Coastal Area (entire Village) and other Local

Waterfront Revitalization Program-related initiatives.

The Mayor, on the other hand, exercises immediate and direct control over the various offices and departments of the Village. The Mayor also exercises indirect control or influence over certain other Village boards and committees by appointing the members of those entities.

As the City's chief elected official, the Mayor is responsible for overseeing the administration of all municipal laws, regulations, and programs. The Local Waterfront Revitalization Program will fall within this mandated responsibility.

In his/her capacity as the Village's Chief Executive, the Mayor is in the position to exercise considerable leadership in guiding the implementation of both the spirit and the letter of the Local Waterfront Revitalization Program.

c. Village Planning Board

The Planning Board, from time to time, hears presentations by or receives comments from the other Village departments and commissions listed in this section.

Since the Planning Board already deals with permits, development plans, variances, and public facilities, review of items pertaining to the LWRP will frequently require that the Board take additional factors which pertain to the LWRP into consideration, utilizing special guidelines outlined in the Local Waterfront Revitalization Program.

Planning Board actions are open to review by the Village Board. All Board actions are communicated to both the Village Board and the Mayor.

d. LWRP Waterfront Advisory Committee

The LWRP Waterfront Advisory Committee has general oversight responsibilities for the LWRP's management and implementation. Because of the nature of the LWRP, the Committee's areas of concern may overlap those of the other agencies listed in this section.

The LWRP Waterfront Advisory 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 proposed Waterfront Consistency Review Law.

The LWRP Waterfront Advisory Committee's concern and support will be reflected primarily in the form of comments on proposed Local Waterfront Revitalization Program actions, cooperation with other agencies in the implementation of certain of those actions, and the initiation of projects which are directly or indirectly mentioned in the Local Waterfront Revitalization Program or will benefit it.

e. Conservation Advisory Council (CAC) and Environmental Advisory Committee (EAC)

These two entities will function as advisory resources to the LWRP Waterfront Advisory Committee on conservation-related matters and will also receive comments from that committee and other agencies listed in this section.

With respect to the Local Waterfront Revitalization Program, the CAC and EAC will function as additional protective entities and advocates for the Village's LWRP.

f. Architectural Review Board

The Architectural Review Board has been given, as part of the LWRP, the authority and responsibilities associated with review and approval of actions involving historic resources within the Village.

With the recent LWRP-related amendments to the Village's Architectural Review Board Law, the Architectural Review Board will, using their existing review procedure, review actions involving historic sites which are listed on or nominated for inclusion on the State or National Register of Historic Places. The amended Architectural Review Board Law also establishes a procedure whereby the newly created "Historic Resource Evaluation Committee" can recommend to the Village Board of Trustees the designation of properties, areas, or structures having special historic, cultural, architectural, or archaeological value to the Village of Sleepy Hollow as landmarks, historic sites, or historic districts of local significance. The amended Architectural Review Board Law also provides a review procedure for the Architectural Review Board to consider applications for demolition permits involving historic properties and a mandatory waiting period before authorizing the issuance of a demolition permit to allow a party to come forward that might save the historic property.

2. Procedures to Ensure Local Compliance

Local Waterfront Revitalization Program compliance procedures are distinct but integrally tied to the State Environmental Quality Review procedures. The LWRP Waterfront Advisory Committee is separate from the lead agency designated for the purposes of the SEQRA in that the LWRP Waterfront Advisory Committee only makes recommendations as to an action's consistency with the Local Waterfront Revitalization Program.

All Village agencies contemplating a direct action within the coastal area or receiving an application for approval (in the form of a permit, license, etc.) of an action by others shall follow review and certification procedures set forth in the Village's Waterfront Consistency Review Law and SEQRA.

a. Notification

These procedures call for the submittal of a completed Coastal Assessment Form (CAF) to the Waterfront Advisory Committee.

b. Review

The LWRP Waterfront Advisory Committee will review all CAFs related to development in the coastal area to determine if proposed actions are consistent to the maximum extent practicable with policies and provisions contained in the Village's approved Local Waterfront Revitalization Program.

Based on this review, the LWRP Waterfront Advisory Committee shall make a determination of consistency with the LWRP. Copies of this determination will be submitted to the lead agency, the Planning Board, and other interested agencies.

c. Certification

A Determination of Consistency will be issued by the lead agency within the time period allowed by the Waterfront Consistency Review Law.

d. Action

Contemplated actions may not be taken or approved by Village agencies until the procedures outlined above and described in detail in the Waterfront Consistency Review Law are followed in their entirety.

3. Procedures for Reviewing State and Federal Actions

Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs Are In Effect

a. Purposes of Guidelines

- (1) The Waterfront Revitalization of Coastal Resources and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain State agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- (2) The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- (3) The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

b. Definitions

Action means:

- (1) A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
- (2) Occurring within the boundaries of an approved LWRP; and
- (3) Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an

approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

- (1) For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
- (2) That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable;
- (3) That will result in an overriding regional or statewide public benefit; and
- (4) That will advance one or more of the other coastal policies.

Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water, and man-made resources, proposed land uses and specific projects that are essential to program implementation.

c. **Notification Procedure**

- (1) When a state agency is considering an action described in (b) above, the state agency shall notify the affected local government.
- (2) Notification of a proposed action by a state agency shall fully describe the nature and location of the action; shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through any alternative procedure agreed upon by the state agency and local government; and should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)
- (3) If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

d. Local Government Review Procedure

- (1) Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.
- (2) If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- (3) If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- (4) If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in (e) below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

e. Resolution of Conflicts

The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP.

- (1) Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt

of a conflict notification from the local government.

- (2) If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The State agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- (3) If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
- (4) Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
- (5) If agreement among all parties cannot be reached during this discussion, the Secretary shall, within fifteen days, notify both parties of his/her findings and recommendations.
- (6) The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

Procedural Guidelines for Coordinating New York State Department of State and Local Waterfront Revitalization Program Consistency Review of Federal Agency Actions

a. Direct Actions

- (1) After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the local coordinator of an approved LWRP and to other interested parties.

- (2) This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
- (3) The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with the LWRP policies.
- (4) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
- (5) A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

b. Permit and License Actions

- (1) DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
- (2) Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss:
 - (a) the need to request additional information for review purposes; and
 - (b) any possible problems pertaining to the consistency of a proposed action with the LWRP policies.
- (3) When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
- (4) Within thirty (30) days of receiving the requested information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reason why a proposed action may be inconsistent or consistent with the

LWRP policies.

- (5) After that notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with the LWRP policies.
- (6) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
- (7) A copy of the DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the program coordinator.

c. Financial Assistance Actions

- (1) Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
- (2) DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
- (3) The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
- (4) The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no

opinion" on the consistency of the proposed financial assistance action with the LWRP policies.

- (5) If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
- (6) A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.

D. FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

There are two main funding implications associated with implementation of the Village's LWRP. These are the administrative costs involved in the continued local management of the LWRP and the capital and revenue costs involved in project implementation.

Management costs associated with the administration of the LWRP can be absorbed within the regular budget of the Village and financed out of general revenues. This involves creating a separate budget item for the administration of the LWRP by the Waterfront Advisory Committee to cover the costs of consistency reviews, production of an annual report, and general administrative and clerical needs. LWRP administration may also require a small increase in funding to the Village Board of Trustees, the Planning Board, the Zoning Board of Appeals, the Architectural Review Board, the Conservation Advisory Council, the Environmental Advisory Committee, and the office of the Building Inspector to allow their participation in the implementation of the LWRP.

The second funding implication is the capital and revenue costs involved in project implementation. The Village of Sleepy Hollow has identified a number of LWRP projects designed to address and implement many of the LWRP Policies identified in Section III. These projects are discussed in detail in Section IV.

Although the Village will need to take the lead in achieving the implementation of these projects, it is unlikely that the Village will be able to provide the necessary financial resources to implement any of these projects without seeking financial assistance from other entities or as part of a public/private partnership.

Possible sources of funding include, but are certainly not limited to, the Hudson River Valley Greenway Heritage Conservancy, the NYS Environmental Protection Fund, the NYS Clean Water/Clean Air Bond Act, the ISTEA Transportation Enhancement Program and Hazardous Rail Crossing Program, the New York State Council on the Arts, the Hudson River Improvement Fund, with local matches from the Village in the form of money and/or in-kind services. Local sponsorship of projects should be sought from the local business community. The Village will

work closely with the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization to identify possible funding sources.

A key element in the building of successful implementation partnerships is the availability of a local match from the Village. This match is essential in leveraging public or private sector money. The local match generally can take a number of forms, including funding by the Village, the provision of materials or Village public works labor, and the use of volunteers and staff time to provide a monetary equivalent. It is also advantageous to try to link LWRP project implementation to other capital improvement work that is going on within the Village, such as a development proposal or public water supply project, stretching the benefits of limited public funds and achieving multiple objectives. In terms of providing a monetary match, the Village Board should consider setting up a budget item that would dedicate funds for the implementation of LWRP projects. This item could be used to fund small scale projects or parts of projects.