

The Village of Croton-on-Hudson
Local Waterfront Revitalization Program Monitoring Report
Prepared by the New York State Department of State
December 2012

Community Background

The Village of Croton-on-Hudson is located on the east shore of the Hudson River in Westchester County approximately 40 miles north of New York City. It is 10.8 square miles (4.7 land and 6.1 under water land) and located within the Town of Cortlandt.

Metro-North Railroad's Hudson line runs from Grand Central Station to Croton-on-Hudson and north to Poughkeepsie. Amtrak stops in Croton-on-Hudson as part of its service along the Eastern seaboard from NYC and points south as well as north to Montreal and west to Chicago and beyond. This makes the Croton-Harmon rail station a regional transportation hub.

As described in the Village's 2003 Comprehensive Plan, Croton-on-Hudson's natural features include its extensive riverfronts, hilly topography, natural areas, and expansive views. The topography of the Village affords dramatic views of the Hudson River to the west; along the Croton River gorge, steep banks lead down to the river's edge. The scenic views of the two rivers are enhanced by the riverfront parks and extensive wooded areas throughout the Village.

There are two NYSDOS designated Significant Coastal Fish and Wildlife Habitats in the Village. One is the Croton River and Bay habitat. The Croton River is a relatively large 3.5 mile stream fed by the NYC watershed system at Croton Dam and the Croton Reservoir. The upper two-thirds of the stream is freshwater and the lower third is brackish due to the mixing of tidal inflows from the Hudson River. The freshwater section includes the Village watershed area with numerous wells supplying the Village with potable water. The lower section empties into the Hudson River at Croton Bay. This habitat includes one of the largest shallow bay areas in the lower Hudson River, sheltered from strong currents; this area functions as productive year round habitat for resident and anadromous fish species. As a result, the Croton River and Bay are very popular for recreational fishing; it is one of the recognized hot spots for striped bass fishing. Locally significant numbers of waterfowl can be seen in the area during spring and fall migrations.

The other Significant Coastal Fish and Wildlife Habitat is Haverstraw Bay located in the widest section of the Hudson River estuary. The Bay includes extensive shallow areas and is a place where the freshwater from the upper river mixes with the salt water from the Atlantic, producing a predominantly brackish water habitat. It is one of the most important fish and wildlife habitats in the Hudson River estuary.

Collaborations with Department of State

Since completion of its Local Waterfront Revitalization Program (LWRP) in 1992, the Village has worked to advance its implementation. The Department of State has awarded three Environmental Protection Fund grants to the Village.

A 1996 Environment Protection Fund (EPF) LWRP grant award allowed the Village to develop a vision and feasibility study for its newly acquired Hudson River waterfront parcel, the former Sepreio property which encompassed 30+ acres of land and water. In 1998, the Village was awarded an EPF LWRP grant and worked in partnership with Historic River Towns of Westchester to develop a regional signage system for the county's Hudson River communities to create a regional identity and guide tourists to key destinations.

In 2006, the Village in partnership with Westchester County received an EPF LWRP grant to develop a Scenic Byways Corridor Management Plan for Route 9, the main road that runs parallel to the Hudson River. Preparation of the plan is a major step in the NYS Scenic Byway nomination process. However, the County, who would have been the lead in completing the work, did not have the staff necessary to complete the project. Upon request, the grant was rescinded by the DOS.

LWRP Monitoring Process

The goal of the monitoring process is for the DOS to assess a community's consistency with its LWRP, and to understand implementation activities and decision-making procedures related to the LWRP. Additionally, this process provides a forum for a community to highlight successes and request technical and financial assistance for program implementation.

Participating in this process from the Village was: Abraham Zambrano, Village Manager; Mayor Leo Wiegman; Dan O'Connor, P.E., Village Engineer; Ronnie Rose, Assistant to the Village Engineer; Charles Kane, Chair of the Waterfront Advisory Committee and Ann Gallelli, Village Trustee. The process involved an initial conference call with the Village to gather preliminary information, and then a meeting and waterfront tour, including a boat tour of the Hudson and Croton Rivers in the Village.

DIVISION OF COASTAL RESOURCES FINDINGS

LWRP Implementation

The Village adopted its LWRP in 1992 to guide development within the coastal area in a way that protects and preserves natural resources, and enhances public enjoyment of the waterfront.

Overall, the Village has made great strides in implementing its LWRP and increasing the public's enjoyment and access to the Hudson River and Croton River. It has done this through acquiring properties and easements along its shoreline, improving public access, and adding

recreational amenities to these areas. The following projects, identified in the LWRP, have substantially progressed or been completed:

- Walking Trail: The Croton Gorge walking trail along the Croton River from Silver Lake Park to Black Rock Park is complete. A portion of the Croton Gorge land which includes the trail was rezoned PRE1; passive open space.
- Silver Lake Park: Redevelopment activities have occurred at Silver Lake Park which included reconstructions of stairs, the restoration of a picnic area, and the establishment of a community garden. The Village also funded rehabilitation of the Silver Lake Dam and annual maintenance of the swimming beach. Landscaping plans that will enhance the appearance of the park and help with erosion control have been completed. The project will be included in the 2013-2014 proposed capital budget.
- Black Rock Park: There have been some improvements at Black Rock Park such as the demolition of deteriorating structures and general landscaping and maintenance of the area. In addition an area of Black Rock Park has been designated for a dog park available to Village residents. Landscaping plans that will define the parking area from the passive recreation areas of the park have been completed. The project will be included in the 2013-2014 proposed capital budget. A request has been made to FEMA for assistance with rehabilitating the dam at Black Rock Park.
- Croton Landing Park: In 1995, the Village purchased Croton Landing (formerly the Sepreio Property) with the Open Space Institute. In 2003, the Open Space Institute transferred its title of the Beaverkill portion (the northern section) of Croton Landing to the Village. A new road (Elliott Way) and Westchester County Riverwalk Trail were constructed in 2005-2006, extending the Riverwalk approximately 1 mile north, and providing new and safer access to and within the park. In addition to the riverfront trail, Croton Landing Park has picnic areas, a playing field, benches, public restroom facilities, parking and a 9/11 memorial. Additional improvements to the 9/11 memorial are being planned for 2013, including a sculpture and meditation garden. Funding for the park came from local, County and State sources and the private non-profit DeWitt & Lila Acheson Wallace Foundation.
- Echo Canoe Launch: Improvements to the Croton River/Croton Bay Boat Ramp (the Echo Canoe Launch) and Village lands south of the Village parking areas at Metro-North (Croton-Harmon Station) were made for easier access and use. A parking area has been established with appropriate signage installed. Kayak rentals and lessons are available at the site on a seasonal basis.
- Senasqua Park: A new pavilion was built, the bathhouse/public restrooms renovated, and the playground equipment was replaced. A new drainage system and some grading were completed to alleviate drainage problems. The parking lot was expanded, repairs made to

the boat ramp and new lighting was installed for the boat ramp and boat mooring area. Additional roadway and sidewalk improvements are being planned between Senasqua Park and Croton Landing Park.

- Traffic and Roadway Conditions: There is a current proposal that includes the construction of traffic, pedestrian and bicycle enhancements along Croton Point Avenue from Veteran's Plaza, at the Croton-Harmon Train Station, to S. Riverside Ave, and then north on S. Riverside Ave to the intersection with Benedict Blvd. Funding is from a federal Transportation Enhancement grant, County funding and the Village's capital project fund.
- Stormwater Management: An inventory of the Village's stormwater collection system and outfalls has been completed. The Village has a Storm Water Management Program, implemented under the Environmental Protection Agency and New York State Department of Environmental Conservation (DEC) storm water regulations.
- The Village adopted a new Comprehensive (Master) Plan in 2003 which updated the 1977 previous Master Plan to be consistent with the LWRP policies and to reflect changes in the Village since 1977.

During the waterfront tour, the Village highlighted several waterfront issues; foremost among these issues is the need to ensure that adequate water levels in the Croton River are maintained to support fish and wildlife species, public recreation and aquifer recharge and protection. Water levels in the river are regulated as part of the New York City (NYC) Croton water supply system, which supplies a portion of New York City's water, through its reservoirs and tunnels. Although flows in the Croton River can be naturally low due to climate and seasonal conditions, NYC DEP is required to maintain certain baseflow conditions in the river as part of their NYS DEC water withdrawal permit. However, the mandated base flows may not be sufficient to maintain optimum water levels. Alternative arrangements may be needed to ensure the NYC's Water Supply needs do not negatively affect the Croton River watershed downstream from the New Croton Dam.

The Village also identified increased recreational usage, run-off and erosion, and difficulty in providing police and other emergency services to the Croton River area as issues to be addressed. Within the Village, most of the Croton River's shoreline is publicly owned, but a portion of the shoreline is in private ownership. The southern shoreline of the river, entirely outside of the Village and within several municipal jurisdictions, is both publicly and privately owned and under multiple Municipal, County and State jurisdictions. This disparate control limits the implementation of consistent rules, regulations and policies to ensure sustainable use and protection of the Croton River. At high tide the lower Croton River is navigable by motorized boats from the train trestle bridge boat launch (Echo Canoe Launch) northeast to Firemen's Island. At low tide, navigation on this lower portion of the river is usually limited to only kayaks

and canoes. Currently, only the Village of Croton-on-Hudson provides police patrols along the Croton River.

To help address some of these issues, the Village, in partnership with neighboring communities and Westchester County, prepared a Croton River Compact in 2007. The Compact is a comprehensive watershed plan developed for the Croton Bay Watershed for protecting and restoring the natural resources, most significantly the Croton River, Indian Brook Reservoir, existing wetlands and groundwater drinking sources, and improving public access to the area. Implementation of the Compact, such as revitalization and protection of the Croton River was identified as a potential area for which the Village might wish to pursue EPF LWRP funding.

While most of the Village's Hudson River waterfront area is part of the Westchester County Riverwalk trail system and easily accessible to pedestrians, Village representatives pointed out a small but critical stretch of access along a very narrow section of Elliott Way that is difficult for pedestrians to traverse safely. This critical section is located between Senasqua Park and Croton Landing Park, the Village is in the process of having a survey completed and an engineering consultant has been retained to prepare recommendations and plans for improvements. The possibility of seeking an EPF LWRP grant to remedy this situation was also discussed.

LWRP Document Accessibility and Local Consistency Review Process

The Village's LWRP is easily accessible, and is well known in the community. Local agencies and officials are aware of the LWRP and the consistency requirements associated with it. The Planning Board, the Village Board, the Zoning Board, the Waterfront Advisory Committee, and the Water Control Commission are also all aware of the LWRP and its consistency requirements. Copies of the LWRP are available in the Engineering Office, Village Manager's Office and on the Village's website. The Mayor and the Waterfront Advisory Committee (WAC) members also have a copy.

For the local consistency review process, the lead agency refers all Type I and Unlisted actions to the WAC for both preliminary and final consistency recommendations. The application is reviewed to see if it applies to any of the LWRP policies and to determine whether or not the application is consistent with these policies, a check sheet is used during the review process. If there are policies with which the application is not consistent, the WAC gives recommendations for changes or modifications to the lead agency and applicant during the preliminary review. The applicant then returns for the final consistency review with modifications and /or changes to be reviewed by the WAC prior to its final recommendations being sent to the lead agency. The lead agency makes the determination of consistency.

The process provides the applicant with an opportunity to hear recommendations from the WAC for modifications to the project so that revisions to the application can be made prior to the WAC's final consistency review and recommendation. While the two step process allows for extensive discussion about potential environmental and other impacts, the Village indicated it can be burdensome for those applicants with smaller projects.

DOS recommended the Village streamline the process and provided the Village with examples of Local Consistency Laws that the Village could adapt to simplify the process. It was noted that the Village did not have to wait to update their LWRP before amending their law, but that it should be done in coordination with the DOS legal counsel.

The number of applications reviewed by the WAC fluctuates depending on the amount of development activity going on in the Village at any given time. In 2010, there were approximately 7 applications; in 2011, there were 11 applications. The WAC's consistency recommendations are put in writing and sent to the lead agency for the application. A copy is also kept on file in the Engineering Office. The lead agency's determinations of consistency are also made in writing and kept on file.

Earlier this year, DOS had to certify consistency with the Village's LWRP prior to the Army Corps of Engineer's issuing a permit for the repair of the Croton Yacht Club seawall. The application called for the seaward expansion and in-water fill within Haverstraw Bay, a Significant Coastal Fish and Wildlife Habitat, as noted above. To better understand the project and the need to move seaward, the DOS worked with the Village and visited the site. During this process, DOS was able to come to understand why the seawall could not be rebuilt in place or moved landward. The reasons included structural considerations, and the potential reduction of public access to the waterfront. The Village also provided documentation that the area in front of seawall was previously disturbed due to gravel mining. Taking all of this into consideration, DOS was able to determine the project's consistency with the LWRP so that the Army Corps could issue its permit.

In a major federal consistency decision, the Village's LWRP was very effective in contributing to a court ruling affirming the decision of the Secretary of the U.S. Department of Commerce upholding a DOS determination that Millennium Pipeline Company's proposed energy pipeline project did not comply with the Coastal Zone Management Act. The Court found that alternative routes existed that would avoid harm to natural resources within the Village, including Haverstraw Bay and other protected wetlands.

With respect to County actions, the Village's local consistency process was effective in ensuring that a bulkhead project at Croton Point Park was consistent with the LWRP, which included the protection of archeological resources.

Since the Village's LWRP was adopted, there have been many changes to the zoning and environmental laws which have provided increased open space and waterfront access, and more protection for natural resources.

Need for LWRP Amendment

The Village and DOS discussed updating the LWRP which is now over two decades old. It was noted that the LWRP has served as a means of setting goals for the Hudson River and Croton

River waterfronts, and that many of the goals have been met. The document has also served the purpose of coordinating local, State, and federal agency actions along the Village's waterfronts.

The Village's long-term waterfront vision and key issues are now outlined in the 2003 Comprehensive Plan, the Croton River Compact, and in amendments made to zoning and other local laws over the past few years. This being the case, the LWRP should be updated to reflect these efforts as well as any new initiatives or proposed projects, so that it can once again serve as a strategic plan for the waterfronts. Updating and amending the LWRP, including the preparation of implementing Village laws such as Waterfront Revitalization (Chapter 225) and Zoning (Chapter 230), is anticipated to be an eligible activity in the Department's upcoming EPF funding rounds and the Village is encouraged to apply when funding availability is announced.

DOS Environmental Protection Fund Grants Awarded to the Village of Croton on Hudson

Year	Amount of Grant	Project Description	Status
1996	\$65,000	Feasibility Study for the Village Waterfront Property (Sepreio Property), Dated September 2001	Completed
1998	\$50,000	Historic River Towns of Westchester Regional Signage System Study	Completed
2006	\$85,000	Planning for Historic Rivertowns of Westchester Scenic Byway Corridor Management	As requested by the Village & County, the grant was rescinded