

Village of Sleepy Hollow

Local Waterfront Revitalization Program

Adopted:

Village of Sleepy Hollow Board of Trustees and Mayor, November 19, 1996

Approved:

NYS Secretary of State, Alexander F. Treadwell, June 5, 1997

Concurred:

U.S. Office of Ocean and Coastal Resource Management, July 14, 1997

This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of 1990 (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601 and 603). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a Routine Program Implementation has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, 41 State Street, Albany, New York 12231-0001.



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

June 6, 1997

Honorable Sean Treacy
Mayor
Village of Sleepy Hollow
28 Beekman Avenue
Sleepy Hollow, NY 10591

Dear Mayor Treacy:

It is with great pleasure that I inform you that I have approved the Village of Sleepy Hollow Local Waterfront Revitalization Program, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the valuable resources of the coastal area.

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

I look forward to working with you, as you endeavor to revitalize and protect your waterfront.

Sincerely,

A handwritten signature in cursive script that reads "Alexander F. Treadwell".

Alexander F. Treadwell

AFT:pmf

Sean Treacy, Mayor

TRUSTEES

Morris Alter
Jose A. Chevere, Jr.
Mario DiFelice
John T. Hayes, Jr.
Patricia P. Ramsey
Richard C. Sweet



Linda E. David
Administrator/Clerk
Janet A. Gandolfo
Village Counsel
Angela Everett
Deputy Village Clerk
Sanjay Shah
Treasurer

THE LEGEND LIVES!

February 10, 1997

Honorable Alexander F. Treadwell
Secretary of State
New York State Department of State
41 State Street
Albany, New York 12231-0001

Dear Secretary Treadwell:

The Village of Sleepy Hollow Board of Trustees and Mayor formally adopted the Sleepy Hollow Local Waterfront Revitalization Program (LWRP) on November 19, 1996 and all associated implementing local laws on January 28, 1997. These actions were taken after having completed all environmental review procedures in accordance with the State Environmental Quality Review Act (SEQRA) and having addressed review comments received pursuant to Article 42 of the NYS Executive Law. Attached is a copy of the resolution passed in adopting all of the necessary implementing local laws, as well as the Village Board's SEQRA Findings Statement. In addition, a copy of all of the LWRP-related local laws that were adopted on January 28th have also been enclosed.

As the Mayor for the Village of Sleepy Hollow and on behalf of the entire Village, I respectfully request your consideration and approval of the Sleepy Hollow Local Waterfront Revitalization Program pursuant to Article 42 of the NYS Executive Law.

Sincerely,

Sean Treacy
Mayor
Village of Sleepy Hollow

ST/cz

cc: Board of Trustees



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

JUL 14 1997

George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
41 State Street
Albany, New York 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the Village of Sleepy Hollow Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a Routine Program Change (RPC). We received comments from one Federal agency, which did not object to incorporating the LWRP as a RPC. This approval assumes you will make no further changes to the document in addition to the one submitted.

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

Sincerely,

Jeffrey R. Benoit
Director



Village Name Change

Pursuant to referendum held December 10, 1996, the Village of North Tarrytown duly changed the Village name to the Village of Sleepy Hollow. A certified resolution declaring the results of such election was filed with the New York State Secretary of State on December 16, 1996 in accordance with Village Law, Section 18-1800.

In Memorial Tribute to

Richard C. Sweet

In honor and recognition of the late Dr. Richard C. Sweet, whose contributions to the Village's Local Waterfront Revitalization Program were immeasurable.

The Village of Sleepy Hollow, in memorial tribute, wishes to recognize Richard Sweet for his foresight, steadfast leadership, conviction, and personal commitment for having actively participated in initiating the Village of Sleepy Hollow's Local Waterfront Revitalization Program, and for tirelessly pursuing its completion, culminating in its approval by the NYS Secretary of State in June 1997.

The Village of Sleepy Hollow's Local Waterfront Revitalization Program will be a tremendous and everlasting tribute to a man who cared deeply about the betterment of his community. Dr. Sweet was a man who compassionately and successfully lead the Village in its efforts to plan for a bright and prosperous future. He was a true leader. He leaves behind a wonderful legacy that will profoundly touch the lives of the people in Sleepy Hollow and beyond. The Village of Sleepy Hollow celebrates and honors Dr. Sweet's accomplishments. He, and all that he accomplished for the betterment of others, will never be forgotten.

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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.

Section I

Local Waterfront Revitalization Area Boundary

I. Local Waterfront Revitalization Area Boundary

The State's Coastal Management Program has established Statewide coastal boundaries in accordance with the requirements of the Coastal Zone Management Act of 1972, as amended, and its implementing rules and regulations. The landward Coastal Area Boundary delineates the inland extent of the Village of Sleepy Hollow waterfront area. Since the Village authority to implement a Local Waterfront Revitalization Program is confined to the area within its corporate limits, it is necessary to define the waterside (riverward) extent of the local waterfront area as well. The existing and proposed landward and waterside (riverward) boundaries are shown on Map 1A.

As part of the preparation of the Village of Sleepy Hollow Local Waterfront Revitalization Program (LWRP), the Village has reviewed the State designated coastal area boundary for the Village of Sleepy Hollow with regard to local waterfront conditions and objectives. This review considered:

- land uses that affect or are affected by waterfront issues, problems, and opportunities;
- natural and cultural resources with a physical, social, visual, or economic relationship to the waterfront and/or the coastal waters (Hudson River); and
- areas necessary for the achievement of policies in the LWRP.

The Village of Sleepy Hollow has determined that the boundary of the coastal area established by the NYS Department of State is appropriate with regard to the Village's local waterfront conditions and objectives. The waterfront revitalization area boundary of the Village of Sleepy Hollow therefore follows the Village's municipal boundary, including the entire Village in the policies, proposed land and water uses and projects outlined in the LWRP. The waterfront revitalization area boundary of the Village of Sleepy Hollow is illustrated on Map 1A.

Existing Landward Boundary

The following is an excerpt from the NYS Coastal Area Boundary Description for that area applicable to the Village of Sleepy Hollow:

".... through the Village of Ossining to Route 117; then eastward on Route 117 to the new Croton Aqueduct, then southerly on this aqueduct to White Plains Road; then easterly on White Plains Road to I-287; then west to the NYS Thruway;"

As evidenced from the above landward boundary description, the entire Village of Sleepy Hollow is within the NYS Coastal Area Boundary.

Existing Waterside Boundary

The existing waterside coastal area boundary for the Village of Sleepy Hollow is the same as the Village's existing municipal waterside boundary along the Hudson River. This boundary follows the shoreline of the Hudson River.

Section II

Inventory and Analysis

A. INTRODUCTION

1. Location

The Village of Sleepy Hollow is located on the eastern shore of the Hudson River in Westchester County and has approximately 2.4 miles of waterfront on the Hudson River. Based on the 1990 U.S. Census, the Village of Sleepy Hollow has a population of 8,152. With this total, the population is broken down by race as follows: 6,634 white; 683 black; 41 Native American; 95 Asian or Pacific Islander; and 699 other race. The 1990 Census also reported 2,776 person of Hispanic origin (of any race) living in the Village.

The Village is located approximately 15 miles north of New York City. While Sleepy Hollow certainly has its own local economy, the New York City metropolitan area is the major center of population, employment, and commercial activity in this region of the State. The regional setting of the Village is illustrated on the accompanying Map 1B. The Village is within the Town of Mount Pleasant, and just north of the Village of Tarrytown and the eastern terminus of the Tappan Zee Bridge. Across the Hudson River are the Villages of South Nyack, Nyack, and North Nyack.

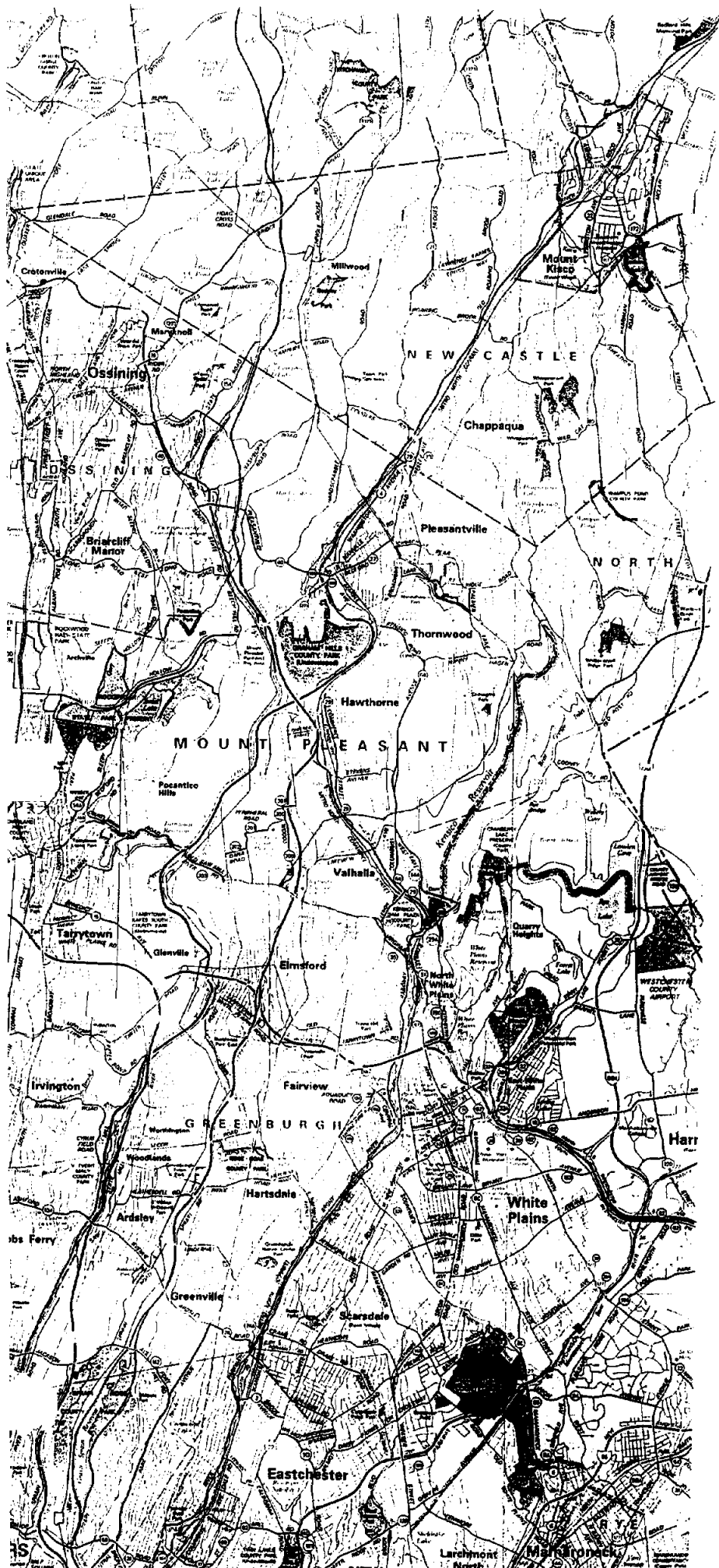
Sleepy Hollow is situated very well with respect to major transportation routes and corridors. The New York State Thruway (Interstate 87 and 287) crosses the Hudson River just south of the Village of Sleepy Hollow at the Tappan Zee Bridge. The railroad is also a very prominent transportation feature of the Village's western waterfront area. AMTRAK and Metro-North Commuter Railroad are the passenger railroad entities that provide transportation options for this region of the State. While AMTRAK does not maintain a stop in Sleepy Hollow, Metro-North Commuter Railroad provides a stop at Philipse Manor (Sleepy Hollow) and in the Village of Tarrytown just to the south. Both stops provide convenient railroad transportation opportunities to Sleepy Hollow passengers.

Just to the east of Sleepy Hollow is the Taconic State Parkway, which also provides a major north/south transportation opportunity. The other major transportation route within the Village of Sleepy Hollow is U.S. Route 9. Route 9 (Old Albany Post Road), or Broadway within the Village, is the primary north/south transportation route within the Village.

2. Historical Development of Sleepy Hollow and Community Profile

Sleepy Hollow has a written heritage that spans more than 300 years. The Weckquaesgeek Indians roamed the area prior to the coming of the white man and had a fortified village at the site of what is currently the Old Dutch Church.

The Recorded History of the area began in 1609 when Henry Hudson sailed up the



River, that was to bear his name. When he saw the expanse of the Tappen Zee (Sea of Tappans, a warlike Native American tribe located in what is now Rockland County), he was convinced that the River was a passageway to the western ocean. It was not until he reached Albany that Hudson admitted that he had not found the "Northwest Passage."

Subsequently the Dutch began to establish trading posts in what was called the "New Netherlands." As political and religious turmoil developed in Europe people began to migrate and small settlements flourished in the Hudson River Valley.

In the mid-17th century a young man, destined to figure prominently in the development of Sleepy Hollow immigrated to New Netherlands. Frederick Philipse controlled vast amounts of land by 1690 and was the lord of Philipse Manor. The manor consisted of the area between the Croton River and Sputyen Duyvil, encompassing one third of Westchester County and 22 miles of Hudson River waterfront. The light loamy soil of the Sleepy Hollow area was ideal for growing wheat or "terwe" as the Dutch called it, and Frederick devoted this portion of his 90,000 acre manor to it. He erected two grist mills in central locations to prepare the finished product. The lower mill was in Yonkers and the upper mill later became Sleepy Hollow. The Philipse Manor house, which doubled as a trade depot became the center of a thriving community. The mill and two story manor house, along with a dam across the Pocantico River were erected in the early 1680's. By 1702, when Philipse died, some 200 individuals lived near the upper mill and provided both a steady labor supply for processing and a market for the finished product. The Philipse operation was one of the few full scale colonial production-distribution enterprises which prepared the refined product for export. Shallow draft ships sailed up the Pocantico River to exchange manufactured goods for ground floor. This ended by 1775, when Frederick Philipse III sided with the British during the revolutionary war. He was banished from New York State and all his property was confiscated. The structures and the 90,000 acres were sold at public auction.

Another significant event of the Revolutionary War also happened in the Sleepy Hollow area. Major John Andre, the British spy, was captured on the Albany Post Road (U.S. Route 9) on September 23, 1780. Andre was carrying plans prepared by General Benedict Arnold which would have betrayed the American cause. The location of the capture was at what is now known as Andre Brook in Patriots Park. The Village erected a monument in Patriots Park on North Broadway to commemorate the event.

The upper mill was operated as a farm by Gerald Beekman until his death at which time his widow laid out a portion of the estate into streets and sold building lots. The hamlet that developed was Beekmantown and was the nucleus of the future Village of Sleepy Hollow.

The entire area grew rapidly because of an integrated local economy. Farm goods traveled from the area south on the Hudson to the metropolitan areas, and Tarrytown Harbor

became a leading river port. The New York-Albany stage ran through the area and accommodations for travelers appeared along the route. Commercial fisherman utilized the Hudson to harvest shad and sturgeon while iron ore was mined locally and shipped to distant smelters. Agriculture dominated Sleepy Hollow commerce until the time of the Civil War. By that time a large proportion of the population was working in factories, stores, and offices and large amounts of farmland had become country estates for the wealthy. By 1800 the population had swelled to 3,000 residents.

The war of 1812 caused an expansion of the economy. The demand for American farm products in Europe increased and with it an increase in output and disposable income. By 1827, a regular freight and passenger steamboat service plied in the Hudson.

The construction of the first Croton Aqueduct which brought water from northern Westchester County to New York City was begun in 1837. Many of the workers settled in Beekmantown. Ferry boats between the Tarrytowns and Nyack went into service 1839.

As stated in The History of the Tarrytowns by Jeff Canning and Wally Buxton (1975),

"A turning point in the History of the Tarrytowns occurred in 1849 when the New York & Hudson River Railroad pushed its way north from New York on its way to Albany and points west. The rails, which grew into the New York & Albany (later Hudson) Division of the New York Central Railroad (which in 1968 merged with the Pennsylvania Railroad to form the Penn Central), signaled the end of the quiet, rural life and the advent of a faster-paced, industry-oriented existence in which the great farms of the area slipped away into the mists of time. The iron horse spelled the doom of the stage and dealt river commerce and passenger traffic a severe blow. Population grew as gristmills gave way to factories, tool works, silk mills, printing shops, drilling establishments, wagon and carriage establishments and stone quarries."

Since this time Sleepy Hollow has continued to be a working class village.

The most famous citizen and individual who made the Tarrytowns renown was Washington Irving. His "Legend of Sleep Hollow" was set in the Tarrytowns and caricatured the Dutch gentry. Many of the last names noted in this work of fiction are also found in the Old Dutch Church cemetery on tombstones.

Washington Irving's estate "Sunnyside" was one of the most popular houses of its day. Irving was well-known and had traveled widely. Friends, relatives, dignitaries, and men of letters traveled from all over the world to visit Sunnyside. Irving's popularity helped to transform the area into a bustling community.

After Irving's death in 1859, Sunnyside remained in the Irving family until 1945 when it

was acquired by John D. Rockefeller. Today, Sunnyside is owned and operated by Historic Hudson Valley, a non-profit educational corporation.

Sleepy Hollow was incorporated in 1874. This was a time when a large number of wealthy families began to add to the charm of the Village by building palatial mansions and sponsoring local activities. According to The History of the Tarrytowns:

"The Tarrytowns still were considered a farming area during the first years after incorporation. J. Thomas Sharf's "History of Westchester County," published in 1886, notes that in 1880 there were 255,774 acres of farmland in the county, with an unspecified but substantial amount of it in the Tarrytown area. A westchester farm-animal census that year listed 6,919 horses, 2,145 oxen, 19,168 cows, 1,646 sheep, 8,207 swine and 5,302 steers.

By 1900, however, industry and commerce were the mainstays of the local economy, and the farms were disappearing rapidly. The growth of science and invention, improvement of communications, development and investment of capital all contributed to the change. The railroad provided vital transportation for the budding industries in the river towns."

Automobile manufacturing has carried the name of Sleepy Hollow (formerly North Tarrytown) throughout the United States and beyond. For most of the 20th century it has been the backbone of the local economy and the largest single employer in the Village.

Sleepy Hollow began its association with the horseless carriage July 16, 1899, when Amzi Barber and John Brisben-Walker purchased the 225-acre Kingsland estate at the foot of Beekman Avenue. Construction of a factory began later that year. The 700-window brick and steel factory was 300 feet long, 50 feet wide and three stories high, and the Mobile Company of America was in operation in March, 1900 with 180 employees. Two months later there were 400 persons on the payroll, and by summer the Walker Steamer was on the street.

After the closing of the Mobile Company in 1903, the factory was purchased by the Maxwell-Briscoe Motor Company. In 1915, the site was purchased by the Chevrolet Motor Company, which became part of the General Motors Corporation (GM) in 1918.

By 1928, the industry had grown such that the original facilities were too small, and GM began the first of a series of landfilling operations that added several acres of land to Sleepy Hollow and extended the shoreline almost to the Tarrytown Lighthouse. The Chevrolet-Fisher Body operation, now know as General Motors Assembly Division, pumped millions of dollars into the local economy through the wages paid its workers, who, until the national economy took a sharp downturn in 1974, numbered around 5,000.

During World War II, the luxury of the motor car was suspended for the demands of combat, and the facility retooled and became Eastern Aircraft. At the height of the conflict, 10,000 workers were turning out planes for the Allied cause.

Since the mid-1960's the plant has been a factory in a major sociological development-the growth of the Cuban community and other minority groups. The assembly lines became a major employer of people who were immigrants to the United States.

A number of other heavy-industrial firms and activities line the riverbank in central Tarrytown and Sleepy Hollow, some of them ancillaries of auto manufacturing. Anchor Motor Freight has trailer hauled cars and small trucks from the G.M. plant to many areas of the northeast. Another familiar fleet of trucks is that of the Cooney construction-materials interests, which receive many of their raw materials by barge and, among other projects, have been involved in much road-building activity in the metropolitan area. C & C Trucking is another transportation fleet based here. Small manufacturing and fuel-oil distribution round out the industrial waterfront picture.

The closing of the General Motors Corporation plant in 1996 along the waterfront will have a significant affect on the entire area. The plant's waterfront location presents the community with new land and water use opportunities.

The Village of Sleepy Hollow has a significant amount of open space, primarily due to the Rockefeller family. In 1893, John D. Rockefeller carved out a 300 acre estate in the Pocantico Hills area (eastern portion of Sleepy Hollow). His estate ended where his brother William's began in the east. These estates virtually blocked Sleepy Hollow from expanding north or east, a limitation that continues today. John D. built a mansion which he called Kykuit (an Indian word meaning lookout). His son, John D. Jr., inherited the property. He left it to Nelson A. Rockefeller, former New York State Governor and U.S. Vice President. The Rockefeller's were raised in a philanthropic tradition and the area benefitted tremendously from their generous donations and preservation of historic sites. Historic Hudson Valley, Inc. was founded by John D. Jr., and has restored the Philipse Manor Upper Mill, Washington Irving's home Sunnyside, and other notable properties in the region. William Rockefeller financed Sleepy Hollow's first paved road and underwrote construction of the Headless Horseman Bridge (U.S. Route 9) across the Pocantico River, among other generous gifts to the community.

The Rockefeller community spirit lives on today. For example, a large portion of the estate in Pocantico Hills was donated to the National Trust for Historic Preservation. The Pocantico Historic Area will include 86 acres and Kykuit. The site was opened to the general public in 1994. Historic Hudson Valley, Inc. operates public visitation of the site.

The census data for the Village indicates that there was a slight decrease in the total population between 1960 (pop; 8,818), 1970 (pop; 8,334), and 1980 (pop; 7,994). This

is consistent with the drop in family size that occurred in the population as a whole during that period time. In 1990, the population of Sleepy Hollow rose to 8,152. The major change is in the growth of the Hispanic community which was 1,733 persons in 1980 and grew to 2,776 persons in 1990. This seems consistent with the influx of Hispanics to the metropolitan areas during that decade.

The median age in the community also shifted downward from 34.0 years in 1980 to 33.5 years in 1990. The average persons per household rose from 2.66 in 1980 to 2.72 in 1990. The community has a majority of individuals who are college graduates or beyond which correlates with a median family income of \$47,418.

In 1990 the Census showed that there were 3,160 housing units in the Village, of which 873 were single family. The median value of a single family home is \$332,200 with the median rent being \$564 per month. The picture that is portrayed by these figures is a community which, because of its location, transportation facilities, proximity to metropolitan areas, and local amenities, provides a desirable place to live for middle to upper level professionals and managers who are likely to work outside the community.

The majority of the residents of the Village do not own their own homes. Also, the population seems to be relatively stable. The major population shifts occurring in categories (i.e. type/race) rather than in numbers (total population). In fact, Sleepy Hollow appears to be a microcosm of what is happening with the population trends in the northeast. The reason for the stability in housing and population can probably be attributed to the fact that large amounts of developable land in the eastern portions of the Village are either not available for development or are dedicated to open space leaving the western portions of the Village more densely developed. This indicates that most of the development is occurring in the form of changes in use, rather than new construction, and that existing or new dwelling units are at a premium.

In conclusion, the Village of Sleepy Hollow has a rich fabric created by the diversity in the community. The historical and cultural significance, the transportation routes, the industrial facilities and the population diversity have combined to make the Village unique in the Hudson River Valley.

B. PLANNING CONTEXT FOR LOCAL WATERFRONT REVITALIZATION PROGRAM

Over the years there have been a number of different planning studies, master plans, and feasibility studies completed for the Village of Sleepy Hollow. In January and April of 1980 there was an *Economic Study of "North Tarrytown's" Business District* and a *Master Plan of Census Tract #116* done respectively by the consulting firm Raymond, Parish, Pine, and Weiner, Inc. In addition, in 1985 the Westchester County Division of Housing and Community Development had a detailed analysis and report prepared by a consulting

firm called Public Demographics, Inc. concerning the economic development potential of the Sleepy Hollow Central Business District. Also, as part of the Halpern Development Venture Inc. proposal during the late 1980's, there were a number small planning studies done, such as a 1988 study entitled: *Survey of Physical and Economic Conditions for the Proposed Redevelopment Area*. The "redevelopment area" referred to in this study covered a large area of land for which Halpern Development Venture Inc. unsuccessfully petitioned the Village Board to use their broad urban renewal powers and authorities under Article 15 of the NYS General Municipal Law for redevelopment of this rather large area land.

With the exception of the *Master Plan of Census Tract #116*, all of the planning work done in the Village seems to have been 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, focused on the opportunities and potential associated with the Village's Hudson River waterfront location. Thus, the Village's location on the Hudson River has been largely overlooked as one of the Village's major assets.

The *Master Plan of Census Tract #116*, while more comprehensive than the other planning work, is limited by its obvious geographic extent, but is also somewhat limited in its extent of issue coverage. The *Master Plan's* primary focus was to look at ways to rejuvenate the commercial and residential uses found in Census Tract #116. Census Tract #116 has historically been referred to as the Lower Village and the Beekman Avenue Study Area. The *Master Plan* suggested a number of implementation steps for the rejuvenation and development of Tract #116, such as:

- Better traffic design and beautification of the Broadway-Beekman Avenue - Bedford Road intersection as a major entrance to the Village;
- The Village's existing Community Development Block Grant program for residential rehabilitation should be intensified;
- A more substantial commercial rehabilitation program should be established, with technical and design assistance provided to interested property owners;
- The rent control policy and its impact on rehabilitation potential should be evaluated and alternate means of support for low and moderate income individuals and families should be pursued, if appropriate;
- Alternate parking possibilities for the commercial uses of Beekman Avenue between Cortland and Valley Streets should be investigated;
- Expanding the existing parking areas and providing new ones east of Washington

Avenue should be explored;

- Initial sites where residential parking can be provided should be determined and steps taken to carry out the initial projects;
- Sidewalk and general appearance improvements of Beekman Avenue should be designed and cost estimates prepared;
- Local merchants should organize far more aggressive joint marketing and promotional activities;
- A joint promotional effort should be undertaken to promote new development; and
- Display graphics and signs related to beautification and promotion activities should be designed and used.

Many, if not all, of these recommendations are still relevant today, although the Village has made progress on implementing some of the recommendations.

Because the Village does not have a Village-wide comprehensive plan and because the above mentioned plans and studies are so discrete in their issue coverage, the Village's Local Waterfront Revitalization Program is viewed by the Village as an important comprehensive planning program. Because of the comprehensive nature of the NYS Coastal Management Program, the Sleepy Hollow Local Waterfront Revitalization Program can easily accommodate the Village's desire for it to be a comprehensive master plan.

The other municipalities on the Hudson River within Westchester that are participating in the Local Waterfront Revitalization Program are: Village of Croton-on-Hudson; Village of Ossining; Village of Tarrytown; and the City of Yonkers.

From a regional perspective, the Village of Sleepy Hollow is located within the Hudson River Valley Greenway. Greenways are corridors that link nature reserves, parks, cultural features, and historic sites with each other and with populated areas. The Greenway idea includes ten counties along the Hudson River from the New York City border to the confluence of the Hudson and Mohawk Rivers. It was created by the Hudson River Valley Greenway Act, signed into law by Governor Cuomo on December 31, 1991. The Act creates a process for regional decision-making in the Hudson River Valley and provides a series of incentives to encourage communities to join the that process. The Greenway Act created the Hudson River Valley Greenway Communities Council and the Greenway Heritage Conservancy for the Hudson River Valley to help localities plan for growth in the Hudson River Valley and to assist communities with economic development projects consistent with Greenway objectives and to implement programs for public access to the

River. There are presently two initiatives within the Hudson River Valley Greenway, the Model Communities Program and the Hudson River Valley Trail.

The Model Community Program is the first stage in cooperative planning for the Greenway. There is a model community in each of the 10 Greenway Counties and these communities will be the first to produce Greenway Plans. These Plans incorporate the five basic criteria identified as the basis for attaining the goal of a Hudson River Valley Greenway. These criteria are natural and cultural resource protection, regional planning, economic development, public access, and heritage and environmental education. The experience of these communities will be shared with others, as communities come together to form a Hudson River Compact. It is the Village of Sleepy Hollow's intent that their LWRP will fully substitute as a Greenway Plan, if at some point the Village wishes to pursue inclusion in the Hudson River Valley Greenway Compact.

The most tangible element of the Hudson River Valley Greenway is the Hudson River Greenway Trail. The proposed Trail will run along both sides of the River for the length of the Greenway. No overall route has been proposed, as the exact location will depend upon the voluntary participation of public and private landowners and existing trails and public access opportunities. Wherever possible the trail will provide access to the River or a view of the River, although it is unlikely that this will be possible over the entire length of the Greenway due to physical constraints and existing development patterns. The Trail is intended to be open to non-motorized uses and will incorporate segments accessible to the handicapped. The main spine of the Greenway Trail will be supplemented by other trails, including biking routes that will utilize existing roads and a water-based trail coordinated by the Hudson River Waterway Association that will link campsites and access points available to canoeists and kayakers along the Hudson River. It is the Village of Sleepy Hollow's expectation that the various existing and proposed trails, and other public access sites will define the route of the Hudson River Greenway Trail through the Village.

C. EXISTING LAND USE AND DEVELOPMENT

1. Introduction

Map 1 graphically identifies the Village of Sleepy Hollow's existing general land uses. This map is based on the Village's 1990 Tax Map, and field data collected and analysis of aerial photography by Manuel S. Emanuel Associates, Inc., Community Planning and Development Consultants, in 1990.

2. Residential

For the most part residential land uses are distributed throughout the Village; with certain obvious exceptions. The densities and types of residential development vary considerably. As identified on Map 1, there are four different residential land use types mapped

throughout the Village. To a large extent these four different residential land use categories correspond to the different zoning districts throughout the Village (See Map 10, Zoning Map of the Village). For example, the Rural Estate Residential land use category would correspond to the R-1 One-Family Residence Open Development Zoning District; the Low Density Residential land use category would correspond to the R-3 One-Family Residence, Moderate Density Zoning District; the Medium Density Residential land use category would correspond to the R-2 and R-2A One Family Residence Zoning Districts associated with Sleepy Hollow Manor and Philipse Manor residential neighborhoods; and the High Density Residential land use category would correspond to the R-4, R-5, and R-6 Residential Zoning Districts.

The Village can be delineated into five somewhat discrete residential neighborhood areas. See the accompanying Map 1C for the generalized location of the following five residential neighborhood areas: Webber Park; Briggsville; Philipse Manor; Sleepy Hollow Manor; and the Lower (more urban) Village.

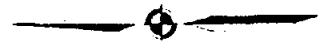
With the exception of the R-2 and R-2A Residential Zoning Districts, the other residential zoning districts within the Village would allow further development densities than currently exist. For instance, within the Lower Village area the predominant residential pattern is one- and two-family residences, however, the existing zoning for these areas is predominately R-4 and R-5. In many areas these two zoning districts allow higher densities than the current pattern of residential development. Depending on what the Village may want to allow, or perhaps encourage, with respect to future residential development, this discrepancy between the existing pattern of residential development compared to what is allowed in the Zoning Regulations, may be something the Village should consider changing. If there were full build-out of residential development as allowed in the Zoning Regulations in many parts of the Lower Village, the character of that part of the Village would be drastically different than exists today.

As evidenced by the LWRP Public Opinion Questionnaire questions that pertained to "Community Atmosphere," the majority of questionnaire respondents felt that the Village's existing small town atmosphere was a major asset and should be preserved. Thus, if certain residential zoning districts within the Village allow higher residential densities than historic and current development patterns, then perhaps a detailed land use and zoning study of these areas should be done and decisions made as to the desirability of down-zoning such areas to zoning districts that more closely match the historic, current, and apparently the desired future development patterns.

3. Agricultural

The only significant agricultural endeavors in the Village of Sleepy Hollow are those

TOWN OF MOUNT PLEASANT



Map 1C

**Five General
Residential Neighborhoods
of North Tarrytown**

VILLAGE
OF
NORTH TARRYTOWN
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY NEW YORK
INCORPORATED 1972

Briggsville

Webber Park

Older Village

Sleepy Hollow

Philipse Manor

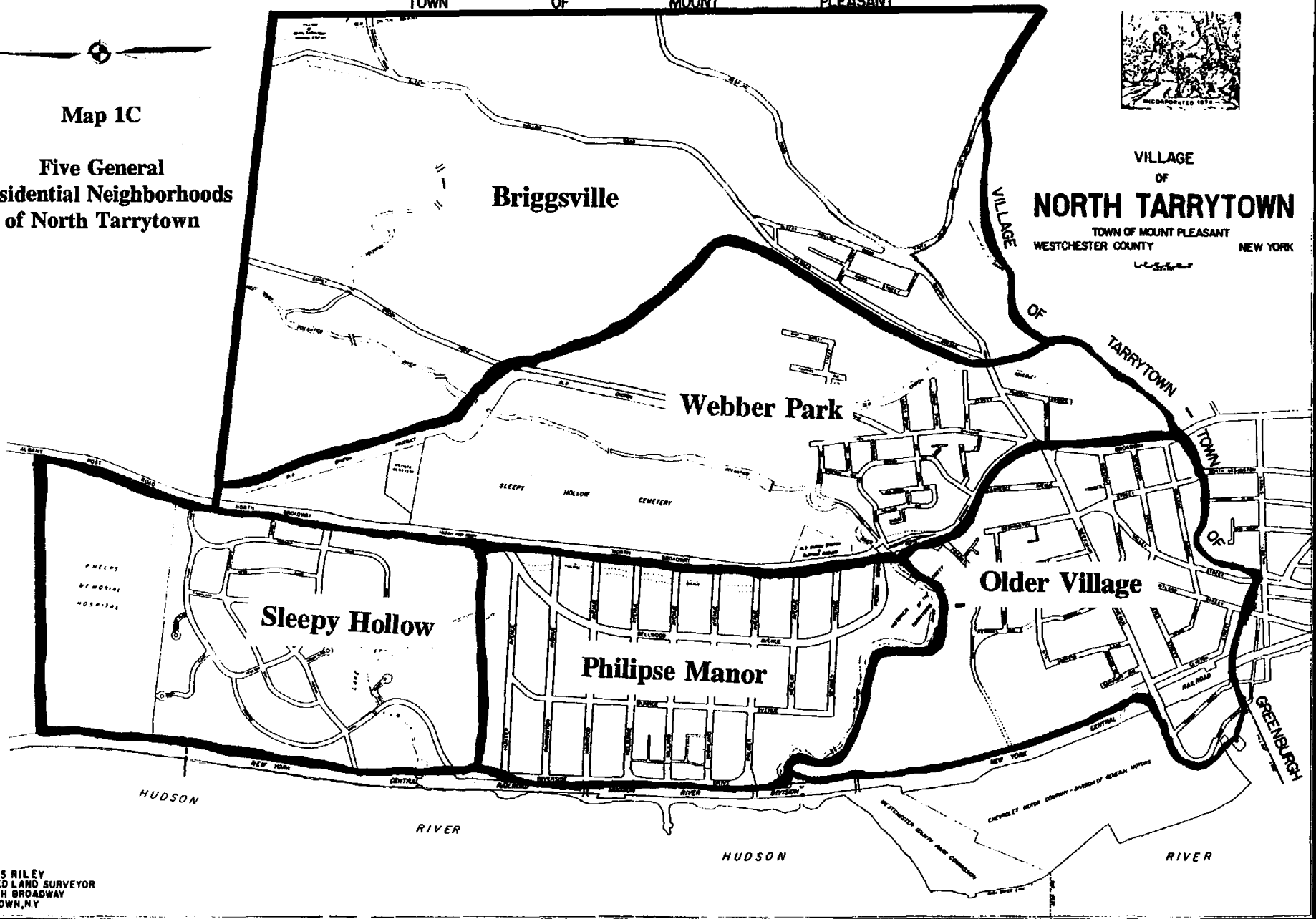
HUDSON

RIVER

HUDSON

RIVER

CHARLES RILEY
LICENSED LAND SURVEYOR
21 NORTH BROADWAY
TARRYTOWN, N.Y.



associated with the Hudson Pines Farm, which is owned and operated by the David Rockefeller family.

The farm specializes in the raising of Simmental Beef Cattle primarily for breeding purposes. In the 1960's when Hudson Pines Farm began raising Simmental Cattle, the breed was considered to be exotic. However, in more recent years Simmental Cattle has become one of the top three breeds raised nationally. The Farm usually has about 160 head, the majority of which are "seed stock" or sold to breeders.

The entire acreage of the Hudson Pines Farm is about 800 acres, 325 of which are utilized for growing corn to feed the cattle. A small orchard is also on the property and chickens are raised for the personal consumption of the owners. The farm is a four-person, year round operation.

Map 1 identifies those locations within the Village where agricultural land uses occur.

4. Commercial

There are predominantly three areas of commercial development within the Village (see Map 1). These areas are: the highway commercial retail area (commonly referred to as "Gasoline Alley") located along Broadway (U.S. Route 9) between the Pocantico River to the north and DePeyster Street to the south; the downtown business district located on Beekman Avenue; and a branch off Beekman Street to the south known as the Valley Street and Cortland Street business district.

The "Gasoline Alley" highway commercial area has historically been dominated by commercial uses that are more closely associated with the automobile. Types of uses found here are automobile dealers, gasoline stations and repair shops, and mini-marts. There are, however, other commercial uses found along gasoline alley, such as restaurants, offices, and a cabinet making shop.

With the exception of the gasoline alley area, retail sales in the Sleepy Hollow business areas have decreased over time, and a number of stores have gone out of business. The gasoline alley area seems to have benefitted from the stabling influence of catering to the needs of the automotive sector of the economy, and thus has fared relatively well over the years.

In 1980 the Village had an economic study done of the Village's business districts (Raymond, Parish, Pine & Weiner, Inc. (RPPW) conducted the study). While some aspects of the study are out of date, the bulk of the conclusions and recommendations are still relevant today. Many of the relevant conclusions from this study can be summarized as follows:

- With the exception of the gasoline alley business area, the other two business districts have experienced a decline in the sales of general merchandise and convenience goods stores. This decline is due to (a) diminishing of relative buying power within the neighborhoods; (b) lack of desirable facilities such as good size stores with adjacent parking areas, (c) lack of sufficient marketing, and (d) general county-wide trends of consolidation into fewer larger retail outlets (shopping malls), outside the traditional, older retail areas. The RPPW study pointed out that while the sales of general merchandise and convenience goods declined in Sleepy Hollow. It did so at a faster rate than the buying power of the Village. Thus, a reversal of this trend is a realistic possibility.
- Specialty stores, and eating and drinking establishments generally maintained their level of business, due largely to the fact that they have built up a clientele that includes people living outside the Village.
- Many of the retail stores in the business areas operate on a marginal basis. Typically, rents paid for retail space are relatively low and thus reflect the marginal nature of many of these stores. With the present rents, it would be difficult for a considerable private rehabilitation effort, financed by the property owners.
- Merchants in the Sleepy Hollow business districts are forced to draw from a pool of purchasing power which is experiencing very little, if any, real increases.
- Given the relatively limited market for new retail growth, the principal purposes of a revitalization program within the downtown business districts should be to retain the existing merchants and to find solutions to problems of traffic, parking, signage, publicity, etc.
- Other revitalization efforts should be focussed on attracting new owners for vacant stores who can take advantage of the market opportunities already in the area.
- There are strong opportunities for revitalizing certain individual convenience merchandise lines, such as food markets (supermarkets). Food market sales in the Village have not kept pace with other merchandise lines. The RPPW study concluded that this disappointing experience is due to management difficulties and lack of available parking rather than following local demand. Thus, if limited parking can be provided, the RPPW study concluded that there is no reason why supermarket sales cannot be increased, making new or expanded food markets potentially feasible.
- The merchants have organized a merchant association, but membership does not include all of the strongest stores and there is no professional management of the organization. The association organizes an annual sidewalk sale, but problems of

publicity, merchant participation, and weather have made it less than a complete success. Outside of this one day event each year, there is no joint advertising by merchants and little effort to coordinate promotion and publicity of the Village's commercial establishments. Other problems include lack of uniformity of store hours and days of operation. Thus, the Village's business districts do not compete well with the professionally managed and highly marketed suburban shopping malls.

A complementary and succeeding study was also done by Raymond, Parish, Pine & Weiner, Inc. (RPPW) in April, 1980, entitled: *Master Plan: Census Tract 116*, made a number of observations and recommendations for the business districts that are still relevant today. Recommendations from the RPPW Master Plan and from the more recent LWRP Committee are summarized below:

- The overall land use concept for revitalization of the business districts is to consolidate the basic retail and service commercial activity into the existing core areas, limit its westerly extension along Beekman Avenue and southerly extension along Cortland and Valley Streets and surround these areas with sound residential neighborhoods.

A more compact business area permits more effective use of existing space, especially in the vicinity of Beekman and Broadway, and will allow businesses to complement each other and encourage one-stop shopping.

- Also, a combination of improved accessibility, convenient parking, an improved physical environment, a better visual impression at the Route 9 (Broadway) and Beekman Avenue intersection, and a limit on the outward expansion of retail and service businesses should stabilize and possibly generate modest growth in the business areas.

It is envisioned that the business area on Broadway, primarily north of Beekman, will remain as an automotive-oriented corridor. It is also envisioned that the areas of Broadway nearer the intersection with Beekman offer the greatest opportunity for combining retail, service, and office uses with parking. Attractive use of this area can serve as magnets to persons from outside of the Village.

- With respect to parking, it is proposed that a high priority be given to providing additional, attractive parking spaces in the heart of the business area to provide convenient and additional access to the variety of activities that occur there.

It is proposed that the rear areas of commercial properties be used more extensively for large parking areas.

It is also proposed that the rear areas of residential properties be made accessible for parking through the creation of lanes. Parking on larger available (vacant) properties in the residential areas could also serve neighboring dwelling units.

In general, large-scale demolition of residential and commercial properties for provision of additional parking space is not recommended as the fabric of commercial and residential neighborhoods would be severely compromised and lost with such activity. Instead, additional parking should, and can be, provided through creative integration with the existing building stock. As an exception, it should be noted that the vacant, boarded-up Strand Theater is a major blighting influence in the Beekman Avenue Business District. The presence of one of the dominant buildings along Beekman Avenue in such a dilapidated condition projects an image of failure and weakened business conditions. It is unlikely that the theater will be reopened as a theater. Unless a viable tenant can be found, it may be best that this dilapidated structure be demolished. The site could either be redeveloped for commercial use or possibly used for additional parking.

- As has already been successfully started on much of Beekman Avenue, street beautification should be pursued aggressively by the Village in the other business district areas and also into the residential neighborhoods. Elements of such street beautification should include: more aesthetically pleasing sidewalk paving materials, trees, landscaping and pedestrian scale lights to enhance the sidewalks and parking areas. A beautification program will change the visual image of the business areas for local residents as well as for those driving through the area. Such public reinvestment can have a profound impact on the economic health of the Village, as has been experienced by countless other communities.

The Village has done a marvelous job of enhancing the street image of Beekman Avenue from Broadway to Cortland Street. The design for and much of the funding for this project came from the Westchester County Community Development Department. Continuation of this type of program should be made a priority for the Valley and Cortland Street Business District area, as well as the Broadway corridor from the Pocantico River to DePeyster Street. Eventually, the street beautification program should be extended to some of the higher density residential neighborhoods surrounding the commercial districts.

- Commercial building rehabilitation and replacement of unattractive store fronts and signs by property owners and merchants are also essential steps in the upgrading of the business districts. When rehabilitating a commercial building, the integrity of the original design should be respected. Whenever possible, the original materials should be used.

New and replacement signs should be in harmony with the buildings and with each

other. The signs provided on new and on older buildings may be different in architectural styles, but should be properly related through design treatment, color selection, size and location.

A building rehabilitation program should also be a priority. The public improvements associated with the streetscape improvement program will provide substantial incentive to carry out a successful rehabilitation program. Additional, more direct incentives should also be provided in the form of financial assistance to property owners and merchants. Such assistance might be through interest subsidies or direct low interest loans and/or facade grants. In many cases, rehabilitation of the rear facades of these structures are just as important as entrances along the street, since the enlarged and improved parking lots are likely to create a greater demand for more rear entrances.

In order to provide an impetus and common ground from which improvements should be made to commercial buildings, it is recommended that the Village undertake a comprehensive commercial district building facade improvement program. Such a program should start with a study and master plan design project that provides the necessary unified design approach to rehabilitating facades (see Section IV, Proposed Projects). Once such a design master plan is completed, individual property owners and merchants will essentially have "ready made, conceptual design plans" to assist them with the more detailed design work associated with actual rehabilitation and construction.

- In addition to commercial building rehabilitation, it is recommended that the Village continue and intensify residential rehabilitation programs. Residential rehabilitation programs should be encouraged in high impact areas that are part of and adjacent to the Beekman Avenue, and Valley and Cortland Street Business Districts. It should be noted that rehabilitation of multi-family dwellings could increase the cost of maintaining these structures beyond the economic means of the owners, due to existing rent control regulations. Should any resulting rent increases cause an unreasonable burden on tenants, expanded participation in the Federal "Section 8" rent assistance program should be considered.

Residential rehabilitation and commercial rehabilitation combined with public streetscape improvements are very important elements of an overall revitalization program for the Village's three business district areas.

In addition, to the physical improvements that must be made, the Village should also look at the Zoning Regulations with an eye toward revisions that will complement the commercial and residential rehabilitation, and streetscape improvements. The C-2 General Commercial Zoning District that covers most of the Village's downtown commercial districts should be revised to provide better recognition of the traditional mixed use

(commercial/residential) nature of the neighborhoods. Incentive zoning techniques should also be incorporated where appropriate. For instance, on Valley Street, between Chestnut and DePeyster Streets, a property owner has successfully undertaken a major renovation project by building a mixed-use commercial/residential structure and has incorporated parking into the second floor of the structure. The first floor of the structure contains commercial retail space, the second floor contains a parking area/garage, and the upper floors contain residential space. Such revitalization efforts should be encouraged by the Village. It is also possible that the Zoning Regulations could be revised to further encourage such efforts by encouraging such mixed uses and by incorporating incentive zoning techniques that encourage such efforts.

It is also recommended that the Village's Merchants Association be revamped and revitalized so that the Village's commercial attributes can be marketed and capitalized on in a much more planned, and uniform manner. Such a unified approach by the private sector has proven a necessary and effective ingredient in other communities that have been faced with similar problems.

5. Industrial

Industrial uses in the Village are few in number, but have occupied the majority of the Village's limited waterfront land area. The predominant industrial land use in the Village was the General Motors Assembly Plant located at the foot of Beekman Avenue (see Map 1).

The former General Motors (GM) Plant site occupies approximately 100 acres of land and is located directly on the Hudson River. There has been an industrial manufacturing plant at this location since the turn of the century. GM has operated an assembly plant at this location since 1918, with the exception of a period of time during and after World War II, during which the production of automobiles was suspended because of low demand during the War. During this time the plant was retooled and became the site of Eastern Aircraft for the production of military aircraft. The production facility has always been a prominent and important aspect of the Village's and region's economy, through the obvious tax base provided, but also for the number of people employed at the facility. In years past the number of employees that resided within the Village were greater than they were in more recent years. Just prior to the plant's closing in 1996, it was reported that less than 12% of the employees at the plant actually lived within the Village of Sleepy Hollow.

A major retooling and updating of the GM plant occurred in the mid 1980s. At that time a state-of-the-art paint facility was added to the plant. It was at this time that significant incentives were given to GM to remain at that location. For instance, the State of New York agreed to upgrade railroad crossings leading to the facility by raising bridges to accommodate the higher profile automobile carrier rail cars. In addition, the various local

municipalities having a taxing interest in the facility, entered into an agreement with GM for specified tax payments for a period of ten years. This agreement ended in 1995. The amount of taxes paid under this agreement are substantially less than would have been paid under normal taxing circumstances. Thus, there were considerable incentives provided to GM to keep the assembly plant located in Sleepy Hollow when the company upgraded the facility in the mid-1980s for the production of a new type of automobile.

The Sleepy Hollow plant was the only GM facility to assemble a specific mini-van model for the Chevrolet, Oldsmobile, and Pontiac Divisions. During the latter years of manufacture of this model of mini-van, the sales of were not good. This coupled with other problems ailing the American automobile industry for a number of years, led GM to announce the closing of the Sleepy Hollow Assembly Plant. It was first announced that the plant would close in early 1995. That date was later revised to 1996.

Quite obviously the closing of the GM plant will have a major impact on the Village, the region, as well as the State. Soon after the initial plant closing announcement, then Governor Mario Cuomo appointed a task force, chaired by Vincent Tese, then Commissioner of the State's Department of Economic Development, to look at ways of trying to entice GM to keep the assembly plant open. The task force was unsuccessful in trying to convince GM to keep the plant open.

Recognizing that control over future land use at the GM site is ultimately a local government matter, the Village soon realized that the GM plant closing issue would be a major element in their Local Waterfront Revitalization Program. Thus, the Village leaders soon began to see the plant closing announcement as an opportunity; and one within their control. The LWRP Committee began to discuss their vision for the GM site and were aided by numerous responses to questions in the Village LWRP Public Opinion Survey that pertained to the GM plant closing announcement and future land use at the site.

The following is a summary of those questions from the LWRP Committee's Public Opinion Survey that pertained to the future of the GM property in light of the announced plant closing.

The first question from the Survey pertaining to the future of the GM property was: "The Village should proceed with plans to address and encourage alternative uses of the GM property in light of their recent plant closing announcement." (The following five response options were available: (1) Strongly Agree; (2) Agree Somewhat; (3) Undecided; (4) Disagree Somewhat; and (5) Strongly Disagree) Approximately 88% of the respondents strongly agreed with this statement. Approximately 7% agreed somewhat; 3% were undecided; 1% disagreed somewhat; and less than 1% strongly disagreed.

The second question pertaining to the future of the GM property was: "If GM follows through with their plans to close the Sleepy Hollow plant in 1995, what new uses

would you like to see there? (People were given room to write in anything they wanted in response to this question) In general, the majority of responses can be characterized as follows:

- The majority of people would like to see the current industrial buildings and industrial land use replaced with totally new and different types of land uses.
- People seem to be desirous of a comprehensively planned development. In general, people seemed to indicate that such comprehensively planned development should include:
 - Strong provisions for public access along the waterfront, including provision for transient boat dockage, and a public boardwalk or esplanade around the perimeter of the peninsula. Also small public parks interspersed throughout the area;
 - Provisions for and encouragement of water dependent uses such as marinas, ferries, sightseeing excursion boats, aquarium, water related museum concerning local history, etc.;
 - A mix of small commercial retail businesses that not only will be used by local residents, but will be an attraction to tourists (both by land and water);
 - A new railroad station;
 - A mix of small commercial retail uses (including local or regional arts and crafts), small office uses, with a mix of different types of residential uses and densities; and
 - Provision for open space and visual access to the water.

The third question pertaining to GM was: **"How important do you think the following issues are for Sleepy Hollow in the next ten years? Do whatever can be done to keep GM in the Village."** Approximately 60% of the respondents said this was not important. 24% responded with very important, and 16% said it was fairly important to do whatever can be done to keep GM in the Village.

The fourth question pertaining to GM was: **"How important do you think the following issues are for Sleepy Hollow in the next ten years? Try to replace GM with a more stable industry."** Approximately 56% of the respondents said this was very important. 21% responded with fairly important, and 23% said it was not important to try to replace GM with a more stable industry.

The fifth question pertaining to GM was: "How important do you think the following issues are for Sleepy Hollow in the next ten years? Replace GM with other types of land uses." Approximately 71 % of the respondents said that GM should be replaced with other types of land uses. 18 % responded with fairly important, and 11 % said it was not important to replace GM with other types of land uses.

The sixth question pertaining to GM was: "The Village should pursue the development of a public walkway around the GM property, linking the Village public works property with Kingsland Point Park lighthouse and park." Approximately 48 % of the respondents strongly agreed with this statement. Approximately 17 % agreed somewhat; 14 % were undecided; 5 % disagreed somewhat; and 16 % strongly disagreed.

From their analysis of the Public Opinion Survey the LWRP Committee began constructing a vision for what types of standards should be used to frame future use and/or development opportunities at the site in the future. The following is a summary of what the LWRP Committee established as a framework:

The General Motors plant in Sleepy Hollow has been a long-standing and important part of the community. The Village recognizes the highly competitive and rapidly changing climate within which automobile manufacturers must endure. The Village feels it is very important to identify its desired future land use goals for this large, very key waterfront parcel in the event that General Motors vacates the property and/or the use of the land were to change. In the event General Motors were to vacate their property and/or the use of the land were to change, future redevelopment of the site, as well as other adjacent sites, shall proceed in conformance with the following guidelines:

- a. Public access to and along the Hudson River and Pocantico River water's edge and water related recreational opportunities must be an integral part of any development of the site. Such development shall be encouraged to provide pedestrian public access in a manner which:
 1. enhances existing waterfront public access opportunities, in furtherance of the LWRP and the State's Coastal Policies; and
 2. coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate further linkages in a continuous pedestrian path system.
- b. Proposed development must improve and diversify as much as possible, the existing economic base of the Village, concentrating on a mix of land uses that would include as a priority, water dependent commercial, water dependent and water related public recreation, and waterfront related public education and entertainment activities that serve residents of Sleepy Hollow as well as the region,

and also develop the Village's tourism potential. The mix of uses may also incorporate residential and commercial uses with a preference for small commercial retail uses which are in keeping with a waterfront image.

- c. Vistas of the Hudson River and its western banks from the site, and from other parts of the Village must be protected and maintained to the maximum extent possible. The site shall be developed in such a way as to maximize important views and to provide view opportunities at the river's edge and view corridors throughout the development. Site layout and design shall consider view corridors identified in the LWRP and shall also consider important views from the Hudson River toward the shore.
- d. Activities on the site should appeal to a variety of age groups and economic levels.
- e. Any future development of the site should function as a way of linking waterfront properties and continuing the concept of a linear public waterfront trail extending from the Village's Riverfront Park on River Street, north around the General Motors property to Tarrytown (Kingsland Point) Lighthouse and Kingsland Point Park. Future development of the site should also serve to link public access to the park land adjacent to the Pocantico River between Philipsburg Manor and the Railroad (DeVries Field), Philipsburg Manor, and the Village's Barnhart Park.
- f. Provision for signed public access linkages to the rest of the Village, in particular to the downtown commercial districts and to the Philipse Manor Train Station should be established.
- g. All future development of the site shall be undertaken in a manner consistent with the preservation and enhancement of other Village coastal resources as identified in the Village's LWRP.
- h. Future land uses at the site shall relate visually and functionally with surrounding land uses.
- i. The various elements of any future development project shall be integrated by cohesive architectural treatment and compatible design.
- j. Buildings shall be designed in consideration of appearance from all vantage points.
- k. 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.
- l. Building lines shall be varied to the extent practicable in order to provide an

interesting interplay of buildings and open space.

- m. Project features which may have negative impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be visually buffered.
- n. Future development of the site shall be designed and arranged in such a way as to promote energy conservation and efficiency to the maximum extent practicable for all buildings.
- o. All plants, trees, and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Village Tree Commission and the Village Planning Board as part of site plan review. Landscape materials shall be appropriate to the growing conditions of the shoreline environment, and this climatic zone.
- p. All signs shall be of a size and scale, as determined appropriate by the Village Planning Board to accomplish their intended purpose. All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Village Planning Board approval as part of site plan review.
- q. The rights-of-way and pavement widths for all internal streets, drives, walks, or other access-ways for vehicles and/or pedestrian trails shall be in accordance with existing Village standards (when applicable), or as determined by the Village Planning Board on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surfaces to the maximum extent possible.

Based on the above framework, the Village Board of Trustees has enacted a new zoning district, called the RF-Riverfront Development Zoning District, that replaces the previous M-Manufacturing Zoning District, which formerly covered the GM property and adjacent properties to the south. See Section V for a description of the RF-Riverfront Development Zoning District. Also, see Section III for various LWRP Policies that pertain to this issue.

The only other location where an industrial use occurs is the Barrier Oil Company facility located adjacent to the Village's Riverfront Park on River Street. This oil facility receives oil by barge and is thus a water dependent use. There is an oil pipeline pier that juts into the Hudson River for use by oil barges while discharging oil to shore.

The Existing Land Use Map (Map 1) also indicates that the railroad is an industrial use.

6. Public and Semi Public Uses

The Existing Land Use Map (Map 1) identifies both public buildings as well as public and semi-public uses. Public buildings and uses include such uses as: the Village Hall at 28 Beekman Avenue; the schools; the Post Office; the Village pump house and buildings located on Sleepy Hollow Road at the northeastern corner of the Village; and the Village Department of Public Works facility on River Street. Map 1 also identifies a number of semi-public uses, such as: Phelps Memorial Hospital at the northwestern corner of the Village; and churches and church schools.

Map 1 also identifies a number of publicly-owned and semi-public open spaces and park lands. Examples of these are: Kingsland Point Park (owned by Westchester County) located adjacent to the GM property on the Hudson River; Devries Field; Philipsburg Manor (owned by Historic Hudson Valley); Barnhart Park; Douglas Park; Peabody Field (owned by the School District of the Tarrytowns) adjacent to Lake Fremont; Sleepy Hollow Cemetery; the Old Dutch Church and Burial Grounds; Patriot's Park; the Old Croton Aqueduct; and the Rockefeller State Park Preserve. These recreational sites are discussed in more detail in Section II-D.

As evidenced by the above list of public and semi-public sites, the Village is blessed with a wealth of public open space and recreational land and is thus a major asset.

7. Existing Water-Dependent/Water-Enhanced Uses and Water Uses

The Community Profile and summary of the Village's historical development earlier in Section II highlighted the importance of the Hudson River in the development and prosperity of Sleepy Hollow and the surrounding region. Water transportation of local products, goods and services, passenger ships, and commercial fishing are examples of water-dependent uses that were important in Sleepy Hollow's growth. Unfortunately, the River became less important as other means of transportation grew over the years. Thus, the River became less and less important to the Village and became less and less of a focus for the local economy. While commercial shipping is still a significant use of the Hudson River, commercial shipping activities within the Village of Sleepy Hollow is limited to the Barrier Oil Company facility on River Street. Barrier Oil receives oil by barge and stores it temporarily on site before distributing it by truck to other locations. Immediately to the south of Sleepy Hollow, the Village of Tarrytown has active industrial uses located along the northwestern portion of the Village. The industrial land use at this location is a concrete and asphalt batching plant facility. The company which operates here has done so for over 30 years (a family business) and receives supplies of sand, gravel, and other aggregate material by barge.

Aside for the commercial shipping uses identified above, the majority of commercial shipping passes adjacent to the waters off Sleepy Hollow on its way north and south within the federal shipping channel. Recreational boating is now the predominant use of nearshore waters.

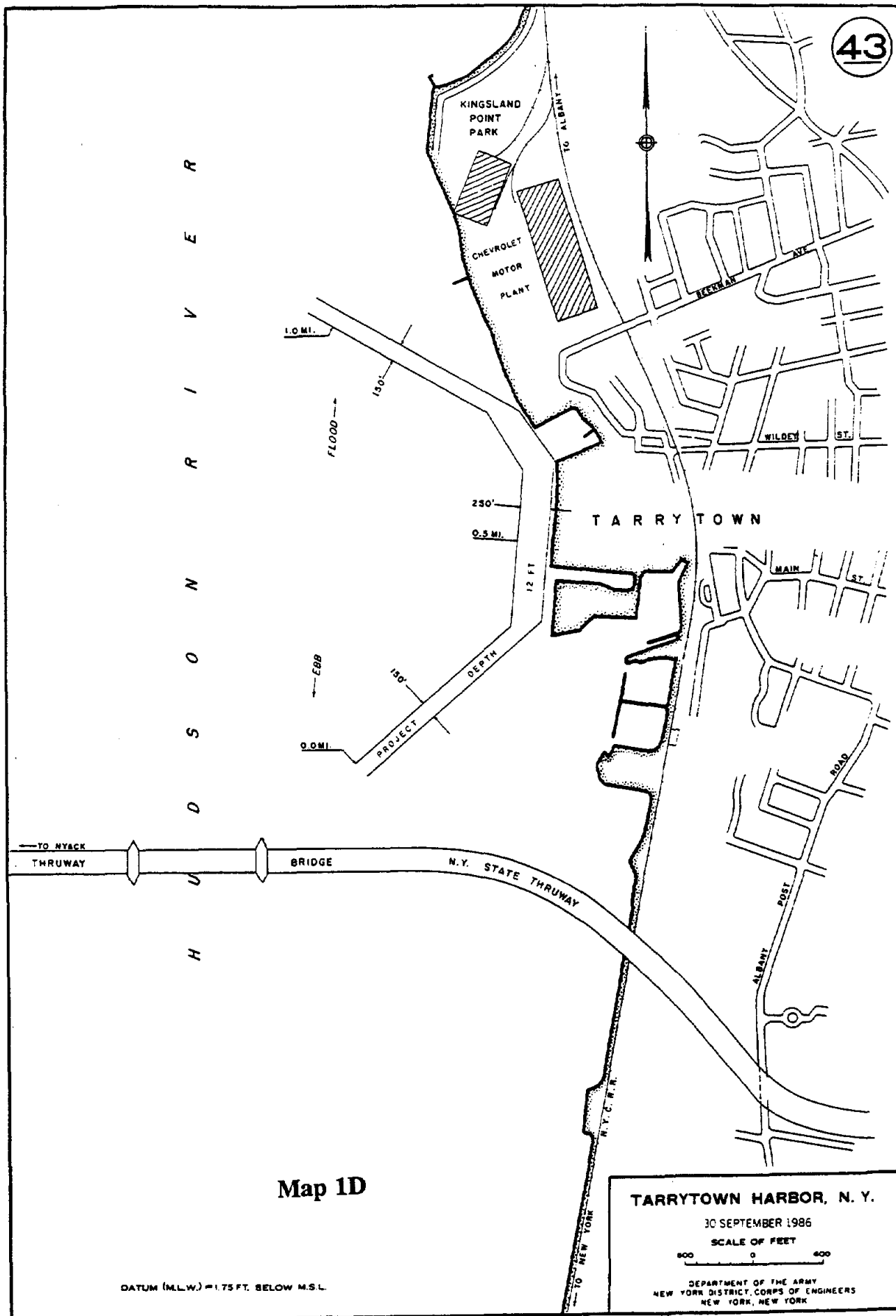
Currently, there is a federal harbor project adjacent to the shores of Tarrytown and Sleepy Hollow. The project is called the "Tarrytown Harbor" and was first authorized and established by Congress in 1905, modified in 1935, and was last improved (maintained) by the U.S. Army Corps of Engineers in 1986. The harbor project has the following characteristics and is depicted on the accompanying U.S. Army Corps of Engineers map (Map 1D). The Tarrytown Harbor consists of a federally maintained channel 12 feet deep, 250 feet wide along the wharf in the Village of Tarrytown; and extends both northerly and southerly to connecting channels 12 feet deep that are 150 feet in width and provide ingress and egress for vessel traffic to access the deep water in the Hudson River. The total length of the harbor project channel is one mile. The channel was last improved and maintained by the U.S. Army Corps of Engineers in 1986 for a cost of \$69,836. The commercial shipping activities identified above that occur within the Villages of Sleepy Hollow and Tarrytown utilize this federal harbor channel for access to and from the shore.

In recent years, very limited development has taken place along the Hudson River; principally because there is very little land available for development adjacent to the River. The only significant development that has taken place adjacent to the Hudson River in recent time is the new paint facility that General Motors constructed at their facility in the mid 1980s.

Historically, the Hudson River off Sleepy Hollow was used extensively for commercial fishing and the Village was linked with this important water-dependent industry for many years. Currently, there are no support facilities for the traditional Hudson River commercial fishing industry within the Village, although small scale commercial fishing still occurs in the Hudson River (Haverstraw Bay Region) off Sleepy Hollow. Recreational fishing is an important water-dependent activity throughout this section of the Hudson River.

The Village of Sleepy Hollow has identified the following existing water-dependent uses. These uses will be supported and maintained:

- Philipse Manor Beach Club: private yacht club located directly west of Philipse Manor. The Beach Club is part of the Philipse Manor Homeowner's Association.
- Kingsland Point Park and Lighthouse: water-dependent and water-enhanced public recreational uses.



- The Barrier Oil Company facility located adjacent to the Village's Riverfront Park on River Street (existing water-dependent use).
- The Village's Riverfront Park on River Street: water-dependent and water-enhanced public recreational uses.

The location of these sites is identified on Map 5. With the exception of the Barrier Oil facility and the Village's Riverfront Park, these sites offer water-dependent/related recreation. They are discussed in more detail in Section II-D. There are no non-water-dependent structures located over the water adjacent to the Village.

The Village of Sleepy Hollow has identified the importance of re-establishing a stronger link to the River as an important element for revitalizing the Village's immediate waterfront area as well as the Village's business districts. In addition to Kingsland Point Park, the Village has identified their Riverfront Park site on River Street, and the shoreline surrounding the General Motors property as suitable for water-dependent or water-enhanced uses. The General Motors property has been identified as suitable for redevelopment with a strong orientation toward water-dependent and water related recreational development; and with uses that will allow public access to the Hudson River and attract people to the immediate waterfront within the Village.

By promoting and encouraging the re-establishment of a maritime identity for the Village and encouraging such activities as recreational boating, commercial water transportation, commercial and recreational fishing, marinas, and docking facilities for transient boaters, the Village can expect to see not only increasing use of it's waterfront, but also ancillary economic benefits for small businesses within the Village. The Village of Sleepy Hollow can manage the various issues that result from such redevelopment and use of the waters adjacent to the Village through the preparation and implementation of a *Village of Sleepy Hollow Harbor Management Plan*. The opportunity for municipalities to address the issues and opportunities associated with harbor management has been provided by amendments to Article 42 of the NYS Executive Law (Waterfront Revitalization of Coastal Areas and Inland Waterways Act) to provide local governments with the clear authority to comprehensively plan for, manage, and regulate activities within their harbor and nearshore areas by developing comprehensive harbor management plans and laws to implement those plans.

A harbor management plan addresses conflict, congestion, and competition for space in the use of a community's surface waters and underwater land. It provides consideration of, guidance, and regulation on the management of boat traffic, general harbor and water use, optimum location and number of boat support facilities and structures, such as docks, piers, moorings, boat 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 uses and alternatives.

As harbor management plans are now a required element for approval of a LWRP, the Village of Sleepy Hollow has chosen to integrate the *Village of Sleepy Hollow Harbor Management Plan* into their LWRP. The harbor management plan considers many uses and opportunities of Sleepy Hollow's water area. These uses and opportunities are identified and examined throughout this Section and include:

- commercial shipping (see Section II-C-7)
- recreational boating (see Section II-D)
- commercial fishing (see Section II-C-7)
- recreational fishing (see Section II-C-7, and II-D)
- waste management (see Section II-D and II-I)
- dredging (see Section II-D)
- public access (see Section II-D)
- recreation (see Section II-D)
- habitat and natural resource protection (see Section II-E)
- water quality (see Section II-I)
- open space (see Section II-D)
- aesthetic values (see Section II-H)
- riparian interests (see Section II-D)
- public interest in underwater land (see Section II-D)

The harbor management issues of local and regional importance, opportunities to resolve these issues, and the overall goals and objectives of the *Village of Sleepy Hollow Harbor Management Plan* are integrated throughout the LWRP.

D. PUBLIC ACCESS AND RECREATION

1. Regional Context

The people of the Hudson Valley have a renewed interest in the scenery, wildlife, and recreational resources offered within the Hudson River Valley. This interest has led to an increased demand for a variety of new public access opportunities along the Hudson River, including shoreline trails, walkways, and esplanades; scenic viewpoints; swimming and fishing areas; riverside parks and boating facilities. Increases in the number of recreational boaters on the Hudson River is particularly evident, along with the recent growth in the number of commercial tour boats that operate on the River.

This increase in recreational use of the Hudson River was one of the impetuses behind the establishment of the Hudson River Valley Greenway in 1991 by New York State. Greenways are corridors that link nature reserves, parks, cultural features, and historic sites with each other and with populated areas. The Village of Sleepy Hollow has

analyzed the public access and recreational resources of the community with a view to developing greenway links and nodes within the Village and linking these to recreational and cultural resources in surrounding communities.

The Village of Sleepy Hollow has an abundance of regionally significant public and semi-public recreational sites within its boundaries and in close proximity beyond its boundaries. They are: the Rockefeller State Park Preserve (with portions of it extending beyond the Village Boundary); the Old Croton Aqueduct Trail (which runs through the Village and is owned and operated as a public trail by the NYS Office of Parks, Recreation, and Historic Preservation); Kingsland Point Park and Tarrytown Lighthouse (both are directly on the Hudson River and are owned and operated by Westchester County as public recreational resources); Philipse Manor (privately owned by Historic Hudson Valley as a semi-public historic, educational, and recreational resource); Sleepy Hollow Cemetery; and the Old Dutch Church and Burial Ground.

The following is a summary of the public and private recreational resources in adjacent communities.

Village of Tarrytown.

There are three Village Parks in the Coastal Area of the Village of Tarrytown. Patriots Park, located on Broadway with the northern portion of it within the Village of Sleepy Hollow, is designated as an arboretum for native and estate ornamental trees of the Hudson River Valley. It is used for passive recreation. Located on the waterfront are Pierson Park, a 5 acre park with passive and active recreation facilities including tennis, handball, basketball, picnic area, playground and a riverside walkway, and Losee Park, a flat grassy area with ball field, playground and parking area. The Old Croton Aqueduct Trailway runs south from the Village of Sleepy Hollow on it's way to New York City.

There are two marinas located in the Village of Tarrytown:

- Tarrytown Boat Club has approximately 200 boat slips and one launch site which is used for a boat travel lift. There is no boat ramp. There is a fee for launching by non-members. The land on which the marina is situated is owned by the marina. There is a restaurant at the marina which is open to the public.
- The Washington Irving Boat Club has similar number of slips and two launch sites, comprised of: one travel lift and one ramp. Fees are charged for launching by non-members. The land on which the club is situated is leased from the Village. There is a restaurant (Sunset Cove Restaurant) at the marina which is open to the public.

Both marinas are concerned about siltation in the slip areas and the channel.

The Village of Tarrytown's Local Waterfront Revitalization Program includes proposals that would increase public access to the waterfront through a pedestrian promenade, linking the waterfront recreation sites with a continuous walkway that runs along the riverside where possible. Proposals are also included to enhance the riverfront recreation sites.

Town of Mount Pleasant.

Rockwood Hall Recreation Zone, Rockefeller State Park Preserve.

The Rockwood Hall Recreation Zone forms one of the four discrete Use Zones identified in the Master Plan for the Rockefeller State Park Preserve. The relative isolation of this site and its location overlooking the Hudson River has led to the development of informal and passive recreation use. The initial gift forms only a part of the final recreation zone and further gifts and easements proposed to the State would increase recreation and public access opportunities in this part of the Rockefeller State Park Preserve. A proposed pedestrian bridge over NY State Route 9 would link the Old Croton Aqueduct Trailway and provide a continuous link between the Rockwood Hall Recreation Zone and the main section of the Rockefeller State Park Preserve to the east of NY Route 9 and along the Old Croton Aqueduct Trail to the Village of Sleepy Hollow.

2. Existing Waterfront Access and Recreational Resources

(a) Kingsland Point Park and Lighthouse.

Kingsland Point Park is an 18 acre recreation area along the Hudson River operated by Westchester County Department of Parks, Recreation and Conservation. The County has owned the site since acquiring it from the Village of Sleepy Hollow in 1926. The site lies to the west of the railroad tracks and is adjacent to the General Motors Plant. Access to the Park is by a road bridge from Palmer Avenue which crosses the railroad tracks. An abandoned footbridge links Kingsland Point Park with the Village of Sleepy Hollow's Devries Avenue Park to the east of the railroad tracks. The footbridge is in a deteriorated condition but if rehabilitated would provide a valuable link across the railroad tracks for a trail from Kingsland Point Park to Devries Avenue Park and other public access and recreation sites to the east. Westchester County is in the process of investigating a solution to rehabilitation of this bridge or some other means of providing pedestrian access across the railroad tracks.

Kingsland Point Park provides for mainly informal passive recreation. The site has an informal ball field, picnic area, stone breakwater used as a fishing pier, bath house and boat launch. The bath house is now used for offices, maintenance and storage. The boat launch is only suitable for hand launches at this time. It is mainly used by a local sailing club, which rents space in the bath house and provides sailing lessons. The Park once had

a very popular sandy beach area, although pollution of the Hudson River led to a decline in it's use and eventual closing. The beach is fenced off and has experienced erosion over the years. However, its possible reuse is a possibility in the future and would certainly provide a major recreational asset to the Park and region. The Park offers spectacular vistas of the Hudson River. Access to the historic Tarrytown Lighthouse is provided from the southerly border through the Park.

Admission to the Park for car parking is charged between Memorial Day and Labor Day. Estimated visitor use is in excess of 12,000 per year, although actual use is considerably higher as this figure is based only on the fees collected for admission of cars between Memorial and Labor Days. This figure suggests that the Kingsland Point Park is underutilized.

In 1990 the Westchester County Executive proposed to close the Park as part of cuts in the County budget. The cost to run the Park in 1990 was estimated to be about \$110,000. This was broken down as \$64,000 for maintenance, \$75,000 in salaries, with revenues from park admission and other sources at \$29,000. The Village of Sleepy Hollow expressed an interest in buying or operating the Park to prevent its closure. However, the Park remained open and the County remains committed to provide public access to Kingsland Point Park. Currently, the County is in the process of updating its Parks and Recreation Master Plan which will provide an excellent opportunity to plan for enhancements to Kingsland Point Park.

(b) Village of Sleepy Hollow Riverfront Park.

Currently undeveloped as a park, the main focal point of the Village of Sleepy Hollow Greenway is the proposed .923 acre Riverfront park. The park would be located on Village land on River Street at the foot of Beekman Avenue. The site was previously utilized by the Village's Department of Public Works for the storage of road maintenance material, employee parking and is the Village's Recycling Center. The site is comprised of filled underwater lands conveyed to the Village by the State of New York in the late 19th Century.

The initial proposals for the park call for a landscaped park which would feature pavilions containing concessions, restrooms and interpretive facilities, a lawn area, sitting and picnic areas, a performance area with grassed terraces, a public promenade and pier, access to a sandy beach for hand launching of small boats and canoes and connections to the proposed Greenway network. The pier would provide the opportunity for the docking of tour boats and transient boaters.

The Village successfully applied for and received (through the technical assistance of Scenic Hudson, Inc.) two successive Intermodal Surface Transportation Efficiency Act (ISTEA) enhancement grants from the NYS Department of Transportation for feasibility

and design for the park project as well as construction of the park and associated facilities.

(c) Philipse Manor Beach Club.

Phlipse Manor Beach Club is a private yacht and beach club for members and residents of Philipse Manor.

3. Inland Recreation Facilities

The following summarizes existing recreational facilities located inland from the Hudson River waterfront and within the Village of Sleepy Hollow. The location of these sites is illustrated on Map 5.

Village of Sleepy Hollow

Peabody Field.

Peabody Field is located off NY Route 9 across from the northern end of the Sleepy Hollow Cemetery. This 39 acre site is owned by the School District of the Tarrytowns. The site is used for soccer and other field sports. The site also contains wooded areas and is used for nature walks and nature retreats.

Barnhart Park.

Barnhart Park is located at the northern end of Barnhart Avenue and west of Andrews Lane. This 2.8 acre Park has tennis, volleyball and basketball courts, a small picnic shelter, and a children's playground. The Park is underutilized and in a somewhat deteriorated condition.

Devries Avenue Park.

Devries Avenue Park is located at the end of Devries Avenue and Philipsburg Manor. The park contains playing fields where organized and competitive sports occur. The 11 acre park, which is adjacent to the Pocantico River and borders on marshland, is situated on an old landfill. The park contains two baseball fields. Recent improvements have been carried out to the ball fields and work on access, car parking, and drainage improvements are ongoing. The Park is in need of further small scale landscaping improvements and the Pocantico River would benefit from stream corridor management as it flows through the Park. An abandoned footbridge links the Park with Westchester County's Kingsland Point Park to the west of the railroad tracks. The footbridge is in a deteriorated condition but if rehabilitated would provide a valuable link across the railroad tracks for a trail from Kingsland Point Park to Devries Avenue Park and other public access and recreation sites

to the east.

Douglas Park.

Douglas Park is located at the northern end of New Broadway. This 17 acre parcel of rustic parkland crossed with trails is situated between the Old Croton Aqueduct Trailway and the Pocantico River. Picnic tables with grills and a small playground area are available. Dogs are not permitted in the Park. There are no cars allowed into the Park. Trail links with the Old Croton Aqueduct Trailway connect the Park with the Rockefeller State Park Preserve and the Sleepy Hollow Cemetery, providing a network of local walks.

Patriots Park.

Patriots Park is located on Broadway is within both the Villages of Sleepy Hollow and Tarrytown. The park is designated as an arboretum for native and estate ornamental trees of the Hudson River Valley. It is used for passive recreation. On the grounds stands a monument erected to honor three militiamen who foiled the British spy mission of Major John Andre. Andre was carrying information from Major General Benedict Arnold betraying the American Revolutionary cause to the British. The Park is listed on the State and National Registers of Historic Places.

Gorey Brook Road.

Gorey Brook Road is located off New Broadway and is an abandoned Village-owned roadbed that runs north from the main built area of Sleepy Hollow through the Rockefeller State Park Preserve to Sleepy Hollow Road in the Town of Mount Pleasant. This informal trail links the main built residential area of the Village of Sleepy Hollow with the network of Trails in the Rockefeller State Park Preserve.

Sleepy Hollow High School and Morse Elementary School.

On the grounds of the High School and Morse School are small playgrounds for the public to use. Also on the High School grounds are athletic fields, tennis courts, and a running track.

Several small neighborhood park areas exist within the residential areas of the Village. These include the Clinton Street Playground, and Margotta Playground.

New York State

The Rockefeller State Park Preserve.

The Rockefeller State Park Preserve is located in the Town of Mount Pleasant and the

Village of Sleepy Hollow. 750 acres of the State Park Preserve, once part of the 3,600 acre Rockefeller Estates at Pocantico Hills, was transferred to the State of New York by the Rockefeller Family in December 1983. At the same time a \$3 million grant from the John D. Rockefeller III Fund was received for maintenance of the Park Preserve. The Preserve subsequently increased in size to a total of 865 acres. Subsequent proposed gifts will increase the Preserve to a total of 1,600 acres. The area of the Rockefeller State Park Preserve is shown on Map 5. The Park Preserve is characterized by a variety of landscape types, including wetlands, rivers, woodlands, meadows, fields and a lake.

The development of the Rockefeller State Park Preserve has taken place according to a detailed Master Plan prepared for the New York State Office of Parks, Recreation and Historic Preservation by Sasaki Associates in 1982. The Master Plan was formulated around a detailed set of objectives for the use and development of the Park. The main objectives were to preserve and interpret natural features, vistas, and wildlife habitat as a basis for the park experience, utilize the existing trail system for non-motorized uses, minimize traffic and parking impacts on local roads and to nearby property, and to provide opportunities for interpretive education. The development of the Park Preserve remains true to the Master Plan, maintaining the high quality environment that was originally intended.

Vehicular access to the Park Preserve is from Route 117 in Mount Pleasant, where a short access road leads from the main entrance to a 150 car parking lot and an overflow lot. This arrangement routes park traffic from the surrounding regional interstate highways and parkways directly to the Park Preserve, avoiding impacts on local roads, such as Sleepy Hollow Road and Bedford Road, whose charm and visual quality are unique features in the area. Adjacent to the parking lot are restroom facilities and the Park Offices. There are 30 miles of trails that traverse the Park Preserve radiating out from the parking lot. This includes 15 miles of well maintained gravel carriage paths, originally developed by the Rockefeller Family at the turn of the century to capture the beauty of the surrounding landscape.

Activities in the Park Preserve are strictly limited. The Park Preserve caters for outdoor education and low-intensity, passive recreation and is ideal for walking, jogging, cross-country skiing, nature study, bird watching and photography. Permits are available for horseback riding and carriage driving, while fishing is permitted during the bass season. Regulations prohibit bicycles, motorized vehicles (including snowmobiles and trail bikes), hunting and trapping, camping, swimming, open fires, smoking, radios, unleashed pets and the consumption of alcohol. Blanket picnics are not permitted but trail lunches are allowed in designated areas. Park Police and Rangers patrol the Park Preserve on horses and all terrain vehicles to enforce the regulations and maintain the integrity of the Park Preserve.

About one quarter of the Park Preserve is in the Village of Sleepy Hollow. This forms the

southern portion of the Pocantico River/Gorey Brook Interpretive Zone, one of four distinct use zones delineated within the Master Plan for the Park Preserve. This area provides an ideal education and interpretative zone, with numerous opportunities to explore the natural and cultural history and ecological characteristics of the landscape. The Master Plan included proposals for an education/interpretive center, associated vehicular access and parking facilities within the Park.

The Old Sleepy Hollow Road Trail leads from the parking lot in the Town of Mount Pleasant to the trails and carriage paths that traverse the area of the Park Preserve in the Village of Sleepy Hollow. These include the Pocantico River Trail, the Eagle Hill Trail, the Witches Spring Trail, the Big Tree Trail and the Woodland Trail. The Old Croton Aqueduct Trailway, itself a State Park, and the closed road bed of the Village's Gorey Brook Road run along the western boundary of the Park Preserve and provide trail links to the main residential areas of Sleepy Hollow to the south. The trail network provides many loop trails and links to other areas of the Rockefeller State Park Preserve.

The trail and carriage paths in the Sleepy Hollow section of the Park Preserve cover varying terrain. Trails run through woodland and meadows, alongside the Pocantico River and Gorey Brook and rise to the summit of Eagle Hill where a scenic overlook provides a panoramic vista that stretches over the surrounding woodlands, fields and meadows to Kykuit, the Hudson River and the Tappan Zee Bridge. A feature of the trails are the well constructed carriage paths and the stone bridges over the Pocantico River.

The Rockefeller State Park Preserve attracts over 400,000 visitors annually with approximately 50% of them Westchester County residents. Thus, the Preserve provides an important local recreation facility and provides the opportunity for considerable public access to the upland landscape of Sleepy Hollow. The Park Preserve is also an important regional recreation facility, both within Westchester County and the metropolitan area of New York City.

Old Croton Aqueduct Trailway.

The Old Croton Aqueduct Trailway is a twenty-six mile long trail located over the tube of the Old Croton Aqueduct which once supplied water to the City of New York from the Croton Reservoir, together they were New York City's first successful public water supply. Construction began on the enclosed system in 1837 and was completed in 1848, with the first water flowing through the Aqueduct in 1842. While the Old Croton Dam and Aqueduct were built to last, New York City's population increased rapidly and it's water requirements surpassed the capacity of the reservoir and aqueduct. Construction of the New Croton Aqueduct was begun in 1885 and this replaced the Old Croton Aqueduct as the main water supply to the City, although the Old Croton Aqueduct continued to carry water to New York City until 1955. The Old Croton Aqueduct is listed on the State and National Registers of Historic Places as a National Historic Landmark in recognition of

it's historical, technological and architectural significance (see historic resources section of Section II).

Although the Old Croton Aqueduct no longer carries New York City's water supply, it still serves a valuable public purpose. The linear corridor now provides a public trailway which runs from the Croton Reservoir, in Northern Westchester County, to the New York City line. The trailway connects cities, towns and villages and links urban, suburban and rural areas. The Old Croton Aqueduct Trailway begins in the Town of Cortland and passes through the Town and Village of Ossining, the Village of Briarcliff Manor, the Town of Mount Pleasant and the Villages of Sleepy Hollow, Tarrytown, Irvington, Dobbs Ferry and Hastings on Hudson on the way to the City of Yonkers and New York City.

New York State purchased the public right-of-way from New York City Water Supply in 1968 and the trailway is now owned and managed as a State Park by the New York State Office of Parks, Recreation and Historic Preservation (Taconic Region). The trailway is primarily a walking path, although parts are suitable for equestrian use. There are many points of access along the corridor and for much of it's length the trailway is easy to find and follow. Annual use of the Old Croton Aqueduct Trailway is estimated in the region of over 850,000 visitors.

In the Village of Sleepy Hollow the Old Croton Aqueduct Trailway exhibits a wooded rural character. It runs south from the Town of Mount Pleasant, along the western boundary of the Rockefeller State Park Preserve and then between the State Park Preserve and the Sleepy Hollow Cemetery. There are links to the extensive trail network in the Park Preserve and to the Sleepy Hollow Cemetery, where public access is permitted. The trailway crosses the Pocantico River and then runs between Douglas Park and the abandoned roadbed of Gorey Brook Road, both owned by the Village of Sleepy Hollow. The wooded path of the trailway ends at Bedford Road and takes on a more urban character, as it crosses Bedford Road and runs beneath the High School building emerging to the east of John Paulding Elementary School in the Village of Tarrytown.

The Old Croton Aqueduct Trailway provides Sleepy Hollow with a link to a potentially larger regional trail system. The links to the Rockefeller State Park Preserve open up large acreages of state parkland which extends into the Town of Mount Pleasant. A proposed pedestrian bridge over NY State Route 9 (as it once was), in the Town of Mount Pleasant, would link the now discontinuous Old Croton Aqueduct Trailway and provide a link between the Rockwood Hall Recreation Zone and the main section of the Rockefeller State Park Preserve to the east of NY Route 9. On a wider scale the Old Croton Aqueduct Trailway also offers potential to link into the ever expanding Westchester County Trailway network. This involves existing and proposed trails and linkages which include the Old Croton Aqueduct Trailway, the North County Trailway and the Tarrytown Lakes Extension, the South County Trailway and the Tarrytown-Kenisco Trailway, the Bronx River Pathway and the Briarcliff-Peekskill Trailway.

Other Public Access and Recreation Sites.

Philipsburg Manor Upper Mills.

This privately owned site is located on NY Route 9, North Broadway, in the main part of Sleepy Hollow. The early 17th century farm and trading post of the Philipse family features a restored grist mill, Dutch style manor house and barn. The site is owned and managed by Historic Hudson Valley. The site is open to the public daily, except Tuesdays, from 10 A.M. to 5 P.M. It is closed in January and February. A charge is made for admission. The site includes an interpretive center, gift shop and picnic grounds. There are tours of the site, demonstrations and special events. (see Historic Resources Section of Section II).

Sleepy Hollow Cemetery.

This historic private cemetery is located on NY Route 9, North Broadway, in the middle of the Village. It is open to the public daily between the hours of 8:00 A.M. and 4:30 P.M. The cemetery is covered by many narrow roads and features a shaded walk on the main access road alongside the Pocantico River. There are informal links to the Old Croton Aqueduct, Rockefeller State Park Preserve and Douglas Park. (see Historic Resources Section of Section II).

The Old Dutch Church and Burial Ground.

This historic site features one of America's oldest burying grounds of the early European settlers. It is located on NY Route 9, North Broadway, in the main part of Sleepy Hollow. The Old Dutch Church and Burial Ground is open to the public on Saturdays and Sundays, June through August. (see Historic Resources Section of Section II).

Tarrytown Lighthouse.

The historic Tarrytown Lighthouse is owned and operated by Westchester County as part of Kingsland Point Park. The Lighthouse was built in 1882-83. It is accessible to the public by making reservations through the Westchester County Department of Parks, Recreation and Conservation. The Lighthouse is reached by a path that runs along the northwest side of the General Motors property from the southern part of Kingsland Point Park. (see Historic Resources Section of Section II).

Kykuit.

The former Rockefeller Mansion at Kykuit was opened to the public in 1994. The property is now owned by the National Trust for Historic Preservation, which has opened the property and parts of the estate to the public. The site is managed and run in

partnership with Historic Hudson Valley, which is in charge of site interpretation and visitor management. Access to Kykuit is by a small bus from Historic Hudson Valley's Philipsburg Manor Upper Mills site, located on NY Route 9, North Broadway, in the main part of Sleepy Hollow. This is due to access constraints caused by the local road network, parking limitations at Kykuit, and the desire to control overall visitor numbers to the estate.

4. Village of Sleepy Hollow Greenway.

A Greenway system has been identified that will connect many of the public access and recreational facilities that already exist in the Village, directly linking the Old Croton Aqueduct, Douglas Park, the Old Dutch Church and Burial Ground, the Sleepy Hollow Cemetery, Philipsburg Manor Upper Mills, Devries Avenue Park, Kingsland Point Park and the Hudson River waterfront. The proposal grew out of the Village's development plan for their Riverfront Park and riverfront esplanade located on River Street.

The Village of Sleepy Hollow Greenway was originally put forward as a phased implementation plan. Phase 1 included the creation of the new Village park on River Street and the beginnings of the Greenway network linking the new waterfront park via Village streets to Barnhart Park, Philipsburg Manor Upper Mills, Old Dutch Church and Burial Ground, the Sleepy Hollow Cemetery, Devries Avenue Park and Kingsland Point Park. Phase 2 includes the extension of the Greenway network to embrace the major public open spaces of Douglas Park, the Old Croton Aqueduct Trailway and the Rockefeller State Park Preserve and the creation of a riverfront esplanade linking the Phase 1 Riverfront Park with Kingsland Point Park.

The Village of Sleepy Hollow, the Department of State, the Hudson River Access Forum, and more recently Scenic Hudson, the Hudson River Valley Greenway Communities Council, and the Hudson River Greenway Conservancy all recognize the potential greenway links within the Village of Sleepy Hollow and continue to work towards it's implementation. Details of the two key components of the Greenway are discussed below:

Riverfront Park, River Street.

The main focal point of the Village of Sleepy Hollow Greenway is the proposed 1.5 acre Riverfront park. The park would be located on Village land on River Street at the foot of Beekman Avenue. The site was previously utilized by the Village's Department of Public Works for the storage of road maintenance material, employee parking and is the Villages Recycling Center. The site is comprised of filled underwater lands conveyed to the Village by the State of New York in the late 19th Century.

The initial proposals for the park outline a landscaped park. It would feature pavilions containing concession, restroom and interpretive facilities, a lawn area, sitting and picnic areas, a performance area with grassed terraces, a public promenade and pier, access to a sandy beach for hand launching of small boats and canoes and connections to the proposed Greenway network. The pier would provide the opportunity for the docking of tour boats.

Riverfront Esplanade.

The main proposal of Phase 2 of the Village of Sleepy Hollow Greenway is the 2000 foot Esplanade linking the Phase 1 Riverfront Park with Kingsland Point Park. The Esplanade would run around the edge of the General Motors property. It would average 20 feet in width and be used for fishing, walking, sitting, and possibly biking. The Esplanade would connect the Phase 1 Riverfront Park with other sites in the Greenway network. The implementation of the Esplanade requires consent from private landowners, notably General Motors.

5. Underwater Lands Issues.

The historic understanding that the air, the running waters and the sea are common to all people is the main thrust of the Public Trust Doctrine. This Doctrine, dating from Roman times and based on common law principles, guarantees the public's right to reach and use tidal lands, waters and their living resources. Under the Public Trust Doctrine, the State of New York generally holds title to the foreshore, tidal waters and submerged land under tidal waters below the mean high water line as trustee for the public, and must administer the use of these lands in the public interest.

In New York State, the courts have interpreted the Public Trust Doctrine to mean that the public has the right to use public trust lands and waters for bathing, boating, fishing, and other lawful purposes when the tide is in; and when the tide is out, to walk along the foreshore to gain access to the water for these purposes and to lounge and recline on the foreshore. The courts have recognized that recreation is a valid and protected Public Trust purpose. The Public Trust Doctrine applies on the Hudson River, which is tidal to the Federal Dam at Troy. The Public Trust Doctrine is a complicated and ever evolving legal concept. A good discussion of the Public Trust Doctrine and how to use it is put forward in "The Public Trust Doctrine: Let's Use It" (Hudson River Sloop Clearwater, Inc., 1992).

Upland property owners whose lands abut public trust resources have rights. The public cannot access public trust land across private land without the owner's permission. Additionally, these owners possess riparian rights to the Hudson River. These rights entitle the owner to access navigable water. These rights are limited as to the type of use which may be placed in the water, and they must be reasonably exercised. By the nature

of location over the water, the exercise of these rights almost always interferes with public use of the water and lands subject to the Public Trust Doctrine.

In New York State, adjacent upland owners can also apply to purchase or lease underwater lands. In the 18th and 19th centuries, the State sold large expanses of public trust lands and waters to adjacent land owners to promote the development of commerce. In many cases, these owners placed fill in the Hudson River to create new land. In more recent years, private uses of public trust waters include marinas, commercial fishing operations, and docks and piers for shipping, and recreational boating. Many grants were limited and a public interest in the underwater land remains. While the courts have consistently recognized the Public Trust Doctrine as a sovereign right held for the people, they have also recognized the validity of grants of public trust land to riparian owners. The courts have held that where some types of grants have been made by the State without any express reservation of the public rights, the public trust and accompanying public rights are extinguished, although the State may still regulate such lands under its police power and may authorize local governments to do so as well. The courts have also held that some grants may be invalid if the grant is not in the public interest.

The importance of the Public Trust lands for public access and as a recreational resource and the use of the Public Trust Doctrine to better protect New York's coastal areas, their living resources, and the public's right to access and enjoy them have recently been re-emphasized. The use of trust lands by the public generates billions of dollars for the State economy. The foreshore and underwater lands of the coast are used for recreation, boating, fishing, swimming, and visual enjoyment. The tidal areas provide habitat and breeding areas for shellfish and finfish of commercial and recreational importance. Private actions that interfere with these activities diminish the public's use and enjoyment of these commercially and recreationally productive resources.

In 1992, the NYS Legislature passed Chapter 791, codifying, in part, the public trust in underwater lands. The Legislature found that regulation of projects and structures, proposed to be constructed in or over State-owned land underwater, was necessary to responsibly manage the State's proprietary interests in trust lands. Additionally, the regulation would severely restrict alienation into private ownership of public trust lands owned by the State. The intent of the Act was also to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters did not adversely affect the public's rights. The Legislature stated that use of trust lands is to be consistent with the public interest in reasonable use and responsible management of waterways for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

An accurate inventory of the public trust lands and those lands that have been leased or granted to private interests within the Village of Sleepy Hollow is very important. The ownership of underwater lands may have an important impact on the ability to implement

some of the policies of the Village's LWRP. The Village of Mamaroneck, Westchester County carried out such an underwater lands study within the context of their LWRP (Village of Mamaroneck and L.R. Johnston Associates, 1989). This study had three principal objectives:

- to identify those nearshore areas (underwater land) where ownership, jurisdiction, and right to use the property may be unclear or undocumented in current local codes, programs, and plans;
- to document and clarify the ownership, jurisdiction, and usage rights on these properties; and
- to evaluate how this information may affect local and State management of water and waterfront areas and, more specifically, how this information can best be utilized by the local municipality to improve public access and recreational opportunities, protect and promote water dependent uses and maintain scenic quality.

This study provides a model which could be used in the Village of Sleepy Hollow to inventory and analyze its underwater land resources.

Before considering any development activity or land purchases along the waterfront area, prospective developers and owners are advised to check on the ownership of the adjacent underwater lands. This must be done at the NYS Office of General Services (OGS) office in Albany. OGS is the administrator of State lands, including underwater lands, and maintains a series of "Water Grant Index Maps" that identify lands within State ownership, as well as grants, easements, and leases previously issued by the State to various public and private entities.

It is very important to understand the nature of the ownership of underwater lands as municipal, State, and federal agencies should consider the public's rights under the Public Trust Doctrine during their regulatory review of development proposals. In many cases it can provide a rationale for modifying or denying permits when an activity would impair public trust resources or if the use is inconsistent with the Public Trust Doctrine. Where areas have been illegally filled, State agencies can seek to have the area restored to its original condition and configuration or require the provision of compatible public trust opportunities elsewhere. Existing State grants, easements and leases to upland owners for use of public trust lands do not necessarily extinguish the public's rights to use these resources. Remaining public rights depend on the specific grant, easement or lease and in some cases require judicial interpretations. In addition, the federal government has tremendous powers under the Federal Navigation Servitude to regulate, and even absolutely prohibit, activities in the navigable waters of the United States, which includes the Hudson River.

E. NATURAL RESOURCES

1. Significant Fish and Wildlife Habitats

Many habitats that are vital to the survival of New York State's coastal fish and wildlife resources exist within the State's Coastal Area. However, as development pressures have mounted, these habitats are being degraded or lost. In response to public concern about accelerating habitat destruction, a policy aimed at protecting our most important coastal habitats was established in the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Through Policy 7 of the New York State Coastal Management Program, habitats of Statewide Significance are identified, evaluated and protected.

Coastal Fish and Wildlife Habitats of Statewide Significance for the Hudson River Valley were designated by the NYS Secretary of State in 1987. There are no Coastal Fish and Wildlife Habitats of Statewide Significance designated within or adjacent to the Village of Sleepy Hollow. Within the Hudson River, the closest Coastal Fish and Wildlife Habitats of Statewide Significance are: the Croton River and Bay Habitat; and the Haverstraw Bay Habitat, both to the north of the Village of Sleepy Hollow.

Aside from the habitats of Statewide Significance, the Village of Sleepy Hollow has identified five habitat areas of local significance that the Village wishes to protect. They are as follows and are identified on Map 3:

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

The composite of habitat values and species of plant and animals associated with these areas is rather extensive and important to the Village of Sleepy Hollow. There are no rare, threatened, or endangered plant or animal species known to exist within the Village of Sleepy Hollow.

All of the habitat areas identified have experienced, and continue to experience, human disturbances of some type. These disturbances also vary considerably, but include such activities as: the effects of bulkheading; filling and dredging; removal of vegetation; adjacent land uses; and recreational activities and facilities such as fishing, boating, and

associated marina and boat launch facilities. The specific impacts of these human disturbances depends on the nature and scale of the human interactions within and affecting the habitat areas.

Although not comprehensive, examples of general types of activities and impacts within and adjacent to the Village which could destroy or significantly impair the identified habitats are listed below:

- Any activity that would substantially degrade water quality.
- Discharges of sewage or stormwater runoff containing significant amounts of sediments or chemical pollutants into the habitat area.
- Any activity that would substantially increase turbidity or sedimentation, reduce flows, increase water temperatures, or alter tidal fluctuations.
- Any major physical alteration of the habitat.
- Spills of oil or other hazardous substances.

Also, of particular concern are the potential effects of upstream and adjacent disturbances, including water withdrawals, impoundments, stream bed disturbances, vegetation removal, or runoff from agricultural, residential, commercial and industrial areas.

The general activities and impacts discussed above do not have to destroy or impair the natural resources of the habitats identified above. In addition to avoiding incompatible use of the habitats and adjacent lands, many management measures can be taken to ensure that negative impacts do not occur. In most cases, these measures have been included into existing local land use regulations within the Village of Sleepy Hollow. Probably the most effective way to protect wetlands and watercourses is to maintain an undisturbed vegetative upland buffer around the habitat areas. Such buffering is required in the Village's existing Wetland/Watercourse Protection Law (Local Law No. 1, 1990). For example, existing areas of natural vegetation bordering the Pocantico River should be maintained to provide bank cover, soil stabilization, and buffer areas. Other management measures include established "Best Management Practices" for construction sites and agricultural practices, stream corridor management, removal of trash, control of exotic species, and maintenance of appropriate public access to a habitat area.

2. Water Resources

The Hudson River is certainly the main water feature for the Village of Sleepy Hollow. However, there are a number of other water resources within the Village that are also very significant, such as the Pocantico River, Lake Fremont, and Andre Brook.

The Village's location on the Hudson River has played an important role in the historical development of the Village and is likely to be of continued importance. The water resources of the Village are shown on Map 3.

The quality of water resources are defined in terms of chemical, physical, and biological characteristics which, in turn, relate to the water's acceptability for its intended use. The NYS Department of Environmental Conservation (DEC) has classified all streams, lakes, and rivers according to best use. The classifications are used to regulate water quality and enforce water quality standards. The water quality classifications used by DEC are as follows:

- | | |
|----------|--|
| Class AA | Source of water supply for drinking, culinary or food processing purposes and any other usage. |
| Class A | Source of water supply for drinking, culinary or food processing purposes and any other uses with treatment. |
| Class B | Primary contact recreation and any other uses except as a source of water supply for drinking, culinary or food processing purposes. |
| Class C | Suitable for fishing and all other uses except as a source of water supply for drinking, culinary or food processing purposes. |
| Class D | Suitable for secondary contact recreation but will not support the propagation of fish. |

The Hudson River adjacent to the Village of Sleepy Hollow is classified "SB" by DEC. This classification is the same as "B" above, except that the "S" simply identifies that the water is brackish or saline. The water quality classification for Lake Fremont is "B". The lower reaches of the Pocantico River, that portion that is tidal influenced below the mill pond at Philipsburg Manor, is classified as "SB". That portion of the Pocantico adjacent to Philipsburg Manor at the mill pond and upstream to the small dam adjacent to Sleepy Hollow Cemetery is classified as "B". Further upstream, beyond the small dam, the Pocantico River is classified as "C(T)". The "T" implies that the Pocantico River is suitable for trout fish propagation. Lake Fremont is classified as "B". Gory Brook is classified as "D" for its entire length through the Village of Sleepy Hollow.

In general, sources of pollution to waterbodies may be classified as either point or nonpoint. Point sources, as the name implies, are discrete sources of pollution, the classic example being a pipe bearing sewage or industrial effluent. Nonpoint pollution enters the waterbody from more diffuse sources, such as runoff from streets, fields, etc. Pollution control has historically focused on point sources, as these sources are more easily determined and the effects are often more readily apparent. Since the passage of the 1972 Federal Water Pollution Control Act Amendments (PL 92-500), remarkable progress has been made in controlling pollution from point sources. Despite the progress, more remains to be done.

Numerous point and nonpoint sources have degraded and continue to degrade the water quality of the Hudson River. Many development activities can impair water quality, including discharges from sewage treatment plants and industrial sites; problems arising from combined storm and sanitary sewers; septic system effluent; agricultural fertilizers, pesticides and wastes; pollution from marinas; boat discharges; household pollution; lawn care; maintenance of golf courses; street run-off; and construction site run-off.

In the Village of Sleepy Hollow potential impairments to water quality could result from storm water run-off, industrial discharges, and from the full range of nonpoint sources of pollution outlined above. In addition, a growing cause of pollution in the Hudson River is discharges from the increasing number of recreational boats on the River. There are currently no pumpout facilities within the Village of Sleepy Hollow and only two in the neighboring Village of Tarrytown.

The Village of Sleepy Hollow recognizes the need to maintain high water quality in and adjacent to the Village. People depend on clean and pure water for drinking, cooking and cleaning; wildlife depends on clean water to live on and in; commercial fishing requires clean water and water-based recreation requires clean water. Indeed, clean water is tied to a healthy economy and a healthy community. All surface water that flows through the Village ends up in the Hudson River and Sleepy Hollow recognizes that it is their responsibility to the Hudson River Valley to ensure that this water is not polluted or loaded with sediment, or otherwise impairing the water quality through inappropriate or improper actions occurring within the Village.

The Village of Sleepy Hollow recognizes the need to improve the quality of their surface waters to the extent they are able. This requires an understanding of where pollution and sedimentation are entering the waters within the Village and what types of pollutants are entering these waters. These facts are not fully known at present.

3. Wetlands

Once believed to be flooded wastelands, wetlands are now recognized as valuable natural resources. Wetlands provide important wildlife habitats, opportunities for recreation and valuable open space. Wetlands also play an important role in flood control and in improving water quality, as they are natural filters able to absorb large quantities of run-off and filter out impurities and sediments. In New York State, the Freshwater Wetlands Act (1975) protects certain wetlands from activities which can have a negative impact on water quality. Any wetland of 12.4 acres or more, and smaller wetlands determined to be of unusual local importance, are regulated by the Act. Anyone proposing to undertake an activity on or within 100 feet of a designated wetland, may be required to obtain a permit from DEC.

There are no wetland areas within the Village of Sleepy Hollow that have been designated

by DEC as freshwater wetlands. In addition to designated wetlands, all wetlands and watercourses associated with navigable waters are protected under Article 15 of the NYS Environmental Conservation Law.

In addition to protection under State laws and regulations, wetlands are protected under the Federal Clean Water Act with the U.S. Army Corps of Engineers administering the 401 permit program. These wetlands have been identified under the National Wetlands Inventory and can include wetlands as small as one acre. The federal wetlands are defined by three criteria: type of vegetation, period of inundation, and hydric soils; whereas the State designated wetlands are defined in terms of size and vegetation only.

Map 3 identifies federally and locally identified wetlands within the Village of Sleepy Hollow.

All of the wetlands within the Village have experienced, and continue to experience, human disturbance. This includes the effects of bulkheading; filling and dredging; removal of vegetation; adjacent land uses; and various types of recreational activities. The impact of these human disturbances depends on the nature and scale of human interactions within or adjacent to the wetlands. Although not comprehensive, examples of generic activities and impacts originating in the Village which could destroy or significantly impair wetlands are similar to the habitat impairments listed in Section II-B-1. Of particular concern are the potential effects associated with adjacent land uses and activities.

Negative impacts from such activities can be avoided or mitigated. In addition to avoiding incompatible use of the wetlands and adjacent land, many management measures can be taken to ensure that negative impacts do not occur. Probably the most effective way to protect these identified wetlands is to maintain an undisturbed vegetative upland buffer around the wetlands. Other management measures include established "Best Management Practices" for construction sites and agricultural practices, stream corridor management, removal of trash and control of exotic species.

The Village's existing Wetland/Watercourse Protection Law (Local Law No. 1, 1990) provides the Village with a comprehensive means of controlling and mitigating activities that may negatively impact on the Village's wetlands and watercourses.

F. HISTORIC RESOURCES

1. Introduction

The historical development of the Village of Sleepy Hollow is summarized in Section II-A-2. The Village of Sleepy Hollow has a large number of historic resources, many of which have been recognized by their listing on the State and National Registers of Historic Places. In addition, there are a number of locally significant historic resources. The

location of these resources is illustrated on Map 4 and their significance summarized below.

The Village of Sleepy Hollow recognizes the importance of protecting its historic resources. Thus, as part of the LWRP the Village has amended its Architectural Review Law by including specific historic resource protection provisions and a procedure for designation of historic resources of local significance. (See Section V for a description of this local law.)

2. Historic Resources on the State and National Registers of Historic Places

(a) Dutch Reformed Church of Sleepy Hollow.

The Old Dutch Reformed Church is located on U.S. Route 9, just north of the Pocantico River. The Church was built in the 1680's by Frederick Philipse, a wealthy Dutch settler with extensive land holdings in the region along the Hudson River. The congregation was organized in 1697 and services were conducted in Dutch. The steeple bell was cast in Amsterdam in 1685 and still hangs in the belfry today. It continues to call to worship members of one of the oldest, continuance congregations in the United States. In 1819, Washington Irving published The Legend of Sleepy Hollow in which the Church figured prominently. In 1962, the Church was designated as a Registered National Historic Landmark, making it a property of national historic significance. The State of New York, with funding from the Environmental Quality Bond Act, has provided funding for restoration of the structure. The Church is the oldest church in continuous use in the United States. It has not been modernized and still uses candles for light and a stove for heating.

(b) Old Dutch Burying Ground Cemetery.

The Cemetery is associated with the Dutch Reformed Church and is one of America's oldest cemeteries. It is located adjacent to the Old Dutch Reformed Church to the north. The Church provides a record of the early settlers of the area. The gravestones themselves are some of the earliest and most enduring examples of American folk art. The burials in the cemetery may have begun as early as 1645 or as late as 1700. The early markers have long since disappeared, probably because they were made of materials such as wood that rapidly decayed. The Cemetery contains grand neoclassical monuments and mausoleums, as well as weathered sandstone markers from the colonial period. The burying ground clearly is a reflection of the history of the Village and the changing aesthetic and religious values of the nation as a whole.

(c) Philipsburg Manor and Upper Mills.

This property is located on U.S. Route 9 (North Broadway) in the heart of the Village of

Sleepy Hollow. This facility is an 18th century manor house and trading center of the Philipse family, with restored gristmill, Dutch style manor house and barn. The original owner of the property was Frederick K. Philipse, who came to America from Holland in 1653 as a carpenter and became one of the wealthiest men in the new colonies. (See history of Village in Community Profile, Section II-A-2.) The stone manor house boasts a rich collection of early New York and European furniture, as well as Dutch Delft ceramics and continental brass. The property is open for tours and demonstrations as a living museum and has become a popular destination with approximately 40,000 - 45,000 visitors per year. It is owned and operated by Historic Hudson Valley and is on the National Register of Historic Places as a National Historic Landmark.

(d) Tarrytown Lighthouse.

The Tarrytown Lighthouse is located on the eastern shore of the Hudson River, one hundred feet from the General Motors Assembly Plant property. It is to the north of the Tappan Zee Bridge and south of Kingsland Point Park. The Lighthouse was constructed between 1882-1883. It was the southernmost in a series of eight lighthouses charged with the responsibility for providing navigational aid to shipping on the Hudson River. It is the only conical steel lighthouse structure in the thematic group to have living quarters incorporated into the structure. It is also the only family station in the lower Hudson and the only lighthouse located in Westchester County. It was built to mark a dangerous area off the Tarrytown shoals at a time when river commerce was at its peak. The Lighthouse has remained largely unaltered for almost one hundred years except for repair and updating when needed. The beacon was automated in 1957 after construction of the Tappan Zee Bridge made the need for the lighthouse keeper unnecessary. In 1959, the federal government declared all but one hundred feet around the lighthouse surplus land (which was sold to General Motors) to accommodate the expansion of the General Motors Assembly Plant. The light was deactivated in 1961 and the lighthouse was decommissioned in 1965 after more than three quarters of a century of service. In the early 1970's, Westchester County obtained an easement from General Motors to build a pedestrian walkway out to the Lighthouse from Kingsland Point Park. The County acquired the Lighthouse from the federal government in 1974, in recognition of its historic value and it was placed on the National Register of Historic Places in 1979. There are currently tours of the facility available through the Westchester County Department of Parks and Recreation.

(e) Philipse Manor Train Station.

The Philipse Manor Train Station is located on Riverside Drive. Built in 1910, the Train Station contains one of the cast iron eagles which once adorned the original Grand Central Station in New York City. The Station originally was quite artistic with a majestic stone fireplace, dark paneling and oriental rugs. Originally, 25 passenger trains per day stopped at the station. In the 1970's, AMTRAK stopped, using the smaller train stations on the Hudson River line. Vandalism began to take its toll on the Station and in 1977, a

reclamation effort was proposed. The Station is currently owned by Metro North Commuter Railroad with a long term lease to the Hudson River Valley Writers' Center. The Writers' Center recently applied for and received an Inter-modal Surface Transportation Efficiency Act (ISTEA) Enhancement Grant from the NYS Department of Transportation for renovation of the Station for passive cultural types of uses. Much of the restoration work has been completed. The Station is listed on the Westchester County Inventory of Historic Places and listed on the State and National Registers of Historic Places. There is also a Metro North Commuter Railroad platform stop located at the Station.

(f) Old Croton Aqueduct.

The Old Croton Aqueduct runs through (north-south) the Village of Sleepy Hollow. The Aqueduct formerly supplied water to the City of New York from the Croton Reservoir to the north. This was New York City's first successful public water supply projects. Construction began on the enclosed aqueduct system in 1837, with the first water flowing through the system in 1842. Although water traveled through the conduit in 1842, construction on the project was not completed until 1848. The total cost, including purchase of land, ranged between 12 and 13 million dollars. From the Croton Dam to the Harlem River the Aqueduct stretched a total of 33 miles. The Croton water supply system, including the Croton Reservoir and the Aqueduct was one of the most notable public works projects of the nineteenth century. Although the capacity of the Aqueduct became insufficient for the growing population of New York City, it was still used up until 1955. All of the above ground facilities, as well as the masonry conduit itself, are listed on the State and National Registers of Historic Places as a National Historic Landmark based on their historic, technological, and architectural features. The land above the Old Croton Aqueduct is currently owned by the State of New York and is managed by the Office of Parks, Recreation, and Historic Preservation as a historic trailway for public use.

(g) James House (James Phelps Memorial Hospital Center).

The James House property is located on the grounds of the James Phelps Memorial Hospital Center and the very northwestern corner of the Village just off of U.S. Route 9 (North Broadway). This former private Italian villa style residence was built in 1850. The house is now used for hospital-related fundraising events and other activities. The house is situated on the western edge of the sixty-six acre hospital complex property, fourteen of which comprises the immediate setting of the house. The fourteen acre site also includes a historic stonewall and is enhanced by specimen trees and an unobstructed view of the Hudson River and the Palisades across the River. The house is on the Westchester County Inventory of Historic Places and is on the State and National Registers of Historic Places.

(h) Pokahoe (Fremont House).

Pokahoe, or the Fremont House, is located at 7 Pokahoe Drive and consists of 3.7 acres of a steeply sloping site incorporating an 1850 gothic revival residence constructed of site-quarried granite. The property also includes a section of the old New York Central Railroad line.

The house was constructed in 1850 for James Watson Webb, diplomat and journalist, who owned the New York Morning Courier and Inquirer. He was also an Ambassador to Brazil who negotiated the withdrawal of the French from Mexico in 1867. The property was also owned at one time by Ambrose C. Kingsland, a mayor of New York City. Primary historical significance of the property, however, is derived from the site's association with General John Charles Fremont, "The Pathfinder," who, with his wife, Jessie Benton Fremont, owned Pokahoe from 1865 to 1872. Fremont, with Kit Carson as his guide, led pioneers to the west coast along a route that became known as the Santa Fe Trail. He later served as the Governor of California and the first (unsuccessful) Republican candidate for President of the United States. The property is listed on the Westchester County Inventory of Historic Places and is on the State and National Registers of Historic Places.

(i) Patriots Park.

Patriots Park is located on Broadway (U.S. Route 9) and is within both the Villages of Sleepy Hollow and Tarrytown; the boundary of which is Andre Brook, which flows through the Park. It is designated as an arboretum for native and estate ornamental trees of the Hudson River Valley. On the grounds stands a monument erected to honor three militiamen who foiled the British spy mission of Major John Andre. Andre was carrying information from Major General Benedict Arnold betraying the American Revolutionary cause to the British. The Park is listed on the State and National Registers of Historic Places.

(j) Kykuit.

Kykuit is the name of the historic John D. Rockefeller estate house located in historic Pocantico Hills section of Sleepy Hollow off of Bedford Road. The name Kykuit comes from the Dutch word for "Lookout." The house was built in 1913 by John D. Rockefeller. Kykuit is listed on the State and National Registers of Historic Places.

The 40-room mansion is surrounded by formal gardens and the west porch provides a wide vista of the Hudson River. This is the most historic portion of the John D. Rockefeller estate and has been donated to the National Trust for Historic Preservation. Known as the Pocantico Hills Historic Area, the 86-acre portion of the estate includes Kykuit, the principal residence of John D. Rockefeller, Jr. and Nelson Rockefeller from 1913 to 1979. The area was opened to the public in 1994 and public tours are managed by Historic

Hudson Valley. The gardens contain sculptures collected by Nelson and beneath the gardens are underground galleries which display other art works which he collected. The mansion itself is a melange of styles, but is most frequently described as a Georgian Revival.

3. **Historic Resources of Local Importance to the Village of Sleepy Hollow and Region.** (See Map 4 for location of these resources.)

(a) **Sleepy Hollow.** Used by Washington Irving as a backdrop for his famous story. The name is derived from the Dutch "Slaeperingh Haven."

(b) **Sleepy Hollow Bridge.** The stone abutted bridge crossing the Pocantico River for U.S. Route 9 (North Broadway). This is the bridge in Washington Irving's story of Sleepy Hollow where the Headless Horseman rode.

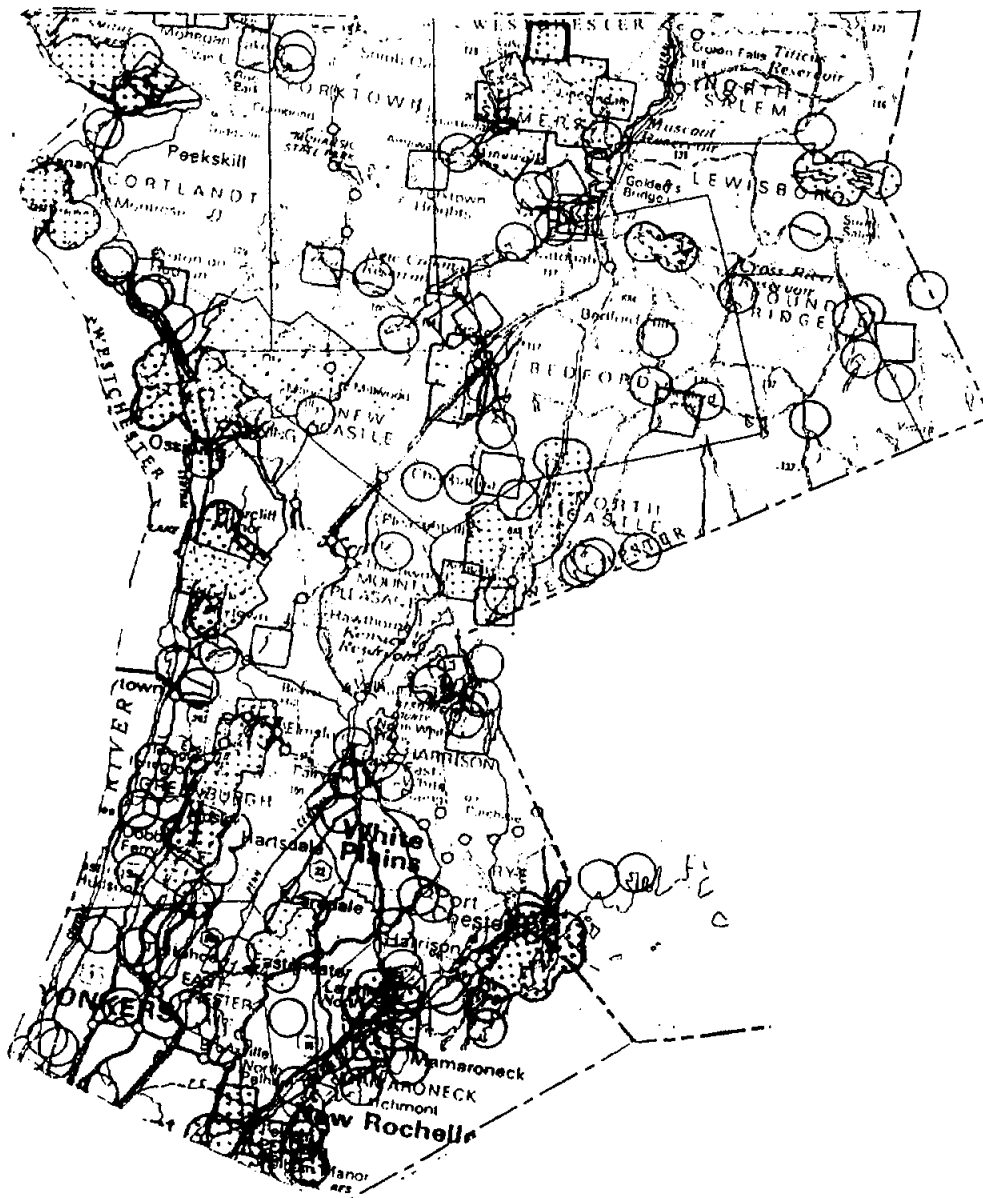
(c) **Fremont Fountain.** Natural spring outlet adjacent to Sleepy Hollow Cemetery. Dedicated to the memory of J.C. "The Pathfinder" Fremont by William Rockefeller.

(d) **Kidds Rock.** According to legend, this is where Frederick Philipse met and bargained with Captain Kidd, the famous privateer who sailed the Hudson in pursuit of "hun money."

G. **ARCHAEOLOGICAL RESOURCES**

The New York State Archaeological Sensitivity Map (OPRHP, March, 1992) (See attached Map 4A) indicates that the Village of Sleepy Hollow has multiple site sensitivity over almost the entire Village. Because of the sensitivity of archaeological resources it is not possible to identify specific sites within Sleepy Hollow where archaeological resources have been found or are likely to be found.

The prehistory of the lower Hudson Valley region, which includes the Village of Sleepy Hollow, encompasses the PaleoIndian, Archaic, Transitional, and Woodland Periods. The PaleoIndian period (10,000-8,000 B.C.) represents the earliest occupation of the southeastern New York region. The Archaic (8,000-1,700 B.C.) refers to a time prior to the introduction of horticulture and pottery manufacture and is divided into Early, Middle, and Late periods. The Transitional period (1,700-1,000 B.C.) witnessed a gradual change in Archaic lifestyles with the development of "Woodland" period traits. The Woodland period (1,000 B.C. - A.D. 1,600), which is characterized by the use of pottery and reliance on horticulture, is divided into Early, Middle, and Late periods.



**Map 4A - New York State Archaeological Sensitivity Map
March, 1992**

BASED ON OVERLAY FROM N.Y.S. MAP 1:250,000
BASE MAP BY N.Y.S. DEPARTMENT OF TRANSPORTATION

LEGEND

SCALE

1.5 MILES



SITE LOCATION, 1 MILE DIAMETER

FROM THE N.Y.S. MUSEUM ARCHEOLOGICAL SITE FILE



SITE LOCATION, 1 MILE SQUARE

FROM THE N.Y.S. HISTORIC PRESERVATION OFFICE
ARCHEOLOGICAL SITE FILE



MULTIPLE SITE SENSITIVITY

Some or all of these types of pre-history resources may be found in the Village Sleepy Hollow.

As a means of providing protection to these resources, the NYS Office of Parks, Recreation, and Historic Preservation has requested that any ground-modifying construction should be proceeded by an archaeological investigation through consultation with the State Historic Preservation Officer when necessary.

H. SCENIC RESOURCES

1. Introduction and Background

The Village of Sleepy Hollow contains a tremendous visual variety of landscapes and scenic viewsheds. The Hudson River and Tappan Zee Bridge a strong visual elements for the Village. The natural and agricultural landscapes associated with the Pocantico River and Rockefeller State Park Preserve also provide strong visual elements for the Village.

In recognition of the scenic value of the coast the federal government, through the Coastal Zone Management Act, and the State of New York, through Article 42 of the Executive Law, "Waterfront Revitalization of Coastal Areas and Inland Waterways Act," provide for protection of coastal scenic resources. This State legislation gives statutory authority to the Department of State to identify and protect Scenic Areas of Statewide Significance (SASS) and to protect the general scenic quality of the State's Coastal Area.

The Department of State embarked on a program to identify, evaluate and recommend areas for designation as a SASS. The Department developed a scenic assessment methodology to determine the scenic quality and aesthetic significance of a landscape. The methodology is based on federal and New York State legislative findings, New York State Coastal Policy 24 and the State's Coastal Management Regulations. It identifies the scenic quality of the components of coastal landscapes and evaluates them against criteria for determining aesthetic significance. The components are described according to three levels of quality and significance: (1) distinctive, of Statewide Significance; (2) noteworthy, of regional and local significance; and (3) common. The scenic assessment methodology used is outlined in detail in the "Technical Memorandum - Identification of Scenic Areas of Statewide Significance in New York State" (Department of State, 1992).

The methodology divides the subject landscape into subunits. The boundaries of subunits are drawn to reflect salient characteristics of the landscape such as topography or land use. To facilitate the determination of landscape quality, the landscape of the subunit is divided into three categories of elements - physical character, cultural character, and views. Each category in turn is divided into specific elements and sub-elements of the landscape that contribute to the character of the categories, as listed below:

Physical character: landform, vegetation, shoreline configuration, and water features.

Cultural character: land use, ephemeral characteristics, historic character, symbolic value/meaning, architectural character, landscape character, state of upkeep, and discordant features.

Views: coastal viewshed, length of views, breadth of views, background, composition, and focal points.

The categories and their elements are called landscape components. For each element and sub-element in the subunit a range of characteristics are described, together with an associated rating of distinctive, noteworthy or common. The characteristics of the landscape elements found in the subunit were compared against descriptions of each level of quality developed for the State and Region, which provided the standard for evaluation.

To determine aesthetic significance the composition of the subunit's landscape as a whole was first evaluated. That is, the landscape components were rated for the scenic quality of their relationship with each other, and the level of quality was determined. The components were then evaluated against the criteria that determine aesthetic significance. These are the variety, unity, contrast and uniqueness of scenic components, the lack of discordant features in the landscape and the degree of public accessibility and recognition of a landscape. As with the assessment of scenic quality, aesthetic significance was determined by applying the same quantitative rating system for distinctive, noteworthy and common value.

The first application of the scenic assessment methodology was used in the coastal area of the Hudson River Valley. The initial series of candidate SASS's included the Haverstraw Bay Parks SASS. This included three subunits in the Village of Sleepy Hollow, based around Phelps Hospital, Philipse Manor and Sleepy Hollow Manor, and Sleepy Hollow. These are shown on Map 6A. The Haverstraw Bay Parks SASS was not included in the SASSs that were designated by the NYS Secretary of State (Department of State), which focused on more rural sections of the Hudson River. This does not reduce the value of the proposed Haverstraw Bay Parks candidate SASS which continues to have very important scenic values of regional and local significance.

Scenic landscapes which have been recognized as a candidate SASS but were not included in the final SASS designations for the Hudson River Valley, or did not qualify as a candidate SASS, can still be given a significant measure of recognition and protection. They can be considered to be "Identified Landscapes of Statewide Scenic Importance", "Landscapes of Regional Scenic Importance" or "Landscapes of Local Scenic Importance." These areas can be afforded protection under Policy 25 of the Coastal Management Program which addresses the protection of overall coastal scenic quality. Local governments are in a unique position, through their exercise of local land use authority, to protect and improve the scenic quality of the entire coast within their municipal boundaries.

2. Village of Sleepy Hollow Scenic Assessment

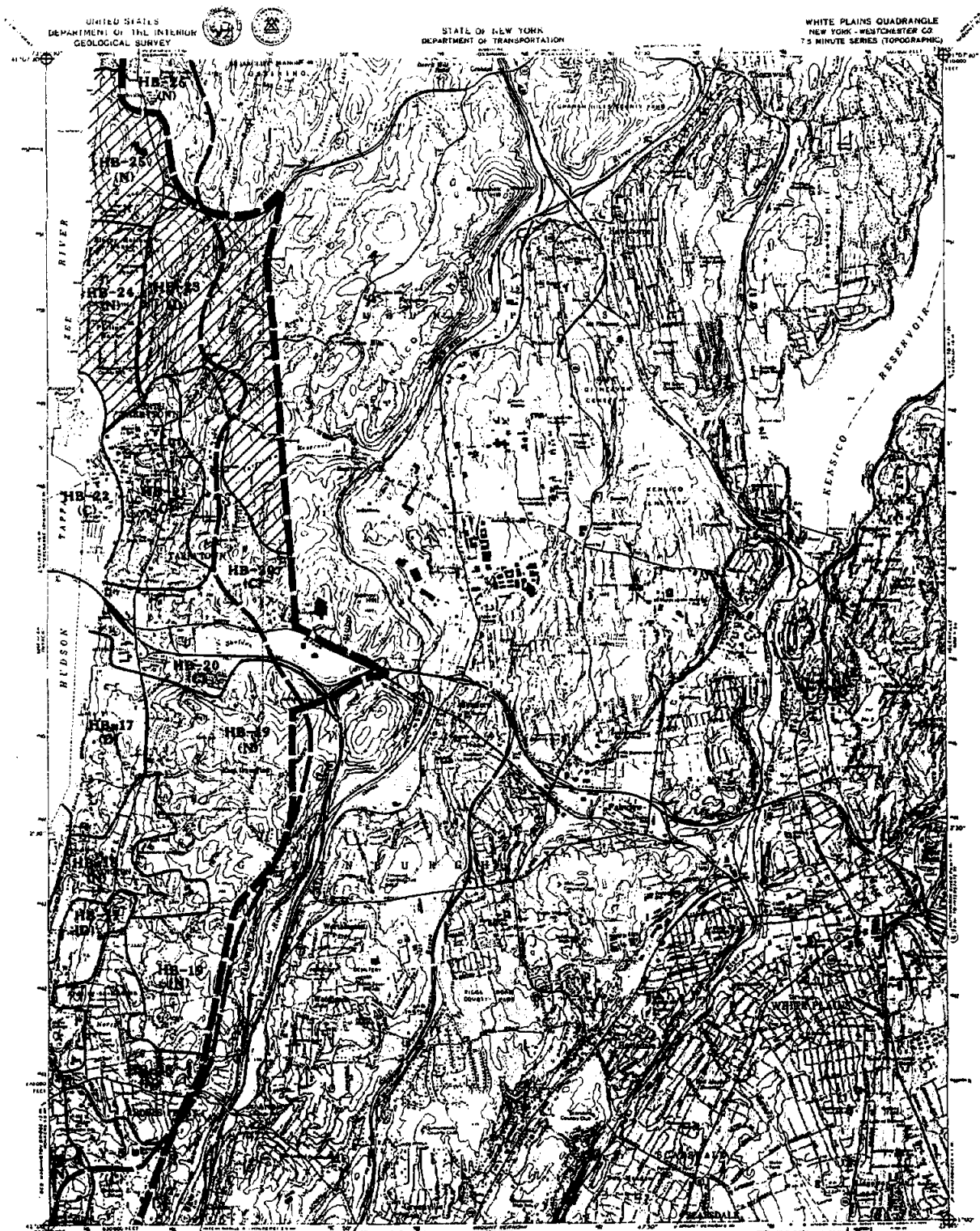
The scenic assessment methodology developed by the Department of State to identify SASS's can also be applied to evaluate the scenic resources of the coastal area of a local municipality. In Sleepy Hollow the landscape has already been broken down into subunits and analyzed for Statewide Significance as part of the Hudson River Valley SASS process. Map 6A shows that the Village was included in parts of a distinctive and two noteworthy subunits, part of the candidate Haverstraw Bay Parks SASS, and three common subunits. Using the analysis and evaluations of the SASS program, attached in Appendix A, and supplementing this with further site visits and analysis of viewpoints, scenic vistas, and scenic corridors, the following assessment of scenic and visual resources of the Village has been prepared.

The Village of Sleepy Hollow is located on the eastern shorelands of the Tappan Zee stretch of the Hudson River. The low shoreline gives way to gently rising rolling upland, a sharp contrast to the dramatic cliffs of the Palisades on the distant western shore of the Hudson River, some 2.5 miles wide at the Tappan Zee. The Village contains a number of positive scenic components, including Kykuit, the restored Philipsburg Manor, the Pocantico River, Lake Fremont, the residential neighborhoods of Sleepy Hollow Manor and Philipse Manor, the Sleepy Hollow Cemetery, and the Rockefeller State Park Preserve, to name a few.

The Village has a wide variety of internal and external views. Most external views are limited to the immediate waterfront area where views are of the broad expanse of the Hudson River at the Tappan Zee, the impressive and dominating structure of the Tappan Zee Bridge, the Nyack waterfront and it's recent high-rise development, the cliffs, hills and ridges of the Palisades, culminating in the headland of Hook Mountain, which rises to 736 feet, and distant views of Croton Point and Haverstraw Bay to the north and the urban skyline of Manhattan to the south. Internal views are limited by various types of development, topography and vegetation. Viewed from the Hudson River and the western shore, the Village of Sleepy Hollow is dominated by the large industrial complex of the General Motors Assembly Plant, while the residential development on the low rolling shorelands are hidden from view by the existing landscaping. The wooded uplands of Sleepy Hollow rise above the shorelands

The SASS evaluation of the region broke the Village of Sleepy Hollow down into six discrete subunits. At the more detailed local level the Village has been broken up into nine discrete subunits (See Map 6). These are:

Phelps Memorial Hospital; Sleepy Hollow Manor; Sleepy Hollow; Sleepy Hollow Cemetery; Philipse Manor; Lower Pocantico River; General Motors Plant complex; Lower Village; Upper Village.



Map 6A Scenic Subunits of the Haverstraw Candidate Scenic Area of Statewide Significance

Hudson River Visual Analysis Study

State of New York
Department of State
Coastal Management Program

Dodson Associates/Jackson & Kihn
Mary Lou Lutters
Laura Ziesel

Map Name: White Plains

Date: September, 1989

Revised:



Legend:

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

CK-12

(D)



The scenic components of these subunits are discussed below.

Phelps Memorial Hospital Subunit

The Phelps Memorial Hospital subunit is located on the steeply rising shorelands of the Hudson River. The shoreline configuration is smooth, dominated by the railroad tracks. The subunit is dominated by the buildings and parking areas of the Phelps Memorial Hospital, providing an institutional landscape. In contrast is the rolling estate landscape of lawns and woodlands associated with the historic James House, which offers glimpses of the broad expanse of the Tappan Zee and beyond to Hook Mountain. The subunit is well maintained. The subunit offers little public accessibility, due to the private ownership of the hospital site.

The Phelps Memorial Hospital subunit was identified as part of the candidate Haverstraw Bays Park SASS.

Sleepy Hollow Manor Subunit

The Sleepy Hollow Manor subunit features a residential neighborhood located on the low rolling shorelands of the Hudson River. The residential neighborhood is a mix of old and new development. The informal layout of the roads and siting of houses respects the rolling topography of the subunit. The design of the houses is varied. The winding roads follow the relief. Development is set in landscaped settings with lawns, shrubs and garden trees combining with mature street trees to form a vegetative canopy that screens development from the adjacent U.S. Route 9 and the Hudson River. The informal nature of development, the extensive landscaping, mature street trees, and winding roads give a sense of enclosure to the development.

Peabody Field is located in the southern part of the subunit, separating the informal residential layout of Sleepy Hollow Manor from the formal grid pattern of the adjacent residential development of the Philipse Manor subunit. Peabody Field includes a recreational field and mature mixed woodland which stretches down to Lake Fremont and Pokahoe Drive.

The shoreline configuration is low and straight and the railroad runs alongside the shore. The main water feature of the subunit is Lake Fremont, a freshwater pond fed by a stream and springs that rises in the Sleepy Hollow Cemetery. Residential development lines the shore of the pond. The pond drains into the Hudson River through a small wetland area that has been encroached on by residential development.

The subunit is accessible from local roads and from Peabody Field. There are many unfolding vistas of houses set in landscaped settings, available from the winding roads in the subunit. Views of Lake Fremont are available from the bridge on Pokahoe Drive. Glimpses of the Hudson River and the Palisades, notably Hook Mountain, are available

from street ends and between houses. The subunit is well maintained and there are no discordant features.

The Sleepy Hollow Manor subunit was also identified as part of the candidate Haverstraw Bays Park SASS. The subunit features a variety of contrasting housing styles set in a distinctive landscaped setting. The informal residential layout is unified by the mature vegetative coverage and the pleasant suburban theme. The informal layout of the residential development is an unusual departure from the traditional grid style of development.

Sleepy Hollow Subunit

The largely undeveloped Sleepy Hollow subunit consists of a rolling upland with some steeply rising hills, and gentle river valleys containing the swift flowing Rockefeller Brook, Gory Brook and Pocantico River. The subunit is dominated by Kykuit Hill, rising to over 450 feet, Cedar Hill and Eagle Hill. The subunit is basically a historic estate landscape featuring the Kykuit Estate built for John D. Rockefeller Jr, by his father in 1905. The estate is dominated by Kykuit, a large Beaux-Arts mansion sited axially with a dramatic view of the Hudson River. The mansion and sculpture gardens now house the art collection of Nelson Rockefeller. While living at the Kykuit Estate, Nelson Rockefeller commissioned further additions to the estate including a Japanese house and garden.

The northern portion of the subunit is part of the Rockefeller State Park Preserve, large portions of the Rockefeller estate have been transferred to the State of New York as a gifts by the Family starting in 1983. The Preserve is characterized by wetlands, wooded hillsides and open meadows. The Preserve is crossed by a network of carriage paths and trails, with access from local roads. Well preserved stone bridges are a feature of the carriageway network. The Old Croton Aqueduct Trail runs through the subunit. The subunit is crossed by Old Sleepy Hollow Road, a winding tree lined country road with views of the surrounding estate and park preserve.

Views within the subunit are generally contained by topography and vegetation. There is a panoramic vista from the Eagle Hill Trail which extends from the mansion on Kykuit Hill over the rolling woodland and meadows of the Rockefeller Estate and the State Park Preserve to Cedar Hill and beyond to the distant Tappan Zee Bridge and the Palisades. The public and private land in the subunit is well maintained and there are no discordant features.

The Sleepy Hollow subunit was also identified as part of the candidate Haverstraw Bays Park SASS. The subunit features a variety of contrasting scenic components, notably the rolling landscape, steep slopes, stream corridors, the formal and informal landscape of the estates, woodland and meadows. The subunit is unified as a classic estate landscape. The Kykuit Estate complex is possibly the best example of it's type and period in the State. The subunit is highly accessible from the State Park Preserve and receives widespread

recognition through its association with the Rockefeller family.

Sleepy Hollow Cemetery Subunit

The Sleepy Hollow Cemetery subunit is dominated by the formal landscape of the Sleepy Hollow Cemetery. The Cemetery is located on the steeply rising slopes above the low rolling shorelands of the Hudson River, this gives way to a rolling upland that falls steeply to the Pocantico River and then rises again on the steep slopes of Cedar Hill. The well maintained formal landscape of the Cemetery features narrow winding roads, the regimental layout of gravestones with their accompanying floral tributes, large mausoleums, mature trees and formal plantings. The fast flowing Pocantico Brook flows through the subunit in an enclosed wooded corridor that splits the Cemetery.

A significant historic structure within the Cemetery is the Old Dutch Church and the Dutch Burial Ground. (See Section II-F-2-a & b.)

Adjacent to the Cemetery is Douglas Park. Located on the steep slopes of Cedar Hill, the heavily wooded Village Park provides a wonderful natural park experience within an otherwise developed, urban area. (See Section II-D-3.)

The Sleepy Hollow Cemetery subunit was also identified as part of the candidate Haverstraw Bays Park SASS. The subunit features a varied topography unified by the formal landscape of the Sleepy Hollow Cemetery. The wooded corridor of the Pocantico Creek and the informal layout of the heavily wooded Douglas Park provide a natural area that contrasts with the more manicured landscape of the cemetery. Public access is permitted to the Sleepy Hollow Cemetery, between certain hours of the day, and the Village's Douglas Park. The subunit is recognized as the site of the historic Sleepy Hollow Cemetery.

Philipse Manor Subunit

The Philipse Manor subunit features a residential neighborhood located on the low rolling shorelands of the Hudson River. The residential neighborhood is laid out in a formal grid, and appears more open than the adjacent residential development in the Sleepy Hollow Manor subunit. The houses are designed in a variety of styles and are set in landscaped settings, with lawns, shrubs and garden trees combining with mature street trees to form a vegetative canopy that screens development from the adjacent U.S. Route 9 and the Hudson River.

The shoreline configuration is low and straight and the railroad runs alongside the immediate shore. The Philipse Manor Railroad Station is on the State and National Registers of Historic Places (See Section II-F-2-e). The Philipse Manor Yacht Club is located along the shoreline on a small point and cove.

The subunit is accessible from local roads. The formal grid setting of the residential neighborhood leads to long and wide vistas along the residential streets. Views of the Hudson River and the Palisades, notably Hook Mountain, are available from street ends and from Riverside Drive. The subunit is well maintained and there are no discordant features, although the amount of parked commuter vehicles along Riverside Drive reduces the scenic quality of the subunit.

The Philipse Manor subunit was also identified as part of the candidate Haverstraw Bays Park SASS. The subunit features a variety of contrasting housing styles set in a distinctive landscaped setting. The subunit is unified by the mature vegetative coverage and the formal residential layout.

Lower Pocantico River Subunit

The Lower Pocantico River subunit features the lower stretch of the Pocantico River and it's confluence with the Hudson River. The low floodplain alongside the River is a mix of recreational areas, landscaped estates, woodland and wetland. The natural landscape of the subunit has been altered by extensive filling at two recreational areas. The flow of the Pocantico has been altered by the damming of the River to create a mill pond at Philipsburg Manor historic site. The dam creates a waterfall. The shoreline configuration is a smooth bulkheaded shoreline with rip-rap and a sandy beach which meet at Kingsland Point, a small promontory in the Hudson River.

There is significant public access to the subunit at the Philipsburg Manor historic site, Devries Park and Kingsland Point Park. These sites are also well recognized by the public. The landscape is well maintained and there are no discordant features in the subunit, although the adjacent industrial structures of the General Motors Plant introduce an element of discordance that detracts from the scenic quality of Kingsland Point Park and Devries Park.

The main cultural feature in the subunit is the restored Philipsburg Manor, originally built in the 1680's. It was saved from destruction and restored through financing from John D. Rockefeller, Jr. and opened to the public in 1943. The site includes a modern visitor center, and the historic stone house, grist mill and dam. Sleepy Hollow Restorations (Historic Hudson Valley) have restored the house to it's original appearance. The reconstructed Upper Mill is a good example of the grist mills that were once common along the tributaries of the Hudson River. The reflections in the mill pond of the old manor house and surrounding willows provides ephemeral characteristics that enhance the scenic quality of the subunit. The site is open to the public.

Devries Park, owned and operated by the Village of Sleepy Hollow, is located alongside the Pocantico River just west of Philipsburg Manor. The flat filled area features two baseball fields. The Pocantico River, forms a wide pond with wetland edges before narrowing and flowing under the railroad tracks and into the Hudson at Kingsland Point

Park.

Kingsland Point Park, owned and operated by Westchester County, is a large parcel of public open space on the shoreline of the Hudson River. The flat recreational landscape features open grassy areas, clusters of trees and a sandy beach. There is a brick bath house. The Park is accessed by a car bridge over the railroad tracks.

There are a number of significant views within and from the subunit. The view of Philipsburg Manor from the U.S. Route 9 bridge is of the landscaped estate of the Manor and features the historic white manor house, grist mill and the mill pond. Internal views within the site of the Manor are important and feature the same focal points. The view of the Pocantico River from Devries Park is of the wide section of the river with surrounding woodland and wetland. The main external views from the subunit are from Kingsland Point Park. The Park offers the most significant Hudson River views from within the Village of Sleepy Hollow. The views are broad, long and uninterrupted, encompassing the lighthouse, the broad expanse of the Hudson River at the Tappan Zee, the impressive and dominating structure of the Tappan Zee Bridge, the Nyack waterfront and it's recent high-rise development, and the cliffs, hills and ridges of the Palisades, culminating in the headland of Hook Mountain, which rises to 736 feet.

The eastern section of the Lower Pocantico River subunit, including the Philipsburg Manor historical site was also identified as part of the candidate Haverstraw Bays Park SASS. The subunit features a variety of formal landscapes including the historic Philipsburg Manor estate with it's manor house and grist mill, and the recreational landscape of Devries Park and Kingsland Point Park. The Pocantico River varies in width from it's normal narrow fast flowing channel to the wide mill pond at the Grist Mill and the wide pond adjacent to the Devries Park.

General Motors Property Subunit

The General Motors Property subunit is an industrial-looking subunit dominated by the bulky mass of the buildings of the now closed General Motors Plant. The flat filled area is bulkheaded, giving a smooth shoreline configuration to this man-made point. The industrial buildings are surrounded by the appurtenances associated with a car-assembly plant, including parking lots, rail yards, and security fencing. Located adjacent to the General Motors property to the south is the Village of Sleepy Hollow Public Works facility and the Village's Riverfront Park. Located at the end of the point is the historic Tarrytown Lighthouse (See Section II-F-2-d).

Public accessibility is limited in the subunit. Limited public access is available to the Tarrytown Lighthouse from Kingsland Point Park, with a walkway along the shoreline adjacent to the General Motors Plant. The Lighthouse offers significant views of the Hudson River. The views are broad, long and uninterrupted, encompassing the broad expanse of the Hudson River at the Tappan Zee, the impressive and dominating structure

of the Tappan Zee Bridge, the Nyack waterfront and it's recent high-rise development, and the cliffs, hills and ridges of the Palisades, culminating in the headland of Hook Mountain, which rises to 736 feet. Views of the Tappan Zee Bridge and the Hudson River Street are available from local streets, although these are interrupted by tall, bulky industrial buildings, parking lots, and security fences.

Lower Village Subunit

The Lower Village subunit rises abruptly to the gently rolling plateau located above the low shorelands of the Hudson River. The subunit is the main, more urban area of Sleepy Hollow and features the commercial core, centered on Beekman Avenue, and surrounding residential neighborhoods. The subunit is well maintained. The residential neighborhoods are in a good state of upkeep and there are few vacant lots. The main vacant site is on the former Duracell Battery plant on Andrews Lane. Redevelopment of this site at an appropriate scale could improve the scenic quality of the neighborhood, although large scale or high rise development would be greatly out of character with the surrounding neighborhood and could impair the scenic quality of the subunit. Barnhart Park, a Village Park, is underutilized and in need of renovation. The appearance of the commercial area of Beekman Avenue has benefitted substantially from streetscape improvements including tree planting, provision of on and off-street parking, sidewalk improvements, street light replacement and provision of street furniture.

The majority of views are contained within the subunit, constrained by the built development. The bulky industrial buildings, located in the adjacent General Motors Plant subunit, are a major intrusion into views of the Hudson River from the western sections of the subunit. Significant views of the Hudson River and the Tappan Zee Bridge are available along Beekman Avenue and Cortland Street. These narrow glimpses of the River are framed by the surrounding buildings. Development at street ends would close these views and impair the scenic quality of the subunit. Barnhart Park offers views of Kingsland Point Park, Devries Park, and the Hudson River to the northwest over and adjacent to the General Motors Plant property. The most extensive views of the Hudson River are available from Hudson Street and the corner of Beekman Avenue. Again constrained by development the views stretch across a parking lot and through a chain link fence to the Tappan Zee Bridge and onto the Manhattan skyline in the distance. Views down Beekman Street are of the Hudson River and Nyack on the western shorelands of the Hudson River. An asphalt plant in Tarrytown provides a discordant feature in views to the south. The structures on the General Motors Plant property blocks views to the north.

Upper Village Subunit

The Upper Village subunit is located on the steep slopes of Cedar Hill, rising above the rolling plateau of the Lower Village subunit. The subunit is heavily developed and features a number of residential neighborhoods and the Sleepy Hollow High School complex. Mature street trees are important and dominant components in the landscape.

Views are mainly contained within the subunit, although there are glimpses of the Hudson River and the Tappan Zee Bridge from local streets in the upland areas. Public accessibility is limited to local streets.

3. Analysis of Elements of Scenic Importance Within Sleepy Hollow

The above scenic assessment has considered how the many and varied scenic components of the subunits contribute to the aesthetic quality of the Village of Sleepy Hollow. The Village's subunits can be categorized into various levels of scenic importance. They can be considered to be "Identified Landscapes of Statewide Scenic Importance," "Landscapes of Regional Scenic Importance," or "Landscapes of Local Scenic Importance." The breakdown is as follows:

Identified Landscapes of Statewide Scenic Importance and Landscapes of Regional Scenic Importance:

Phelps Memorial Hospital; Sleepy Hollow Manor; Sleepy Hollow; Sleepy Hollow Cemetery; Philipse Manor; Lower Pocantico River;

Landscapes of Local Importance:

General Motors Plant Property; Lower Village; Upper Village.

These areas are afforded protection under Policy 25 of the Sleepy Hollow Local Waterfront Revitalization Program, which addresses the protection of overall coastal scenic quality. The Village of Sleepy Hollow is in a position, through the use of their LWRP and exercise of local land use authority, to protect and improve the scenic quality of the identified scenic resources within their municipal boundaries.

4. Specific Viewsheds to be Protected

During the process of inventorying the Village's scenic resources, a total of 64 individual viewsheds were initially identified as important and characteristic components of the above nine landscape subunits. After analysis of these viewsheds, the Village's LWRP Committee decided to eliminate 9 of the individual viewsheds, primarily because there were too many discordant elements present. After analyzing the remaining 56 individual viewsheds, the LWRP Committee grouped them into 23 Viewsheds of Local Importance. The location of each of the 23 viewsheds are identified on Map 6. Representative photographs and brief descriptions of each of the 23 viewsheds are provided below.

The following list and description of viewsheds is not in any order of importance. Each of the 23 viewsheds of local importance have been included in Policy 25 (See Section III).

a. Beekman Avenue at intersection with U.S. Route 9



1 Beekman Avenue looking west toward Hudson River at intersection with U.S. Route 9 (Broadway)

Beekman Avenue at the intersection with U.S. Route 9 (Broadway) is one of the primary entrances to the Village's downtown commercial districts and is certainly a primary entrance for visitors to the Village. The above photograph represents an important viewshed for the Village and one that the Village desires to protect. The Hudson River and west shore are visible at the end of the view corridor created by Beekman Avenue. Beekman Avenue starts (eastern terminus) at U.S. Route 9 (Broadway) and extends to the Hudson River. Beekman Avenue dates back before the platting of streets and subdivisions of early Beekmantown, sometimes called Beekman suburb and Pocantico suburb, the old names for present day Sleepy Hollow.

The viewshed possesses the basic character of an old Hudson River village and many of its buildings are identified by Westchester County as possessing characteristics eligible for listing on the State and National Registers of Historic Places.

Any new development along Beekman Avenue must recognize the distinct nature of a Hudson River community appearance and protect the view at this intersection to the Hudson River. Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

b. Philipsburg Manor Upper Mill Historical Site



2 Philipsburg Manor Upper Mill Historical Site as viewed from U.S. Route 9 (North Broadway)

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. Philipsburg Manor is a major element of the Lower Pocantico River Scenic Subunit, as described above. The main cultural feature in the subunit is the restored Philipsburg Manor, originally built in the 1680's. It was saved from destruction and restored through financing from John D. Rockefeller, Jr. and opened to the public in 1943. The site includes a modern visitor center, and the historic stone house, grist mill and dam. Sleepy Hollow Restorations (Historic Hudson Valley) have restored the house to it's original appearance. The reconstructed Upper Mill is a good example of the grist mills that were once common along the tributaries of the Hudson River. The reflections in the mill pond of the old manor house and surrounding willows provides ephemeral characteristics that enhance the scenic quality of the subunit. The site is open to the public.

It is very important that future development in this vicinity not detract from the identified viewshed in order to protect the valuable cultural and scenic heritage represented by Philipsburg Manor and Upper Mill.

c. U.S. Route 9 (North Broadway)



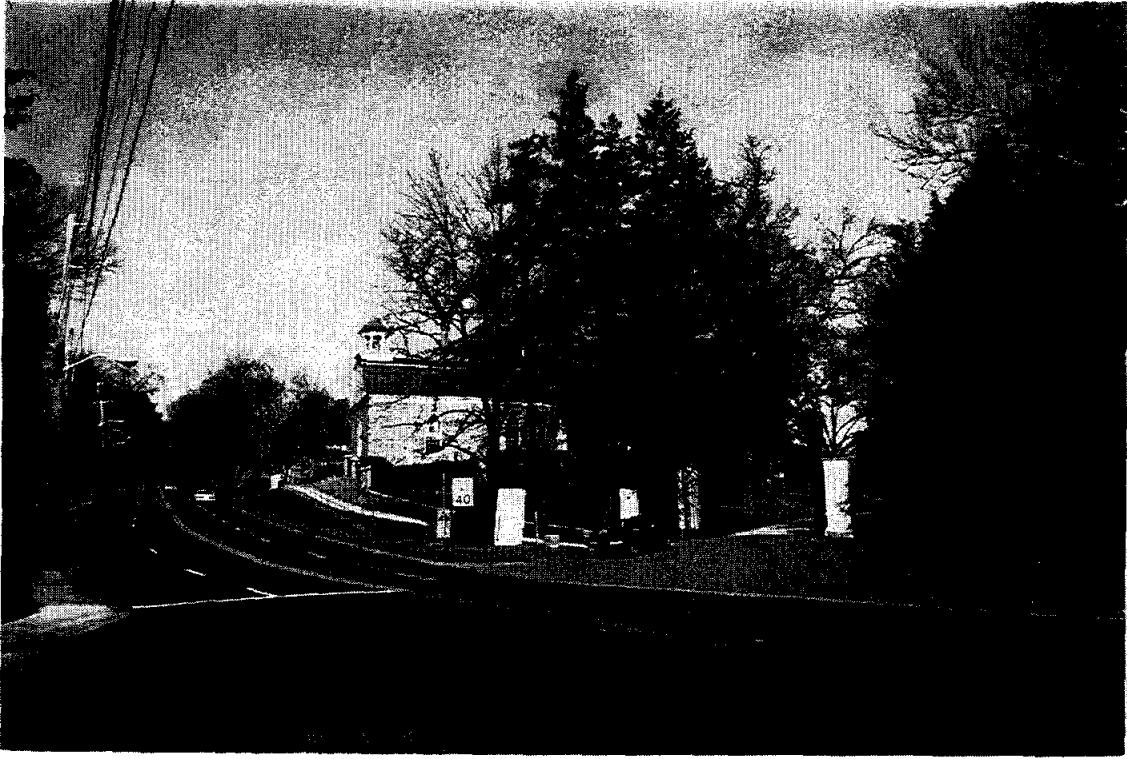
3 U.S. Route 9 (North Broadway) view north and south along highway corridor

The above photograph is a view looking south along the U.S. Route 9 corridor and is representative of the view north and south along U.S Route 9 (North Broadway). The U.S. Route 9 corridor is a very important viewshed for the Village of Sleepy Hollow and one the Village wishes to protect. The entire length of U.S. Route 9 within the Village of Sleepy Hollow has been recently designated by the New York State Department of Environmental Conservation as a Scenic Road under Article 49 of the NYS Environmental Conservation Law.

The U.S. Route 9 corridor within the Village includes an extraordinary number of historic and scenic sites as well as being a roadway that dates back to pre-Revolutionary War times. Its tree lined shoulders include an imposing line of Sycamores on the east side. The highly scenic values of the road corridor coupled with the historic settings surrounding the road make this part of Route 9 one of the most attractive and important in the Hudson Valley. Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

Proceeding south past Philipsburg Manor on Route 9 is a commercial area that stands in sharp contrast to the setting above. In order to modify the appearance of this commercial strip the Village is modifying the Zoning Regulations to require more appearance-related standards while the Planning Board reviews site plans.

d. The Old Dutch Church and Burial Grounds and Sleepy Hollow Cemetery



4 The Old Dutch Church and Burial Grounds and Sleepy Hollow Cemetery as viewed from the intersection of U.S. Route 9 and the Pocantico River.

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. The Old Dutch Church and Burial Grounds and the Sleepy Hollow Cemetery are the major elements of the Sleepy Hollow Cemetery Subunit, as described above. The Sleepy Hollow Cemetery subunit is dominated by the formal landscape of the Sleepy Hollow Cemetery. The Cemetery is located on the steeply rising slopes above the low rolling shorelands of the Hudson River, this gives way to a rolling upland that falls steeply to the Pocantico River and then rises again on the steep slopes of Cedar Hill. The well maintained formal landscape of the Cemetery features narrow winding roads, the regimental layout of gravestones with there accompanying floral tributes, large mausoleums, mature trees and formal plantings. The fast flowing Pocantico Brook flows through the subunit in an enclosed wooded corridor that splits the Cemetery. A significant historic structure within the Cemetery is the Old Dutch Church and the Dutch Burial Ground. (See Section II-F-2-a & b.).

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

- e. **Panoramic Views of the Hudson River and beyond from the following Streets: Pokahoe Drive, Lakeview Avenue, Lakeshore Circle, Hunter Avenue, Farrington Avenue, Harwood Avenue, Kelburne Avenue, Highland Avenue, and Palmer Avenue**

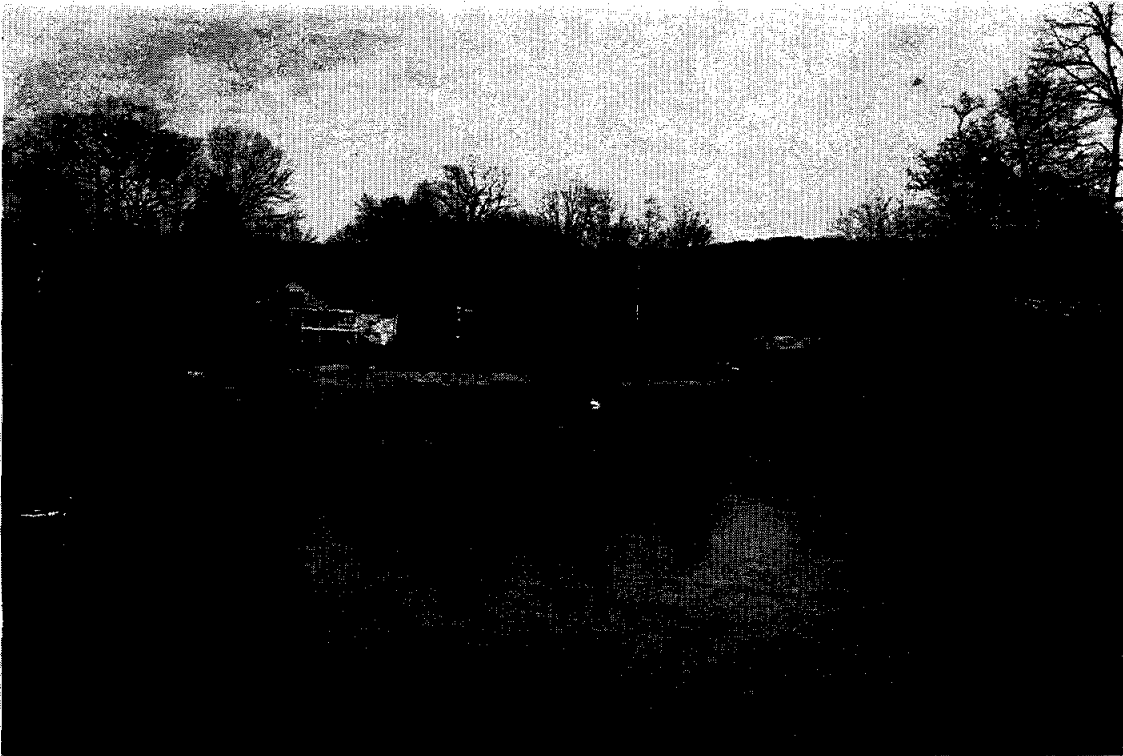


5 Panoramic View of the Hudson River and beyond from the end of Highland Avenue as a representative of the views from various streets in Sleepy Hollow Manor and Philipse Manor.

The above photograph is representative of the viewsheds of the Hudson River from the above streets and collectively are all important viewsheds for the Village and ones that the Village desires to protect. From the above streets, as identified on Map 6, parts or all of the Hudson River and the opposite shore can be seen. The only obstructions and discordant features within the views are the utility lines and poles situated along the railroad tracks. Except for certain park lands there are no other locations within the Village where such a substantial stretch of land along the Hudson River from which such views can be seen. Thus, the above streets that intersect with Riverside Drive and the others, are very important visual access sites for the public to view be able to view the Hudson River.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

f. Lake Fremont



6 Lake Fremont as viewed from Pokahoe Drive

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. Lake Fremont is within the Sleepy Hollow Manor Subunit as described above. One of the main features of the subunit is Lake Fremont, a freshwater pond fed by a stream and springs that rises in the Sleepy Hollow Cemetery. Residential development lines the shore of the pond. The pond drains into the Hudson River through a small wetland area that has been encroached on by residential development.

The water of Lake Fremont is protected by the Village's Watercourse Protection Law. However, it is important that the residents around the Lake, the Sleepy Hollow Manor Association, and the Village continue to cooperate to retain the scenic and environmental quality of Lake Fremont.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

g. DeVries Field Park



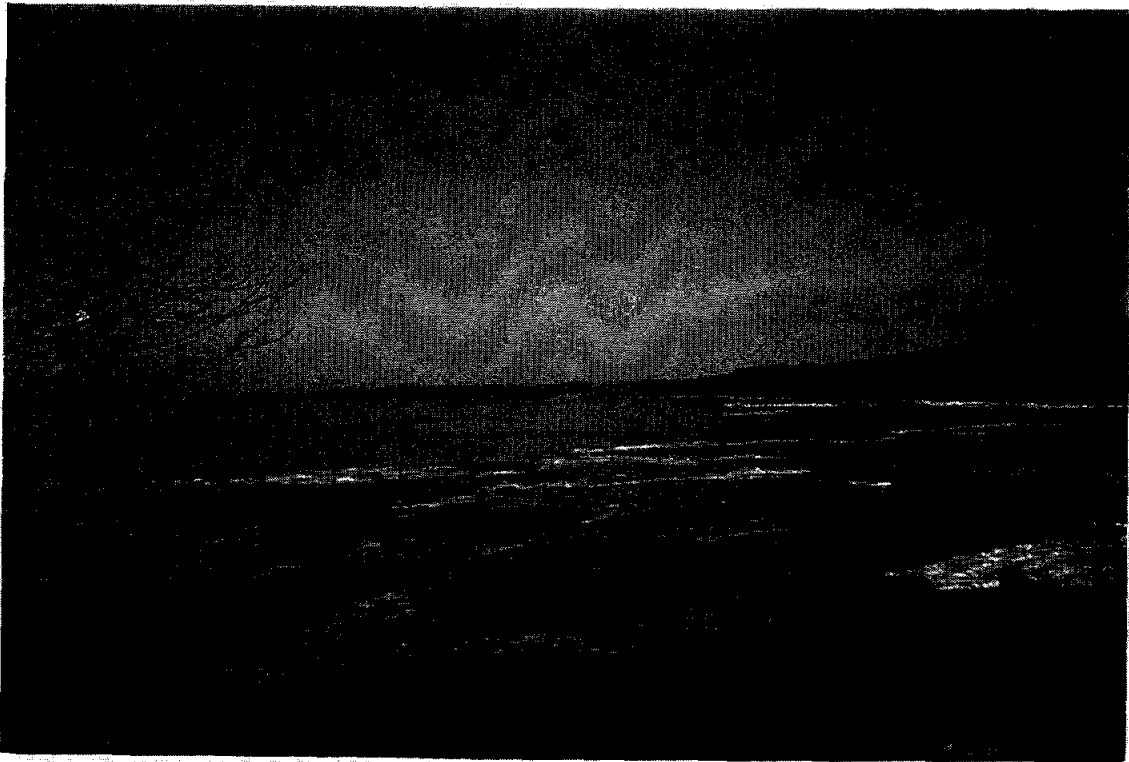
7 DeVries Field Village Park adjacent to the Lower Pocantico River and General Motors Property.

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. DeVries Field Park is within the Lower Pocantico River Subunit as described above. DeVries Field Park, owned and operated by the Village of Sleepy Hollow, is located alongside the Pocantico River just west of Philipsburg Manor. The flat filled area features two baseball fields. The Pocantico River, forms a wide pond with wetland edges before narrowing and flowing under the railroad tracks and into the Hudson at Kingsland Point Park.

Improvements at the Park represent a good example of what the Village is doing to create a mixed use recreation area in a natural setting that combines active and passive recreational uses.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

- h. Panoramic Views of the Hudson River and beyond from various points along the shore at Kingsland Point Park**

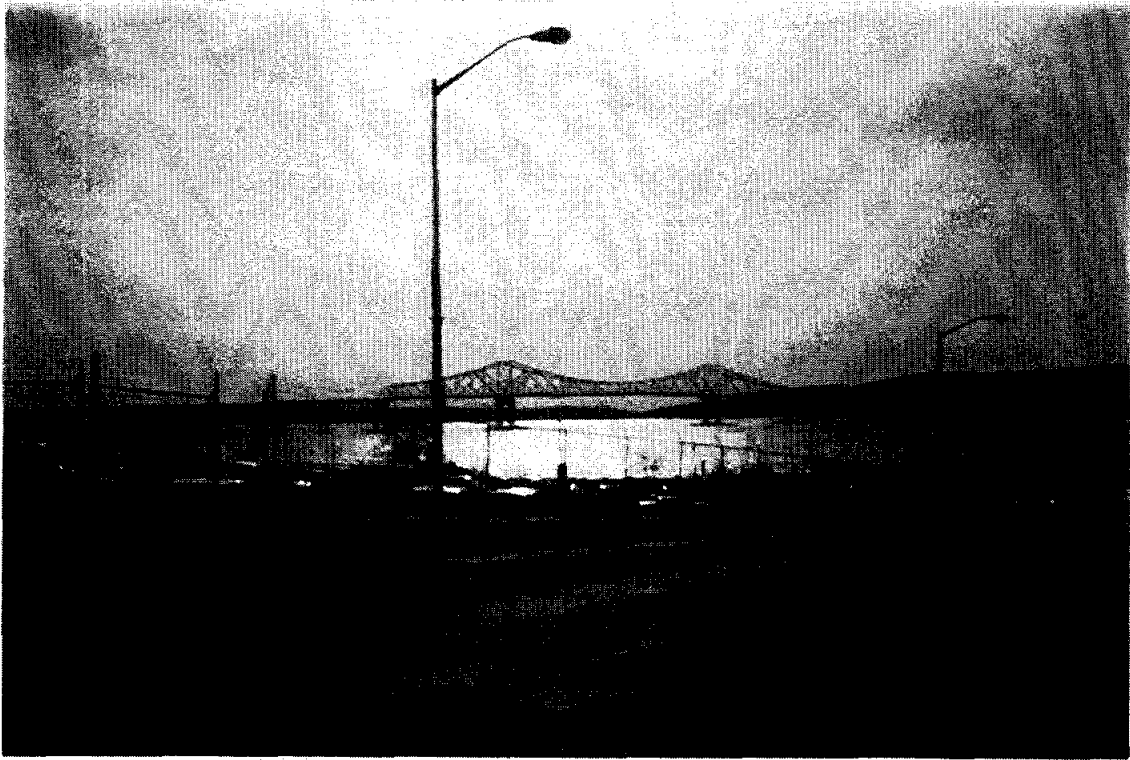


8 Panoramic View of the Hudson River and beyond as a representative of the views from various locations within Kingsland Point Park.

The above photograph is representative of the viewsheds of the Hudson River from the various locations within Kingsland Point Park and collectively are all important viewsheds for the Village and ones that the Village desires to protect. Kingsland Point Park, owned and operated by Westchester County, is a large parcel of public open space on the shoreline of the Hudson River.

Kingsland Point Park is part of the Lower Pocantico River Subunit as described above. There are a number of significant views within and from the subunit. The Park offers the most significant Hudson River views from within the Village of Sleepy Hollow. The views are broad, long and uninterrupted, encompassing the lighthouse, the broad expanse of the Hudson River at the Tappan Zee, the impressive and dominating structure of the Tappan Zee Bridge, the Nyack waterfront and it's recent high-rise development, and the cliffs, hills and ridges of the Palisades, culminating in the headland of Hook Mountain, which rises to 736 feet. Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

i. View of the Hudson River from the corner of Beekman Avenue and Hudson Street



9 View of the Hudson River from the intersection of Beekman Avenue and Hudson Street

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. Beekman Avenue is the main direct thoroughfare from Broadway (U.S. Route 9) into the Village and to the Hudson River and waterfront. The Avenue is wide and heavily traveled.

The viewshed from this vantage point is one that includes the wide expanse of the Hudson River southward to the Tappan Zee Bridge and westward across to the opposite shore of Nyack and the hills beyond. Northward the views are impeded by the GM Assembly Plant structures.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

j. View of the Hudson River looking west from the intersection of Beekman Avenue and Barnhart Avenue



10 View of the Hudson River looking west from the intersection of Beekman Avenue and Barnhart Avenue.

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. Beekman Avenue is the main direct thoroughfare from Broadway (U.S. Route 9) into the Village and to the Hudson River and waterfront. The Avenue is wide and heavily traveled.

The viewshed from this vantage point is more linear and focussed than the previous viewshed because of the structures on both sides of Beekman Avenue. Nonetheless, future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

- k. **View of the Hudson River looking south from the intersection of Beekman Avenue and Cortland Street**



11 View of the Hudson River looking south from the intersection of Beekman Avenue and Cortland Street

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. Similar to the previous viewshed the view from this vantage point is linear and focused because of the structures on both sides of Cortland Street. Nonetheless, future development must not impact negatively upon this viewshed and the ability to see the Hudson River, Tappan Zee Bridge, and other features to the south.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

I. Views of the Hudson River and Village from the School District of the Tarrytowns facilities on Broadway



12 View to the west of the Hudson River and Village of Sleepy Hollow from the Union Free School District of the Tarrytown facilities on Broadway

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. The upper grades of the School District facilities are located in a sprawling expanse of buildings which encompass a large area of the open sloping bank of the Hudson River. A wide panoramic view of the Hudson River and the Village is available from many locations within the School District property. This is perhaps one of the most easily attained expansive, panoramic viewsheds of the Hudson River from within the Village and is accessible to the public.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

- m. View of the Hudson River and Village from the intersections of Route 448 (Bedford Road), Pine Street, and the Old Croton Aqueduct**



13 View of the Hudson River and Village from the intersections of Route 448 (Bedford Road), Pine Street, and the Old Croton Aqueduct.

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. Bedford Road, now designated Route 448, is one of the three main entrances to the Village. As one descends down Route 448 west toward Broadway there are opportunities for expansive views of the Hudson River, the opposite shore, and overlooking the rest of the Village below.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

n. Gorey Brook Road at intersection with Old Croton Aqueduct



14 View of the Hudson River, overlooking Village from Gorey Brook Road at intersection with Old Croton Aqueduct.

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. Gorey Brook Road represents one of the old main entrances into the area and Village which now has become essentially an accessway to local residents in this area of the Village. The Rockefeller Family acquired the adjacent land through which the old road traversed and the road is now closed to automobile traffic, but is available for horseback riding and foot travel. That portion of the road which services residences however, provides excellent views of the Hudson River over wide panoramic expanses.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

o. Viewshed looking east at Freemont Fountain site on Broadway (U.S. Route 9)



15 View looking east at Sleepy Hollow Cemetery at Freemont Fountain site on North Broadway (U.S. Route 9).

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. The location of this viewshed is representative of the views all along North Broadway of Sleepy Hollow Cemetery. The Sleepy Hollow Cemetery is the principal component of the Sleepy Hollow Cemetery subunit, described above. The Cemetery is located on the steeply rising slopes above the low rolling shorelands of the Hudson River, this gives way to a rolling upland that falls steeply to the Pocantico River and then rises again on the steep slopes of Cedar Hill. The well maintained formal landscape of the Cemetery features narrow winding roads, the regimental layout of gravestones with their accompanying floral tributes, large mausoleums, mature trees and formal plantings.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

- p. Viewshed looking west at Freemont Fountain site on Broadway (U.S. Route 9)



16 View looking west toward Peabody Field from the Freemont Fountain site on North Broadway (U.S. Route 9).

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. The view at this location is looking west toward Peabody Field. Peabody Field is a significant scenic element of the Sleepy Hollow Manor Subunit, as described above. Peabody Field is located in the southern part of the subunit, separating the informal residential layout of Sleepy Hollow Manor from the formal grid pattern of the adjacent residential development of the Philipse Manor subunit. Peabody Field includes a recreational field and mature mixed woodland which stretches down to Lake Freemont and Pokahoe Drive.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

- q. **Viewshed looking west toward the Pocantico River and surrounding landscape at the New York City/Village of Sleepy Hollow Water Pump house property on Sleepy Hollow Road**



17 Viewshed looking west of the Pocantico River and surrounding landscape at the New York City/Village of Sleepy Hollow Water Pump house property on Sleepy Hollow Road.

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. Located in the extreme northeast corner of the Village along Sleepy Hollow Road, the viewshed is to the west toward the Pocantico River. At this location there is a feeder stream the joins the Pocantico River. The Pocantico River at this location is a fast moving stream the meanders through the woods with the adjacent wooded bridle paths of the Rockefeller State Park Preserve. Residences are very sparse in the portion of the Village. The viewshed is representative of a sylvan setting of true peace and tranquility.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

r. Eagle Hill



18 Panoramic views from Eagle Hill in the Northeast corner of the Village.

The above photograph represents an important panoramic viewshed for the Village and one that the Village desires to protect. Eagle Hill is in the Sleepy Hollow Scenic Subunit and is a dominant feature within the subunit. There is a panoramic vista from Eagle Hill which extends from the mansion on Kykuit Hill over the rolling woodland and meadows of the Rockefeller Estate and the Rockefeller State Park Preserve to Cedar Hill and beyond to the distant Tappan Zee Bridge and the Palisades. The public and private land in the subunit is well maintained and there are no discordant features.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

s. **Old Sleepy Hollow Road**



19 Old Sleepy Hollow Road looking north

The above photograph is representative the types of views characteristic of the Old Sleepy Hollow Road. The above photograph represents an important panoramic viewshed for the Village and one that the Village desires to protect. The road runs in a southerly direction from the point where it enters the Village boundary to the north. The Old Sleepy Hollow road is within the Sleepy Hollow Scenic Subunit and is characterized as a winding tree lined country road with views of the surrounding Rockefeller Family estate and Rockefeller State Park Preserve. The easterly side of the road borders a wooded expanse, a part of the Rockefeller Family estate. As the road meets the north end of Webber Avenue, the nature of the area changes from rural country road to that of neat, single family homes. The road is one of truly sylvan beauty with spring and fall being the most colorful seasons.

Future development actions along, near, or within the viewshed of the Old Sleepy Hollow Road should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

t. Kykuit



20 Panoramic views from Kykuit

The above photograph represents the types of views characteristic of those from Kykuit. The above photograph represents an important panoramic viewshed for the Village and one that the Village desires to protect. Kykuit is located within the Sleepy Hollow Scenic Subunit. The subunit is dominated by Kykuit Hill, rising to over 450 feet, Cedar Hill and Eagle Hill. The subunit is basically a historic estate landscape featuring the Kykuit Estate built for John D. Rockefeller Jr, by his father in 1905. The estate is dominated by Kykuit, a large Beaux-Arts mansion sited axially with a dramatic view of the Hudson River. The mansion and sculpture gardens now house the art collection of Nelson Rockefeller. While living at the Kykuit Estate, Nelson Rockefeller commissioned further additions to the estate including a Japanese house and garden. There is a panoramic vista from Kykuit Hill over the rolling woodland and meadows of the Rockefeller Estate and the State Park Preserve to Cedar Hill and beyond to the distant Tappan Zee Bridge and the Palisades.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

u. View west of the Hudson River and overlooking the Village from Hudson Terrace



21 View looking west to Hudson River and overlooking the Village from a high point on Hudson Terrace.

The above photograph represents an important viewshed for the Village and one that the Village desires to protect. Hudson Terrace is a short street which runs from the rise on Route 448, south to the public school property and also west, down a steep slope to North Broadway (U.S. Route 9). The view of the River from this vantage point is panoramic and typical of the viewsheds experienced from similar elevations within the older portion of the Village. Closely-spaced modest homes with varying architectural styles provide a foreground for the viewshed with the Village center providing the middle ground. The background is the Hudson River and the opposite shore and hills and mountains beyond.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

- v. **View west of the Hudson River from Elm Street adjacent to the old Mallory site**

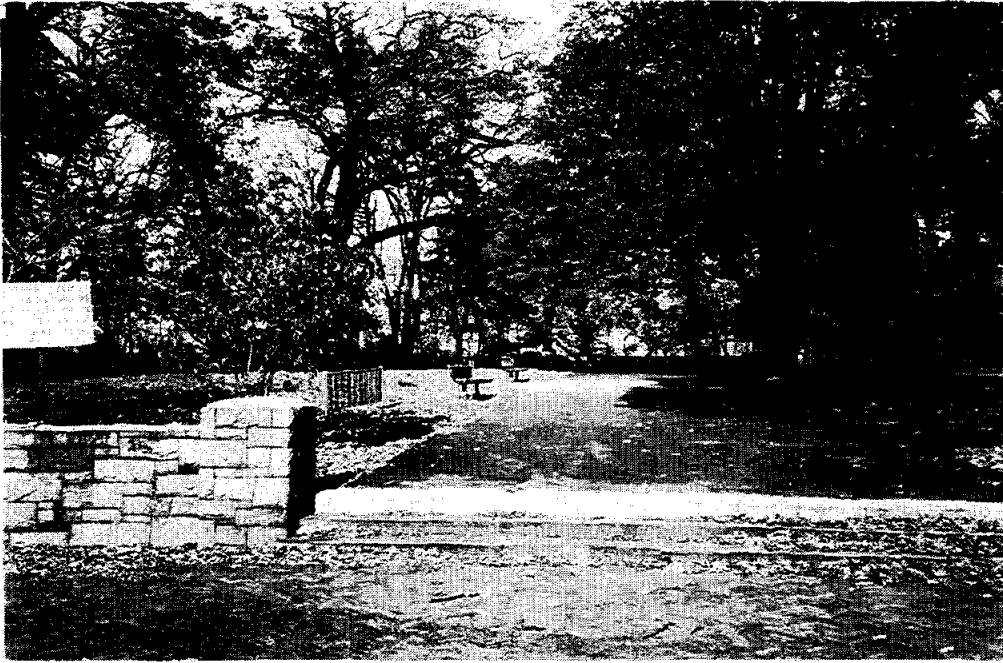


- 22 **View looking west from Elm Street adjacent to the old Mallory plant site.**

The above photograph, while partially blocked by trees and other vegetation at present, represents an important viewshed for the Village and one that the Village desires to protect. The above view is from the west end of Elm Street looking west, across what is now the vacant Mallory plant employee parking lot, with a rise of the hills and mountains across the Hudson River to be seen in the background. The viewshed is currently blocked partially by a dense growth of young trees and the west edge of the parking lot. The site also provides a view across the General Motors buildings and former employee parking lot upriver toward Haverstraw Bay and beyond. The viewshed is important because it is at the top of a bluff overlooking the now closed General Motors Plant and the Hudson River.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

w. **Barnhart Park**



23 View at the entrance to Barnhart Park looking north

The above photograph, while substantially blocked at present by trees and other vegetation, represents an important viewshed for the Village and one that the Village desires to protect. The above view is from the entrance to Barnhart Park looking north. Through the vegetation the view is upriver toward Haverstraw Bay and beyond. Similar to the previous viewshed, the importance of this viewshed is primarily because it is located at the top of a bluff overlooking the now closed General Motors Plant and the Hudson River, and because it is a public park.

Barnhart Park is the oldest park in the Village and is located in the center of the more densely populated portion of the Village. With proper tree trimming and maintenance, this park would provide excellent visual access opportunities of the Hudson River and other significant scenic resources.

Future development actions should be undertaken in a manner that recognizes the importance of this viewshed and provides for its enhancement and protection.

5. Other Scenic Resource Information

In 1992 the Village of Sleepy Hollow participated with a number of surrounding municipalities in making a collective application to the NYS Department of Environmental Conservation for designation of "The Tappan Zee East Scenic District," under the provisions and authority of Article 49 of the NYS Environmental Conservation Law.

Article 49 of the State Environmental Conservation Law authorizes the New York State Department of Environmental Conservation (DEC) to designate scenic areas in the State. In order to qualify for such a designation, an area must contain positive aesthetic elements of regional, state-wide, or national significance and must have aesthetically recognizable boundaries. The designation is made by the DEC Commissioner.

In the Fall of 1994, the Commissioner of DEC approved the designation of the Tappan Zee East Scenic District. The District includes the following municipalities: the Villages of Sleepy Hollow, Tarrytown, Irvington, Dobbs Ferry, and Hastings-on-Hudson; and the Towns of Mount Pleasant, and Greenburgh. The accompanying Map 6B shows the location of the Tappan Zee East Scenic District. The map also shows the boundary of the Tappan Zee West Scenic District, previously designated by the DEC Commissioner.

Some of the goals of designation of the Tappan Zee East Scenic District are to stimulate increased public awareness of scenic and historic resources; identify and document the importance of valued cultural assets; enhance community pride; and promote a positive image for the area as a good place in which to live and work.

I. DEVELOPMENT CONSIDERATIONS

1. Public Services and Facilities

The Village of Sleepy Hollow purchases all of its water from the New York City Municipal Water Supply System. The specific sources of water for the Village are from the New Croton Aqueduct System and the Catskill Aqueduct System.

Historically, the first (Old) Croton System was constructed in 1842. This system has as its source of water the Croton River Drainage basin in Westchester County. Although this system was predicted to meet the New York City needs for 30 years, it fell short within 14 years due to rapid population growth. Along with increased population, per capita consumption rose in the years following 1842, probably due to availability of high-quality water, and the introduction of private, indoor bathrooms. In response to increased demand, the Croton system was expanded, and in 1907 a new Croton Dam and Aqueduct were completed. Today, the Croton System, with a safe yield of 240 mgd, supplies about 10% of the needs for the New York City System in periods of normal rainfall, and up to 25% during severe drought.

Upon consolidation of the New York City water supply systems in 1898, New York City had over 3 million residents who consumed 228 mgd. Once again, the City looked for new water supplies.

The Esopus Creek watershed in the Catskills became the City's next focus of attention, and construction of the Catskill system was largely finished by 1915. With storage capacity of 140.5 billion gallons and a safe yield of 470 mgd, the Catskill system today furnishes approximately 40% of the City's daily water supply system needs.

New York City also has the Delaware reservoir system, the newest and largest of the three systems. It was developed over a forty-year period beginning in the 1920's. With 320.4 billion gallons storage capacity and 580 mgd safe yield, the Delaware system provides the remaining 50% of the City's daily water demand.

Based on increased demand and the need to have water available during periods of drought, New York City is currently studying expansion options, as well as pursuing other means to solve the long term water supply needs of the City System.

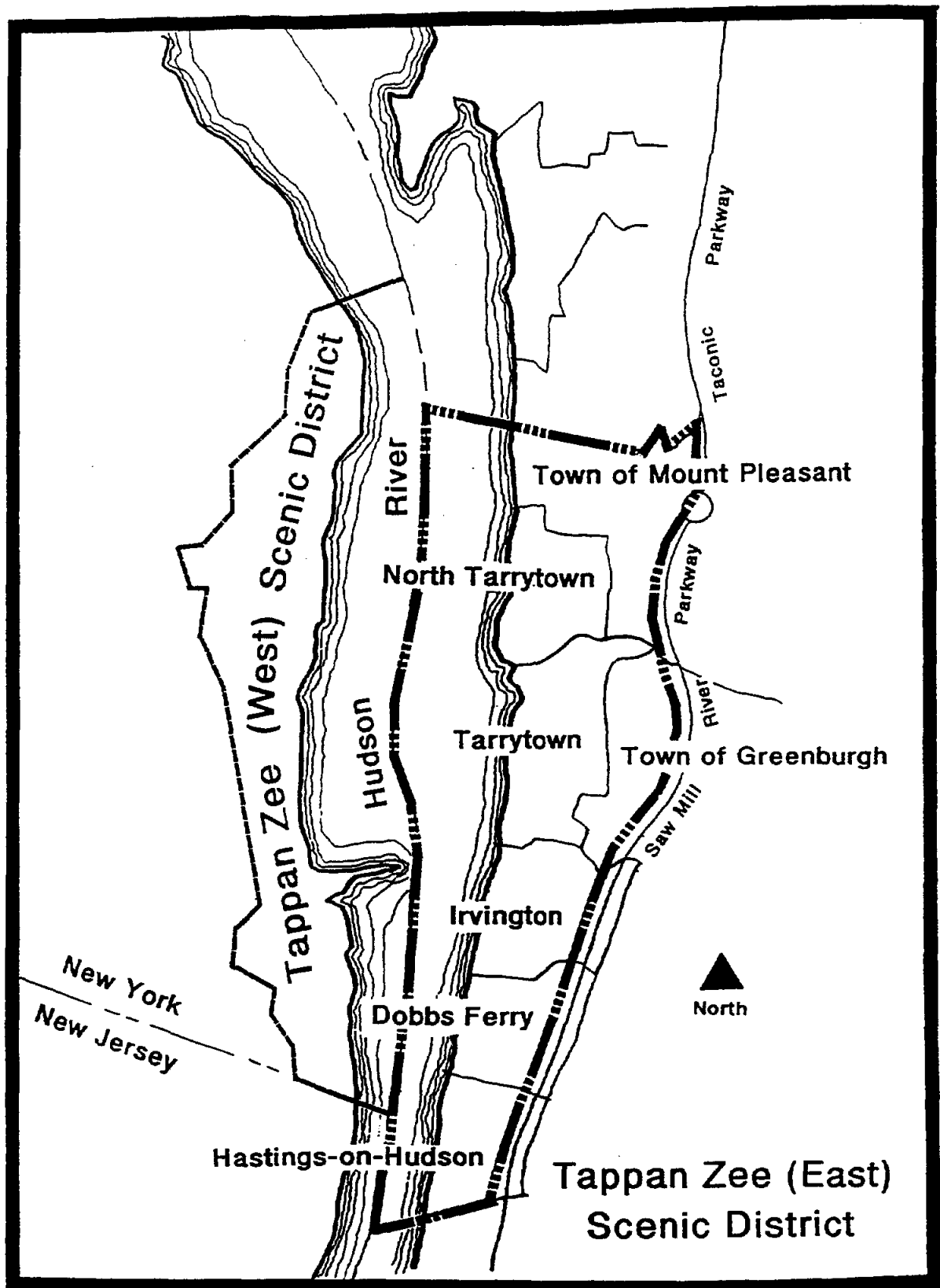
Based on the most recent date available, the Village of Sleepy Hollow uses approximately 1.28 mgd. Based on population projects, which call for a decrease in population, and the anticipated closing of the General Motors Assembly Plant, the daily water demand for the Village is expected to decrease in the future.

100% of Sleepy Hollow's water users are metered. The per capita daily use for approximately 160 gallons. This represents a moderate to heavy amount of water use per capita, in comparison with use by other New York City water system users. Currently, the Village does not have a water conservation program. Based on the per capita daily water use figures, it may be advisable for the Village to consider a water conservation education program and possibly higher water rates as a means of lowering the amount of water used. Currently, the Village has one of the lowest rates for water use among other New York City water system users.

In relation to other New York City water supply users, the Village has a very low amount of water unaccounted for, which indicates that the water distribution system has a low leak rate and that the distribution system infrastructure is in relatively good shape.

The Village used to have its own sewage treatment system. However, it is now linked into a larger Westchester County system which is shared by many municipalities. The condition of the existing sewage infrastructure within the Village is generally good. There are some minor problems of infiltration. However, comparatively, the Village does not have any major sewage system problems. The Village does have a regular maintenance and improvement program for the storm and sanitary sewer systems.

Existing water and sewer infrastructure within the Village is generally adequate to support



Map 6B **Location and Boundaries for the Tappan Zee East and Tappan Zee West Scenic Districts**

further development and redevelopment within the Village.

2. Flooding

The Village of Sleepy Hollow is participating in the Regular Phase of the National Flood Insurance Program. As such the Village has a "Flood Insurance Rate Map," dated August 17, 1981, which identifies the flood prone areas for the Village. The Flood Insurance Study for the Village produced by the Federal Emergency Management Agency (FEMA), provides details on the flood characteristics of the rivers and streams in and adjacent to the Village. This study examines, in detail, the potential for flooding in the Village of Sleepy Hollow and includes details of discharges, stillwater elevations, and hydraulic characteristics associated with various flooding circumstances or possibilities.

The Federal Emergency Management Agency has mapped the Special Flood Hazard Areas for the Village and indicated them on the Flood Insurance Rate Map. The 100-Year flood boundaries are indicated on Map 2.

The Pocantico River is the main source of flooding within the Village, while the Hudson River is generally limited to its immediate shorelands. Flooding can occur in the Village during all seasons, but generally, the most probable flooding season occurs between the months of February and April when snowmelt upstream adds to heavy spring rains to produce increased runoff. Summer and Fall flooding also occur due to hurricane activity.

There are no structural flood protection measures located within the Village of Sleepy Hollow. In order to minimize the harmful effects of flooding in the community, the Village regulates new development actions taking place within the designated flood prone areas (see Map 2). Construction activities within the flood hazard areas are subject to restrictions designed to promote a wiser use of these areas. In general, development in these areas should be discouraged or undertaken only if proper precautions are taken.

3. Steep Slopes

The Village of Sleepy Hollow has large areas of steep slopes as identified on Map 2. The major purpose of delineating steep slopes is to identify areas of the Village where erosion would occur if vegetation were removed. While practically all of the Village's steep slope areas are currently vegetated, it would be particularly damaging to these steep slope areas to remove trees and other vegetation, since most of the areas are adjacent to watercourses. In other areas, removal of vegetation would very likely result in erosion harm to adjacent landowners.

Development on the identified steep slopes and clearing of vegetation from these areas could impair the scenic quality of the Village and could lead to increased soil erosion and run-off, thus threatening water quality in the watercourses within, and adjacent, to the

Village.

4. Erosion

The Hudson River, at this location, is generally not subject to severe erosion. No Coastal Erosion Hazard Areas have been identified in the Village of Sleepy Hollow under the provisions of Article 34 of the NYS Environmental Conservation Law. However, there are some areas of the Village that are experiencing minor erosion. In addition to the general fluvial and tidal action of the Hudson River, this erosion is also associated with the affects of wakes from boating traffic on the River and sporadic and the occasional actions of ice and flooding. The types of erosion the Village is experiencing are not life threatening, but on an individual basis constitute minor problems that need attention.

Erosion protection structures along the Village's Hudson River shoreline are extensively used and are primarily comprised of stone rip-rap and concrete bulkheading. Some of the rip-rap and bulkheading has deteriorated due to lack of maintenance, but has not deteriorated to the point of being dangerous. In general, improper design, construction, and maintenance may lead to the failure of an erosion protection structure to give the protection which they are presumed to provide.

In addition to the minor fluvial and tidal erosion associated with the Hudson River, there is also minor erosion associated with the Pocantico River, Andre Brook, and the Lake Fremont watershed. The steep slopes associated with these watercourses makes them particularly susceptible to erosion, particularly where vegetation has been disturbed or removed.

5. High Water Table - Shallow Soils

Areas of the Village that have high water tables and shallow soils are identified on Map 2. Soil survey data used to identify these areas is from the U.S. Department of Agriculture, Soil Conservation Service. For the most part, development in these areas does not pose a problem, but rather, an important issue that must be accounted for during development planning and construction. Thus, for future development in these areas, special consideration must be given to this issue to avoid water problems and other types of structural building problems.

Section III

Local Policies and Applicable State Policies

DEVELOPMENT POLICIES

- POLICY 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.**
- POLICY 1A RESTORE, REVITALIZE, AND EXPAND RECREATIONAL USES OF KINGSLAND POINT PARK AND THE TARRYTOWN LIGHTHOUSE, INCLUDING THE UNDEVELOPED PARK LAND ADJACENT TO THE POCANTICO RIVER BETWEEN PHILIPSBURG MANOR AND THE RAILROAD.**
- POLICY 1B RESTORE AND REDEVELOP THE HISTORIC PHILIPSE MANOR TRAIN STATION FOR PASSIVE CULTURAL TYPES OF USES.**
- POLICY 1C REDEVELOP THE OLD DURACELL BATTERY PLANT SITE WITH APPROPRIATE RESIDENTIAL INFILL IN KEEPING WITH THE SURROUNDING CHARACTER OF THE NEIGHBORHOOD.**
- POLICY 1D REVITALIZE AND DEVELOP THE SCHOOL DISTRICT OF THE TARRYTOWN'S PROPERTY ADJACENT TO LAKE FREMONT FOR INCREASED RECREATIONAL USE WITH FACILITIES SUCH AS BALLFIELDS, TENNIS COURTS, EDUCATIONAL NATURE WALKWAYS, AND PLAYGROUNDS.**
- POLICY 1E REDEVELOP THE VILLAGE-OWNED PUBLIC WORKS LOT ON RIVER STREET FOR INCREASED PUBLIC ACCESS, PARK, AND MARINE-RELATED PUBLIC RECREATIONAL USES.**
- POLICY 1F DEVELOP A WATERFRONT PEDESTRIAN ACCESS TRAIL ALONG THE WATERFRONT PERIPHERY OF THE GENERAL MOTORS PROPERTY THAT CAN SERVE TO LINK WITH OTHER TRAILS WITHIN THE VILLAGE AND OF ADJOINING MUNICIPALITIES AND GOVERNMENTS.**
- POLICY 1G RESTORE, REVITALIZE, AND REDEVELOP THE VILLAGE'S CENTRAL BUSINESS DISTRICT WITH EMPHASIS ON STABILIZING AND STRENGTHENING EXISTING BUSINESSES, FURTHERING A WATERFRONT IMAGE FOR THE VILLAGE, AND PRESERVING ITS HISTORIC COMMUNITY CHARACTER.**
- POLICY 1H ANY REDEVELOPMENT OF THE GENERAL MOTORS PROPERTY, AND**

THE WATERFRONT AREA IMMEDIATELY SOUTH OF THE GENERAL MOTORS PROPERTY ALONG THE WATERFRONT AND ADJACENT TO RIVER STREET, SHOULD BE A COMPREHENSIVELY PLANNED DEVELOPMENT THAT INCLUDES A MIX OF LAND USES AND ACHIEVES A HIGH STANDARD OF SITE PLANNING, ARCHITECTURAL DESIGN, AND IS IN KEEPING WITH THE EXISTING CHARACTER OF THE VILLAGE.

THE MIX OF LAND USES SHOULD INCLUDE, AS A PRIORITY, WATER DEPENDENT COMMERCIAL, WATER DEPENDENT AND WATER RELATED PUBLIC RECREATIONAL USES, AND WATERFRONT RELATED PUBLIC EDUCATION AND ENTERTAINMENT. THE MIX OF USES MAY ALSO INCORPORATE RESIDENTIAL AND COMMERCIAL (WITH PREFERENCE FOR SMALL-SCALE COMMERCIAL RETAIL USES WHICH ARE IN KEEPING WITH A WATERFRONT IMAGE).

POLICY 1I RESTORE, REVITALIZE, AND WHEN APPROPRIATE REDEVELOP THE URBAN REDEVELOPMENT AREAS SURROUNDING CORTLAND AND VALLEY STREETS, AND THE INTERSECTION OF ELM STREET AND ANDREWS LANE, THE AREA BETWEEN HUDSON STREET AND THE HUDSON RIVER, AND THE CENTRAL BUSINESS DISTRICT ALONG BEEKMAN AVENUE. (SEE MAP 4)

POLICY 1J EXISTING BUILDINGS, STRUCTURES OR SITES THAT ARE UNDERUTILIZED AND/OR ABANDONED AND/OR IN A STATE OF POTENTIAL OR EXISTING DETERIORATION, SHALL NOT BECOME FURTHER DETERIORATED SO AS TO BECOME A DETRIMENT OR PUBLIC SAFETY HAZARD TO THE VILLAGE.

POLICY 1K RESTORE, REVITALIZE, AND REDEVELOP THE AREA ALONG, AND ON BOTH SIDES OF NY ROUTE 9 (NORTH BROADWAY) WITH APPROPRIATE CONSIDERATION GIVEN TO LANDSCAPING AND SCENIC VIEWSHED PROTECTION, BETWEEN ITS INTERSECTION WITH BEEKMAN AVENUE AND THE BRIDGE CROSSING THE POCANTICO RIVER. (SEE POLICY 25)

Explanation of Policies

All government agencies must ensure that their actions further the revitalization of waterfront areas within the Village of Sleepy Hollow. The transfer or purchase of property; the construction of a new road or park; provision of pedestrian access; establishment of enterprise zones; and the provision of tax incentives to businesses are examples of governmental means for spurring waterfront revitalization. When such actions are proposed, they must be analyzed to determine

if they would contribute to or adversely effect the Village's waterfront revitalization plans and efforts. Such plans and efforts must be recognized as the most effective means of encouraging economic growth in the community, without consuming valuable open space. Uses requiring a location on the shoreline must be given priority in any development effort. Revitalization efforts must conform to the other policies of this program for the protection and beneficial use of significant coastal resources found in Sleepy Hollow's waterfront area.

Sleepy Hollow's waterfront area contains a mix of industrial, commercial, residential, agricultural, open space, and recreational uses. The following list of deteriorated and underutilized areas helps to reflect this diversity. In order to stimulate the desired revitalization in the waterfront area, the Village will encourage the investment or reinvestment of capital in a broad range of projects with emphasis on revitalization and redevelopment of the areas identified below. The Village will promote those projects and activities which support or enhance development, revitalization, rehabilitation, and redevelopment objectives.

The Village is committed to promoting the revitalization and beneficial use of these areas in a manner sensitive to other coastal policies including: uses requiring a location abutting the waterfront (Policy 2); concentration of development to areas with adequate, existing infrastructure (Policy 5); permit simplification (Policy 6); protection of fish and wildlife habitats (Policies 7 through 9); public access and recreation (Policies 19 through 23); scenic quality (Policy 25); and water quality (Policies 35 and 36).

The following sites have been identified by the Village as either underutilized, deteriorated, in need of rehabilitation, or any combination of all three (See Map 4 for location):

- Kingsland Point Park and Lighthouse (owned by Westchester County), including Westchester County's undeveloped park land adjacent to the Pocantico River between Philipsburg Manor and the railroad (underutilized);
- Philipse Manor Train Station (rehabilitation);
- The old Duracell site (Elm Street and Andrews Lane) (underutilized, deteriorated, and needs rehabilitation);
- The School District of the Tarrytown's property bounded by North Broadway (Route 9) to the east, and the railroad tracks to the west. (underutilized);
- The Central Business Districts on Beekman Avenue, and Cortland and Valley Streets (certain aspects of the Central Business Districts are in need of rehabilitation, and are underutilized);
- The Village-owned public works lot on River Street (targeted to become the Village's Riverfront Park) (underutilized);

- The General Motors property immediately adjacent to the Hudson River (underutilized) (Non water-dependent use);
- The Village-owned Douglas Park and Barnhart Park (underutilized and in need of rehabilitation);
- The urban redevelopment areas identified on Map 4 (revitalization and rehabilitation; in some cases underutilized); and
- The area along, and on both sides of Route 9 (North Broadway), between its intersection with Beekman Avenue and the bridge crossing the Pocantico River.

Any development/redevelopment of these sites should maximize possible ties to the water (as appropriate) and be undertaken to enhance and improve the general visual quality of the Hudson River and Pocantico River waterfronts, and the Village in general (see Policy 25); protect and improve water quality (see Policies 33 and 37); and protect and enhance the continued viability of the Village's identified wetlands and watercourses (see Policy 44). Whenever possible, waterside public access should be incorporated: this provision becomes more important for uses which have less dependency upon a waterfront location. The intent, especially for areas along the Hudson River and Pocantico River, is to enhance and make the best use of the valuable visual and water resources, and to increase physical and visual access, increase recreational use and attract people to the waterfront and Beekman Avenue businesses. Waterfront walkways, green areas, connecting trails, and multiple use parks (with orientation of primary uses to the water), are all strongly encouraged.

New development and redevelopment within the Village should further enhance the Village's coastal resources by increasing the ratio of open space to built area, especially increasing setbacks adjacent to wetlands and waterways by siting structures further inland whenever possible, and also by enlarging side yard setbacks. Additionally, publicly-owned lands should be retained as much needed open space and for public access (see Policies 19 and 20). Increasing the spacing between buildings and keeping the height of buildings as low as possible will enable pedestrians and motorists to view the Hudson River and other water courses, improve the balance of open to built area, and reinforce the Village's historic connection to the Hudson River.

In determining whether an action proposed to take place on the waterfront is suitable, the following standards will be used:

- a. Priority should be given to uses which are dependent on a location adjacent to the water (see Policy 2);
- b. The action should enhance existing and anticipated uses;
- c. The action should serve as a catalyst to private investment in the area;

- d. The action should improve the deteriorated or underutilized condition of a site and, at a minimum, must not cause further deterioration;
- e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use;
- f. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand;
- g. The action should improve adjacent and upland views of the water, and, at a minimum, must not block or affect these views in an insensitive manner. Structures shall be clustered or oriented to retain views, save open space, and provide spatial organization to development;
- h. The action should have the potential to improve the possibilities for multiple use on the site;
- i. Adequate off-street parking shall be provided for all uses. Parking areas shall be sufficiently drained so as to contain all drainage on a site and to prevent ponding. Whenever feasible, parking areas shall be placed at the rear of buildings and/or screened by plantings so as to be highly visible from the waterfront and Village streets;
- j. Vehicular ingress and egress, interior traffic circulation, parking space arrangement, loading facilities and pedestrian walkways shall be planned and built so as to promote safety and efficiency.
- k. In order to foster and maintain the small scale historic character of the Village, all new developments and structures shall not exceed the building height of surrounding structures and that allowed by the zoning district where such use is proposed;
- l. Screening with trees or other plantings may be required for parking and other disturbed areas which are created and are not already screened adequately. A landscaping plan demonstrating that suitable vegetation will be planted and nurtured may be required. Such a plan shall become a part of the approved site plan. The original land form of a site should be maintained or restored, except when changes screen unattractive elements and/or add appropriate interest;
- m. When a proposed nonresidential development activity is located adjacent to residences or a residential district, appropriate buffer landscaping, natural screening and fencing are to be provided in order to protect neighborhood tranquility, community character, and

property values;

- n. Lighting facilities and lighted signs shall be placed and shielded in such a manner as not to create direct light to shine on other properties, and shall not be permitted to create a hazard on a public street;
- o. All development shall be served by public water supply and sewage systems, provided adequate capacity is available. On site solid waste disposal containers shall be adequately screened from view; and
- p. Wherever possible, public access shall be provided to the waterfront to the maximum extent possible.

An attractive setting for the central business districts along Beekman Avenue and Cortlant and Valley Streets can be enhanced by concentrating on the historic character of the Village. Creating such a desirable environment will not only help to attract new business and improvements to existing businesses, but also tourist traffic.

Revitalization in this these retail areas will be accomplished through a comprehensive program of infill development, facade rehabilitation, and street scape improvements.

Business signs should be evaluated, both to identify deteriorated, oversized or otherwise detractive signs and propose maintenance, redesign or removal, and to propose sign needs, in terms of design, placement, and information.

The existing larger central business district establishments should be complemented by smaller specialty shops, possibly exhibiting local talents and expertise (such as art, crafts, etc.), and neighborhood grocery stores, delicatessens, etc. to help make the central business district a unique and appealing place for residents and tourists.

The General Motors Plant in Sleepy Hollow has been a long-standing and important part of the community. The Village recognizes the highly competitive and rapidly changing climate within which automobile manufacturers must endure. The Village feels it is very important to identify its desired future land use goals for this large, very key waterfront parcel in the event that General Motors vacates the property and/or the use of the land were to change. In the event General Motors were to vacate their property and/or the use of the land were to change, future redevelopment of the site shall proceed in conformance with the following standards:

- a. Public access to and along the Hudson River and Pocantico River water's edge and water related recreational opportunities must be an integral part of any development of the site. Such development shall be encouraged to provide pedestrian public access in a manner which:

1. enhances existing waterfront public access opportunities, in furtherance of the Local Waterfront Revitalization Program and the State's Coastal Policies; and
 2. coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate further linkages in a continuous pedestrian path system.
- b. Proposed development must improve and diversify as much as possible, the existing economic base of the Village, concentrating on a mix of land uses that would include as a priority, water dependent commercial, water dependent and water related public recreation, and waterfront related public education and entertainment activities that serve residents of Sleepy Hollow as well as the region, and also develop the Village's tourism potential. The mix of uses may also incorporate residential and commercial uses with a preference for small commercial retail uses which are in keeping with a waterfront image.
 - c. Vistas of the Hudson River and its western banks from the site, and from other parts of the Village must be protected and maintained to the maximum extent possible. The site shall be developed in such a way as to maximize important views and to provide view opportunities at the river's edge and view corridors throughout the development. Site layout and design shall consider view corridors identified in the Local Waterfront Revitalization Program and shall also consider important views from the Hudson River toward the shore.
 - d. Activities on the site should appeal to a variety of age groups and economic levels.
 - e. Any future development of the site should function as a way of linking waterfront properties and continuing the concept of a linear public waterfront trail extending from the Village's Riverfront Park on River Street, north around the General Motors property to Kingsland Point Lighthouse and Kingsland Point Park. Future development of the site should also serve to link public access to the park land adjacent to the Pocantico River between Philipsburg Manor and the Railroad (DeVries Field), Philipsburg Manor, and the Village's Barnhart Park.
 - f. Provision for signed public access linkages to the rest of the Village, in particular to the downtown commercial districts and to the Philipse Manor Train Station should be established.
 - g. All future development of the site shall be undertaken in a manner consistent with the preservation and enhancement of other Village coastal resources as identified in the Village's Local Waterfront Revitalization Program.
 - h. Future land uses at the site shall relate visually and functionally with surrounding land uses.

- i. The various elements of any future development project shall be integrated by cohesive architectural treatment and compatible design.
- j. Buildings shall be designed in consideration of appearance from all vantage points.
- k. 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.
- l. Building lines shall be varied to the extent practicable in order to provide an interesting interplay of buildings and open space.
- m. Project features which may have negative impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be visually buffered.
- n. Future development of the site shall be designed and arranged in such a way as to promote energy conservation and efficiency to the maximum extent practicable for all buildings.
- o. All plants, trees, and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Village Tree Commission and the Village Planning Board as part of site plan review. Landscape materials shall be appropriate to the growing conditions of the shoreline environment, and this climatic zone.
- p. All signs shall be of a size and scale, as determined to be appropriate by the Village Planning Board to accomplish their intended purpose. All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Village Planning Board approval as part of site plan review.
- q. The rights-of-way and pavement widths for all internal streets, drives, walks, or other access-ways for vehicles and/or pedestrian trails shall be in accordance with existing Village standards (when applicable), or as determined by the Village Planning Board on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surfaces to the maximum extent possible.

If a State, federal, or local government action is proposed to take place outside of a given deteriorated, underutilized waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

POLICY 2 FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.

POLICY 2A DOCKS, BOAT RAMPS, MOORING FACILITIES, AND OTHER SIMILAR STRUCTURES OR FACILITIES WILL BE DESIGNED AND SITED TO PROTECT NAVIGATION, ASSURE ACCESS BETWEEN WATER AND SHORE, AND MINIMIZE VISUAL AND ENVIRONMENTAL IMPACTS.

Explanation of Policies

There is a finite amount of waterfront space suitable for development purposes. Although demand for a specific piece of property will vary with economic and social conditions on both, a Village-wide and Statewide basis, long-term expectations are for continued high demand for waterfront property.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to coastal waters. To ensure that such "water-dependent" uses can continue to be accommodated within the Village, government agencies will avoid undertaking, funding, or approving non-water-dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses; furthermore, government agencies will utilize appropriate existing programs to encourage water-dependent activities.

The following uses and facilities are considered as water-dependent:

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing);
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short- and long-term storage facilities);
4. Structures needed for navigational purposes (for example: buoys and lighthouses);
5. Flood and erosion protection structures (for example: breakwaters and bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants);

8. Scientific/educational activities which, by their nature, require access to coastal waters (for example: natural resource nature centers);
9. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water-dependent uses, they should, as much as possible, be sited inland from the water-dependent use rather than on the shore; and
10. Uses which operate under such severe time constraints that proximity to shipping facilities becomes critical (for example: firms processing perishable foods).

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront (e.g., parks, restaurants, hotels, and other tourist accommodations).

If there is no immediate demand for a water-dependent use in a given area, but a future demand is reasonably foreseeable, temporary non-water-dependent uses would be considered preferable to a non-water-dependent use which involves irreversible, or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and nonpermanent structures are uses of facilities which would likely be considered as "temporary," non-water-dependent uses.

The Village will facilitate the location, continued existence, and expansion of water-dependent uses in its waterfront with particular emphasis on those which will contribute to local revitalization efforts, public and visual access, water transportation, and recreational development. The Village has designated the following locations as those best suited for water-dependent or water-enhanced uses:

1. **Philipse Manor Beach Club:** a private yacht club; water-dependent recreational uses (existing water-dependent use).
2. **Kingsland Point Park and Tarrytown Lighthouse:** water-dependent and water-enhanced public recreational uses.
3. **The Village's Riverfront Park on River Street:** water-dependent and water-enhanced public recreational uses.
4. **The General Motors property and lands immediately to the south along both sides of River Street:** public waterfront trail recreational uses and mixed use water-dependent and

water-enhanced development.

5. **The Barrier Oil Company facility located adjacent to the Village's Riverfront Park on River Street: existing water-dependent use.**

In the actual choice of sites where water-dependent uses will be encouraged and facilitated, the following standards should be used:

1. **Competition for space - competition for space or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water-dependent activities or else the encouragement of water-dependent development.**
2. **In-place facilities and services - most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors such as: the availability of public sewer and water services; ability to accommodate parking and necessary storage; and the accessibility of the site via existing streets.**
3. **Access to navigational channels - if commercial shipping or recreational boating is planned, the Village should consider setting aside a site, within a sheltered harbor area, from which access to adequately sized navigation channels would be assured.**
4. **Compatibility with adjacent uses and the protection of other coastal resources - water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water-dependent uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water-dependent use area could be sited in an area already oriented toward tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by, nearby restaurants, motels, and other non-water-oriented tourist activities. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.**
5. **Preference to underutilized sites - the promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting, and other State and local actions that will be used to promote the site.**
6. **Providing for expansion - a primary objective of the policy is to create a process by which**

water-dependent uses can be accommodated well into the future. State agencies and the Village should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

7. Standards specific for siting and design of docks, boat ramps, mooring facilities, marinas, and support facilities:
 - a. Docks will be adequately spaced from each other, shallow areas and adjacent properties to ensure safe movement to and from channels and avoid obstructing adjacent uses;
 - b. Permanent structures will be minimized (for example, use floating, removable docks);
 - c. In general, all new marina proposals or expansion of existing marinas shall, as appropriate, include sufficient parking, park-like surroundings, toilet facilities, and marine pump out facilities;
 - d. Avoid infringement of the federal channels or other established navigation ways;
 - e. Ensure adequacy of service floats, walkways, gangways, and lighting;
 - f. Launch ramps will be designed to avoid runoff into surface water (for example, catch trenches across the top of the ramp, filled with sand and gravel and covered by grates);
 - g. Safe design of utilities, including electric, water and sanitary lines;
 - h. Avoid oversized structures. Boathouses are inappropriate to the Sleepy Hollow Waterfront;
 - i. Prohibit on-water residences, excluding temporary, seasonal, self-propelled water craft with adequate sanitary hookups;
 - j. Setback structures whenever possible to promote open areas and visual access;
 - k. Adequate restroom facilities for the exclusive use of marina patrons shall 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 nature and size of the marina and by its specific site location; and

1. Trash receptacles shall be plentiful and convenient to encourage the proper disposal of trash and waste.

In promoting water-dependent uses, the following kinds of actions should be considered:

- Favored treatment to water-dependent use areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, railroad facilities, parking areas, and storage areas suitable for water-dependent uses;
- When areas suitable for water-dependent uses are publicly owned, favored leasing arrangements should be given to water-dependent uses;
- Where possible, consideration should be given to providing water-dependent uses with property tax abatements, loan guarantees, or loans at or below market rates;
- State and Village planning and economic development agencies should actively promote water-dependent uses. In addition, a list of sites available for non-water-dependent uses should be maintained in order to assist developers seeking alternative sites for their proposed projects;
- Local, State, and federal agencies should work together to streamline permitting procedures that may be burdensome to water-dependent uses. This effort should begin for specific uses in deteriorated or underutilized areas; and
- Local land use controls should be considered as a tool of local government for assuring adequate space for the development of water-dependent uses and the protection of sensitive areas.

The sites listed as undeveloped, underutilized, or in need of revitalization in Policy 1, as well as other waterfront sites which may become available, will be used for water-dependent or water-enhanced uses according to the above standards and explanation.

Non water related uses are not suitable for the Sleepy Hollow waterfront, and the Village, and other government agencies will make every effort to direct such uses to suitable inland locations.

All proposed uses or activities will be subject to rigorous review by local agencies to ensure: water dependency, compatibility with adjacent uses and functions, enhancement of economic revitalization, protection and improvement of scenic and visual character and resources, protection of water quality, wetlands and watercourses, and provision and expansion of public access and recreational opportunities.

As stated in the Village of Sleepy Hollow's Wetland/Watercourse Protection Law, it is the

intent of the Village 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. (See Village of Sleepy Hollow's Wetland/Watercourse Protection Law: Local Law No. 1, 1990, and Local Waterfront Revitalization Program Policy 44).

POLICY 3 - FURTHER DEVELOP THE STATE'S MAJOR PORTS OF ALBANY, BUFFALO, NEW YORK, OGDENSBURG, AND OSWEGO AS CENTERS OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING, IN THESE PORT AREAS, INCLUDING THOSE UNDER THE JURISDICTION OF STATE PUBLIC AUTHORITIES, OF LAND USE AND DEVELOPMENT WHICH IS ESSENTIAL TO OR IN SUPPORT OF THE WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.

Explanation of Policy Not applicable to Sleepy Hollow as the Village is not one of the identified major ports of New York State.

POLICY 4 - STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBORS AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.

Explanation of Policy Not applicable to Sleepy Hollow because the Village's waterfront does not contain a small harbor area.

POLICY 5 - ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.

POLICY 5A DISCOURAGE THE DEVELOPMENT OF USES WHICH, BY REASON OF THEIR DEMAND FOR NEW COMMUNITY SERVICES AND FACILITIES OR THEIR IMPOSITION OF BURDENS ON EXISTING SERVICES AND FACILITIES, WOULD REQUIRE DISPROPORTIONATE PUBLIC COST IN COMPARISON TO PUBLIC BENEFITS.

POLICY 5B RETAIN THE RURAL RESIDENTIAL, AGRICULTURAL, AND OPEN SPACE CHARACTER IN THOSE AREAS OF THE VILLAGE EAST OF THE OLD CROTON AQUEDUCT.

Explanation of Policies

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development in the waterfront area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate, where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

Within the Village efforts to concentrate development must be paralleled by the maintenance and improvement of existing infrastructure which otherwise would be subject to deterioration and declining level of service. Measures to protect and prolong the useful life of existing streets, sewers, water lines and other infrastructure will be given high priority.

All areas of the Village are served by Village-owned sewer and water service. Water, sewer, and electrical power are generally adequate throughout the Village for current and most foreseeable development in the Sleepy Hollow waterfront area. Future development which will place a demand on existing infrastructure (sewer, water, parking, and road network) and other public services will be concentrated in those waterfront areas where existing services are currently available or readily accommodated. Vehicular and pedestrian access and parking facilities for future development will be assessed on a case-by-case basis in accordance with Sleepy Hollow's Site Plan Review regulations (Article VIII of the Village's Zoning Regulations).

The major areas of open space land areas that are located in the eastern portions of the Village are generally all zoned R-1 One-Family Development/Open Development and generally have public water and sewer service available. To maintain the existing rural agricultural/residential and open space characteristics of the eastern portions of the Village, emphasis will be placed during project review on preserving open space, encouraging new development to take place in the more built-up areas of the Village, and rehabilitating and reusing existing building stock.

The above policies are intended to accomplish the following:

- strengthen existing residential, industrial and commercial centers;
- foster an orderly pattern of growth;
- increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;

- preserve open space in sufficient amounts; and
- where desirable, foster energy conservation by encouraging proximity between home, work, and leisure activities.

For any action that would result in large-scale development or an action which would facilitate or serve future development, determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following standards shall be used in making that determination:

1. Cities, built-up suburban towns and villages, and rural villages in the coastal area are generally areas of concentrated development where infrastructure and public services are adequate.
2. Other locations in the coastal area may also be suitable for development, if three or more of the following conditions prevail:
 - a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;
 - b. Fewer than 50% of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within one mile radius of the proposed site are vacant;
 - c. A proposed site is served by or is near to public or private sewer and water lines;
 - d. Public transportation service is available within one mile of the proposed site; and
 - e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.
3. The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:
 - a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
 - b. Development's water needs (consumptive and fire fighting) can be met by the existing water supply system;

- c. Sewage disposal system can accommodate the wastes generated by the development;
- d. Energy needs of the proposed land development can be accommodated by existing utility systems;
- e. Storm water runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
- f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities:

- 1. Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry, quarries.
- 2. Development which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home developments.
- 3. Development which is designed to be a self-contained activity, e.g., a small college, and academic or religious retreat.
- 4. Water-dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
- 5. Development which, because of its isolated location and small scale, has little or no potential to generate and/or encourage further land development.
- 6. Uses and/or activities which because of public safety consideration should be located away from populous areas.
- 7. Rehabilitation or restoration of existing structures and facilities.
- 8. Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain urban areas where development is encouraged by this policy, the condition of existing public water and sewage infrastructure may necessitate improvements. Those State and Federal agencies charged with allocating funds for investments in water and sewer facilities should

give high priority to the needs of such urban areas so that full advantage may be taken of the rich array of their other infrastructure components in promoting waterfront revitalization.

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

Explanation of Policy

For specific types of development activities, and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each board's and agencies' procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended.

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

FISH AND WILDLIFE POLICIES

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

Explanation of Policy Not applicable to Sleepy Hollow as there are no coastal fish and wildlife habitats of Statewide significance within or adjacent to the Sleepy Hollow Waterfront Revitalization Area.

POLICY 7A FREMONT LAKE AND ASSOCIATED WETLANDS/WATERCOURSES AND ADJACENT UPLAND AREAS SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A LOCALLY SIGNIFICANT HABITAT.

POLICY 7B THE PHILIPSBURG MANOR AND DEVRIES FIELD WETLAND/WATERCOURSE AREAS OF THE POCANTICO RIVER

SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A LOCALLY SIGNIFICANT HABITAT.

POLICY 7C THE UPPER POCANTICO RIVER AND GOREY BROOK WATERCOURSE AREAS SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A LOCALLY SIGNIFICANT HABITAT.

POLICY 7D THE HUDSON RIVER IMMEDIATELY ADJACENT AND WITHIN 1000 FEET OF THE VILLAGE'S SHORELINE SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A LOCALLY SIGNIFICANT HABITAT.

POLICY 7E THE LANDS IN STATE OWNERSHIP ASSOCIATED WITH THE ROCKEFELLER STATE PARK PRESERVE AND OLD CROTON AQUEDUCT TRAIL SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS A LOCALLY SIGNIFICANT HABITAT.

Explanation of Policies

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

- are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas);
- support populations of rare and endangered species;
- are found at a very low frequency within a coastal region;
- support fish and wildlife populations having significant commercial and/or recreational value; and
- would be difficult or impossible to replace.

In order to protect and preserve a locally important habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of an area as a habitat. When the action significantly reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism, then the action would be considered to "significantly impair"

the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidences of disease and mortality.

The range of activities most likely to affect locally important fish and wildlife habitats include, but are not limited to the following:

1. Draining wetlands, ponds: Cause changes in vegetation, or changes in groundwater and surface water hydrology.
2. Filling wetlands, shallow areas of streams, lakes, bays, estuaries: May change physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology).
3. Grading land: Results in vegetation removal, increased surface runoff, or increase soil erosion and downstream sedimentation.
4. Clear cutting: May cause loss of vegetative cover, increase fluctuations in the amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.
5. Dredging or excavation: May cause change in substrate composition, possible release of contaminants otherwise stores in sediments, removal of aquatic vegetation, or change circulation patterns and sediment transport mechanisms.
6. Dredge spoil disposal: May include shoaling of littoral areas, or change circulation patterns.
7. Physical alteration of shore areas through channelization or construction of shore structure: May change volume and rate of flow or increased scouring, sedimentation.
8. Introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material pesticide, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills: May cause increased mortality or sub lethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

The range of physical, biological and chemical parameters which should be considered include, but are not limited to, the following:

1. Physical parameters, such as living space circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of the littoral zone),

morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, myristic features, behavioral patterns and migratory patterns; and
3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

When a proposed action is likely to alter any of the biological, physical or chemical parameters as described in the narrative beyond the tolerance range of the organisms occupying the habitat, the viability of that habitat has been significantly impaired or destroyed. Such action, therefore, would be inconsistent with this policy.

POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUB LETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

POLICY 8A CONTROL THE INTRODUCTION OF NEW INDUSTRIES OR TECHNOLOGY WHICH COULD INCREASE THE PRESENCE OF HAZARDOUS MATERIALS WITHIN THE SLEEPY HOLLOW WATERFRONT AREA.

POLICY 8B ENCOURAGE EXISTING INDUSTRIAL PRODUCTION OR STORAGE FACILITIES TO UTILIZE THE MOST CURRENT TECHNOLOGIES AVAILABLE TO MINIMIZE THE POTENTIAL THREAT FROM HAZARDOUS WASTES OR POLLUTANTS TO THE SURROUNDING ENVIRONMENT.

Explanation of Policies

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (§ 27-0901(3)) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored,

transported, or otherwise managed." A list of hazardous wastes (6 NYCRR Part 366) will be adopted by DEC within 6 months after EPA formally adopts its list.

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants refer to conventional wastes generated from point and non-point sources and not identified as hazardous wastes, but controlled through other State regulations.

**POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES
IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING
RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND
DEVELOPING NEW RESOURCES.**

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study.

Any efforts to increase recreational use of these resources will be made in a manner which ensure the protection of fish and wildlife resources in marine and freshwater coastal areas and which take into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound management considerations. Such considerations include biology of the species, carrying capacity of the resources, public demand, costs and available technology.

The following additional standards should be considered by State, Federal, and Village agencies as they determine the consistency of their proposed action with the above policy:

1. Consideration should be made by Federal, State and Village agencies as to whether an action will impede existing or future utilization of the Village's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources shall not lead to over-utilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.

3. The impacts of increasing access to recreational fish and wildlife resources shall be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologist.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking the River with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH, AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES, INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS, MAINTAINING ADEQUATE STOCKS, AND EXPANDING AQUACULTURE FACILITIES.

Explanation of Policy

Commercial fishing adjacent to the Village of Sleepy Hollow, and throughout the Hudson River, has historically been an active industry for many years. The economies of the industry and pollution in the River brought an end to this era after World War II. Recently, the environment for such activity has shown signs of improvement, although many obstacles still exist and actions which improve the quality and management of the fisheries stock and which provide onshore facilities for commercial fishing are encouraged given the current limitations of the Sleepy Hollow waterfront.

Commercial fishery development activities must occur within the context of sound fishery management principals developed and enforced within the State's waters by the New York State Department of Environmental Conservation. Commercial fisheries development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources. Actions by public agencies must be evaluated as to whether they will impede existing utilization or future development of the State's commercial fishing resources.

On the local level, within the Village of Sleepy Hollow, the provision of small scale commercial fishing, including the docking of fishing boats and the provision of related services should be permitted and encouraged where the land area is sufficient and the possible odor, traffic, and aesthetic impacts do not negatively impact adjacent land uses.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

Explanation of Policy

Because of Sleepy Hollow's location on the Hudson River, it is not subject to severe coastal erosion, as are parts of Long Island and the Great Lakes. Under the provisions of the New York State Coastal Erosion Hazard Act (CEPA) (Article 34 of the NYS Environmental Conservation Law), the NYS Department of Environmental Conservation has determined that the erosion hazard along the Sleepy Hollow coastal area is not severe enough to warrant mapping. Therefore, no coastal erosion hazard areas under Article 34 of the Environmental Conservation Law have been identified in the Village's waterfront area. However, the Village has identified the following locations as areas experiencing minor erosion and to which this policy shall apply: the mouth of the Pocantico River and north along the Hudson River (this erosion is also associated with the affects of wakes from boating traffic on the River and the sporadic and occasional actions of ice and flooding). In addition the Village's shoreline experiences general fluvial and tidal action from the Hudson River. In addition to the minor fluvial and tidal erosion associated with the Hudson River, there is also minor erosion associated with the Pocantico River, Andre Brook, and the Lake Fremont watershed. The steep slopes associated with these watercourses makes them particularly susceptible to erosion, particularly where vegetation has been disturbed or removed. The types of erosion the Village is experiencing are not life threatening, but on an individual basis constitute minor problems that need attention. (See Section II for a description of this erosion area and Map No. 2.)

This flooding aspects of this policy shall apply to all flood hazard areas identified by the Federal Emergency Management Agency in the flood hazard study entitled: "The Flood Insurance Study for the Village of Sleepy Hollow" dated February 17, 1981 and on the study's accompanying Flood Insurance Rate Maps, dated August 17, 1981. The Village's Flood Hazard Areas are summarized on LWRP Map No. 2.

The Flood Hazard Area (100 year flood) along the Hudson River, the Pocantico River, Lake Fremont, and Gorey Brook are relatively narrow.

All development within the Village's flood hazard areas are regulated by the Village's "Flood Damage Prevention Law," which is in accordance with all provisions of the National Flood Insurance Program Standards.

All new construction and substantial improvements to existing structures shall be constructed

with materials and utility equipment resistant to flood damage. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration into the systems and discharge from the systems into flood waters.

In flood hazard areas identified on Map No. 2, where human lives may be endangered by flooding, all necessary emergency preparedness measures should be taken. The Westchester County Office of Emergency Preparedness has prepared plans for the County, including the Village of Sleepy Hollow.

The following are guidelines that review of activities proposed within identified flood hazard areas:

- Whenever practicable, use alternate, non-hazardous locations.
- Structures should be set back a minimum of 50 feet from the banks of the watercourse.
- Activities that could impede or increase flood flows and heights shall be avoided
- Structures should be anchored to prevent flotation.
- Utilities should be constructed above the regulatory flood protection level.
- Structures for human habitation will have the lowest floor, including the basement, placed above the level of the base flood.
- Avoid storage of materials which could pollute the water in flood areas. Use design and construction techniques which prevent such pollution.

POLICY 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTION NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS, AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

Explanation of Policy - Not applicable. The natural protective features referred to in this policy are not found along the Sleepy Hollow shoreline.

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

POLICY 13A THE EXISTING BULKHEADS ALONG THE HUDSON RIVER SHALL BE MAINTAINED IN GOOD CONDITION. NEW OR EXPANDED WATERFRONT DEVELOPMENT SHALL BE REQUIRED TO RESTORE AND MAINTAIN EROSION AND FLOOD CONTROL STRUCTURES ALONG THEIR RIVER FRONTAGE.

POLICY 13B THE CONSTRUCTION OR RECONSTRUCTION OF DOCKS, BOATHOUSES, BOAT HOISTS, PUBLIC ACCESS FACILITIES AND OTHER SHORELINE STRUCTURES SHALL BE UNDERTAKEN IN A MANNER WHICH WILL, TO THE MAXIMUM EXTENT PRACTICABLE, PROTECT AGAINST OR WITHSTAND THE DESTRUCTIVE FORCES OF WAVE ACTION AND ICE MOVEMENT.

Explanation of Policies

Erosion protection structures are widely used throughout the State's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

Proper design, construction, and maintenance of shoreline structures will also prolong their utility and benefits when resistance to wave and ice action is included as a design parameter. This policy will thus assist in slowing the rate of deterioration of shoreline structures and in avoiding disruptions or losses of public access to the Hudson River by increasing the durability of such structures. Government agencies should consider the risk that wave and ice action impose on both public or private capital investment in shoreline structures, especially where water depth, current or other limiting site conditions require more costly design, construction, and maintenance practices.

When erosion protection structures are proposed, the following will be provided:

- Plans and a detailed explanation, to include nonstructural approaches and evaluation of alternative approaches.

- Evidence that the structure is not likely to fail and become a danger or obstruction to navigation; or injure the navigable capacity of the River along the waterfront area.
- Evidence that, to the extent practicable, structural approaches will give preference to the use of natural materials over other materials such as sheet steel, concrete, and demolition materials.

POLICY 14 ACTIVITIES AND DEVELOPMENT, INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, through human actions, there can be an increase in the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: (1) the use of erosion protection structures such as groins, jetties and bulkheads, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; (2) the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and (3) the placing of structures in identified floodways so that the base flood level is increased causing damage to otherwise hazard-free areas.

Sleepy Hollow's participation in the National Flood Insurance Program establishes regulations pertaining to development in designated flood hazard areas. Proper drainage and land restoration practices should be followed to prevent erosion and weakening of shorelands. Structures placed in identified floodways should not increase the base flood level so as to cause damage to otherwise flood free areas.

POLICY 15 MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.

Explanation of Policy

Coastal processes, including the movement of beach materials or shoreline sediment by water, and any mining, excavation or dredging in near shore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands.

Any dredging within the Sleepy Hollow waterfront area shall be carefully planned and monitored to insure that disturbance of adjacent and natural resources is kept to an absolute minimum.

POLICY 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

POLICY 16A PUBLIC FUNDS SHALL NOT BE USED FOR SHORELINE STRUCTURES SUBJECT TO SEVERE WAVE ACTION AND ICE MOVEMENT EXCEPT WHERE THE PUBLIC BENEFITS THAT WOULD ACCRUE TO THE VILLAGE IN TERMS OF IMPROVING PUBLIC ACCESS AND RECREATION, ENHANCING TOURISM OR SITING WATER-DEPENDENT USES OUTWEIGH THE LONG TERM COSTS OF SUCH STRUCTURES.

POLICY 16B PUBLIC FUNDS SHALL BE USED FOR WAVE AND ICE PROTECTIVE STRUCTURES ONLY WHERE DEEMED NECESSARY FOR PUBLIC SAFETY OR, IF PUBLIC BENEFITS OUTWEIGH LONG TERM COSTS, FOR THE PROTECTION OF SHORELINE STRUCTURES UPON WHICH EXISTING OR PROPOSED WATER-DEPENDENT USES MUST RELY.

Explanation of Policies

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area or in adjacent

waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

Wind driven wave action and ice movement represent destructive forces which cause considerable short- and long-term damages to shoreline structures. Public investment in shoreline structures exposed to these forces is generally unwise unless sufficient capital is expended to ensure such structures have adequate strength and durability. Measures to diminish the severity of wave action or ice movement may be needed to protect life, limb, or property. However, public investment in measures to protect properties must, as in the construction of shoreline structures in more exposed areas, weigh the economic benefits accruing to Sleepy Hollow and its waterfront area, in view of public costs.

POLICY 17 NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION SHALL BE USED WHENEVER POSSIBLE.

POLICY 17A PROTECT THE STEEP SLOPES AND HILLSIDES THROUGHOUT THE VILLAGE THROUGH THE USE OF NONSTRUCTURAL MEASURES, WHEN PRACTICAL, TO PREVENT EROSION, ESPECIALLY THROUGH THE RETENTION, OR PLANTING OF VEGETATIVE COVERS.

Explanation of Policies

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of protection against those hazards which structural measures entail.

The nonstructural measures to be employed in Sleepy Hollow primarily address the adverse impacts of flooding upon development.

As defined by the New York State Coastal Management Program, nonstructural measures within identified flood hazard areas include: (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with this policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development and to the hazard. If non-structural measures are determined to offer

sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will offer appropriate protection, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

There are many areas of steep slopes or embankments which present a danger of erosion should current vegetation be removed for construction and development. The steep slopes identified on Map No. 2 should have existing vegetation maintained to the maximum extent possible to minimize visual impact from adjacent areas and from the River.

GENERAL POLICIES

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

POLICY 18A PROTECT THE VITAL ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL INTERESTS OF THE VILLAGE IN THE EVALUATION OF ANY PROPOSAL FOR NEW ROADS, ROAD WIDENING OR INFRASTRUCTURE.

POLICY 18B TO PROTECT THE SOCIAL INTERESTS OF THE VILLAGE, PROPOSED ACTIONS MUST GIVE FULL CONSIDERATION TO THE IMPACTS OF SUCH ACTIONS ON COMMUNITY AND CULTURAL RESOURCES OF THE VILLAGE AND THE QUALITY OF LIFE SUCH RESOURCES SUPPORT.

POLICY 18C TO PROTECT THE ENVIRONMENTAL INTERESTS OF THE VILLAGE, PROPOSED ACTIONS MUST GIVE FULL CONSIDERATION TO THE IMPACTS OF SUCH ACTIONS ON VALUABLE AND SENSITIVE NATURAL RESOURCES OF THE VILLAGE.

Explanation of Policies

Proposed major actions may only be undertaken in the waterfront area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State and Village have established to protect those waters and resources. Proposed actions must take into account the social, cultural, economic and environmental interests of the State and Village and their citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation, and recreation.

The Village is particularly concerned that any new road, road widening, or infrastructure not adversely impact the established residential and neighborhood commercial character of the Village. The Village is especially opposed to demolition of sound structures, interruption or discontinuation of normal traffic patterns, or destruction or physical isolation of the residential neighborhoods and/or shopping areas.

The Village is equally concerned that any new road, road widening, or infrastructure not adversely impact the historic, social, and visual integrity and character of the Village.

In evaluating any proposals for new roads, road widening, or infrastructure, the following considerations should be preeminent in the review: increases in traffic; disruption of existing residential and commercial uses; disruption of current patterns of transportation; severe environmental, social, historic, visual impacts associated with construction; loss of recreational areas or the opportunity for access to them.

The social interests of the Village rest largely upon community and cultural resources in the waterfront area and the manner in which such resources contribute to coastal character, sense of place, and quality of life. Protection and enhancement of community and cultural resources, therefore, must be carefully considered when actions are proposed. Proposed actions should benefit or, at a minimum, not detract from these resources or their contribution to local social interests and character.

Village environmental interests focus on the protection of valuable and sensitive natural resources and their beneficial use in relation to economic, social, and quality of life interests for the Village. The natural resources are very important to the Village's economy, community character, sense of place, and quality of life. Proposed actions, therefore, must consider the local environmental interests in terms of the balance to be maintained between the natural and built environments of the Village. Where actions would be likely to negatively disturb this balance, they should not be undertaken or, at a minimum, be modified so as to minimize to the greatest degree possible, the disturbance.

PUBLIC ACCESS POLICIES

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

POLICY 19A PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO THE PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES OF KINGSLAND POINT PARK AND ENCOURAGE THEIR INCREASED UTILIZATION AND DEVELOPMENT.

POLICY 19B RECOGNIZE THE REGIONAL AND STATE-WIDE HISTORIC IMPORTANCE OF PHILIPSBURG MANOR, SLEEPY HOLLOW CEMETERY, THE OLD CROTON AQUEDUCT, THE OLD DUTCH CHURCH, PATRIOTS PARK, AND KINGSLAND POINT LIGHTHOUSE AND ENCOURAGE PROTECTION AND PUBLIC UTILIZATION OF THESE PROPERTIES AND RESOURCES.

POLICY 19C ENCOURAGE, DEVELOP, PROTECT, AND MAINTAIN LINEAR PEDESTRIAN WATERFRONT ACCESS TO AND LINKAGES BETWEEN THE VILLAGE'S RIVERFRONT PARK ON RIVER STREET TO KINGSLAND POINT LIGHTHOUSE AND KINGSLAND POINT PARK.

POLICY 19D ENCOURAGE, DEVELOP, PROTECT, AND MAINTAIN APPROPRIATE PUBLIC ACCESS TO AND LINKAGES BETWEEN KINGSLAND POINT PARK, DEVRIES FIELD, PHILIPSBURG MANOR, DOUGLAS PARK, SLEEPY HOLLOW CEMETERY, THE OLD CROTON AQUEDUCT, THE ROCKEFELLER STATE PARK PRESERVE LANDS, AND ALONG THE HUDSON RIVER AND RIVERSIDE DRIVE NORTH OF THE MOUTH OF THE POCANTICO RIVER.

POLICY 19E THE CURRENTLY UNDERUTILIZED VILLAGE RIVERFRONT PARK PROPERTY ALONG RIVER STREET SHOULD REMAIN PUBLICLY OWNED WITH FUTURE IMPROVEMENTS

PROVIDING FOR PUBLIC ACCESS TO THE RIVER AND WATER-RELATED RECREATION.

POLICY 19F ENCOURAGE THE RESTORATION AND REUSE OF THE PEDESTRIAN BRIDGE OVER THE RAILROAD TRACKS CONNECTING KINGSLAND POINT PARK WITH DEVRIES FIELD.

Explanation of Policies

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. Because this is often due to access-related problems, priority will be given to improving physical access to existing and potential coastal recreation sites. The particular water-related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. The Sleepy Hollow Waterfront Revitalization Program will encourage mixed use areas and multiple use of facilities to improve access.

The particular water-related recreation resources and facilities which will receive priority for improved access in Sleepy Hollow are waterfront parks, passive and active recreation trails, boating facilities, fishing areas, public beaches, and historic sites. To optimize the use of these resources, the Village must facilitate various modes of access, including pedestrian, vehicular, and waterborne. To provide increased public access and recreational opportunities at the waterfront, the Village has adopted specific standards into their RF-Riverfront Development Zoning District to ensure that future development does not preclude or exclude these opportunities. These regulations provide a land use zoning incentive opportunity such that any new or revitalized development proposed adjacent to the Pocantico River and Hudson River, to the greatest extent possible, include appropriate and complementary forms of water-related recreation/public access. Complementary recreation shall include, but not be limited to, those examples identified in Policy 1 and the list of compatible types of development included in Policy 22. The types of land uses which should provide waterfront public access as a multiple use includes the following:

- Multi-family residential;
- Commercial marinas;
- Service and retail commercial uses; and
- Industrial and manufacturing uses (as appropriate)

Recreation as a complementary use must also be considered for these types of uses. It should also be provided as a mixed use under certain circumstances (see Policy 22).

The following general standards will be used in determining the consistency of a proposed action with this policy:

1. The existing access from adjacent or proximate public lands or facilities to public water-related resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from public lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

The following is an explanation of the terms used in the above standards:

- a) Access - the ability and right of the public to reach and use public coastal lands and waters.
- b) Public water-related recreation resources or facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.
- c) Public lands or facilities - lands or facilities held by Federal, State, Village, or County in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
- d) A reduction in the existing level of public access includes, but is not limited to, the following:
 - (1) The number of parking spaces at a public water-related recreation of facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new, altered or existing transportation facilities (including railroads), electric power transmission lines, or similar linear facilities.

- (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
- e) An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
 - (1) Construction of public facilities, which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
- 2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- 3. All government agencies will not undertake or fund any projects which increase access to a water-related resource or facility that is not open to all members of the public.
- 4. In their plans and programs for increasing public access to public water-related resources and facilities, agencies shall give priority in the following order to

projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation, within the boundaries of the Federal-Aid Metropolitan urban area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined urban Area boundary but not served by public transportation.

The opportunities to link the public parklands and other publicly owned land with major points of natural and cultural interest and recreation along the Hudson River, Pocantico River, and within the Village is a major goal of the Village. All means to provide for public access linkages, such as construction of a walkway and/or easements or acquisition of private lands which would create linkages, should be pursued. Public access linkages would provide the opportunity for greater utilization of public parklands, as well as other undeveloped public lands, as points of historic or cultural interest which would broadly expand the public's enjoyment of the Village's natural and cultural resources. (See Map No. 9 for potential linkages.)

While it is the intent of this policy to provide public access along the Hudson River and Pocantico River to link various public recreation facilities, it is also the intent that this be done in a manner that is compatible, in terms of design, landscaping, lighting, and periods of use, with the principal development's function. It is also intended that an important secondary purpose of these facilities is to provide a visually attractive pedestrian walkway which ties the waterways and various public recreation facilities, while not detracting from views from the water or from the opposite shore, and encourages waterborne and landborne visitors and residents to make use of these facilities while enjoying a Village environment enhanced by extensive and obvious ties to the water and public recreation facilities.

The following additional standards shall apply when determining the consistency of proposed actions with this policy:

1. For appropriate types of new development, redevelopment or rehabilitation of existing uses along the Hudson River and Pocantico River shall include provisions for waterfront public access, unless it can be demonstrated to the satisfaction of the Village Planning Board that access cannot be provided in a manner that is not detrimental to the public health, safety, welfare or will be unreasonably detrimental to the principal use.
2. Single family, detached residences, if not a part of a proposed subdivision action, are excluded from this provision. However, they will be encouraged to participate, or at least not hinder, the intent and purposes of this policy.
3. If public access cannot be provided at the principal site, development of an alternative waterfront access site may be provided; or an appropriate payment in lieu of, not to exceed 1 % of the project development cost, will be provided, to be used to develop public access facilities elsewhere in the Village.

4. The uses subject to these standards include those listed under Policy 22 and those listed above.
5. The design, maintenance, hours of operation, etc. of such facilities will be determined as part of Site Plan Review by the Village Planning Board (and Board of Zoning Appeals, as appropriate) in consultation with the owner/developer or public agency.

POLICY 20 ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED AND IT SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES.

POLICY 20A ESTABLISH WATER-DEPENDENT AND/OR WATER-ENHANCED PUBLIC RECREATIONAL USE(S) AT THE VILLAGE'S RIVERFRONT PARK ON RIVER STREET, WITH POTENTIAL PUBLIC ACCESS LINKAGE TO TARRYTOWN'S WATERFRONT ACCESS RESOURCES AND TO KINGSLAND POINT LIGHTHOUSE AND PARK.

Explanation of Policies

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

For those activities, there are several methods of providing access which will receive priority attention of the Sleepy Hollow Local Waterfront Revitalization Program. These include: the development of a waterfront and Village-wide trails system; the provision of access across transportation facilities (such as the railroad) to the waterfront; the improvement of access to waterfront areas in the Village; and the promotion of mixed and multi-use development.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security,

or the protection of fragile coastal resources.

The following standards will be used in determining the consistency of a proposed action with this policy:

1. Existing or future access from adjacent or proximate public lands or facilities to existing or future public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public waterfront lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or Statewide public benefit or, in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

The following is an explanation of the terms used in the above standards:

- a) (See definitions under Policy 19 for "access" and "public lands or facilities").
- b) A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
 - (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Pedestrian access is diminished or blocked completely by public or private development.
- c) An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

2. The existing level of public access within public coastal lands or waters shall not

be reduced or eliminated.

- a) A reduction in the existing level of public access includes, but is not limited to, the following:
 - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Access is reduced or blocked completely by any public developments.
3. Public access from the nearest public roadway to the shoreline and along the waterfront shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-quarter of a mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private entity agrees to accept responsibility for maintenance and liability of the access way.
4. The State will not undertake or directly fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, all government agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - (a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - (b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

This policy applies to the areas of publicly-owned lands within the Village of Sleepy Hollow, including: the Village's Riverfront Park property on River Street; Kingsland Point Lighthouse and Park; Devries Field; the School District of the Tarrytown's property adjacent to Lake Fremont; Douglas Park; Barnhart Park; Patriot's Park; the Old Croton Aqueduct; and The Rockefeller State Park Preserve. The policy also applies to any other publicly-owned sites which may exist.

In addition, there may exist state-owned interest in lands which were formerly underwater (and subsequently filled). These lands should be retained in State ownership. Where practicable, access to these lands will be developed, including the securing of any adjacent upland ownership, easement or other suitable rights needed to give public access to these lands.

RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

POLICY 21A WATER-DEPENDENT AND WATER-ENHANCED RECREATION SHALL BE ENCOURAGED AND SHALL BE GIVEN PRIORITY OVER NON-WATER RELATED USES AT THE FOLLOWING PUBLICLY-OWNED SITES:

- The Village's Riverfront Park property on River Street; and
- Kingsland Point Park and Lighthouse.

POLICY 21B ENCOURAGE THE DEVELOPMENT OF ADDITIONAL SUPPORT FACILITIES, AND MAINTENANCE OF EXISTING FACILITIES, AT KINGSLAND POINT PARK TO INCREASE ITS ATTRACTIVENESS AND ITS CAPACITY AS A WATERFRONT PARK FOR PASSIVE AND ACTIVE RECREATIONAL USES, INCLUDING BOATING, SWIMMING, AND FISHING.

- POLICY 21C** IN ASSOCIATION WITH ANY REDEVELOPMENT OF THE GENERAL MOTORS PROPERTY AND THE WATERFRONT AREA IMMEDIATELY SOUTH OF THE GENERAL MOTORS PROPERTY, WATER-DEPENDENT AND WATER-ENHANCED RECREATIONAL USES SHALL BE ENCOURAGED AND SHALL BE GIVEN PRIORITY OVER NON WATER-RELATED USES.
- POLICY 21D** PURSUE ESTABLISHMENT OF A SYSTEM OF PUBLIC ACCESS RECREATIONAL TRAIL LINKAGES FROM AND BETWEEN THE TARRYTOWN/SLEEPY HOLLOW VILLAGE BOUNDARY, THE VILLAGE'S RIVERFRONT PARK PROPERTY ON RIVER STREET, KINGSLAND POINT PARK, DEVRIES FIELD, PHILIPSBURG MANOR, DOUGLAS PARK, SLEEPY HOLLOW CEMETERY, THE OLD CROTON AQUEDUCT, THE ROCKEFELLER STATE PARK PRESERVE LANDS, AND ALONG THE HUDSON RIVER AND RIVERSIDE DRIVE NORTH OF THE MOUTH OF THE POCANTICO RIVER.

Explanation of Policies

Water-related recreation in Sleepy Hollow includes such obviously water-dependent activities as boating, swimming, and fishing, as well as certain activities which are enhanced by a waterfront location and increase the general public's access to the waterfront such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-water dependent uses, including non-water-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among water dependent uses will require a case by case analysis.

Among priority areas for increasing water-related recreation opportunities are those areas where access to the recreation opportunities of the waterfront can be provided by new or existing public transportation services and those areas where the use of the shore is severely restricted by highways, railroads, industry, or other forms of existing intensive land use or development.

The siting or design of development in a manner which would result in a barrier to the recreational use of a major portion of Sleepy Hollow's waterfront should be avoided as much as practicable.

Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pump out facilities. There is a need for a better locational pattern of boating facilities to correct problems of overused, insufficient, or improperly sited facilities.

This policy and the provision for water-dependent and water-enhanced recreational facilities, such as boat launch sites, parks, fishing piers, walkways, docking facilities, etc. has application in Sleepy Hollow. The demand and opportunities for such recreational facilities exists and is expected to increase in the future. Currently many of these resources are underutilized.

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

POLICY 22A IN ASSOCIATION WITH ANY REDEVELOPMENT OF THE GENERAL MOTORS PROPERTY AND THE WATERFRONT AREA IMMEDIATELY SOUTH OF THE GENERAL MOTORS PROPERTY, WATER-RELATED RECREATION SHALL BE PROVIDED FOR AS A MIXED USE, PROVIDED SUCH RECREATIONAL USE(S) IS (ARE) COMPATIBLE WITH THE PRIMARY PURPOSE OF THE DEVELOPMENT.

Explanation of Policies

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located along the waterfront, they should, to the fullest extent permitted by existing law, provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to:

parks
highways

power plants
utility transmission rights of way
sewage treatment facilities
mental health facilities*
hospitals*
prisons*
schools, universities*
military facilities*
nature preserves*
large residential subdivisions and multi-family housing projects (50 units or more)
shopping centers
office buildings
industrial and manufacturing facilities (as appropriate)*

Prior to taking action relative to any development, all government agencies should consult with the State Office of Parks, Recreation, and Historic Preservation (OPRHP), and with the Sleepy Hollow Waterfront Advisory Commission to determine appropriate recreation uses. The agency should provide OPRHP and the Village of Sleepy Hollow with the opportunity to participate in project planning.

In determining whether compelling reasons exist which would make recreation inadvisable as a multiple use, public safety should reflect a recognition that some risk is acceptable in the use of recreation facilities.

Whenever a proposed development is compatible with the natural and built environments of the Village and consistent with the LWRP policies and purposes, and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the waterfront, then such development should be encouraged to locate adjacent to the waterfront (this situation would generally only apply within the more developed portions of the Village).

- * The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.

HISTORIC RESOURCES AND VISUAL QUALITY POLICIES

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

- POLICY 23A** **PRESERVE AND ENHANCE THE STRUCTURES, AREAS, OR SITES WITHIN THE VILLAGE OF SLEEPY HOLLOW THAT ARE CURRENTLY LISTED ON THE STATE AND/OR NATIONAL REGISTER OF HISTORIC PLACES.**
- POLICY 23B** **PRESERVE AND ENHANCE THE STRUCTURES, AREAS, OR SITES WITHIN THE VILLAGE OF SLEEPY HOLLOW THAT HAVE BEEN IDENTIFIED AS BEING ELIGIBLE FOR LISTING ON THE STATE AND/OR NATIONAL REGISTER OF HISTORIC PLACES.**
- POLICY 23C** **ENCOURAGE THE RESTORATION AND ADAPTIVE REUSE OF HISTORIC BUILDINGS SUCH AS THE PHILIPSE MANOR TRAIN STATION.**

Explanation of Policies

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include effective efforts, when appropriate, to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the Village, it will actively promote the preservation of historic and cultural resources which have a waterfront relationship.

The structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the Village, State, or the Nation comprise the following resources:

1. A resource, which is in a Federal or State park established, among other reasons, to protect and preserve the resource.
2. A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places.
3. A resource designated by the State Nature and Historic Preserve Trust.
4. An archaeological resource which is on the State Department of Education's inventory of archaeological sites or identified by the State Office of Parks, Recreation, and Historic Preservation.
5. A local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program.

6. A resource that is a significant component of an Urban Cultural Park.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the Village, the State, or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the exterior architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing, sculpture and carving; steps; rails; fencing; windows; vents and other openings; grillwork; signs; canopies; and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (1) above plus any other appurtenant fixtures associated with a building, structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. Within historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic,

cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archaeological resource which does not involve a significant adverse change to the resource, as defined above.

The New York State Archaeological Sensitivity Map (OPRHP, March, 1992) (See attached Map 4a within Section II) indicates that the Village of Sleepy Hollow has multiple archaeological site sensitivity over almost the entire Village. Because of the sensitivity of archaeological resources it is not possible to identify specific sites within Sleepy Hollow where archaeological resources have been found or are likely to be found. Given the possibility of archaeologically significant sites in Sleepy Hollow (see Section II), developers should contact the New York State Historic Preservation Office prior to any ground-modifying construction to determine appropriate protective measures to be incorporated into the development process at these sites.

Sleepy Hollow's cultural and historic heritage is among its most valuable assets. There are numerous individual structures which are on the State and/or National Register of Historic Places and numerous structures which are eligible for nomination to the State and National Register of Historic Places. (See Section II and Map No. 4 for a detailed description of Sleepy Hollow's historic resources.)

The structures of significance in the history, architecture, archaeology or culture of the Village include the following resources:

- Sleepy Hollow Cemetery.
- Old Dutch Reformed Church and Burial Grounds of Sleepy Hollow, 1-story, c. 1698.
- Old Croton Aqueduct.
- James House (James Phelps Memorial Hospital Center).
- Philipsburg Manor and Upper Mills, stone, original portion built by Frederick Philipse, c. 1683; frame wing added in 1785.
- Pokahoe (Fremont House).
- Rockefeller House (Hawes House) 2-story clapboard, mid-19th century.
- Kykuit, 4-story stone mansion, Georgian style, enlarged from earlier building, c.

1912 for John D. Rockefeller.

- Tarrytown Lighthouse (Kingsland Point Lighthouse), ironclad tower, completed 1883.
- Beekman House, Victorian mansion, c. 1850, much altered.
- St. Mark's Church, gray stone Gothic, mid-19th century. (Church of Immaculate Conception)
- Masonry bridge over Andre Brook, 1875.
- Patriot's Park
- Philipse Manor Train Station

In addition to the above specific sites and structures, this policy applies throughout the Village, particularly since historic, architectural, and archeological resources are an important factor in the Village's heritage.

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE NEW YORK STATE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE: (i) THE IRREVERSIBLE MODIFICATION OR GEOLOGIC FORMS, THE DESTRUCTION, OR REMOVAL OF STRUCTURES, WHENEVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURE ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND (ii) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

Explanation of Policy

Policy 24 is not applicable to Sleepy Hollow since scenic resources of Statewide significance have not been identified for the Village.

POLICY 25 PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.

POLICY 25A **PROTECT OR ENHANCE VIEWS OF THE HUDSON RIVER, THE HUDSON RIVER VALLEY, AND THE OPPOSITE SHORE FROM THE IMMEDIATE RIVERFRONT AS VIEWED FROM PUBLICLY OWNED PROPERTIES.**

POLICY 25B **PROTECT OR ENHANCE THE FOLLOWING IDENTIFIED SCENIC RESOURCES AS AREAS AND VIEWSHEDS OF LOCAL SCENIC SIGNIFICANCE.**

The following nine (9) scenic landscape subunits (see Section II-H for a description of these nine scenic subunits of the Village.):

- **Phelps Memorial Hospital**
- **Sleepy Hollow Manor**
- **Sleepy Hollow**
- **Sleepy Hollow Cemetery**
- **Philipse Manor**
- **Lower Pocantico River**
- **General Motors Plant Complex and Property**
- **Lower Village**
- **Upper Village**

The following twenty-three (23) viewsheds of local importance (see Section II-H for a description and photograph documenting each of these viewsheds.):

- **Beekman Avenue at intersection with U.S. Route 9**
- **Philipsburg Manor Upper Mills Historical Site**
- **U.S. Route 9 (North Broadway)**
- **The Old Dutch Church and Burial Grounds and Sleepy Hollow Cemetery**
- **Hudson River from the following Streets: Pokahoe Drive; Lakeview Avenue; Lakeshore Circle; Hunter Avenue; Farrington Avenue; Harwood Avenue; Kelburne Avenue; Highland Avenue; and Palmer Avenue**
- **Lake Fremont**
- **DeVries Field Park**
- **Hudson River from Kingsland Point Park**
- **Hudson River from corner of Beekman Avenue and Hudson Street**
- **Hudson River from Beekman Avenue and Barnhart Avenue**
- **Hudson River from Beekman Avenue and Cortland Street**
- **Hudson River and Village from School District of the**

- Tarrytown's facilities on Broadway**
- **Hudson River from intersection of Route 448, Pine Street, and the Old Croton Aqueduct Trail**
 - **Gorey Brook Road at intersection with Old Croton Aqueduct Trail**
 - **Viewshed looking east at Fremont Fountain site on North Broadway**
 - **Viewshed looking west at Fremont Fountain site on North Broadway**
 - **Viewshed looking west toward Pocantico River at the New York City/Village of Sleepy Hollow Water Pumphouse property on Sleepy Hollow Road**
 - **Eagle Hill**
 - **Old Sleepy Hollow Road**
 - **Kykuit**
 - **Hudson River and Village from Hudson Terrace**
 - **Hudson River from Elm Street (adjacent to old Mallory site)**
 - **Barnhart Park**

Explanation of Policies

When considering a proposed action which would affect a scenic resource not of Statewide significance, agencies shall ensure that the action will be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality are:

- (i) the irreversible modification of geologic forms, the destruction or removal of vegetation, the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
- (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified scenic resource.

The scenic qualities of the Village of Sleepy Hollow result from a combination of the clustered buildings (many historic) and wooded hillsides against the backdrop of the Hudson River and opposite shorelands. The height, bulk, scale, and color of future buildings and structures will be important factors in maintaining the character of the Village, as will be the preservation of the Village's many wooded hillsides and roadways that intersperse the developed areas.

The siting and design standards listed below should be considered for proposed actions in general throughout the Village. More emphasis may need to be placed on removal of existing

elements, especially those which degrade, and on addition of new elements or other changes which enhance. Removal of vegetation at key points to improve visual access to coastal waters and other identified scenic resources is one such change which might be expected to enhance scenic quality.

Standards for minimizing scenic impairment and visual access include:

- siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
- clustering or orienting structures to retain views, save open space, and provide visual organization to a development;
- incorporating sound, existing structures (especially historic buildings and structures) into the overall development scheme;
- removing deteriorated and/or degrading elements;
- maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into a site, and obscure unattractive elements;
- maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
- protecting and enhancing mature trees and undisturbed stands of trees, particularly along public road rights of way, including avoiding cutting trees greater than 6 inches in diameter at 5 feet above the ground, and selective cutting of smaller trees if necessary to enhance a stand's viability;
- using appropriate materials, in addition to vegetation, to screen unattractive elements;
- using appropriate scales, forms, and materials to ensure that buildings and other structures are compatible with and add interest to the landscape;
- any new construction or activities in the Village must be undertaken so as not to obstruct the views identified in Policy 25B. Particular attention must be paid to views from public parks and public rights of way;
- construction within the identified viewsheds and scenic corridors must be in a manner that will not obstruct the view and identified important elements of that view to the maximum extent practicable; and

- natural materials and colors will be used to the maximum extent practicable in construction such that structures are not discordant with the landscape.

The scenic landscape subunits, viewsheds, and scenic road corridors to be protected as identified above in Policy 25B are described and documented by photograph in Section II-H.

AGRICULTURAL LANDS POLICY

POLICY 26 TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, AN ACTION SHALL NOT RESULT IN A LOSS, NOR IMPAIR THE PRODUCTIVITY, OF IMPORTANT AGRICULTURAL LANDS, AS IDENTIFIED ON THE COASTAL AREA MAP, IF THAT LOSS OR IMPAIRMENT WOULD ADVERSELY AFFECT THE VIABILITY OF AGRICULTURE IN AN AGRICULTURAL DISTRICT OR IF THERE IS NO AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.

Explanation of Policy

Policy 26 is not applicable to the Village of Sleepy Hollow as there are no agricultural lands present that it applies to.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.

Explanation of Policy

Demand for energy in New York State is predicted to increase, although at a much slower rate than previously predicted. The State expects to meet these energy demands through a combination of conservation measures, traditional and alternative technologies.

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in the New York State Energy

Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. That Act is used for the purposes of ensuring consistency with the State Coastal Management Program and the Sleepy Hollow Local Waterfront Revitalization Program.

In consultation with the Village of Sleepy Hollow, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant proceedings under State Law; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area, are made consistent with the policies and purposes of the Sleepy Hollow Local Waterfront Revitalization Program.

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydro-electric power; fish and wildlife and their habitats as identified in the New York State Coastal Area Maps and this LWRP, flood levels and damage, and rates of shoreline erosion damage.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

POLICY 29 ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES, AND ENSURE THE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.

Explanation of Policy

This policy is not applicable. The types of energy resources addressed by this policy are not likely to be found in the Hudson River.

WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through the regional treatment system before reaching the State's waterways.

Such "end-of-pipe" discharges are monitored and regulated by the New York State Department of Environmental Conservation SPDES program (State Pollution Discharge Elimination System) as well as by federal law and the U.S. Environmental Protection Agency. Local vigilance must be exercised to ensure that such state and federal regulations are adequately enforced. The Village will work cooperatively with State officials to this end and recommend more stringent standards when appropriate.

POLICY 31 STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement establishment by the State pursuant to the Federal Clean Water Act.

The State has identified certain stream segments as being either "water quality limiting" or "effluent limiting." Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limiting." Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting," and all new waste discharges must receive "best practicable treatment." However, along stream segments classified as "water quality limiting," waste treatment beyond "best practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development.

The quality of water resources are defined in terms of chemical, physical, and biological characteristics which, in turn, relate to the water's acceptability for its intended use. The New York State Department of Environmental Conservation (DEC) has classified all streams, lakes, and rivers according to best use. The classifications are used to regulate water quality and enforce water quality standards. The water quality classifications used by DEC are as follows:

Class AA	Source of water supply for drinking, culinary or food processing purposes and any other usage.
Class A	Source of water supply for drinking, culinary or food processing purposes and any other uses with treatment.
Class B	Primary contact recreation and any other uses except as a source of water supply for drinking, culinary or food processing purposes.
Class C	Suitable for fishing and all other uses except as a source of water supply for drinking, culinary or food processing purposes.
Class D	Suitable for secondary contact recreation but will not support the propagation of fish.

The Hudson River adjacent to the Village of Sleepy Hollow is classified "SB" by DEC. This classification is the same as "B" above, except that the "S" simply identifies that the water is brackish or saline. The water quality classification for Lake Fremont is "B". The lower reaches of the Pocantico River, that portion that is tidal influenced below the mill pond at Philipsburg Manor, is classified as "SB". That portion of the Pocantico adjacent to Philipsburg Manor at the mill pond and upstream to the small dam adjacent to Sleepy Hollow Cemetery is classified as "B". Further upstream, beyond the small dam, the Pocantico River is classified as "C(T)". The "T" implies that the Pocantico River is suitable for trout fish propagation.

In general, sources of pollution to water bodies may be classified as either point or nonpoint. Point sources, as the name implies, are discrete sources of pollution, the classic example being a pipe bearing sewage or industrial effluent. Nonpoint pollution enters the water body from more

diffuse sources, such as runoff from streets, fields, etc. Pollution control has historically focused on point sources, as these sources are more easily determined and the effects are often more readily apparent. Since the passage of the 1972 Federal Water Pollution Control Act Amendments (PL 92-500), remarkable progress has been made in controlling pollution from point sources. Despite the progress, more remains to be done.

In the Village of Sleepy Hollow potential impairments to water quality could result from storm water run-off, industrial discharges, and from the full range of nonpoint sources of pollution mentioned above. In addition, a growing cause of pollution in the Hudson River is discharges from the increasing number of recreational boats on the River. There are currently no pump out facilities within the Village of Sleepy Hollow and only two in the neighboring Village of Tarrytown.

The Village of Sleepy Hollow recognizes the need to maintain high water quality in and adjacent to the Village. People depend on clean and pure water for drinking, cooking and cleaning; wildlife depends on clean water to live on and in; commercial fishing requires clean water and water-based recreation requires clean water. Indeed, clean water is tied to a healthy economy and a healthy community. All surface water that flows through the Village ends up in the Hudson River and Sleepy Hollow recognizes that it is their responsibility to the Hudson River Valley to ensure that this water is not polluted or loaded with sediment, or otherwise impairing the water quality through inappropriate or improper actions occurring within the Village.

POLICY 32 ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.

POLICY 32A FUTURE DEVELOPMENT IN THE VILLAGE SHALL BE REQUIRED TO USE STATE OF THE ART LOW FLOW WATER FIXTURES AND WATER SAVING DEVICES TO REDUCE THE DEMAND FOR WATER AND REDUCE THE FLOW TO THE SEWAGE TREATMENT FACILITIES. WHERE PRACTICABLE, THE GUIDELINES IN THE NEW YORK STATE MUNICIPAL MODEL WATER CONSERVATION PLAN SHOULD BE FOLLOWED.

Explanation of Policies

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely

populated communities and for which conventional facilities are too expensive.

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

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of storm water runoff and combined sewer overflows. At present, structural approaches to controlling storm water runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and storm water collection systems) are not economically feasible. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged. The guidelines included in the New York State Department of Environmental Conservation's document entitled: Stream Corridor Management - A Basic Reference Manual should be consulted for overall management and site treatment to assist in the control of storm water runoff. In addition, the guidelines prepared by Westchester County entitled: Erosion and Sediment Control: Best Management Practices Manual Series, Westchester County, N.Y., 1991 should be consulted for overall management and site treatment during review of development proposals. Other guidelines that should be consulted are: the New York State Department of Environmental Conservation, Division of Water's Technical and Operations Guidance Series - Storm water Management Guidelines for New Development; the New York State Department of Environmental Conservation's series of Best Management Practices Catalogues; and the Empire State Chapter of the Soil and Water Conservation Society's Guidelines for Urban Erosion and Sediment Control.

POLICY 34 DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

POLICY 34A NEW MARINAS OR EXPANSION OF EXISTING MARINAS SHALL PROVIDE MARINE WASTE PUMP OUT FACILITIES.

Explanation of Policies

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from water craft and marinas into the State's waters is regulated. Also, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.

POLICY 35A DREDGING SHALL NOT OCCUR DURING FISH SPAWNING SEASONS AND MUST BE AUTHORIZED BY AN APPROPRIATE PERMIT FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND U.S. ARMY CORPS OF ENGINEERS.

POLICY 35B DREDGE SPOILS SHALL NOT BE DEPOSITED IN WETLANDS OR FISH AND WILDLIFE HABITATS AS IDENTIFIED IN THE SLEEPY HOLLOW LOCAL WATERFRONT REVITALIZATION PROGRAM.

POLICY 35C RECLAMATION OF DREDGE SPOIL SITES, INCLUDING LANDSCAPING, SHALL BE REQUIRED WHERE IT IS PRACTICAL TO DO SO.

POLICY 35D DREDGE SPOIL SITE DESIGN WILL INCORPORATE CONSIDERATIONS FOR NATURAL FEATURES, VIEWSHEDS, AND SHALL, WHERE FEASIBLE, CONFORM TO EXISTING LAND FORMS.

POLICY 35E TOXIC OR HAZARDOUS DREDGE SPOILS SHALL NOT BE DEPOSITED WITHIN THE VILLAGE OF SLEEPY HOLLOW.

Explanation of Policies

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be *minimized through careful design and timing* of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law, (Articles 15, 24, 25, and 34), and are consistent with Sleepy Hollow LWRP policies pertaining to the protection of coastal resources (See Policies 7, 7A, 7B, 7C, 7D, 7E, 15, 25, 25A, 25B and 44).

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

Explanation of Policy

See Policy 39 for definition of hazardous materials.

This policy applies to all activities related to the shipment and storage of petroleum and other hazardous materials in the Village of Sleepy Hollow. On the immediate waterfront, however, this policy applies to the Barrier Oil Company facility located adjacent to the Village's Riverfront Park on River Street. This facility receives its oil supplies by water.

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

Explanation of Policy

Best management practices used to reduce these sources of pollution could include, but are not limited to, soil erosion control practices, and surface drainage control techniques. Similar techniques are discussed as pertinent to the policies on erosion control (Policy 12) and storm water runoff (Policy 33). The guidelines included in the New York State Department of Environmental Conservation's document entitled: Stream Corridor Management - A Basic Reference Manual should be consulted for overall management and site treatment to assist in the control of storm water runoff. In addition, the guidelines prepared by Westchester County entitled: Erosion and Sediment Control: Best Management Practices Manual Series, Westchester County, N.Y., 1991 should be consulted for overall management and site treatment during review of development proposals. Other guidelines that should be consulted are: the New York State Department of Environmental Conservation, Division of Water's Technical and Operations Guidance Series -- Storm water Management Guidelines for New Development; the New York State Department of Environmental Conservation's series of Best Management Practices Catalogues; and the Empire State Chapter of the Soil and Water Conservation Society's Guidelines for Urban Erosion and Sediment Control. Also, the Village of Sleepy Hollow's Wetland/Watercourse Protection Law shall be consulted for overall management and site treatment during review of development proposals.

Guidelines regulating development or construction to be used in implementing this policy

include the following:

1. Runoff or other non-point pollutant sources from any specific development must not be greater than would be the case under natural conditions. Appropriate techniques to minimize such efforts shall include, but not be limited to, the use of storm water detention basins, rooftop runoff disposal, rooftop detention, parking lot storage and cistern storage.
2. The construction site, or facilities, should fit the land, particularly with respect to its limitations.
3. Natural ground contours should be followed as closely as possible and grading minimized.
4. Areas of steep slopes, where high cuts and fills may be required, should be avoided.
5. Extreme care should be exercised to locate artificial drainage ways so that their final gradient and resultant discharge velocity will not create additional erosion problems.
6. Natural protective vegetation should remain undisturbed if at all possible; otherwise plantings should compensate for the disturbance.
7. The amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water should be limited.
8. The velocity of the runoff water on all areas subject to erosion should be reduced below that necessary to erode the materials.
9. A ground cover should be applied sufficient to restrain erosion on that portion of the disturbed area undergoing no further active disturbance.
10. Runoff from a site should be collected and detained in sediment basins to trap pollutants which would otherwise be transported from the site.
11. Provision should be made for permanent protection of downstream banks and channels from the erosive effects of increased velocity and volume of runoff resulting from facilities constructed.
12. The angle for graded slopes and fills should be limited to an angle no greater than that which can be retained by vegetative cover or other erosion control devices or structures.
13. The length as well as the angle of graded slopes should be minimized to reduce the erosive velocity of runoff water.
14. Rather than merely minimize damage, take the opportunity to improve site conditions

wherever practicable.

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

Explanation of Policy

The Village of Sleepy Hollow purchases its water from New York City's water supply system. The source of the water for Sleepy Hollow is surface water and comes from both the Croton Watershed and Catskill Watershed systems. In addition, during emergency situations the Village of Sleepy Hollow has interconnection agreements to purchase water from the Villages of Tarrytown and New Rochelle, both of which are supplied by surface water sources. The Village of Tarrytown's water supply comes from the Tarrytown Lakes Reservoir system and the New York City water supply system. The Tarrytown Lakes Reservoirs are located near the southeast corner of the Village of Sleepy Hollow.

Both the Catskill and Croton New York City Watershed systems must be protected. In addition, The Village of Sleepy Hollow will take whatever steps it can to protect the Tarrytown Lakes Reservoir system because of its close proximity to Sleepy Hollow and because of the interconnection agreement the Village has with the Village of Tarrytown during emergency situations. Any action which would have an impact on the quality of these two water supply systems must be thoroughly reviewed and mitigating measures taken. Regional planning relative to water resources for the Hudson River Valley and New York City Metropolitan area is underway and Westchester County is participating along with other upstate counties.

Adverse impacts upon the Catskill and Croton Watershed systems resulting from direct actions and indirect actions such as construction activity, land use management, and point and non-point source water pollution discharges must be reviewed for their impacts on these watershed systems as a water supply.

POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, RECREATION AREAS, AND SCENIC RESOURCES.

POLICY 39A LONG-TERM STORAGE, TREATMENT, AND DISPOSAL OF

SOLID WASTE, PARTICULARLY HAZARDOUS WASTE, SHALL BE PROHIBITED IN SLEEPY HOLLOW WITH THE EXCEPTION OF MUNICIPAL SOLID WASTE COLLECTION, REDUCTION, AND RECYCLING ACTIVITIES.

Explanation of Policy

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

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (§ 27-0901.3), as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed, transported or otherwise managed." A list of hazardous wastes (NYCRR Part 371) has been adopted by the New York State Department of Environmental Conservation.

Examples of solid waste management facilities include resource recovery facilities, sanitary landfills and solid waste reduction facilities. Although a fundamental problem associated with the disposal and treatment of solid wastes is the contamination of water resources, other related problems may include: filling of wetlands and littoral areas, atmospheric loading, and degradation of scenic resources.

Railroad uses within the Village of Sleepy Hollow for construction and repair activities, shall not be operated or conducted in a manner that will unnecessarily contribute pollutants to the soil, air, ground water, and surface water.

See Policy 36.

POLICY 40 EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.

POLICY 40A EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WITHIN SLEEPY HOLLOW SHALL NOT ADVERSELY

IMPACT ON EXISTING AND PROPOSED VILLAGE LAND AND WATER USES.

Explanation of Policy

A number of factors must be considered when reviewing a proposed site for facility construction. One of these factors is that the facility "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters." The effects of thermal discharges on water quality and aquatic organisms is considered by State agencies or, if applicable, a siting board when evaluating any applicant's request to construct a new electric generating facility.

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

POLICY 41A LAND USE AND DEVELOPMENT IN SLEEPY HOLLOW SHALL NOT DEGRADE EXISTING AIR QUALITY OR CONTRIBUTE TO AN INABILITY TO MAINTAIN OR ATTAIN NATIONAL AMBIENT AIR QUALITY STANDARDS AND SHALL NOT GENERATE OR CAUSE MORE THAN ONE TON PER YEAR OF TOXIC AIR POLLUTANTS TO BE EMITTED INTO THE ATMOSPHERE.

Explanation of Policy

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

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan. Currently, the Village of Sleepy Hollow is in a non-attainment area for ozone. In addition, the Village has high levels of carbon monoxide (CO). It is believed that the high levels of CO may, in part, be caused by vehicular traffic on the Tappan Zee Bridge and the effects of air pollutants being trapped in the River basin.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the

atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources.

POLICY 42 COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.

Explanation of Policy

The policies of the State and of the Sleepy Hollow Local Waterfront Revitalization Program concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.

POLICY 43 LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF ACID RAIN PRECURSORS: NITRATES AND SULFATES.

Explanation of Policy

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

POLICY 44 PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND WETLAND/WATERCOURSE COMPLEXES AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.

Explanation of Policy

Tidal wetlands include the following ecological zones: coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; littoral zone; high marsh or salt meadow; and formerly connected tidal wetlands. These tidal wetland areas are officially delineated on the Department of Conservation's Tidal Wetlands Inventory Map. The New York State Department of

Environmental Conservation has not identified and mapped any tidal wetland areas north of the Tappan Zee Bridge.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York State Protection of Waters Act.

The benefits derived from the preservation of freshwater wetlands include but are not limited to:

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

The Village of Sleepy Hollow has a Wetland/Watercourse Protection Law (Local Law No. 1 - 1990). The Village's Wetland/Watercourse Protection Law also identifies the following, more specific benefits and functions of wetland and watercourse complexes:

- Protection of water resources by providing sources of surface water, recharging groundwater and aquifers, serving as chemical and biological oxidation basins and/or functioning as settling basins for naturally occurring sedimentation.
- Controlling flooding and storm water runoff by storing or regulating natural flows.
- Providing unique nesting, migratory and wintering habitats for diverse wildlife species, including many on the New York State and federal endangered species lists.
- Supporting unique vegetative associations specifically adapted for survival in low-oxygen environments and/or brackish or salt water.
- Providing areas of unusually high plant productivity which support significant wildlife

diversity and abundance.

- Providing breeding and spawning grounds, nursery habitat and food for various species of fish.
- Serving as nutrient traps for nitrogen and phosphorus and filters for surface water pollutants.
- Helping maintain biospheric stability by supporting particularly efficient photo synthesizers capable of producing significant amounts of oxygen and supporting bacteria which process excess nitrates and nitrogenous pollutants and return them to the atmosphere as inert nitrogen gas.
- Providing open space and visual relief from intense development in urbanized and growing areas.
- Serving as outdoor laboratories and living classrooms for the study and appreciation of natural history, ecology, and biology.

This policy shall apply to all wetland and watercourse areas included in the Village's Wetland/Watercourse Protection Law. The wetland and watercourse areas for which the Village's Wetland/Watercourse Protection Law is applicable are specifically defined in § 61-3 and § 61-5 of the Village's Local Law.

The Village of Sleepy Hollow has extensive wetland and wetland/watercourse complexes for a community it's size. The wetland and wetland/watercourse complexes are identified on Map No. 3. The areas identified on Map No. 3 may not represent all of the areas covered by the definitions contained in the Village's Wetland/Watercourse Protection Law. Therefore, specific site investigation may be necessary to determine and interpret the boundaries for wetland/watercourse areas.

Section IV

Proposed Land and Water Uses And Proposed Public and Private Projects

A. PROPOSED LAND USES

1. Introduction

The proposed land uses of the Village of Sleepy Hollow are illustrated on Map 7. They translate the policies in Section III into a cohesive land use plan for the Village. The proposed land uses reflect and implement the policies contained in Section III, applying these policies to the existing land use pattern, natural and physical resources, and development constraints of the Village, along with the Village's development potential.

Sleepy Hollow's waterfront has begun to be recognized as a significant economic resource, and redevelopment plans are beginning to be formulated. The most significant impending changes are the significant recent growth in tourism in the Village, occasioned by the opening of Kykuit, the John D. Rockefeller, III home as a museum open to the public, and redevelopment of the General Motors property, which has been the dominant feature on the Village's waterfront for more than one hundred years. The convergence of these two events have opened the way for a fundamental restructuring of the Village's economy, premised upon large scale reconstruction of portions of the waterfront and other areas of the Village. The Village's LWRP will crystallize this trend into a cohesive effort.

The Village's LWRP seeks to help maintain and restore the community character of the Village, protecting and improving the natural and cultural resources that contribute to the strong sense of place that Village residents have and want to preserve. The LWRP proposes to achieve this by sustaining the existing land use patterns throughout much of the Village, building on development patterns and trends, utilizing existing infrastructure and resources wisely, and proposing completely new land uses for the General Motors property and lands immediately adjacent to it to the south.

It is the latter opportunity that the Village is proposing the most dramatic shift in land use. The Village has eliminated the former M - Manufacturing zoning district classification for the lands associated with the General Motors Assembly Plant and has enacted a new planned development type of zoning district; the RF - Riverfront Development 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 "downtown" older portion of the Village. 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.

Throughout the remainder of the Village opportunities for growth, revitalization, and redevelopment exist within the predominately long established land use pattern, through a combination of modest new development, redevelopment, and rehabilitation of under-utilized sites and property, and enhancement of existing developed areas of the Village.

The existing land use pattern of the Village of Sleepy Hollow is well defined. This is illustrated on Map 1 and examined in detail in Section II. The historic development patterns still dominate, reflecting the importance of the Hudson River, the Pocantico River, and the railroad as means of transportation and the early resource-based industries of the area. The historic and current land use development patterns have been critical in defining the community character of the Village, an important element identified by Village residents in the LWRP Public Opinion Questionnaire prepared and issued by the Village's LWRP Committee.

As a result of the Inventory and Analysis of the Village's resources contained in Section II, and the identified policies of Section III, there are two categories of land use situations which emerge within the Village:

- Areas of predominantly stable land uses
- Areas suitable for development, redevelopment, and/or enhancement

These two land use situations are incorporated into the proposed land use pattern identified on Map 7 and are discussed below.

2. Areas of Predominantly Stable Land Uses

This category of land use occupies the majority of the land use pattern within the Village. It comprises the fully developed residential areas, and the various park lands owned by the Village, County, and State. In general, these areas are not subject to any foreseeable major changes in land use types and patterns or other factors which could significantly alter the character of the area or Village. The proposed land uses for these areas of the Village, as depicted on Map 7, follow the existing land use and development patterns as depicted on Map 1.

3. Areas Suitable for Development, Redevelopment, and/or Enhancement

The areas of the Village suitable for development, redevelopment, and/or enhancement are primarily located in the "downtown" older portion of the Village. The foremost area of the

Village suitable for redevelopment is the General Motors property and other land immediately adjacent to the south. See Maps 7, 8, and 9 for the location of the area where this shift in land use is proposed to occur. It is this area of the Village where the most dramatic shift in land use is being proposed. As discussed above, the Village has eliminated the former M - Manufacturing zoning district classification for the lands associated with the General Motors property and has changed it to a new planned development type of zoning district; the RF - Riverfront Development Zoning District (see Map 8). For this area of the Village, the LWRP and 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 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 "downtown" older portion of the Village.

This dramatic shift in land use has been primarily the result of General Motors Corporation closing their assembly plant in Sleepy Hollow. Recognizing that there will be many negative effects associated with the plant closing, the Village also realizes that the decision to close the plant was not theirs to make and was ultimately beyond their control and thus, views the plant closing as an opportunity for a complete shift in land use. Using their land use control authorities, the Village has enacted, as a key element of their LWRP, the rezoning of this portion of the Village from M - Manufacturing to the new RF - Riverfront Development Zoning District. See Section V for a description the RF Zoning District. Also see Section III for various LWRP policies that pertain to this issue.

Another area or site that is suitable for redevelopment is the old Duracell Battery site, located at the corner of Andrews Lane and Elm Street. This approximately 2-acre parcel was a former industrial site and is situated on top of the bluffs above the General Motors parcel and is near the Village's commercial district. This site was formerly occupied by a manufacturer of storage batteries, and was the subject of a State-ordered hazardous waste clean-up when elevated levels of mercury and other heavy metals were found to exist in neighborhood soils. The remedial action has been completed, but the parcel remains undeveloped. The parcel is located in an area of the Village zoned R-5 Multiple-Family Residential. Redevelopment of this site will be a private sector initiative, and the Village intends that site redevelopment will be consistent with the policies of the LWRP and with the long-term plans for redevelopment of the General Motors parcel below it, and in keeping with the long-range plan to transmogrify the Village from an industry-dominated economy to a commercial-residential-tourism based economy.

Another area of the Village that has been identified as suitable for redevelopment and enhancement is the U.S. Route 9 (Broadway) Corridor between the Pocantico River and Beekman Avenue. This stretch of Broadway has for a number of years been dominated by automobile-related service businesses, such as car dealerships and gasoline service stations. The Village commenced a zoning study for this area in 1994, in light of two developments:

(1) designation of the road by the New York State Department of Environmental Conservation as a Scenic Highway, and (2) dramatic expansion of tourism, centered upon the Philipsburg Manor/Kykuit historic areas. Late in 1994, the owner of a number of present and former automobile-related parcels located adjacent to the Philipsburg Manor Restoration proposed to redevelop the parcels into a high quality commercial land use. The Village is considering a set of zoning regulation amendments and incentives to further the conversion of the remaining properties along the Broadway corridor to uses more consistent with the emerging commercial and tourism-based economy.

Another area of the Village that has been identified as suitable for development, redevelopment, and enhancement is the Beekman Avenue Central Business District. The Beekman Avenue Business District has been undergoing a gradual transition for many years. Termination of automobile manufacturing in Sleepy Hollow will dramatically alter the economy of the western end of Beekman Avenue, which has been characterized by small businesses primarily serving the needs of workers who commute to the assembly plant from other communities. These uses will likely be replaced by different commercial uses now that the plant is closed. The LWRP encourages the private redevelopment of the western end of Beekman Avenue as a transition area from the original business district to a new mixed commercial and residential district located on the General Motors site.

The Village has sought and received a number of capital improvement grants and assistance for upgrading and enhancing the street scape infrastructure of upper Beekman Avenue. These have included street lighting, curb improvements, benches, sidewalk improvements, and tree installations as well as assistance to local merchants for storefront and facade upgrading. Capital funding for additional off-street parking is also critical to revitalizing the Beekman Avenue Business District.

Another area of the Village that has been identified as an area suitable for redevelopment and enhancement are the Valley and Cortland Street Business/Residential Districts. While connected to Beekman Avenue and sharing some of the same economic circumstances associated with Beekman Avenue, the Valley and Cortland Street Business Districts are slightly different in that they tend to serve the retail needs of the immediate neighborhood. Similar to the Beekman Avenue Business District, these two business district streets will likely see a transition of retail uses now that the General Motors plant is closed.

Unlike Beekman Avenue, the Valley and Cortland Street Business District area has not received as much attention with respect to capital improvement grants and assistance for upgrading the street scape infrastructure. The Village should focus additional street scape infrastructure enhancement attention in this business district area. There has however, been some very nice reinvestment in this business district area by local merchants in the form of redevelopment and enhancement. Such activity should be encouraged by the Village.

B. PROPOSED WATER USES

The Village of Sleepy Hollow has recognized the need to manage their near shore areas of the Hudson River and have thus integrated the *Village of Sleepy Hollow Harbor Management Plan* within the LWRP. A harbor management plan addresses conflict, congestion, and competition for space in the use of a community's surface waters and underwater lands and provides the opportunity to identify various alternatives for the optimum use of the waterfront and adjacent water surfaces. Section II identified the key harbor management issues concerning water use in the Village of Sleepy Hollow. These 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.

The Village recognizes the need to provide improved access for marina space and facilities for transient boaters. The only marina site within the Village of Sleepy Hollow is the Philipse Manor Yacht Club, which is a private membership facility that is not well situated and oriented for serving the needs of the general boating public. There are, however, two large private marinas just to the south of Sleepy Hollow, in the Village of Tarrytown. These two marinas are described in Section II, and do provide services to transient boaters. From a market demand, economic, and land and water use standpoint, the provision of marina space and uses in the Village of Sleepy Hollow would benefit not only the Village of Sleepy Hollow, but also the region.

With redevelopment of the General Motors site in the future, the RF - Riverfront Development Zoning District provides a strong emphasis and encouragement for water-dependent commercial uses such as marinas. Thus, it is anticipated that associated with redevelopment of the General Motors site will be additional marina types of uses and related small retail boat service uses.

The Village of Sleepy Hollow also intends to provide access and limited service-related opportunities for boaters and transient boaters, through the development of their Riverfront Park project. For a more detailed description of this project see Section IV-C - Proposed Projects.

The Village has identified the following existing water-dependent uses (also see Policy 2 in Section III). These will be maintained within the waterfront area:

- Philipse Manor Yacht Club;
- Kingsland Point Park and Tarrytown Lighthouse as current and proposed recreational uses; and
- The Barrier Oil Company facility located adjacent to the Village's Riverfront Park property on River Street.

In addition to those uses and locations identified above, the Village has identified the

following additional locations as those best suited for water-dependent or water-enhanced uses. These sites represent the best opportunities to provide marina space and facilities for transient boaters within Sleepy Hollow:

- The Village's Riverfront Park site on River Street. To be developed for water-dependent and water-enhanced public recreational uses. (See Section IV-C - Proposed Projects.)
- Redevelopment of the General Motors property as allowed and encouraged with the RF - Riverfront Development Zoning District (See Section V).

These locations can be found on Maps 7 and 9. Map 7 depicts the proposed water uses within the Village of Sleepy Hollow harbor management area. This map illustrates the federal Tarrytown Harbor project as a navigation channel for ingress and egress to the shores of the Villages of Sleepy Hollow and Tarrytown. The Tarrytown Harbor consists of a federally maintained channel 12 feet deep, 250 feet wide along the wharf in the Village of Tarrytown; and extends both northerly and southerly to connecting channels 12 feet deep that are 150 feet in width and provide ingress and egress for vessel traffic to access the deep water in the Hudson River. The total length of the harbor project channel is one mile. The channel was last improved and maintained by the U.S. Army Corps of Engineers in 1986 for a cost of \$69,836. It should be noted that the precise location and dimensions of the federal Tarrytown Harbor project channel on Map 7 are only approximations. For the precise location and dimensions of the Tarrytown Harbor channel, reference should be made to Map 1D found in Section II. This channel provides the Barrier Oil facility with adequate and safe depths for the ingress and egress of oil barges. It also provides adequate and safe depths for the ingress and egress of sand, gravel, and aggregate barges for the concrete and asphalt batching plant uses in the northwest corner of the Village of Tarrytown.

Map 7 also identifies and designates the surface waters of the Hudson River with a use classification of *open water/recreation*. This is a continuation of the current use of the Hudson River and reflects the importance of the Hudson River as a recreational resource within this region of the Hudson River Valley.

Proposed improvement projects affecting the harbor management area of the Village are associated with projects that are described in Section IV-C - Proposed Projects.

The Village of Sleepy Hollow has established as policy, the following order of priority for land uses on the immediate waterfront: water-dependent uses; water-enhanced uses; and non-water-dependent uses. The following uses and facilities are considered as water-dependent:

- uses which depend on the utilization of resources found in coastal waters;
- recreational activities which depend on access to coastal waters;
- structures needed for navigational purposes;

- flood and erosion protection structures;
- facilities needed to store and service boats;
- scientific/educational activities which, by their nature, require access to coastal waters;
- support facilities which are necessary for the successful functioning of permitted water-dependent uses; and
- commercial/recreational water transportation

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. Water-enhanced uses are those that may benefit economically from a waterfront location, but do not require it for their operation, and provide for public enjoyment of the waterfront. Water-enhanced uses, such as restaurants or parks often attract people to the waterfront, providing passive recreational public access opportunities for the general public. Allowing water-enhanced uses is often necessary and important in order to generate revenue to support or maintain water-dependent uses. Appropriate water-enhanced uses should be part of a mix of uses on the waterfront in the Village of Sleepy Hollow. Non-water related uses are not suitable for the Sleepy Hollow waterfront and the Village and other government agencies will make every effort to direct such uses to suitable inland locations.

C. PROPOSED PUBLIC AND PRIVATE PROJECTS

1. Introduction

As a result of developing their LWRP, the Village has identified a series of small- and large-scale projects. Their locations are identified on Map 9 and/or described below. The projects seek to:

- restore and revitalize underutilized sites within the Village;
- improve existing public recreational facilities and provide additional public access to the waterfront area;
- link public sites along the waterfront and throughout the Village to neighboring communities;
- protect and improve historical and scenic resources; and
- provide a proactive and positive economic boost to the Village.

In addition to furthering the goals of the Village of Sleepy Hollow LWRP, the proposed projects also further the goals of the Hudson River Valley Greenway. The Hudson River Valley Greenway seeks to encourage compatible economic development while preserving the resources and natural beauty of the Hudson River Valley. In particular, the Village of Sleepy Hollow LWRP identifies trail linkages and access points that represent Hudson River Greenway Trail and the Hudson River Waterway Trail within the Village of Sleepy Hollow.

2. Proposed Public and Private Projects

a. Riverfront Park

The Village is in the process of converting their 0.923 acre parcel, located on the Hudson River, from its former use as a public works site for salt/sand storage and truck parking area, into a multi-faceted waterfront park/boat launching/transient boat area and park. The project involves construction of a deep water dock/pier and open air promenade. A small area of beach will be restored for public use, and a small boat launching ramp will be constructed. Partial funding for this project has been received under two Intermodal Surface Transportation Efficiency Act grants from the NYS Department of Transportation. The Riverfront Park project is expected to be the Village's southern terminus of the Greenway Trail along the Hudson River shoreline.

Elements of the project include demolition of certain existing structures, construction of a dock/pier, beach, and boat ramp, and landscaping.

b. Greenway Trail/Promenade

The Village has proposed the location and development of a greenway trail and promenade system that would originate at the new Riverfront Park, and proceed in a northerly direction around the entire shorefront perimeter of the General Motors property to Kingsland Point Park, and thence to the Philipsburg Manor historic restoration site along the Pocantico River. Obviously, permission in the form of an easement or some other agreement would have to be made with the private land owners along the way in order to gain the needed public access.

It is also possible that this greenway trail could link with the Village of Tarrytown's waterfront park and trail system, although the details of this linkage would have to be established.

As an element, this project would be an integral part of the larger proposed Hudson River Valley Greenway Trail System as described in the preceding section.

Estimated Project Cost: To be determined

c. Redevelopment of the General Motors Property

The now closed General Motors Corporation automobile assembly plant is still the dominant feature of the Hudson River shoreline in Sleepy Hollow. It occupies over 100 acres, much of which is on fill placed in the River and into what were riverine wetlands, prior to 1955.

The structures consist of more than 3 million square feet of industrial buildings. The Metro-North railroad right-of-way bifurcates the General Motors property. The Village has enacted legislation designed to encourage redevelopment and re-use of the site into a mixed commercial and residential extension of the existing Village center. The LWRP contains a description of the RF-Riverfront Development Zoning District and policies designed to enhance this effort, by providing development guidelines to ensure development that is consistent with LWRP goals and policies, and incentives to guide development along a "new town" concept. The plan envisions a public-private partnership in the redevelopment of the property. Commercial and residential development could be augmented by a recreational or tourism-enhancing use, such as a museum or a river-oriented educational use, such as an aquarium or an environmental education center.

d. Redevelopment of the old Duracell Battery Site

An approximately 2-acre vacant former industrial site is situated on top of the bluffs overlooking the General Motors property and the Hudson River. This site is near the Beekman Avenue commercial district. This site was formerly occupied by a manufacturer of storage batteries, and was the subject of a State-ordered hazardous waste clean-up when elevated levels of mercury and other heavy metals were found to exist in neighborhood soils. The remedial action has been completed, but the parcel remains undeveloped. Redevelopment of this parcel will be a private initiative, and the Village intends that site redevelopment will be consistent with plans for redevelopment of the General Motors parcel below it, and in keeping with the policies of the LWRP and the long-range plan to transmogrify the Village from an industry-dominated economy to a commercial-residential-tourism based economy.

e. U.S. Route 9 (Broadway) Corridor

This stretch of Broadway has for a number of years been dominated by automobile-related service businesses, such as car dealerships and gasoline service stations. The Village commenced a zoning study for this area in 1994, in light of two developments: (1) designation of the road by the New York State Department of Environmental Conservation as a Scenic Highway, and (2) dramatic expansion of tourism, centered upon the Philipsburg Manor/Kykuit historic areas. Late in 1994, the owner of a number of present and former automobile-related parcels located adjacent to the Philipsburg Manor Restoration proposed to redevelop the parcels into a high quality commercial land use. The Village is considering a set of zoning regulation amendments and incentives to further the conversion of the remaining properties along the Broadway corridor to uses more consistent with the emerging commercial and tourism-based economy.

f. Central Business Districts (Beekman Avenue, Valley and Cortland Streets Commercial Districts)

The Beekman Avenue business district has been undergoing a gradual transition for many years. Termination of automobile manufacturing in Sleepy Hollow will dramatically alter the economy of the western end of Beekman Avenue, which has been characterized by small businesses primarily serving the needs of workers who commute to the assembly plant from other communities. These uses will likely be replaced by different commercial uses now that the plant is closed. The LWRP encourages the private redevelopment of the western end of Beekman Avenue as a transition area from the original business district to a new mixed commercial and residential district located on the General Motors site.

The Village has sought and received a number of capital improvement grants and assistance for upgrading and enhancing the street scape infrastructure of upper Beekman Avenue. These have included street lighting, curb improvements, benches, sidewalk improvements, and tree installations as well as assistance to local merchants for storefront and facade upgrading. Capital funding for additional off-street parking is also critical to revitalizing the Beekman Avenue business district.

Another area of the Village that has been identified as an area suitable for redevelopment and enhancement is the Valley and Cortland Streets Business/Residential Districts. While connected to Beekman Avenue and sharing some of the same economic circumstances associated with Beekman Avenue, the Valley and Cortland Streets Business Districts are slightly different in that they tend to serve the retail needs of the immediate neighborhood. Similar to the Beekman Avenue Business District, these two business district streets will likely see a transition of retail uses now that the General Motors plant has closed.

Unlike Beekman Avenue, the Valley and Cortland Streets Business District area has not received as much attention with respect to capital improvement grants and assistance for upgrading the street scape infrastructure. The Village should focus additional street scape infrastructure enhancement attention in this business district area. There has however, been some very nice reinvestment in this business district area by local merchants in the form of redevelopment and enhancement. Such activity should be encouraged by the Village.

g. DeVries Field/Railroad Bridge Overpass

DeVries Field is a public recreation facility owned by the Village and situated just east of the Metro-North Railroad at the end of DeVries Avenue. It is bounded on the east and north by the Pocantico River, which in this area is tidally influenced from the Hudson River. Opposite DeVries Field to the west is Kingsland Point Park, owned by Westchester County. The Park is bounded on the south by a large, former parking lot associated with the General Motors assembly plant. In recent years, the Village has made considerable capital

improvements to DeVries Field, and it is heavily used during the warm months. Amenities include two baseball fields, a picnic shelter and an equipped playground. The existing baseball fields are to be upgraded, and tennis courts have been proposed to be added to the Park's recreational facilities.

There is a derelict pedestrian overpass that once served to provide a pedestrian crossover of the railroad right-of-way that would, if reconstructed, serve to provide access between DeVries Field and Kingsland Point Park. The reconstructed pedestrian overpass would provide an important link between the Village and County parks, and that would be an important connection with future redevelopment of the General Motors property.

Estimated Project Cost:

Baseball Field Improvements	\$100,000
Expansion to Include Tennis Courts	250,000
Reconstruction of Overpass	<u>300,000</u>
TOTAL COST	\$650,000

h. Douglas Park

Douglas Park is a passive recreation area located in the Weber Park area of the Village. It serves as an entryway for Village residents to the nature trail system located on the Rockefeller State Park Preserve and the Croton Aqueduct trails. This 17-acre park is heavily wooded, and its trails need to be upgraded and maintained. There is also need to upgrade the picnic tables and grills. The park's rustic, natural character would also not be sacrificed if a small playground were established in part of the park.

Estimated Project Cost: \$50,000 - \$75,000

i. Peabody Field

Peabody Field is owned by the Union Free School District of the Tarrytowns, having been acquired as the site of a public school that was never built. It is a large parcel of land (39 acres) that separates two residential areas, Philipse Manor and Sleepy Hollow Manor, and spans the distance between Route 9 and the Hudson River. Only the portion of the property that is adjacent to Route 9 is utilized, as a recreational field. It is used for organized soccer, community picnics, and unorganized sport activities such as golf practice by local residents. The unused areas are characterized by a reasonably intact natural ecosystem that includes marshlands that are associated with Lake Fremont and Fremont Brook. A nature trail system, which could be a part of the Hudson Valley Greenway Trail system, has been

proposed for Peabody Field.

Estimated Project Cost: \$100,000

j. Phelps Memorial Hospital Grounds

Phelps Memorial Hospital is situated in the Northwest corner of the Village on a high bluff overlooking the River and Tappen Zee Bridge. The Hospital owns a substantial 19th century mansion, called the James House (see historic resource portion of Section II), which it makes available to organizations for social and fund-raising functions. The lawns and forested grounds between James House and the River are largely inaccessible to the general public, but could be improved as a passive recreation site, with park benches, paths, and native plantings, offering the public an excellent view of the Hudson River. Walkways through the grounds could connect with Rockwood Hall Park, a State Park which abuts the Phelps Hospital property to the north. The feasibility and cost of such a project have not been explored.

k. Philipsburg Manor Upper Mills

The Philipsburg Manor Upper Mills restoration historic site is operated by Historic Hudson Valley and is a major tourist magnet for the Village. Both it, and Kykuit, a historic Rockefeller family estate in Pocantico Hills which was opened to the public as a museum in 1994, attract well over one-quarter of a million visitors each year. The area below the restoration's mill dam is a tidally influenced marsh and bay estuarine complex which contains significant fish and wildlife resources, including migratory birds. The lower Pocantico River and marsh complex is largely inaccessible, except for one shore area that can be accessed from DeVries Field, a Village-owned park. Much of the shoreline to the south is also bounded by a large, former General Motors parking lot. Development of a nature trail to provide educational access to this unique and productive wildlife area should be pursued. As part of the Village's proposal for development of a Greenway Trail system that links various public trails and parks, it is proposed that a trail be developed along the south side of the Pocantico River from DeVries Field to the Philipsburg Manor restoration site. From there access can be gained to the Sleepy Hollow Cemetery, Douglas Park, the Old Croton Aqueduct Trail, and the trails within the Rockefeller State Park Preserve. Costs associated with development of an educational nature trail from DeVries Field to Philipsburg Manor have not been developed.

l. Kingsland Point Park

Kingsland Point Park occupies the area of Hudson River shorefront between the General

Motors property and the Philipse Manor residential subdivision. It includes the historic Tarrytown Lighthouse, which occupies what was once a shoal several hundred yards from the natural shoreline, and is now only a few feet from the edge of the filled land on which the former General Motors assembly plant is situated. The Lighthouse is maintained as a museum, but is not actively operated as such at the present time. Kingsland Point Park is owned and operated by Westchester County, and is small by County park standards. It is not well maintained. It includes an abandoned beach, which is not maintained, and a boat launch, which is also not maintained. The Park is primarily used as a picnic grounds by Sleepy Hollow residents as well as other County residents. The Park is underutilized and could be improved significantly as a major waterfront recreational resource. The LWRP will require that any redevelopment of the General Motors property be planned to interface well with the Park. Following redevelopment, the Park will potentially provide a lovely riverine park resource for the Village, County, and region.

Improvement of the boat launch would provide enhanced opportunities for casual recreational boating by the general public.

Cost estimates associated with improvements to Kingsland Point Park have not been explored.

m. Philipse Manor Railroad Station

The Philipse Manor Railroad Station is a property listed on the State and National Registers of Historic Places (see Section II). It occupies a bluff overlooking the Hudson River above the existing railroad platform used by Metro-North Commuter Railroad; which serves commuters from Sleepy Hollow. It is presently being restored as a project by The Hudson Valley Writers' Center, Inc., a not-for-profit corporation which recently acquired the building, with significant cooperation from the Village of Sleepy Hollow. The building is now used as a literary center and serves as the headquarters of the Hudson Valley Writers' Center. The structure was essentially a ruin, having been abandoned by the Metro-North Railroad in the late 1970's. Its redevelopment for an adaptive reuse has remove a substantial eyesore from the shoreline. It occupies an area that the Village treats a parkland. The Writers' Center recently received an Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement Grant from the New York State Department of Transportation for renovation of the station for passive cultural types of uses.

n. Emergency Water Supply

The Village of Sleepy Hollow is dependent on the Tarrytown and New Rochelle water sources for emergency water needs. In order to insure continuous availability in the event that regular water supply from New York City's system is curtailed, the Village of Sleepy

Hollow will join with the Village of Tarrytown in constructing a filtration plant near the Tarrytown Lake adjacent to the pump station near Nepperhan Avenue. In addition, the pump and distribution mains on the pump station should be upgraded. Also, the pump station on Sleepy Hollow Road needs to be upgraded because, even when the new filtration plant is built on Tarrytown Lakes, the Village will need it as a backup. A joint project of this kind would be paid for by the entire water district. The cost would be about \$5 million. It is anticipated that the State would assist with this cost.

Estimated Project Cost: \$5,000,000

o. Water Conservation by Replacing and Relining Water Lines

The Village must deal with the increasing frequency of water main lines breaking and the tendency of a weakened line system to not only lose water through seepage, but to burst when valves are closed to repair breaks. Availability of clean water is a major concomitant of community health and a priority for the enhancement of residential and business quality. The Village will embark on a long term program of relining water mains and adding new water valves to better control the system. A number of streets will need to have 4 inch water mains replaced by 6 inch and 8 inch lines. There is no portion of the Village that does not need to have its water lines upgraded.

Replacement of smaller water mains by larger ones would cost approximately \$2 million for materials. The actual work would be done by the Village's Department of Public Works employees. Relining of water mains would have to be done by outside contractors. Estimates for this work would have to be provided to determine the actual cost of relining.

o. Storm Drainage System Renovation on River Street

River Street is an artery that provides access between the Villages of Sleepy Hollow and Tarrytown, as well as access to significant waterfront business locations and to the Village's Riverfront Park site. Plans for economic and recreational redevelopment will require that the properties along River Street be accessible as well as attractive to development.

At present, River Street suffers from storm drainage problems which cause flooding. The Street and the storm drainage system needs to be reconstructed. The cost to repair and/or replace the catch basins and storm drainage pipes with work done by the Village Department of Public Works would be approximately \$50,000.

Estimated Project Cost: \$50,000

Section V

Techniques For Local Implementation Of The Program

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.

Section VI

State and Federal Actions and Programs Likely to Affect Implementation

STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

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

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

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

A. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the Sleepy Hollow Local Waterfront Revitalization Program

1. State Agencies

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Programs.
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:
 - 1.01 Ball Park - Stadium License
 - 1.02 Bottle Club License
 - 1.03 Bottling Permits
 - 1.04 Brewer's Licenses and Permits
 - 1.05 Brewer's Retail Beer License
 - 1.06 Catering Establishment Liquor License
 - 1.07 Cider Producer's and Wholesaler's Licenses
 - 1.08 Club Beer, Liquor, and Wine Licenses
 - 1.09 Distiller's Licenses
 - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
 - 1.11 Farm Winery and Winery Licenses
 - 1.12 Hotel Beer, Wine, and Liquor Licenses
 - 1.13 Industrial Alcohol Manufacturer's Permits
 - 1.14 Liquor Store License

- 1.15 On-Premises Liquor Licenses
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Letter Approval for Certificate of Need
 - 2.02 Operating Certificate (Alcoholism Facility)
 - 2.03 Operating Certificate (Community Residence)
 - 2.04 Operating Certificate (Outpatient Facility)
 - 2.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)

- 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
- 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
- 1.09 Authorization Certificate (Investment Company Branch)
- 1.10 Authorization Certificate (Investment Company Change of Location)
- 1.11 Authorization Certificate (Investment Company Charter)
- 1.12 Authorization Certificate (Licensed Lender Change of Location)
- 1.13 Authorization Certificate (Mutual Trust Company Charter)
- 1.14 Authorization Certificate (Private Banker Charter)
- 1.15 Authorization Certificate (Public Accommodation Office - Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)
- 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

NEW YORK STATE BRIDGE AUTHORITY

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

DEPARTMENT OF COMMERCE

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.

- 2.00 Allocation of the state tax-free bonding reserve.

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certification of Incorporation (Regents Charter)
 - 2.02 Private Business School Registration
 - 2.03 Private School License
 - 2.04 Registered Manufacturer of Drugs and/or Devices
 - 2.05 Registered Pharmacy Certificate
 - 2.06 Registered Wholesale of Drugs and/or Devices
 - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
 - 2.08 Storekeeper's Certificate

EMPIRE STATE DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
 - (a) Tax-Exempt Financing Program

- (b) Lease Collateral Program
 - (c) Lease Financial Program
 - (d) Targeted Investment Program
 - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
 - 4.00 Administration of State-funded capital grant programs.

ENERGY PLANNING BOARD AND ENERGY OFFICE

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
- (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

Air Resources

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

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

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

- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License

Lands and Forest

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit
- 9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

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

Regulatory Affairs

- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversion for) Power
- 9.45 Approval of Well System and Permit to Operate
- 9.46 Permit - Article 15, (Protection of Water) - Dam

- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District Approvals
- 9.54 River Regulatory District Approvals
- 9.55 Well Drilling Certificate of Registration

Solid Wastes

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

Water Resources

- 9.58 Approval of Plans for Wastewater Disposal Systems
 - 9.59 Certificate of Approval of Realty Subdivision Plans
 - 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
 - 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
 - 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
 - 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
 - 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
 - 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
 - 9.66 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
 - 11.00 Preparation and revision of Continuous Executive Program Plan.
 - 12.00 Preparation and revision of Statewide Environmental Plan.
 - 13.00 Protection of Natural and Man-made Beauty Program.

- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES

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

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY

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

DEPARTMENT OF HEALTH

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

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

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

- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

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

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL

- 1.00 Greenway planning and review
- 2.00 Greenway Compact activities
- 3.00 Financial assistance/grants program
- 3.00 Model Community Program

INTERSTATE SANITATION COMMISSION (regional agency)

- 1.00 Adoption and enforcement of air and water pollution standards within the Interstate Sanitation District.

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

- 2.03 Operating Certificate (Inpatient Facility)
- 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

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

DIVISION OF MILITARY AND NAVAL AFFAIRS

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

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

NEW YORK CITY TRANSIT AUTHORITY (regional agency)

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

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

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.

- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.

PORT AUTHORITY OF NEW YORK AND NEW JERSEY (regional agency)

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

POWER AUTHORITY OF THE STATE OF NEW YORK

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

3.01 Certificate of Incorporation (Adult Residential Care Facilities)

3.02 Operating Certificate (Children's Services)

3.03 Operating Certificate (Enriched Housing Program)

3.04 Operating Certificate (Home for Adults)

3.05 Operating Certificate (Proprietary Home)

3.06 Operating Certificate (Public Home)

3.07 Operating Certificate (Special Care Home)

3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

4.01 Billiard Room License

4.02 Cemetery Operator

4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

DIVISION OF SUBSTANCE ABUSE SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of Approval (Substance Abuse Services Program)

NEW YORK STATE THRUWAY AUTHORITY (regional agency)

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

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:

- (a) **Highways and parkways**
- (b) **Bridges on the State highways system**
- (c) **Highway and parkway maintenance facilities**
- (d) **Rail facilities**

3.00 Financial assistance/grant programs:

- 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)**
- 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York**
- 3.03 Funding programs for rehabilitation and replacement of municipal bridges**
- 3.04 Subsidies program for marginal branchlines abandoned by Conrail**
- 3.05 Subsidies program for passenger rail service**

4.00 Permits and approval programs:

- 4.01 Approval of applications for airport improvements (construction projects)**
- 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)**
- 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities**
- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities**
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad**
- 4.06 Highway Work Permits**
- 4.07 License to Operate Major Petroleum Facilities**
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)**

4.09 Real Property Division Permit for Use of State-Owned Property

- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.**
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.**

DIVISION OF YOUTH

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

2. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

Army, Navy and Air Force

4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).

5.00 Plans, procedures and facilities for landing or storage use zones.

6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

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

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATNP).

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

Federal Aviation Administration

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

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).

- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

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

Federal Energy Regulatory Commission

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

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant

to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).

- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

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

Mineral Management Service

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

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

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

- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

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

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

B. STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE SLEEPY HOLLOW LOCAL WATERFRONT REVITALIZATION PROGRAM

1. State Actions and Programs Necessary to Further the LWRP

a. Department of Economic Development

1. Any action or provision of funding for development or promotion of tourism related activities.
2. The provision of funding and/or technical assistance to help the Village market the General Motors plant site after General Motors closes the facility.

b. Office of General Services

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

c. Greenway Heritage Conservancy for the Hudson River Valley

1. Provision of funding for Greenway projects and planning, including the Hudson River shoreline trail or esplanade, park improvements, signage, and general tourism promotion.
2. Designation of the various elements of the Greenway Trail within the Village as part of the Hudson River Greenway Trail.
3. Inclusion of the Village's proposed small scale boat launch at the proposed Riverfront Park in the Hudson River Waterways Trail.

d. Hudson River Valley Greenway Communities Council

1. Provision of funding and technical assistance for Greenway projects and planning, including the Hudson River shoreline trail or esplanade, park improvements, signage, and general tourism promotion.
2. Acceptance of the Village of Sleepy Hollow LWRP as the community's Greenway Plan.

- e. **Office of Parks, Recreation, and Historic Preservation**
 - 1. Planning, construction, renovation, expansion of funding for recreational facilities, including improvements to all of the Village's parks and trails.
 - 2. Provision of funding for State and local activities from the Land and Water Conservation Fund.
 - 3. Provision of funding from the Environmental Protection Fund for improvements to parks and recreational facilities within the Village, including Kingsland Point Park.
 - 4. The proposed linkage of public parks should be designed and constructed and implemented with the cooperation and assistance of the Taconic Regional Office. This trail system would eventually link with other local trails to become part of the Hudson River Greenway Trail System.
 - 5. The NYS Office of Parks, Recreation, and Historic Preservation has identified the Sleepy Hollow coastal area as sensitive for the presence of archaeological sites, representing settlement patterns important to our understanding of the State's prehistory and history. Any ground-modifying construction should be preceded by an archaeological investigation through consultation with the State Historic Preservation Officer when necessary.
- f. **Department of State**
 - 1. Provision of funding and technical assistance for all aspects of implementation of the LWRP, including the provision of funding from the Environmental Protection Fund for project design and planning.
- g. **Department of Transportation**
 - 1. Provision of technical and financial assistance in the renovation of the old pedestrian bridge spanning the railroad tracks linking DeVries Field Park and Kingsland Point Park.
- 2. **Federal Actions and Programs**
 - a. **U.S. Army Corps of Engineers**
 - 1. Technical and financial assistance associated with possible dredging and shoreline stabilization projects that may be proposed as part of a project along the Village's shoreline.

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,

This report was prepared by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, provided under the Coastal Zone Management Act of 1972, as amended.

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 soils 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 physiography, 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.

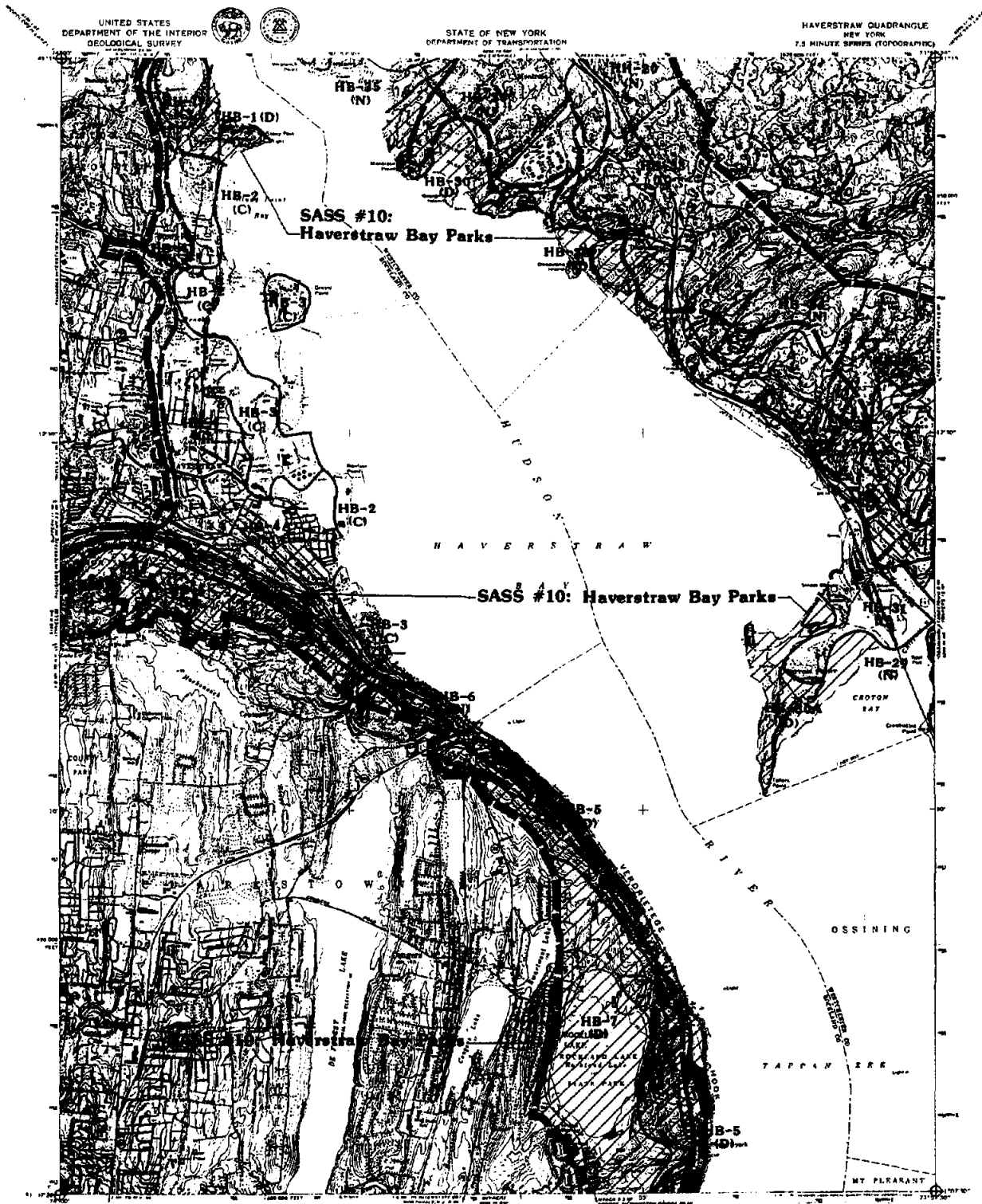
Much of the promontory, not included in the subunit, has been disturbed by past landfill activities, through the construction and operation of a large railroad yard, and sewage disposal plant on the point. Structures within the subunit are limited to a few roads and buildings. The Park is generally well 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:

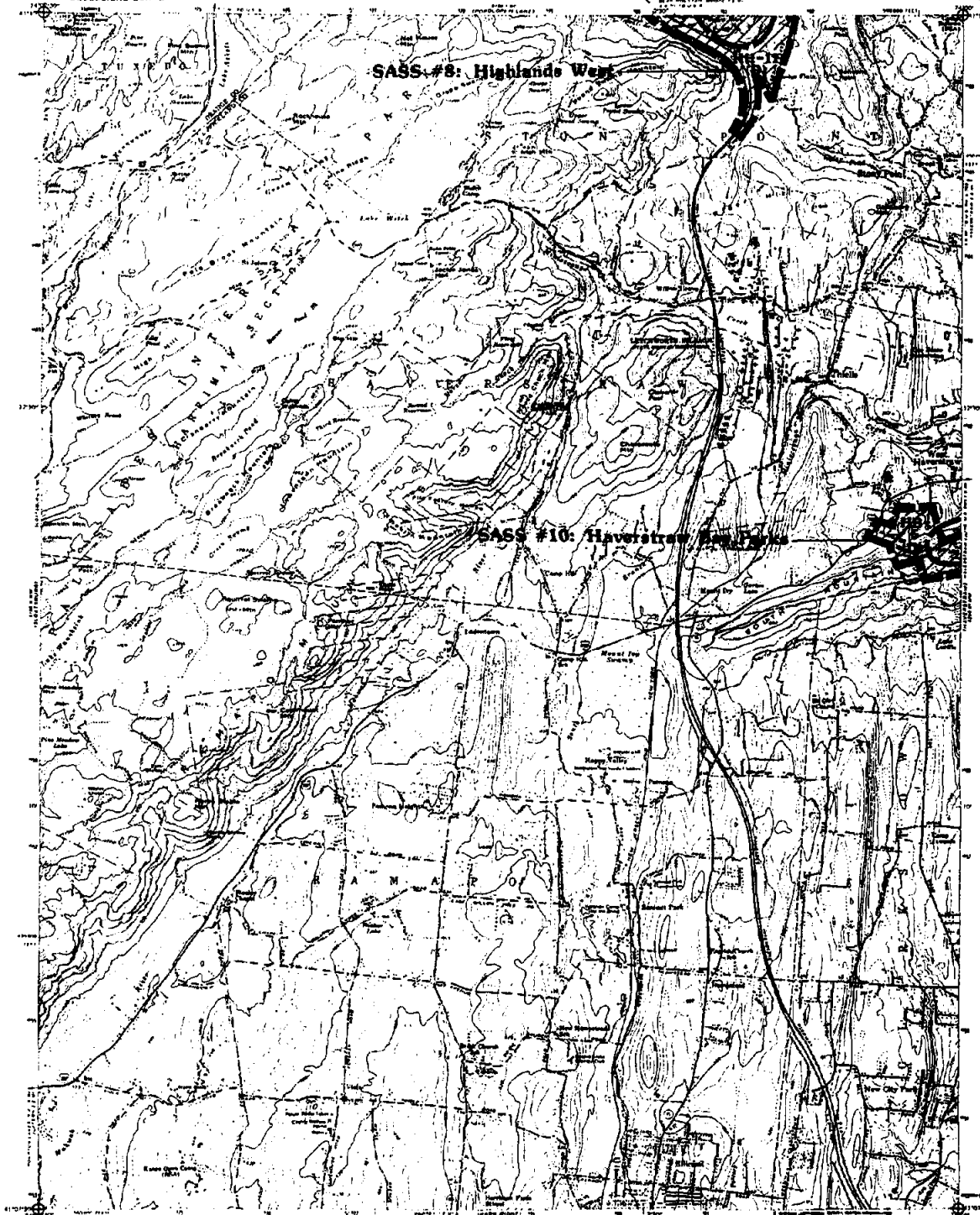
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- Scenic Areas of Statewide Significance (SASS)
- Hudson River Viewshed
- Subarea Boundary
- Subarea Identification Code
- Subarea Visual Quality Rating:
- (D) Distinctive (N) Noteworthy (C) Common

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:



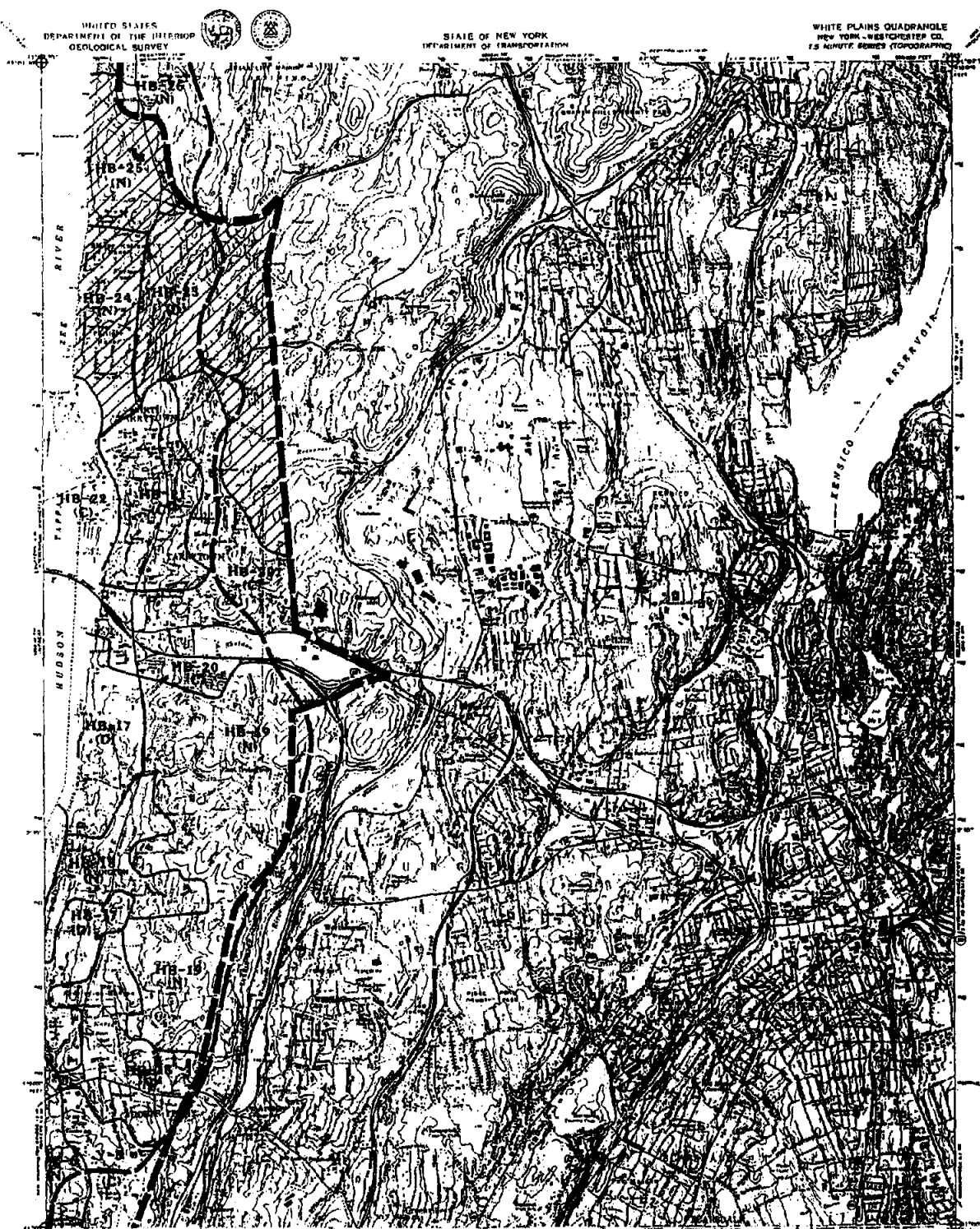
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CK-12
(D)

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





Hudson River Visual Analysis Study

State of New York
Department of State
Coastal Management Program

Dadeau 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



0 200 500
Scale in Feet

SOURCE: 1988-1989 Tax map data.

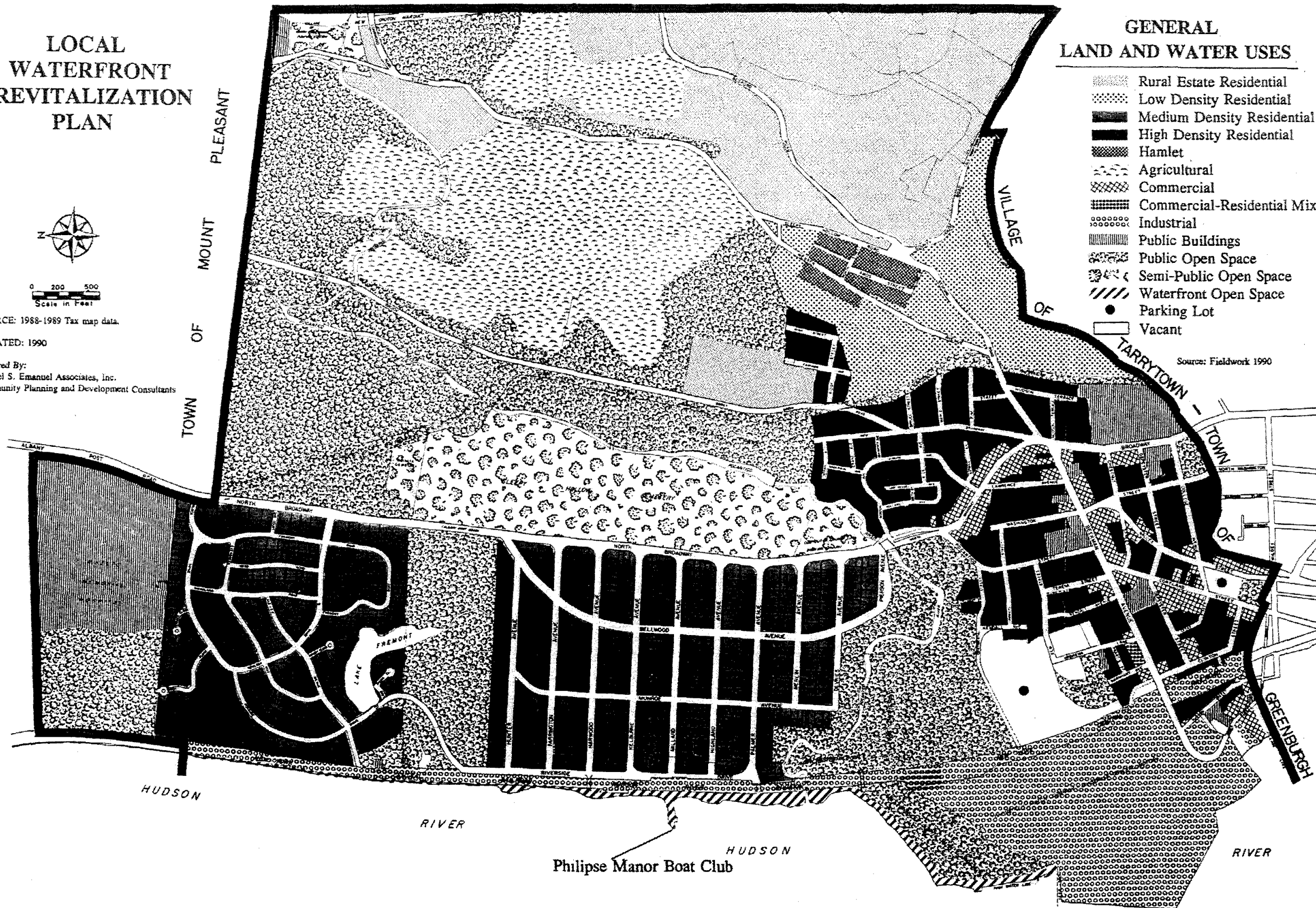
UPDATED: 1990

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


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



MAP 1A



0 200 500
Scale in Feet

Map Prepared by:

NYS Department of State
Division of Coastal Resources
and Waterfront Revitalization

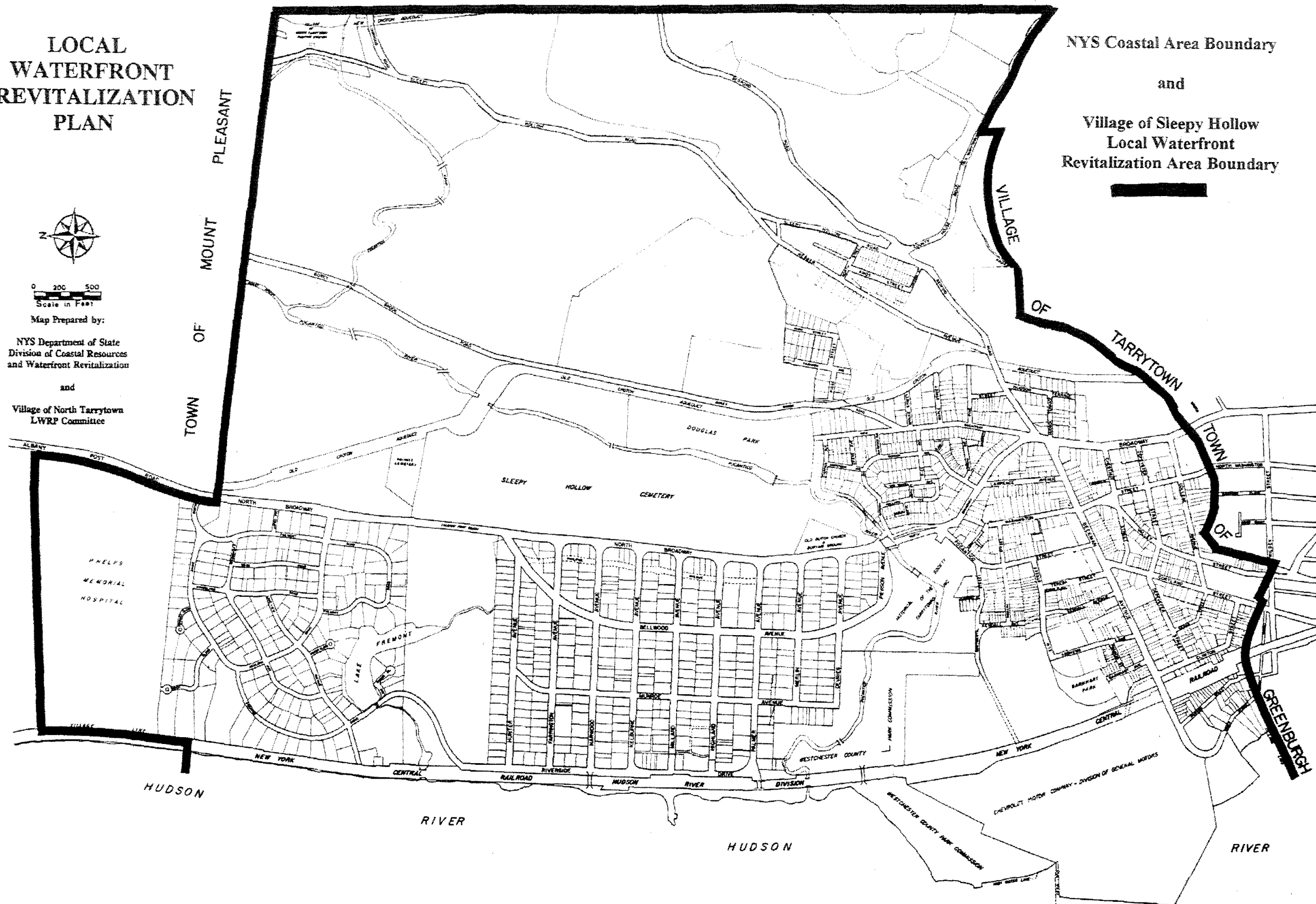
and

Village of North Tarrytown
LWRP Committee

NYS Coastal Area Boundary

and

**Village of Sleepy Hollow
Local Waterfront
Revitalization Area Boundary**

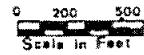


MAP 2

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



SOURCE: 1988-1989 Tax map data.

UPDATED: 1990

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



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

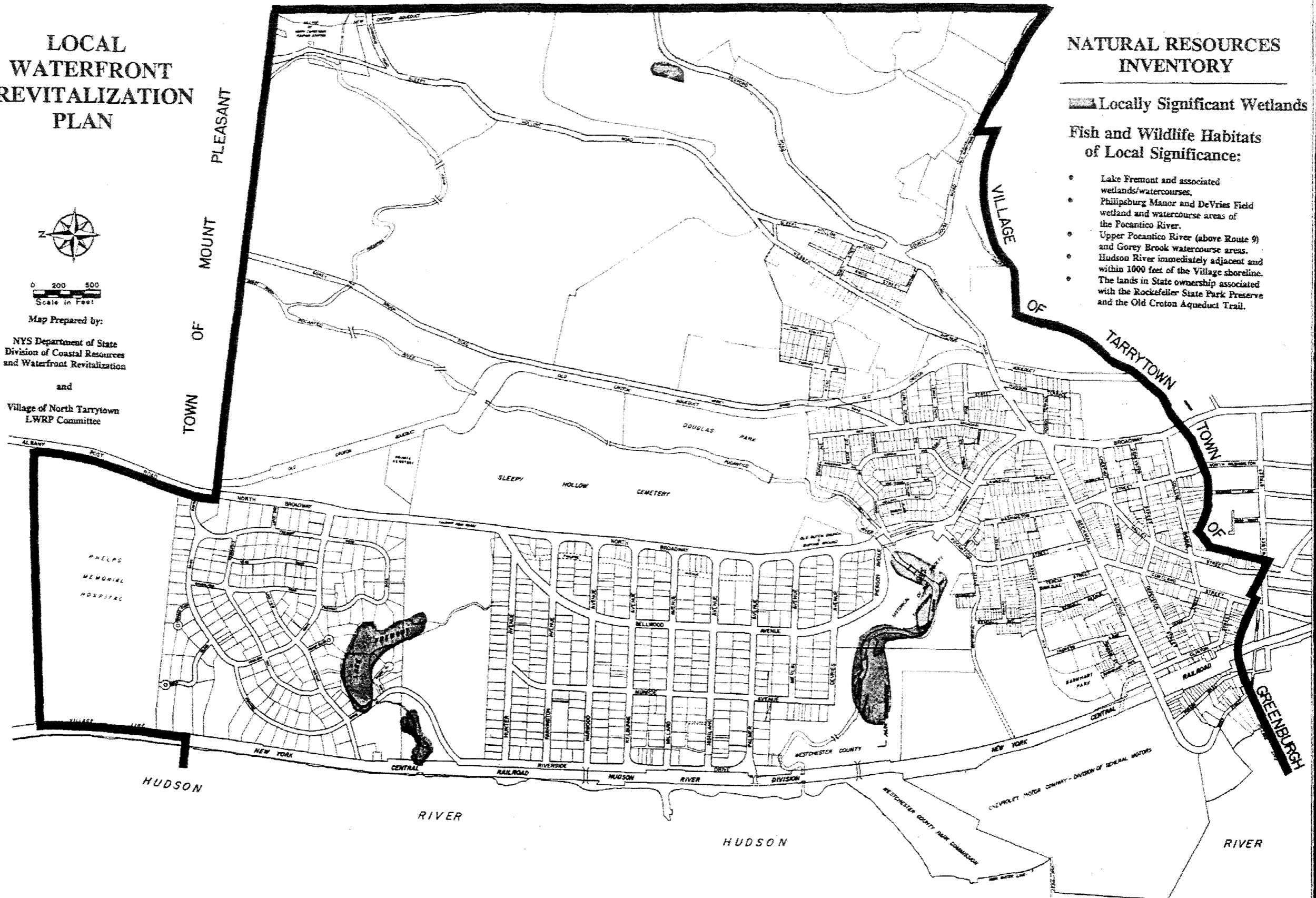
Village of North Tarrytown
LWRP Committee

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

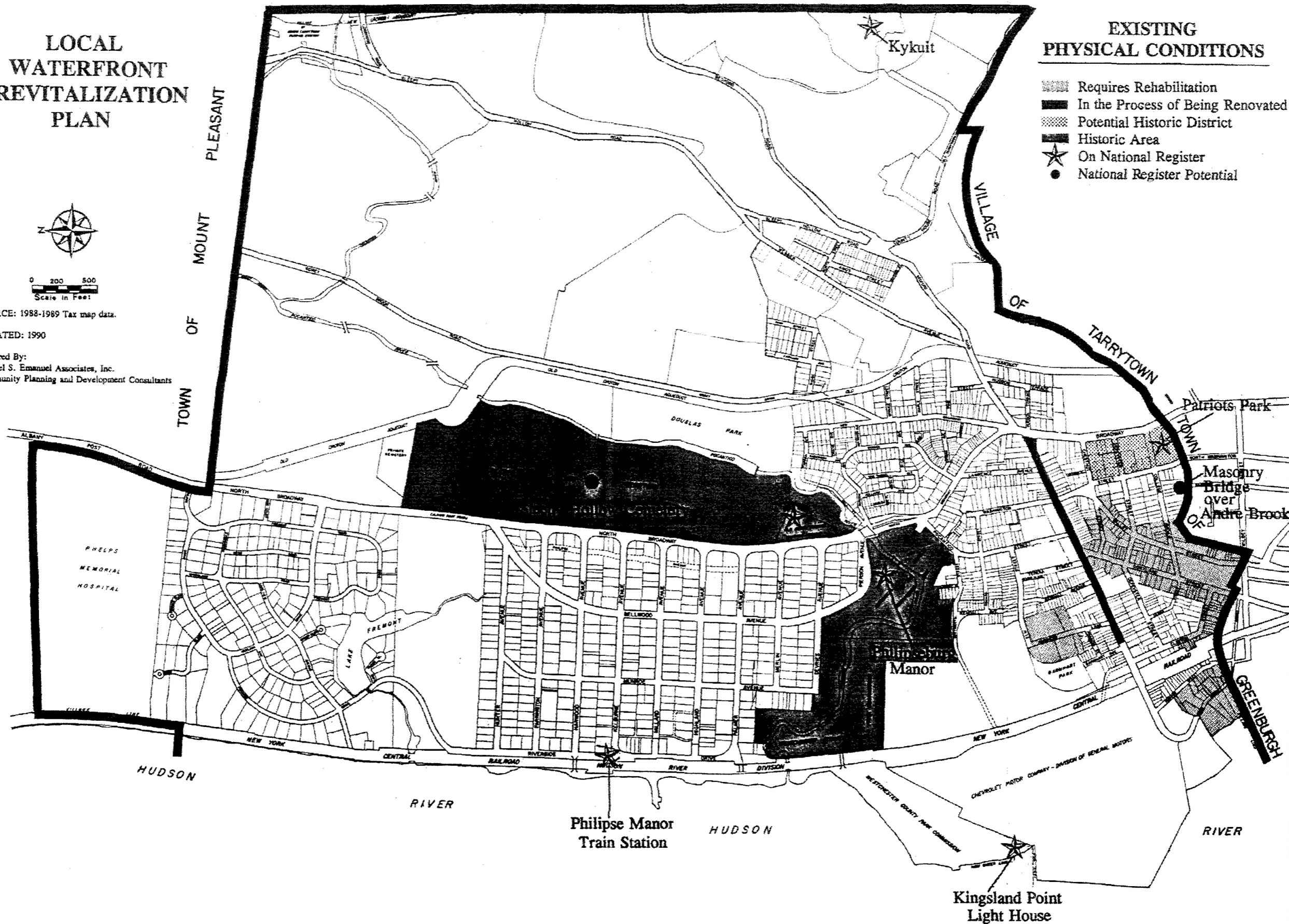
SOURCE: 1988-1989 Tax map data.

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



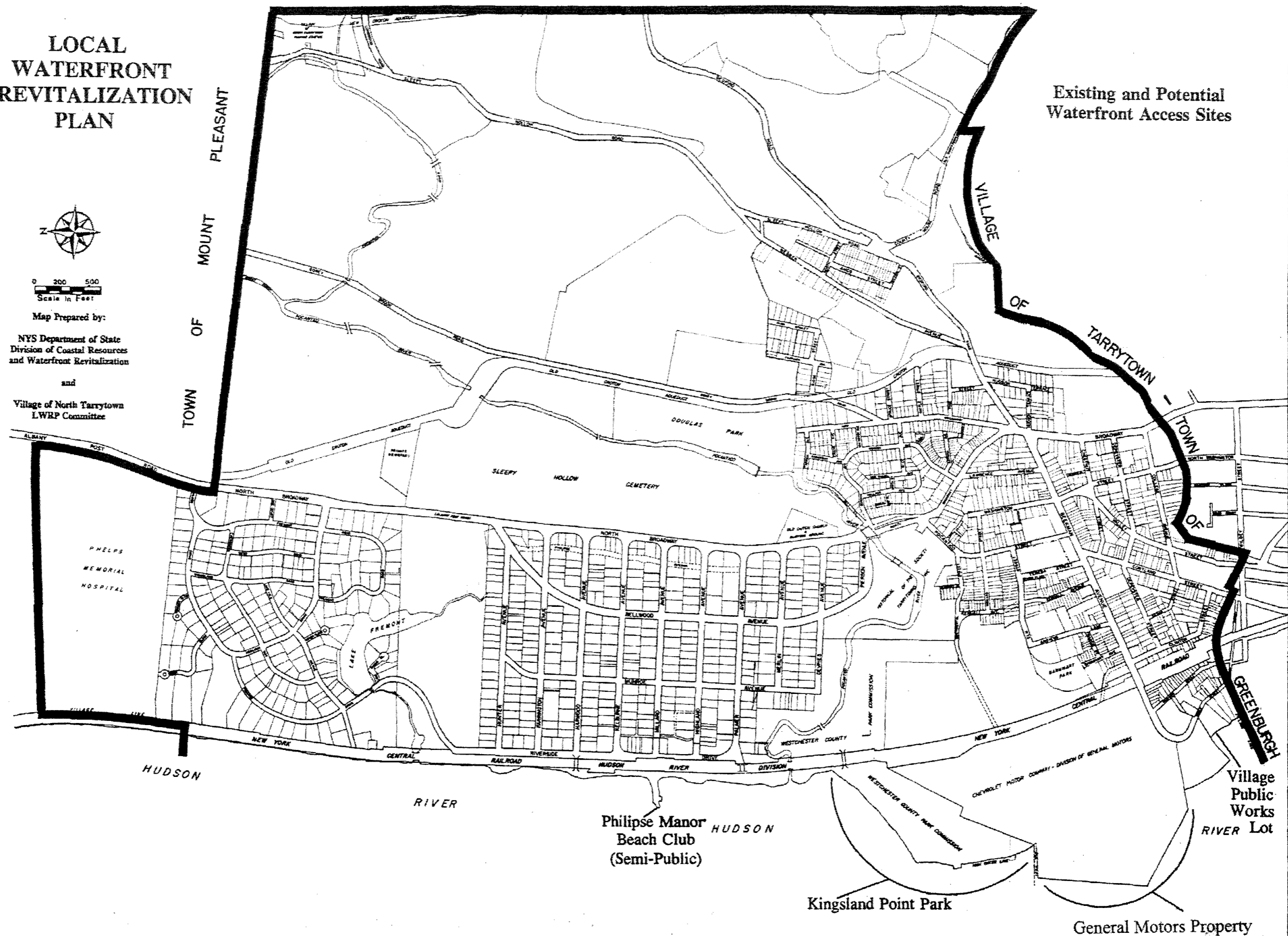
0 200 500
Scale in Feet

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

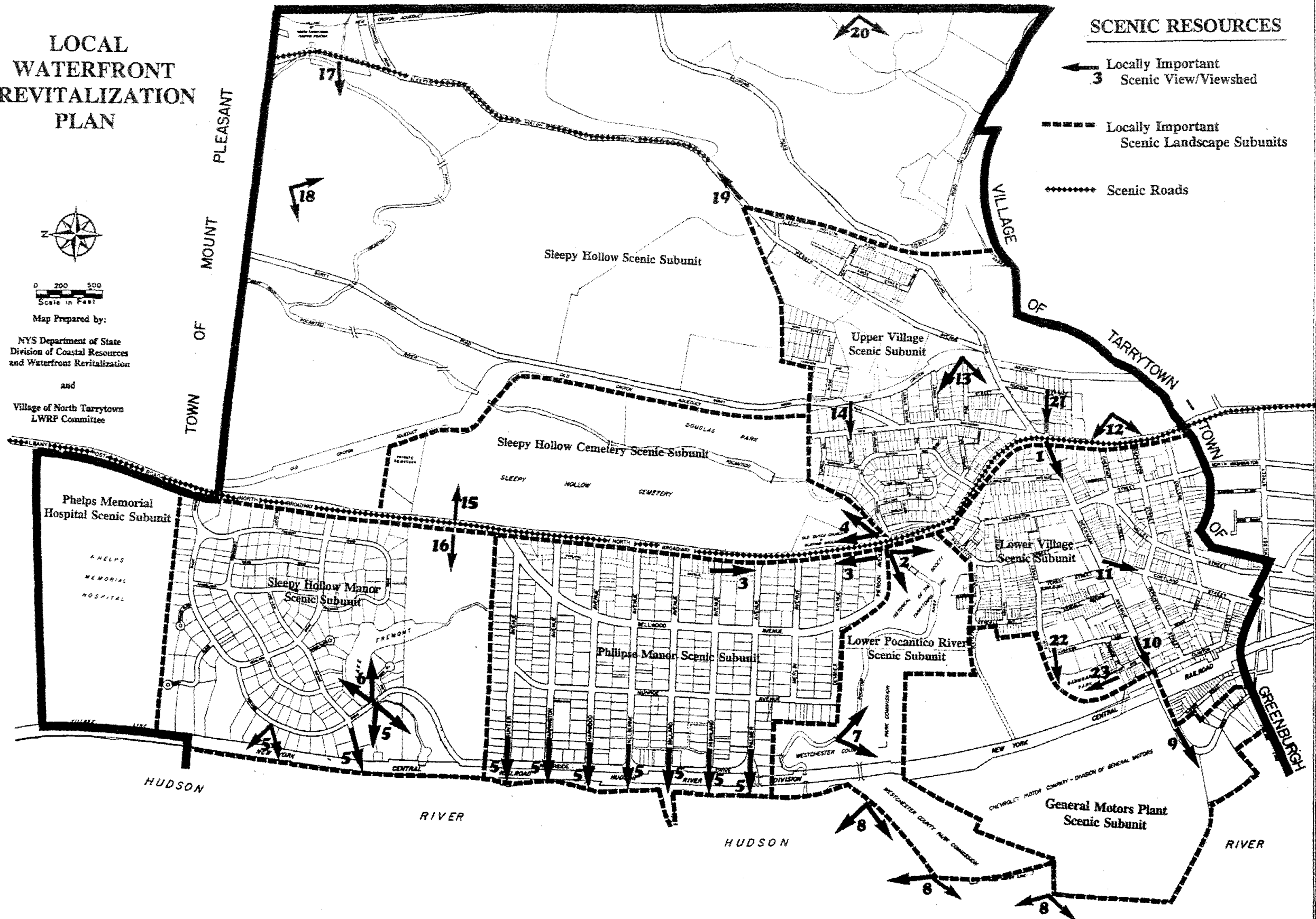
Village of North Tarrytown
LWRP Committee

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



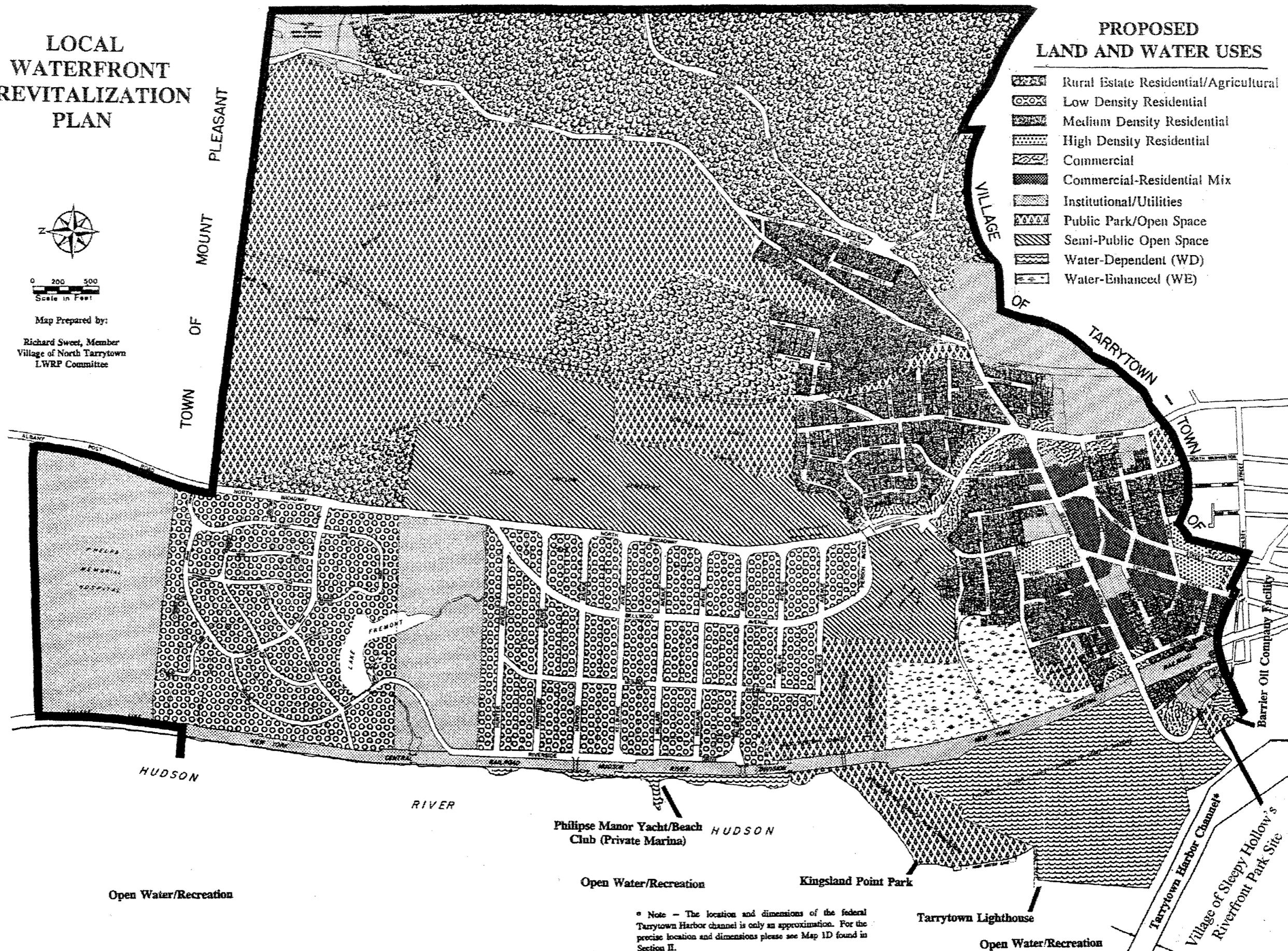
0 200 500
Scale in Feet

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

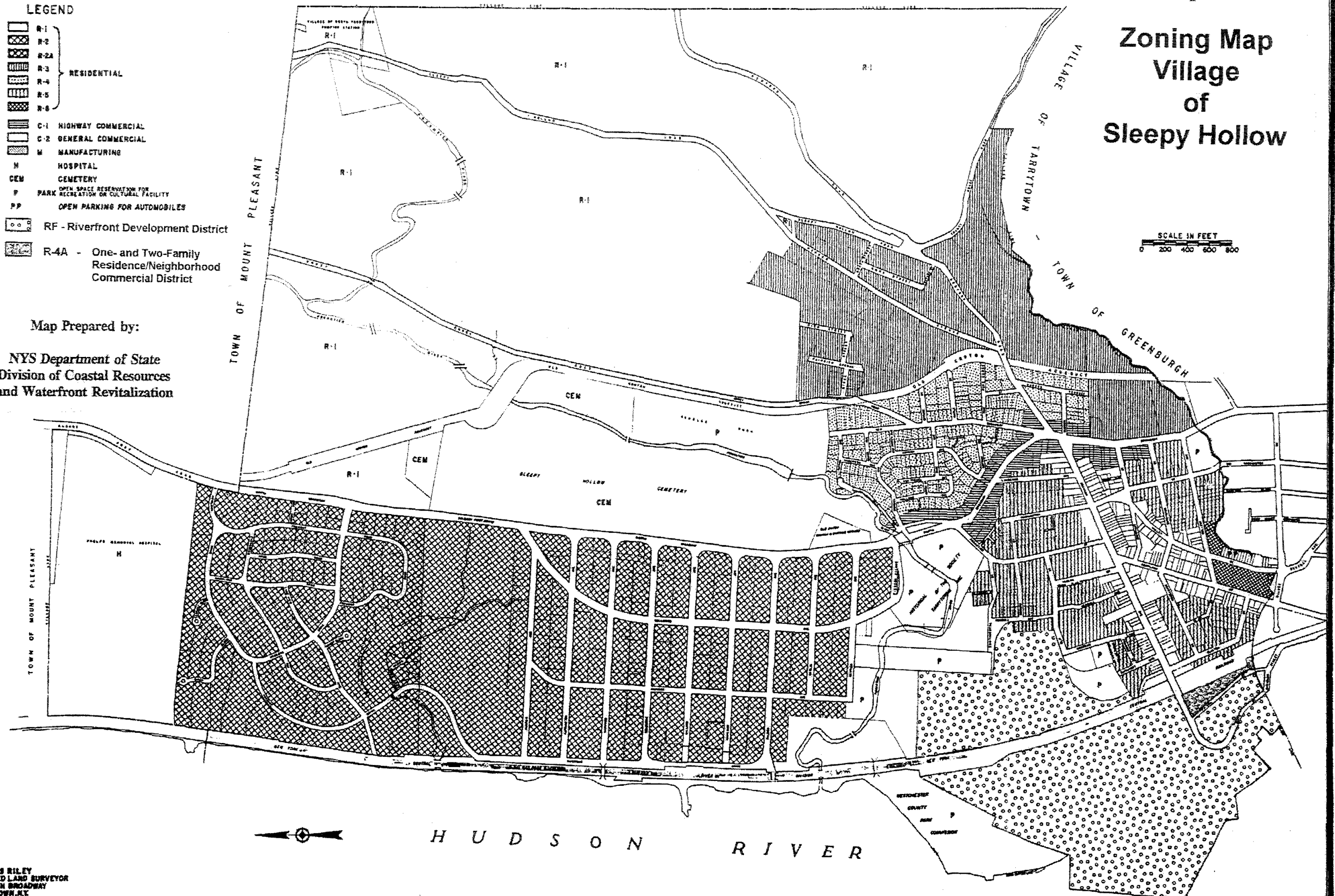
SCALE IN FEET
0 200 400 600 800

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:

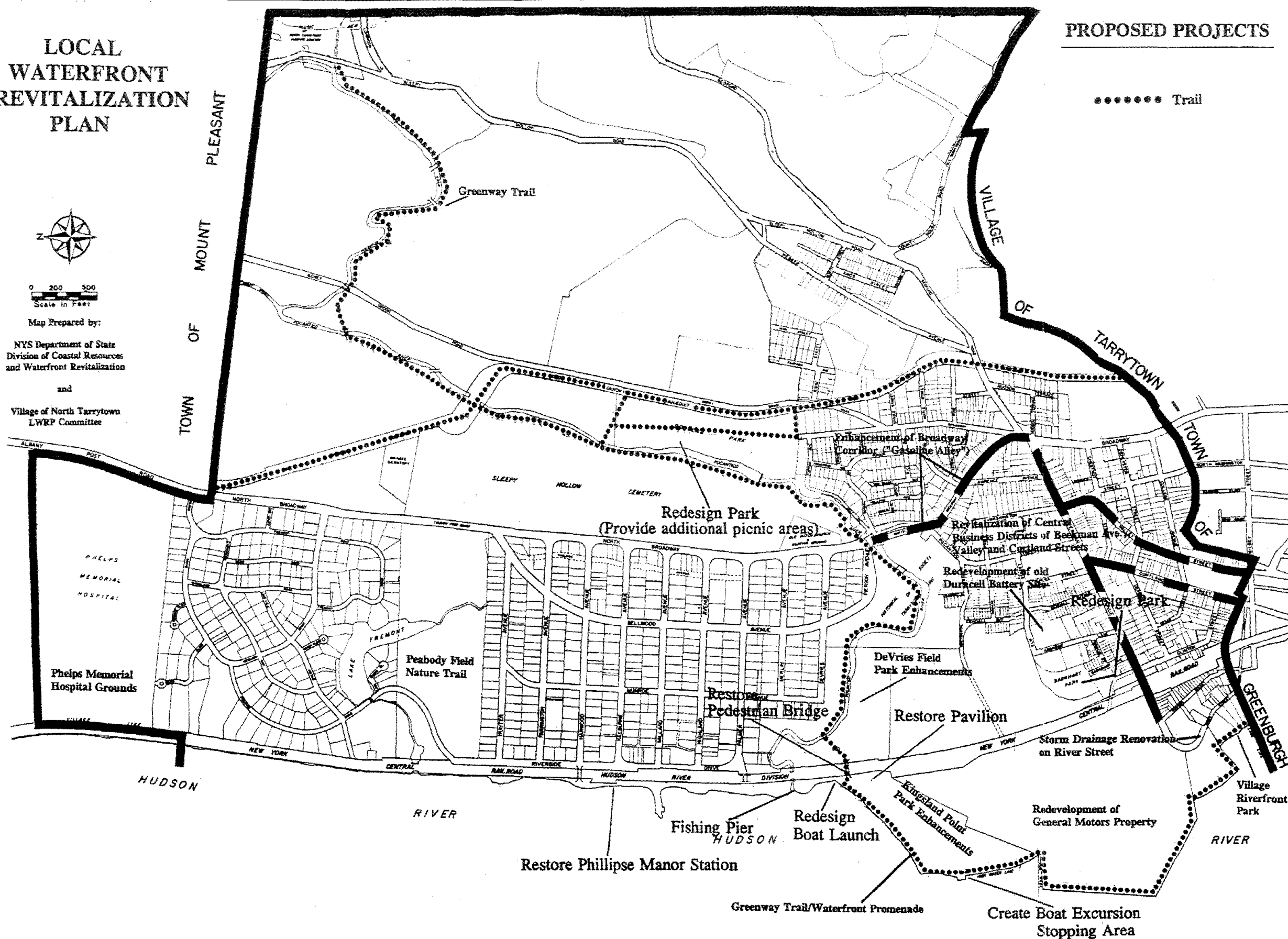
NYS Department of State
Division of Coastal Resources
and Waterfront Revitalization

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 19 97 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, an ~~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 shoreline; 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.