

**Minutes of the  
Waterfront Advisory Committee  
July 2, 2014**

Present: Charlie Kane, Chairman  
Stuart Greenbaum  
Bruce Kauderer  
Ann Gallelli

Absent: Andrew Levitt

Also present: Daniel O'Connor, Village Engineer

1. Charlie Kane called the meeting to order at 7:30 p.m.

**2. Referrals**

*a) Con Edison Corporation—North Riverside Avenue (unimproved) (Near 79.17—Near 2 Near 9)—Referral from Water control Commission regarding Wetland Permit application for directional drilling under Croton River for new electrical line at former Route 9 Bridge over Croton River—final consistency review.*

Chairman Kane noted that the Water Control Commission had issued the negative declaration for this application and there have been no changes since the preliminary recommendation was issued on June 4, 2014. Mr. Kauderer made a motion to issue a recommendation of consistency, seconded by Mr. Greenbaum, and, and carried all in favor, by a vote of 4-0.

*b) Referral from Village Board of Trustees for review of Draft Law, Parts 1 and 2 of the Environmental Assessment Form and the Village's coastal Assessment Form—preliminary review.*

Ms. Gallelli explained that the draft law proposed to change the zoning for Croton Point Park from RA-40 to PRE-3, which allows the most active recreation use, to change the HNGC from RA-40 to RA 60 zoning, and to change Brinton Brook, Graff Sanctuary, and a small portion of Jane Lytle Arboretum from RA-40 to PRE-1 zoning (the most passive use). Ms. Gallelli stated that this draft law had been proposed in 2010 but was dropped when the village was addressing the Harmon rezoning. The proposed draft law is exactly the same; there are no changes. Mr. Kauderer wondered what kind of effect this might have on the federal housing lawsuit, although he noted that upzoning from RA-40 to RA-60 did not seem significant to him. Ms. Galleli stated that the village had not yet heard from the County and the County may be concerned about the upzoning given that it may appear more exclusionary. Mr. Staudt, village attorney, had however advised the village that the upzoning fits in with the comprehensive plan and also fits with the contours and topography of the land. If Hudson National Golf were to go out of business, (and this is very hypothetical) there is already a condition in their resolution that states that development would have to be pre-golf

course contours.

In reviewing the Coastal Assessment Form (CAF), dated June 18, 2014, on p. 2, B (7), the WAC members questioned why only the lots along Albany Post Road were cited, and not the other parcels included in the proposed rezoning. The WAC members recommended that the other parcels, including Croton Point Park, Hudson National Golf Club, and the sanctuaries also be cited. On p. 2, B (8), the WAC members noted that some lands contain slopes of 15% or greater and that the answer of "Not Applicable" reference the addendum which explains the steep slopes in the proposed rezoning areas. On p. 5 C (p), instead of "YES", the WAC recommends that the answer be "Not Applicable" and includes the explanation that Best Management Practices are already covered by local law.

In reviewing the Environment Assessment Form, on Part II, p. 9, the WAC questioned why "YES" was checked since the proposed rezoning is not an action that will have an impact on human health. If not intended to be "YES: then the answer should be changed to "NO." If "YES" is the answer, the WAC recommends that further clarification be provided as to why the answer is "YES."

The WAC then evaluated this referral for consistency with the LWRP policy standards and agreed that the following policies are applicable to this proposed Local Law.

*Policy 1A: Existing planning and zoning documents should be reviewed and amended where necessary to ensure development within the community is consistent with adopted goals and policies.*

This policy is applicable to the proposed rezoning because the Village has a Comprehensive Plan that was adopted in 2003 and it created goals and policies that protect and enhance the growth and development of the village. The proposed project for rezoning is consistent with the above policy because rezoning Croton Point Park from RA-60 to PRE-3 is a better fit with the actual current and future use of the park. The proposed rezoning of Brinton Brook Sanctuary, Graff Sanctuary, and the small portion of the Jane Lytle Memorial Arboretum from RA-40 to PRE-1 also is a better fit with the actual current and future use of these three areas as passive open space. No residential uses currently exist within these rezoning areas and if rezoned to PRE-1, residential uses would not be permitted. The proposed rezoning of Hudson National Golf Club, a major open space area, would create larger-scale lots that take into consideration the topography and slopes of the site, and protects the natural character of the site.

*Policy 5C: Limit proposed development within those portions of the coastal zone boundary area, where traffic impacts such as site distance and carrying capacity of the roadways are restricted, particularly along Route 9A, Albany Post Road and Route 129.*

This policy is applicable because the location of Hudson National Golf Club and Albany Post Road areas (approximate total of 425 acres) are within portions of the coastal zone boundary area along Albany Post Road. The proposed rezoning of the 329-acre Hudson National Golf Club from RA-40 to RA-60 will better preserve the natural topography of the site and minimize potential development

impacts. The rezoning of the 96-acre area along Albany Post Road from RA-40 to RA-60 will limit the potential development impacts of the remaining oversized lots in this area, given the high volume of traffic along Albany Post Road and significant environmental constraints (ie. steep slopes).

*Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.*

*Policy 7A: The quality of the Croton River and Bay significant fish and wildlife habitat and Haverstraw Bay Significant fish and wildlife habitat shall be protected and improved for conservation, economic, aesthetic, recreational, and other public uses and values. Its resources shall be protected from the threat of pollution, misuse, and mismanagement.*

These policies are applicable to the proposed rezoning because the Croton River and Bay significant fish and wildlife habitat are located in the proposed PRE areas (Croton Point Park, Brinton Brook and Graff Sanctuaries, and the small portion of approximately 2 acres of the Jane Lytle Arboretum). The proposed project is consistent with these policies because by designating these parcels as Parks, Recreation and Education (PRE), these areas will remain public recreation areas and open spaces, and therefore preserve the significant fish and wildlife habitats.

*Policy 9A: Ensure continued recreational use and public access to the rivers through Village-owned land adjacent to the Metro-North parking lot, at Croton Point Park and at Senasqua Park, along the Croton River, and at the Croton Yacht Club. Efforts should be made to encourage recreational use of the fish and wildlife resources found in these areas by increasing the opportunities for public access and enjoyment.*

*Policy 9B: Encourage passive recreational enjoyment of the wildlife in the designated significant fish and wildlife habitats, on the Audubon Society Sanctuaries, on other public or private lands within the Village, where wildlife habitats are located. Encourage the recreational use of areas where such resources are found, as well as the protection of such resources.*

These policies are applicable because they specifically cite Croton Point Park and the Audubon Society Sanctuaries (Brinton Brook and Graff Sanctuary) and a small portion of the Jane Lytle Arboretum as areas where fish and wildlife resources are located. The proposed rezoning of Croton Point Park from RA-40 to a PRE-3 District preserves the area as parkland and both ensures the protection fish and wildlife resources and increases the active and passive recreational use and educational opportunities. The proposed rezoning of the Brinton Brook and Graff Sanctuaries and the small portion of the Arboretum from RA-40 to a PRE-1 zone also ensures that these areas will be preserved as parkland and protect the fish and wildlife habitats that exist on these lands.

*Policy 12A: Every effort should be made to protect Croton Point, a natural protective barrier to Croton Bay from activities or development that would increase erosion of or flooding of the Point.*

The proposed rezoning of Croton Point Park from RA-40 to a PRE-3 District prevents development of the area and allows for both active and passive recreational open spaces. This also includes educational facilities. The proposed PRE-3 zoning ensures that this area is preserved as open space and does not become residential subdivisions at some point in the future.

*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 safeguard which the state has established to protect valuable coastal resource areas.*

This policy is applicable to the proposed rezoning because Croton Point Park is a valuable coastal resource area and a Westchester County park. The proposed rezoning of Croton Point Park to a PRE-3 zone preserves the area as parkland and open space and preserves the natural resources and scenic beauty.

*Policy 19: Protect, maintain and increase the level and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority will be given to public beaches, boating facilities, fishing areas and waterfront parks.*

This policy is applicable to Croton Point Park because Croton Point Park is a water-related recreation resource and has facilities that serve public recreation needs. The proposed rezoning of Croton Point Park as a PRE-3 zone ensures that the park and its facilities are utilized for public recreation needs and that it is protected from becoming residential subdivisions at some point in the future. The PRE-3 District is a more compatible zoning designation for this open space area than RA-40 since the purpose of the PRE district is to preserve natural resources and other land and community resources.

*Policy 19A: Encourage the linkage of open space along the Hudson and Croton Rivers in the form of a trail or walkway system. Such systems should be provided along undeveloped and underutilized land as well as along previously developed land.*

This policy is applicable to the proposed rezoning since there are hiking trails in the sanctuaries. The proposed change to rezone from RA-40 to PRE-1 District is a better fit for the actual current and future use of these three areas as passive open space. No residential uses currently exist within these rezoning areas.

*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.*

This policy is applicable to the proposed rezoning of Croton Point County Park, located along the coast, because it offers water dependent and water enhanced recreation. The proposed rezoning of Croton Point Park as a PRE-3 zone is consistent with the policy because the change from RA-40 to PRE-3 is designed to maintain and preserve Croton Point Park for continued use as active and passive recreational open space and encourages a variety of recreational and educational activities.

*Policy 23: Protect, enhance and restore structures, districts, areas of sites that are of significance in the history, architecture, archaeology or culture of the state, its communities or the nation.*

This policy is applicable to the proposed rezoning areas since Croton Point Park, Brinton Brook Sanctuary and Graff Sanctuary (Audubon sanctuaries) and the Jane Lytle Memorial Arboretum are of local significance in the history and archaeology of Croton on Hudson. The proposed rezoning is consistent with this policy because rezoning these areas from a RA-40 to a PRE-1 and PRE-3 zoning district will ensure that these areas are preserved as open space and protected from development.

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

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The proposed rezoning of Croton Point Park (from RA-40 to PRE-3) and Brinton Brook and Graff Sanctuaries, and the Jane Lytle Arboretum from RA-40 to PRE-1 are more compatible zoning designations and will ensure that these areas are preserved as open space and their scenic beauty maintained. The PRE-3 designation for Croton Point Park also allow the park to be used for educational purposes which currently it is used for in addition to passive space. The PRE zoning ensures that these open spaces do not become residential subdivision at some point in the future.

Mr. Greenbaum made a motion to issue a preliminary recommendation of consistency based on the WAC's review of the CAF (and includes the question requiring an explanation), EAF, and LWRP policies, seconded by Chairman Kane, and carried all in favor by a vote o 4-0.

### **3. Approval of Minutes**

Ms Gallelli made a motion to approve the minutes of June 4, 2014, seconded by Chairman Kane, and carried all in favor by a vote of 4-0.

### **4. Adjournment**

Meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Ronnie L. Rose  
Secretary to the WAC