

## **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.

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