

Section III Waterfront Revitalization Program Policies

Development Policies

- POLICY 1** RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES, INCLUDING INCREASING PUBLIC ACCESS TO THE WATERFRONT.
- POLICY 1A** REDEVELOP THE SING SING PRISON PROPERTY IN A WAY WHICH CONTRIBUTES TO THE ECONOMIC AND RECREATIONAL GOALS OF THE COMMUNITY.
- POLICY 1B** CONTINUE TO REVITALIZE THE CRESCENT, OSSINING'S HISTORIC BUSINESS DISTRICT, AS WELL AS THE TARGET NEIGHBORHOODS TO THE IMMEDIATE NORTH AND SOUTH AND EXTEND REVITALIZATION ACTIVITIES DOWN MAIN STREET FROM THE CRESCENT TO THE RIVER. STREET AND INFRA-STRUCTURE IMPROVEMENTS WHERE NEEDED SHOULD BE EXTENDED THROUGHOUT THESE AREAS.
- POLICY 1C** REVITALIZE THE DOWNTOWN WATERFRONT AND LOWER SNOWDEN INDUSTRIAL AREA BY ENCOURAGING A VARIETY OF USES WHILE PROTECTING EXISTING WATER DEPENDENT USES, INCLUDING MARINAS.
- POLICY 1D** DEVELOP THE UPLAND AREA OF SNOWDEN IN MODERATELY LOW DENSITY RESIDENTIAL USES WHICH ARE DESIGNED TO REFLECT THE USES ON ADJACENT PROPERTIES AND TO PROTECT THE TOPOGRAPHIC FEATURES OF THE AREA.
- POLICY 1E** IMPROVE THE OLD CROTON AQUEDUCT SO AS TO ENCOURAGE MORE COMMERCIAL ACTIVITIES IN THE CRESCENT AREA WHICH WOULD BE GEARED TO SERVE VISITORS ATTRACTED BY THIS RECREATIONAL, EDUCATIONAL AND HISTORIC RESOURCE.

EXPLANATION OF POLICY

Although much of the Ossining waterfront area during the 1990's, especially at the north and south ends of the Village, experienced a surge of new construction, older developed sections of the central

waterfront area are currently undergoing restoration and revitalization. This policy focuses on these sections.

In responding to this policy, several other policies must be considered. These include Policy 2 on the siting of water-dependent and enhanced uses, Policy 5 on the location of development in areas of adequate public services and facilities, Policies 19, 20, 21 and 22 on public access and recreation, Policy 23 on the protection of historic resources and Policy 25 on scenic quality.

The following guidelines will be used in assessing proposed public and private actions affecting the revitalization of the waterfront:

1. Priority should be given to uses which are dependent on or enhanced by a location adjacent to the water. However, the following uses will also be allowed as long as they adhere to the special requirements and design standards cited in the Village's zoning law (see the Riverfront Development District [RDD] in Appendix B) including but not limited to restaurants, retail, office, and residential uses.
2. The action should enhance existing and anticipated uses.
3. The action should improve the potential for multiple use of the site.
4. The action should serve as a catalyst to private investment in the area.
5. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. Actions which increase the tax base will be encouraged.
6. New development should complement and enhance the character of the area, with consideration given to density and intensity of use, siting, scale, architectural style, historic features of neighboring structures, and landscaping. (See RDD in Appendix B).
7. The rehabilitation of existing properties should be done in a way which complements the character of these properties and preserves and enhances any historic features which they may possess.
8. The action should improve adjacent and upland views of the river and, at a minimum, must not affect these views in an insensitive manner.
9. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration.

POLICY 2

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

POLICY 2A PROTECT EXISTING WATER DEPENDENT USES IN THE DOWNTOWN WATERFRONT AND FACILITATE THE SITING OF NEW WATER DEPENDENT AND ENHANCED USES AND FACILITIES ON THE DOWNTOWN WATERFRONT, ON THE PRISON LAND, AND AT SPARTA DOCK.

EXPLANATION OF POLICY

A water-dependent use is one which requires a waterfront location in order to function. A water enhanced use is defined as a use which has no critical dependence on a waterfront location; nonetheless, the use is more profitable and the enjoyment level of users is significantly greater by virtue of its location adjacent to the water. Only a small portion of Ossining's waterfront area which is west of the railroad tracks (see above Policy 2A) is available for water-dependent or enhanced uses. Originally the downtown waterfront was developed as a warehouse and shipping area. Now the primary existing (and potential) water-dependent or enhanced uses in Ossining are recreational, and the demand for these uses is growing.

Water-dependent uses which are appropriate to Ossining's present-day waterfront include: parks and recreational facilities for boating, fishing and swimming, marinas, commercial excursion and charter facilities, and marine educational facilities. Water-enhanced uses include: parks and recreational facilities such as pedestrian and bicycle trails, picnic areas, scenic overlooks, and passive recreational facilities areas that take advantage of coastal scenery, as well as restaurants oriented so that patrons can enjoy views of the river. More specifically, the following water-dependent and water-enhanced uses should be facilitated at the sites identified in Policy 2A:

1. Downtown waterfront - Marinas at appropriate locations, parks and recreational facilities, commercial excursion and fishing charter facilities, marine educational facilities and restaurants.
2. Prison property - same as above with a focus on facilities for tourists capitalizing on historic resources of the original Sing-Sing Prison.
3. Sparta Dock - park and recreational facilities for fishing, swimming and boating.

In developing or redeveloping properties immediately adjacent to the river in Ossining, water-dependent and enhanced uses should be given first priority. After these two types of uses, which are the focus of this policy, temporary non-water related uses should be allowed if there is no immediate demand for water-dependent or enhanced uses but a future use is reasonably foreseeable. (Temporary non-water dependent uses are those uses which do not involve an irreversible commitment of land - e.g. parking lots, outdoor storage, non-permanent structures). Finally, any other non-coastal related use could be allowed if all other reasonable possibilities are exhausted.

Guidelines to be followed in protecting or developing the above uses include:

1. New public or private water-dependent and enhanced facilities should be developed provided they are consistent with the preservation and enhancement of such

important coastal resources as fish and wildlife habitats, aesthetically significant areas, and historic and cultural resources, and provided demand exists.

2. Where possible and appropriate, new boating facilities should include parking, park-like surroundings, toilet facilities and pump-out facilities.
3. Temporary non-water related facilities should be adequately landscaped or otherwise buffered so that, to the greatest extent possible, they do not detract from nearby water-dependent or enhanced uses.
4. Siting and design of new facilities along the waterfront should be such that they do not create a barrier to recreational use of the shoreline or prevent reasonable enjoyment of a public recreational facility.
5. New water-dependent and enhanced uses should be located so as to enhance, or at least not to detract from, the surrounding community. For instance, residential uses should be protected from odors, noise and traffic.

POLICY 3 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF THE STATE'S MAJOR PORTS IS NOT APPLICABLE TO OSSINING.

POLICY 4 THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF SMALL HARBORS IS NOT APPLICABLE TO OSSINING.

POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATE ITS LOCATION IN OTHER COASTAL AREAS.

EXPLANATION OF POLICY

Ossining is an almost fully developed community whose infrastructure is generally adequate to accommodate the amount of future development which is apt to take place in the waterfront area. It is important that those few remaining parcels, i.e. the large acre sites north of Snowden Avenue and also the prison site, be developed in ways which not only preserve open space and protect the natural features of the sites but also minimize impacts on the community as a whole. In particular new development should be designed to minimize the impact of traffic on Village streets and highways.

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 and Village agencies 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 agency's 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 will 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 PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and therefore merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fishing and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

A **habitat impairment test** must be met for any activity that is subject to consistency review under Federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If that proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific habitat impairment test that must be met is as follows:

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or,
- significantly impair the viability of a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include, but are not limited to, reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The **tolerance range** of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species' population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of parameters which should be considered in applying the habitat impairment test include:

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

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

POLICY 7A THE DESIGNATED COASTAL HABITAT AT THE CROTON RIVER AND BAY SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICABLE, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS HABITAT.

EXPLANATION OF POLICY

The Croton River and Bay is located between the Villages of Ossining and Croton-on-Hudson in the Towns of Ossining and Cortlandt. The habitat includes an approximate one mile segment of the river and an approximate 1,200 acre shallow bay and mudflat area south of Croton Point. This habitat is one of the largest shallow bay areas in the lower Hudson River that is sheltered from strong river currents and, to some extent, from prevailing winds. Consequently, the area provides favorable habitat conditions for a variety of anadromous fish species, such as blueback herring, and also for resident warm water species, such as largemouth bass. (See Appendix A for the full description of the habitat).

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, reduce flows, or increase water temperatures in Croton River and Bay would result in significant impairment of the habitat. Any physical alteration of the habitat, through dredging, filling or bulkheading would result in a direct loss of valuable habitat area.

Habitat disturbances would be most detrimental during fish spawning and incubation periods, which generally extend from April through July for most warmwater species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants may result in significant adverse impacts on fish populations.

Similarly, spills of oil or other hazardous substances, and leachate of contaminated groundwater, constitute a potential threat to fish and wildlife in the bay. Of particular concern in this major tributary system are the potential effects of upstream disturbances, including water withdrawals, impoundments, stream bed disturbances, and effluent discharges. Establishment of minimum flow requirements for the Croton River up to the first impassable barrier to fish has had a significant beneficial effect on the area however, under drought conditions, releases from the New Croton Reservoir can be reduced to zero.

Existing areas of natural vegetation bordering Croton River and Bay should be maintained to provide bank cover, soil stabilization, perching sites, and buffer areas. However, development of public access to the bay area may be desirable to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

POLICY 7B THE LOCALLY IMPORTANT COASTAL WILDLIFE HABITAT AT EDWARD M. WHEELER CRAWBUCKIE NATURE PRESERVE AREA SHALL BE PROTECTED AND PRESERVED, SO AS TO MAINTAIN ITS VIABILITY AS A HABITAT.

The Edward M. Wheeler Crawbuckie Nature Preserve Area is not likely to be designated as a habitat of statewide significance; however, the area is of local interest. The Edward M. Wheeler Crawbuckie Nature Preserve Area is a 12-acre parcel of dedicated passive park land located at the end of Beach Road on the Hudson River side of the roadway. In 2006 the Village expanded the park with

(respectively): (1) a 12-acre NYS Department of Transportation property; and (2) a 15-acre parcel, 95 percent of which is underwater and the remainder consist of a small piece of sandy land above the high-water mark. The remainder of the area is steeply sloped and heavily wooded with a number of unique trees and shrubs. There are nature trails running through the park which offer glimpses of the river. These trails occasionally wash out or are blocked by fallen trees.

The Edward M. Wheeler Crawbuckie Nature Preserve is the largest of the Village-owned properties, but it is little used and many Ossining residents are unaware of its existence. Although regular maintenance is needed to keep trails passable and improved marking of unique vegetation would increase the area's educational value, the use of the Edward M. Wheeler Crawbuckie Nature Preserve Area should remain passive in order to preserve the area as a quiet retreat for Ossining residents. Any development on the Dominican Sisters properties to the south and north respectively should be sited and screened so as to preserve the tranquility of the Edward M. Wheeler Crawbuckie Nature Preserve.

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 SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

EXPLANATION OF POLICY

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive or toxic. More specifically, waste is defined in Environmental Conservation Law (Section 27-0901.3) as " waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) 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 has been adopted by DEC (6 NYCRR Part 371).

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 are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State laws.

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. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION

**OF RENEWABLE FISH AND WILDLIFE RESOURCES AND
CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

EXPLANATION OF POLICY

In New York the primary responsibility for managing the State's fish and wildlife rests with the New York State Department of Environmental Conservation. Any efforts to increase recreational use of fish and wildlife, whether through private or public sector initiatives will have to be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include: biology of the species, carrying capacity of the habitat, public demand, costs and available technology.

The Town of Ossining has recently increased access for fishing with the opening of a public boat launching ramp at the Louis Engel Waterfront Park.

Policies 19 and 20 on public access should be considered when responding to this policy.

**POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND
CRUSTACEAN RESOURCES IN THE COASTAL AREA BY:**

- (i) ENCOURAGING THE CONSTRUCTION OF NEW OR
IMPROVEMENT OF EXISTING ON SHORE COMMERCIAL
FISHING FACILITIES;**

- (ii) INCREASING MARKETING OF THE STATE'S SEAFOOD
PRODUCTS; AND**

- (iii) MAINTAINING ADEQUATE STOCKS AND EXPANDING
AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE
MADE IN A MANNER WHICH ENSURES THE
PROTECTION OF SUCH RENEWABLE FISH RESOURCES
AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON
THEM.**

EXPLANATION OF POLICY

Commercial fishing used to be important along the Ossining waterfront; however, this is no longer the case due primarily to the contamination of the striped bass. Should the industry be revived with the cleaning up of the Hudson River and the shutting down of local sewage treatment plants, Ossining will consider ways to support this activity along its waterfront.

Flooding and Erosion Policies

POLICY 11 THE STATE COASTAL POLICY REGARDING THE SITING OF STRUCTURES TO MINIMIZE DAMAGE FROM FLOODING AND EROSION IS NOT APPLICABLE TO OSSINING.

POLICY 12 THE STATE COASTAL POLICY REGARDING THE PRESERVATION OF EROSION AND FLOODING NATURAL PROTECTIVE FEATURES IS NOT APPLICABLE TO OSSINING.

POLICY 13 THE STATE COASTAL POLICY REGARDING THE CONSTRUCTION OF EROSION PROTECTION STRUCTURES IS NOT APPLICABLE TO OSSINING. A LOCAL POLICY, HOWEVER, IS SET FORTH BELOW.

POLICY 13A PREVENT EROSION OF FILLED LAND WEST OF THE RAILROAD TRACKS WITH EROSION PROTECTION STRUCTURES WHICH 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.

EXPLANATION OF POLICY

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. Ossining has very little land west of the railroad tracks and most of this is fill. Since this land is essential to maintaining and developing water-dependent and enhanced uses on the Village's waterfront, it is very important that this vulnerable land be protected. Louis Engel Waterfront Park and Sparta Dock are public recreation areas, both built on filled land, which should be protected.

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, by his actions, man can increase the severity and adverse effects of those processes causing damage to or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

In Ossining, this policy is particularly relevant to the remaining upland portion of the Snowden area, the large remaining undeveloped parcels north of Snowden and the prison property. These areas contain steep slopes which are susceptible to erosion. The following construction practices should be followed when undertaking development projects in all areas of Ossining's waterfront, but especially in those areas cited above:

1. Grading and development shall preserve salient natural features, keep cut fill operations to a minimum and insure conformity with topography so as to create the least erosion potential and adequately handle the volume and rate of velocity of surface water runoff.
2. Disturbed soils shall be stabilized as soon as practicable.
3. Temporary vegetation and/or mulching shall be used to protect exposed land areas during development.
4. The permanent (final) vegetation and mechanical erosion control measures shall both be installed within a specified time.
5. Provisions shall be made to dispose of the increased runoff caused by changed soil and surface conditions during and after development in a manner which minimizes danger of flooding. Where necessary, the rate of surface water runoff shall be mechanically retarded.
6. Until a disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or similar measures.
7. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
8. Cut and fills shall not endanger adjoining property nor divert water onto the property of others.

9. All fills shall be compacted to provide stability of material and to prevent undesirable settlement.
10. Fills shall not encroach on natural watercourses, constructed channels or floodway areas.
11. Fills placed adjacent to or having an impact upon natural watercourses, constructed channels or flood plains shall have suitable protection against erosion during periods of flooding.
12. No development shall take place in the floodway if such development shall raise the water surface elevation of the base flood at any point within the community.
13. During grading operations, appropriate measures for dust control shall be exercised.
14. Grading equipment shall not be allowed to enter into or cross any watercourse, except in accordance with Westchester County Best Management Practices Manual.

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 by water, and any mining, excavation or dredging in nearshore 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. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

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.

EXPLANATION OF POLICY

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.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE:

- (i) THE SET BACK OF BUILDINGS AND STRUCTURES;**
- (ii) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING;**
- (iii) THE RESHAPING OF BLUFFS; AND**
- (iv) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.**

EXPLANATION OF POLICY

This policy only applies to Ossining in terms of flooding and Flood Hazard Areas. Much of the land west of the railroad tracks is in a Flood Hazard Area. This land is generally man-made fill. For the most part, except in the "downtown waterfront" area, the FHA is very narrow. No Coastal Erosion Hazard Areas are likely to be designated in the Village. This policy recognizes the potential adverse impacts of flooding upon development and upon filled land in the coastal area west of the tracks. It also recognizes that structural measures to protect against those hazards tend to be expensive and are frequently not as effective as the measures listed above. Thus, the non-structural measures would be required in the planning, siting and design of proposed activities and development, if any one, or a combination of such measures, would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. The Federal Floodplain Management Guidelines implementing Executive Order 11988 should also be followed. Where non-structural measures would be insufficient to protect filled land, bulkheading would be allowed.

General Policy

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.

EXPLANATION OF POLICY

Proposed major actions may be undertaken in the coastal 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 has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydro-electric power generation and recreation.

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 **ACCESS TO EXISTING PUBLIC WATER-RELATED RECREATIONAL FACILITIES, INCLUDING THE LOUIS ENGEL TOWN WATERFRONT PARK, SHALL NOT BE REDUCED. ACCESS TO SPARTA DOCK SHOULD BE IMPROVED BY THE ADDITION OF A SAFE TRACK CROSSING. ACCESS TO THE EDWARD M. WHEELER CRAWBUCKIE NATURE PRESERVE AREA SHOULD REMAIN AT CURRENT LEVELS.**

POLICY 19B **THE POSSIBILITY OF INCREASING PUBLIC ACCESS IN THE FUTURE TO THE WATERFRONT AT THE PRISON PROPERTY SHALL NOT BE ELIMINATED THROUGH THE LEASE, SALE OR OTHER TRANSFER OF THAT PORTION OF THESE PUBLIC LANDS WHICH WOULD BE NEEDED TO PROVIDE PUBLIC ACCESS TO THE WATERFRONT.**

POLICY 19C **THE BRIDGES AND STREETS WHICH ARE VITAL LINKS TO EXISTING AND POTENTIAL RECREATION RESOURCES AND FACILITIES ON OSSINING'S WATERFRONT SHALL BE MAINTAINED AND WHENEVER POSSIBLE IMPROVED.**

POLICY 19D **THE VILLAGE OF OSSINING'S PUBLIC WATER-RELATED RECREATIONAL FACILITIES SHOULD BE LINKED VIA A LINEAR TRAIL ALONG THE WATERFRONT. ALL NEW**

DEVELOPMENT IN THE) RIVERFRONT DEVELOPMENT DISTRICT (RDD) SHALL, WHERE REASONABLE, PRACTICAL AND APPROPRIATE, PROVIDE CONTINUOUS PEDESTRIAN ACCESS ALONG THE WATER'S EDGE AND/OR THROUGH THE SITE TO THE WATER.

POLICY 19E ALL NON-RESIDENTIAL DEVELOPMENT IN THE RIVERFRONT DEVELOPMENT DISTRICT (RDD) SHALL, WHERE REASONABLE, PRACTICAL AND APPROPRIATE, PROVIDE ACCESS TO THE WATER'S EDGE IN THE FORM OF RESTAURANTS, SHOPS OR MARINAS OPEN TO THE PUBLIC.

EXPLANATION OF POLICY

This policy calls for achieving balance among the level of access to a resource or facility, the capacity of the resource or facility, and the protection of natural resources. In Ossining, where the railroad separates the river from most of the municipality, it is especially important that the existing links be maintained and new links be developed.

The following guidelines 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 recreation resources and facilities shall not be reduced nor shall the possibility of increasing access in the future from adjacent or proximate 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.
 - a. A reduction in the existing level of public access includes, but is not limited to, the following:
 - (i) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (ii) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced.
 - (iii) 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.

- b. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
 - (i) 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.
 - (ii) Sale, lease or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (iii) 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.

In order to maintain the feasibility of a linear waterfront trail in Ossining, new development to be located between two public recreational facilities on the waterfront should, at a minimum, be designed so as not to impede future linear waterfront access.

- 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.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resources or facility.
- 3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
- 4. Criteria for PWRD special permit approval includes, among other restrictions, that at least 95% of the site frontage along the Hudson River shall be provided as permanent publicly accessible open space in the form of park areas, plaza, pedestrian promenades, boardwalk or other similar facility. At least 50% of the gross assembled parcel area under the PWRD shall be permanent publicly accessible open space, which shall incorporate all the Village's policies concerning waterfront access, especially park/public areas, pedestrian waterfront promenades, boardwalks or other similar facilities, and shall provide for unrestricted public access to the waterfront. All public space shall be secured in perpetuity by public easements and recorded deed restrictions running to the benefit of the people of Ossining.

In their plans and programs for increasing public access to public water-related resources and facilities, State 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.

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. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

POLICY 20A ACCESS SHOULD BE INCREASED TO AND ALONG THE WATERFRONT IN THAT PORTION OF THE SING SING PRISON PROPERTY WEST OF THE MTA TRACKS WHENEVER A CHANGE IN CURRENT CIRCUMSTANCES WARRANTS AND WHETHER OR NOT THE PROPERTY REMAINS IN PUBLIC OWNERSHIP.

EXPLANATION OF POLICY

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 beach or a waterfront or to a vantage point from which to view the shore. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, fishing and hunting.

For those activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include: the development of a coastal trails system; the provision of access across transportation facilities to the coast; the improvement of access to waterfronts in urban areas; 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 on-shore 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 guidelines will be used in determining the consistency of a proposed action with this policy:

1. Existing access from adjacent or proximate public lands or facilities to existing 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 coastal 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.

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:
 - (i) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines or similar linear facilities.
 - (ii) Access is reduced or blocked completely by any public developments.
3. Public access from the nearest public roadway to the shoreline and along the coast 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; or (b) adequate access exists within one-half mile. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
4. The State and Village will not undertake or 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, State 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 Urban Area boundary 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 resources or coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

7. Criteria for PWRD special permit approval includes that at least 95% of the site frontage along the Hudson River shall be provided as permanent publicly accessible open space in the form of park areas, plaza, pedestrian promenades, boardwalk or other similar facility. Said open space shall have a depth of 20 feet measured from the bulkhead line or mean high water line if no bulkheading is present. All developments seeking a PWRD special permit shall provide continuous and improved pedestrian access along or through the site, as well as improved public access along the water's edge, including pedestrian walkways, open space areas and promenades. Where necessary for security purposes, reasonable restrictions on all publicly accessible open space may be imposed by the Village. No portion of land below the mean high water mark can be counted into calculations of allowable density under the PWRD special use.
8. The PW-a, PW-b, PW-c, PRD and CDD zoning districts (See Appendix B) provide zoning incentives for developments to provide publicly accessible open space and other recreational opportunities on their properties, regardless of the land use of the parcel.

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.

See Policy 2.

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

POLICY 22A IF THE TAPPAN FACILITY OF SING SING IS RELEASED FOR DEVELOPMENT, SOME WATERFRONT RECREATIONAL FACILITIES MUST BE DEVELOPED AS PART OF THE PROJECT.

EXPLANATION OF POLICY

Many developments present practical opportunities for providing recreational facilities as an additional use for the site or facility. Therefore, whenever developments are located adjacent to the shore 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.

In Ossining, the only large property directly on the river which might become available for development is the prison. Waterfront recreation facilities will be required as a portion of any proposed development with the type and extent depending on the proposed development as well as on legal constraints, environmental constraints, demand and reasonable safety considerations. Such considerations should reflect a recognition that some risk is acceptable in the use of recreational facilities.

The PW-a, PW-b, PW-c, PRD, CDD and RDD (See Appendix B) created zoning that provides incentives or the allowable uses for developments to provide publicly accessible, waterfront and other recreational opportunities on their properties.

The Village provides for and encourages the development of water-related recreation. The PWRD special permit use permits and encourages water-related recreation. Permitted uses under the PWRD special permit use include marinas and related uses such as boat dockage, club houses, locker rooms, equipment sales, eating facilities and boat service facilities, as well as commercial excursion and fishing charter facilities and marine educational facilities.

Historic and Scenic 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.

EXPLANATION OF POLICY

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archeological or cultural significance. The protection of these structures must involve recognition of their importance by all agencies and the ability to identify and describe them. 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 active efforts when appropriate to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

Within Ossining it is especially important to protect and enhance the following resources:

1. the State-owned death house and original cell block which comprise a portion of Sing Sing Prison;
2. the downtown waterfront/dock area;
3. the guard tower at Engel Park;
4. the historic "Crescent" shopping area;
5. the Sparta area (the only locally designated historic district);
6. National Register Properties:
 - a. Old Croton Aqueduct and Double Arch
 - b. First Baptist Church
 - c. Calvary Baptist Church
 - d. Squire House
 - e. Brandreth Pill Factory
 - f. Jug Tavern
7. Archeologically sensitive resources on the New York State Archeological Site Location Map.

Guidelines:

1. Take all practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the Nation, including 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:
 - a. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure or site that is a recognized historic, cultural or archeological 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; 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.)
 - b. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural or archeological resource or component thereof to include all of those features described in (a) above plus any other appurtenant fixture associated with a building, structure or earthwork.

- c. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural or archeological 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 archeological 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. With historic districts this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.
2. The distinctive and historical character of Ossining's Historical and Architectural Design Districts (Sparta is the only designated district at present) and Historic Landmarks shall not be injuriously affected, and the value to the community of buildings having architectural and historical worth shall not be impaired. Alterations to buildings and property within Historical and Architectural Design Districts which detract from existing harmonious relationships insofar as style, material, color, line and detail are concerned shall be prevented. Proposed construction, reconstruction or alteration of an exterior architectural feature shall be reviewed in terms of the following factors: historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood.
3. This policy shall not be construed to prevent the construction, reconstruction, alteration or demolition of any building, structure, earthwork or component thereof of a recognized historic, cultural or archeological 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 archeological resource which does not involve a significant adverse change to the resource as defined above.
4. Given the possibility of archaeologically significant sites within Ossining's waterfront area, public agencies shall contact the New York State Historic Preservation Officer to determine appropriate protective measures to be incorporated into development decisions.

POLICY 24 **THE STATE COASTAL POLICY REGARDING SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO OSSINING.**

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 AND ENHANCE VIEWS FROM ROUTE 9 AND REVOLUTIONARY ROAD.**

POLICY 25B **PROTECT AND ENHANCE VIEWS FROM THE CRESCENT AND WATERFRONT AREA TOWARD THE HUDSON RIVER**

EXPLANATION OF POLICY

The Village of Ossining is in large part developed with a limited amount of open space remaining to the north of the Village Center. Much of this open space consists of lawns, woods, steep slopes and gullies. It provides welcome relief from built-up portions of the community and affords opportunities for views of the Hudson River and Palisades. Route 9 is the major thoroughfare in the Village providing access to the visual resources of its waterfront area. This road and also Revolutionary Road from Route 9 to Rockledge Avenue, were considered for designation under the State Scenic Roads Program, which has as its goals the protection and enhancement of the visual quality of the State's roads and the views one gets from them. Although these two road segments were not designated in the first round of designations, the following elements along these roads, as identified in the Scenic Roads inventory, are nonetheless of special importance in creating an impression of the visual character of Ossining:

1. Sparta Cemetery
2. Crescent Area
3. Historic Buildings and Sites
4. Views of the Hudson River and Palisades
5. Rock Outcroppings
6. Stone Walls
7. Significant Trees
8. Parks
9. Decorative Sidewalks

Other heavily frequented areas within the waterfront are also important in forming the overall visual impression of the community. These include:

1. The railroad station area
2. The downtown waterfront
3. The Old Croton Aqueduct ROW

Some of the above areas, e.g. the Route 9 corridor and the railroad station area, are in need of visual upgrading.

When considering a proposed action or development, reasonable steps should be taken to ensure that the action will not seriously impair the visual quality of the Ossining waterfront area. The following siting and design guidelines should be used to ensure the protection, restoration or enhancement of the visual quality of this area wherever possible. It should be recognized that each development situation is unique and that the guidelines will have to be applied accordingly. They include:

1. Site 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.
2. Cluster or orient structures to retain views, to save open space and attractive natural features and to provide visual organization to a development. When development is proposed for the PRD, CDD and OR, open space shall be designed wherever possible to preserve the natural features of a site including but not necessarily limited to, water bodies, wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, major stands of trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value, to utilize such features in a harmonious fashion and to enhance the visual appearance of the development. Active and passive recreation areas shall be provided, including private open space adjacent the dwelling units. In the event that common space is provided, it may be left in its natural state.
3. Prevent, wherever possible, the blocking of views of the Hudson River from upland areas and the obliteration of the natural profile of the Eastern Palisade from the river. The PW-a, PW-b, PW-c, RDD and CDD districts are intended to accomplish this objective through limitation of heights and discouraging development on existing steep slopes but where development must take place on existing steep slopes discouraging cut and fill by building into the hillsides with the existing topography of the land.
4. New highway and building construction along Route 9 should, where feasible, open up potential views while giving consideration to the effect this will have on neighboring properties in regard to noise.
5. Incorporate sound, existing structures (especially historic buildings) into the overall development scheme.
6. Preserve and maintain the appearance of Historical and Architectural Design Districts. See Policy 23.
7. Encourage distinguished architectural expression throughout Ossining and prevent excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings.

8. Remove deteriorated and/or degrading elements.
9. Maintain or add vegetation to provide interest, encourage the presence of wildlife, blend structures into the site and obscure unattractive elements except when selective clearing removes unsightly, diseased, or hazardous vegetation, and when selective clearing creates views of coastal waters. To the maximum extent possible, insure that trees over 8 inches in diameter, measured 3 feet above the base of the trunk, are retained.
10. Require that all new development screen playgrounds, parking and service areas from the view of adjacent residential lots and streets and choose landscaping that is in character with that generally prevailing in the neighborhood.
11. Maintain or restore the original land form, except when changes screen unattractive elements and/or add appropriate interest.
12. Signage should be consistent, informative and attractive and should not interfere with the scenic quality of the area. Signs shall be stationary and made of permanent materials.

Agricultural Lands Policy

POLICY 26 THE STATE COASTAL POLICY REGARDING PROTECTION OF AGRICULTURAL LANDS IS NOT APPLICABLE TO OSSINING.

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 will increase, although at a rate slower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels, including coal, in greater proportion.

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 Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes 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 agency 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. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Village of Ossining, 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 SEQRA 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 this Local Waterfront Revitalization Program. Since Ossining has relatively small areas of remaining open space, it is not likely that the Village would be considered as a site for a major energy facility.

POLICY 28 THE STATE COASTAL POLICY REGARDING ICE MANAGEMENT IS NOT APPLICABLE TO OSSINING.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF OFF-SHORE ENERGY RESOURCES IS NOT APPLICABLE TO OSSINING.

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 municipal treatment systems before reaching the State's waterways.

POLICY 31 STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS HOWEVER, THOSE WATERS ALREADY OVER-BURDENED 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. Any planning for water related uses must consider the present and potential future water quality of the body of water in question. Sparta Brook and the Sing Sing Kill are unsuitable for recreational use due to their "D" classification, steep grade and unusually shallow water. Nonetheless, they are being considered for upgrading as part of a generic upgrading of all perennial streams to reflect the fact that nearly all are capable of sustaining at least some fish life. Still, though recent sewer work has reduced contamination, it is unlikely that their water related use will ever exceed their current ability to provide bait for local fisherman.

The Hudson River has an overall classification of "B" which means it is suitable for swimming. It is hoped that the water in the PAL Beach area of the Louis Engel Waterfront Park will soon meet County standards for swimming.

POLICY 32 THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE TO OSSINING.

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER 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 stormwater runoff and combined sewer overflows. The steep slopes in Ossining do at times cause stormwater run-off problems but this situation has been handled over the years by storm sewers with only occasional overflow problems. More recently, new developments have been required to install retention basins so that stormwater will percolate into the soil and not increase run-off.

As a condition for tying into the new sewage treatment plant in Ossining, the Village was required to separate its sanitary and stormwater collection systems.

Guidelines:

1. Stormwater runoff during and following any new construction shall be equal to or less than runoff prior to construction.
2. Stormwater shall be handled in such a way that it does not infiltrate and over-burden sewer lines and cause overflows into the Hudson River.

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 ANY NEW OR EXPANDED MARINAS SHALL INCLUDE PUMPOUT FACILITIES OR INSURE THAT THEIR CLIENTS HAVE ACCESS TO SAME.

EXPLANATION OF POLICY

Discharge of sewage, garbage, rubbish and other solid and liquid materials from watercraft and marinas into the State's water is regulated. Priority will be given to the enforcement of this law in areas such as shellfish beds and other significant habitats, beaches and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the New York State Department of Environmental Conservation (6 NYCRR, part 657). The Croton River and Bay Significant Fish and Wildlife Habitat, as well as several locations on the Hudson River proposed for swimming, would be particularly sensitive to waste discharges.

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.

EXPLANATION OF POLICY

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. 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 after 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 policies pertaining to the protection of coastal resources (State Coastal Management policies 7, 15, 24, 26 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.

The NYS Environmental Conservation Law (Section 37-0101.2) defines materials hazardous to the environment as "substances which, because of their toxicity, magnification or concentration within biological chains, present a demonstrated threat to biologic life cycles when discharged into the environment."

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

See Policy 14.

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

Surface and groundwater are the principal sources of drinking water in the State and therefore must be protected. Although these are not Ossining's primary sources of water at the present time, they must be protected for possible use by this or other communities.

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, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS AND SCENIC RESOURCES.

EXPLANATION OF POLICY

The definitions of terms "solid wastes" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludge 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 generally characterized as being flammable, corrosive, reactive or toxic. More specifically, waste is defined in Environmental Conservation Law (Section 27-0901.3) as "waste or combination of wastes which because of its quantity, concentration or physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed." 6NYCRR Part 371 lists hazardous wastes.

The disposal and treatment of solid wastes can lead to the contamination of water resources, the filling of wetlands, atmospheric loading and the degradation of scenic resources. At the present time there is no disposal, storage or treatment of solid wastes within Ossining and the only transport is local garbage pick-up or the use of Routes 9 and 9A, both State roads, for truck transport. Any future landfill activity will be confined to clean fill and will be regulated so as not to lead to any of the problems described above.

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.

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 will be considered by State agencies or, if applicable, a siting board when evaluating an applicant's request to construct a new electric generating facility.

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

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.

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 Local Waterfront Revitalization Programs 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 Revitalization Waterfront Programs.

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

EXPLANATION OF POLICY

The New York Coastal Management Program incorporates the State's policies on the acid rain. As such, the Coastal Management 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 PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.

EXPLANATION OF POLICY

There are no tidal wetlands in Ossining. There are several small freshwater wetlands, the most notable being at the Edward M. Wheeler Crawbuckie Nature Preserve Area and at Kemeys Cove on the Village's southern waterfront. Both of these wetland areas should be preserved and protected.

Freshwater wetlands include marshes, swamps, bogs and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the N.Y.S. Freshwater Wetlands Act and the N.Y.S. Protection of Waters Act. The benefits derived from the preservation of these wetlands include, but are not limited to:

1. habitat for wildlife and fish, including a substantial portion of the State commercial fin and shellfish varieties and contribution to associated aquatic food chains;
2. erosion, flood and storm control;
3. natural pollution treatment;
4. groundwater protection;
5. recreational opportunities;
6. educational and scientific opportunities; and
7. aesthetic open space in many otherwise densely developed areas.