

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, certain actions subject to review under the State Environmental Quality Review Act ("SEQRA") and its implementing regulations may be classified as Type II, which are actions having been determined to not have a significant adverse environmental impact; and

WHEREAS, under section 617.5 of the SEQRA regulations, an agency may adopt its own list of Type II actions to supplement actions already designated by the State Department of Environmental Conservation as Type II; and

WHEREAS, the Village Board of Trustees (the "Board") is considering Local Law Introductory No. 2 of 2011 to amend Chapter 116 of the Village Code to designate additional actions as Type II (the "Draft Law"), and the Zoning Board of Appeals, Planning Board, Village Engineer, and Police Chief are also considering adopting their own lists of Type II actions (collectively, with the Draft Law, the "Proposed Action"); and

WHEREAS, pursuant to the Local Waterfront Revitalization Program ("LWRP") Consistency Review Law, the Village's Waterfront Advisory Committee ("WAC") reviewed the Proposed Action and related SEQRA documents, and on July 11, 2011, made a preliminary determination of consistency with the policy standards and conditions of the LWRP; and

WHEREAS, pursuant to SEQRA, on October 17, 2011, the Board adopted a negative declaration and determined that the Proposed Action will not have a significant adverse environmental impact; and

WHEREAS, pursuant to the LWRP Consistency Review Law, on October 27, 2011, the WAC concluded that the Proposed Action is consistent with LWRP policy standards and conditions, and, on November 1st, rendered its written recommendation of consistency and transmitted such recommendation to the Board; and

WHEREAS, the Board, as lead agency, must determine whether the Proposed Action is consistent with the policy standards and conditions set forth in the LWRP; and

WHEREAS, the Board members have carefully considered the LWRP Consistency Review Law, the WAC's preliminary recommendation of consistency and recommendation of consistency, and each policy standard and condition set forth in the LWRP,

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees hereby determines that the Proposed Action, consisting of Introductory Local Law No. 2 of 2011 and the proposed adoption of Type II lists of the Planning Board, Zoning Board of Appeals, Village Engineer, and Police Chief, is consistent with the LWRP and its policy standards and conditions, and the Board incorporates herein the attached reasons supporting its determination of consistency.

Date: November 7, 2011

Village of Croton-on-Hudson
Board of Trustees

LWRP Consistency Determination for Proposed Additions to Type II Lists

Pursuant to the Village of Croton-on-Hudson Local Waterfront Revitalization Program Consistency Review Law (Chapter 225 of the Village Code) (the “LWRP Review Law”), the Village Board of Trustees (the “Board”) as lead agency must determine whether the Proposed Action, consisting of Introductory Local Law No. 2 of 2011 and the proposed adoption of Type II lists of the Planning Board, Zoning Board of Appeals, Village Engineer, and Police Chief, is consistent with the policy standards and conditions set forth in the Local Waterfront Revitalization Program (“LWRP”) of the Village of Croton-on-Hudson.

As part of its consideration and review of the Proposed Action under the State Environmental Quality Review Act (“SEQRA”), the Board prepared a coastal assessment form (“CAF”) and environmental assessment form (“EAF”) and submitted both to the Waterfront Advisory Committee (the “WAC”) to assist the WAC with its LWRP consistency review. On July 18, 2011, the WAC issued its preliminary recommendation of consistency. On October 17th, pursuant to SEQRA, the Board determined that the Proposed Action will not have a significant adverse impact on the environment and issued a negative declaration. The WAC, at a meeting on October 27th, concluded that the Proposed Action is consistent with the LWRP policy standards and conditions and, on November 1st, the WAC rendered its written recommendation of consistency and transmitted such recommendation to the Board.

The Board must evaluate the Proposed Action for consistency with the LWRP policy standards and conditions set forth in Section 225-6(J) of the Village Code, which are further explained and described in Sections III and IV of the LWRP. The Board’s determinations on each are as follows:

- Policies 1 through 1E concern development activities and the revitalization of deteriorated and underutilized waterfront areas. The Proposed Action will designate certain actions as Type II under SEQRA because they will not have a significant adverse environmental impact, thus eliminating further SEQRA review. While most of the proposed Type II actions are not applicable to these policies, by potentially increasing the speed of review of development and/or use applications, such Type II designations could encourage the revitalization of the waterfront areas. Therefore, the Proposed Action is consistent with Policies 1 through 1E.
- Policies 2 and 2A concern the retention and promotion of recreational water-dependent uses. While most of the proposed Type II actions are not applicable to these policies, by potentially increasing the speed of review of development and/or use applications, such Type II designations could encourage the revitalization of the waterfront areas. Therefore, the Proposed Action is consistent with Policies 2 through 2A.
- Policies 3 and 4 are, by their terms, not applicable to the Village.

- Policies 5 through 5C concern development activities and the adequacy of public infrastructure. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 5 through 5C.
- Policies 6 and 6A concern the expedition of permit procedures for development activities. By designating certain actions as Type II under SEQRA, thereby eliminating the need for further SEQRA review, the Proposed Action is expected to expedite procedures for certain development applications. Therefore, the Proposed Action is consistent with Policies 6 and 6A.
- Policies 7 through 7G concern the protection of coastal fish and wildlife habitats and the ecological system of the Croton River and Bay and Haverstraw Bay. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 7 through 7G.
- Policy 8 concerns the protection of fish and wildlife resources from hazardous waste and other pollutants. By its terms, the policy intends to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policy 8.
- Policies 9 through 9B concern recreational use of fish and wildlife resources while protecting such resources and their access. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 9 through 9B.
- Policy 10 concerns the development of commercial fishing facilities while protecting renewable fish and wildlife resources. By its terms, the policy intends to protect and preserve the environment and natural resources. By designating certain actions as Type II under SEQRA, thereby eliminating the need for further SEQRA review, the Proposed Action is expected to expedite procedures for certain development applications. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policy 10.
- Policies 11 and 11A concern development activities, flooding, and erosion control. By their terms, the policies intend to protect and preserve human life, the environment, and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 11 and 11A.
- Policies 12 and 12A concern the protection of natural resources and property from activities and developments that may cause flooding and erosion by damaging natural protective features. By their terms, the policies intend to protect and preserve the

environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 12 and 12A.

- Policies 13 through 17A concern erosion control structures and mining, excavation, and dredging. By their terms, the policies intend to protect and preserve human life, the environment, and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 13 through 17A.
- Policy 18 concerns major actions and their effect on economic, social, and environmental interests in the coastal area. By its terms, the policy intends to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policy 18.
- Policies 19 through 22 concern public access to the shoreline and water-related recreational facilities. By their terms, the policies intend to encourage, protect and preserve recreational activities, the environment, and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 19 through 22.
- Policy 23 concerns the protection and restoration of historic and archaeological resources. By designating certain actions as Type II under SEQRA, thereby eliminating the need for further SEQRA review, the Proposed Action is expected to expedite procedures for certain development applications. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policy 23.
- Policy 24 concerns the impairment of scenic resources. By their terms, the policy intends to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policy 24.
- Policies 25 and 25A concern the protection, restoration or enhancement of natural and manmade resources, including vegetation, that contribute to the overall scenic quality of the coastal area. By their terms, the policies intend to encourage, protect and preserve recreational activities, the environment, and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 25 and 25A.
- Policies 25B through 25D concern the designation of scenic areas and viewsheds. By their terms, the policies intend to encourage, protect and preserve recreational activities, the environment, and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 25B through 25D.

- Policy 26 by its terms is not applicable to the Village.
- Policies 27 through 28A concern energy and ice management policies. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 27 through 28A.
- Policy 29 by its terms is not applicable to the Village.
- Policies 30 through 30B concern the discharge of pollutants and storage and disposal of materials. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 30 through 30B.
- Policies 31 and 31A concern monitoring of already contaminated and polluted waters. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 31 and 31A.
- Policies 32 through 33B concern sewage facilities, stormwater runoff, and the draining of combined sewer overflows into coastal waters. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 32 through 33B.
- Policies 34 and 34A concern discharge from marine vessels and are not applicable.
- Policy 35 concerns dredging. By its terms, the policy intends to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policy 35.
- Policy 36 concerns the storage of hazardous materials and the prevention of spills of such materials into coastal waters. By its terms, the policy intends to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policy 36.
- Policies 37 through 37B concern the discharge of nutrients, organics, and eroded soils into coastal waters, and other forms of erosion, runoff, and flooding. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 37 through 37B.
- Policy 38 concerns conserving and protecting the quality and quantity of surface and ground water supplies. By its terms, the policy intends to protect and preserve the

environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policy 38.

- Policies 39 through 39B concern the transport, storage, and treatment of hazardous waste to protect groundwater and surface water supplies. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 39 through 39B.
- Policy 40 concerns effluent discharge from major steam electrical generating and industrial facilities into coastal waters. By its terms, the policy intends to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policy 40.
- Policies 41 through 42 concern air quality related to land use and development. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 41 through 42.
- Policies 43 through 43B concern acid rain, the generation of nitrates and sulfates, and vehicle emissions. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 43 through 43B.
- Policies 44 and 44A concern wetlands. By their terms, the policies intend to protect and preserve the environment and natural resources. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Policies 44 and 44A.
- Section IV of the LWRP concerns proposed land and water uses and proposed projects. Some of the projects, like the Croton River Gorge Trail, the development of recreational areas along the waterfront and the study of the Village stormwater system, have been completed. A new Comprehensive Plan was adopted in 2004. The remaining projects, which involve establishment of an air quality monitoring station, designation of the portion of Route 9 within the Village as a NYC Scenic Road, and the preparation of a traffic and roadway conditions study, intend to protect and preserve the environment and natural resources, as well as the health, safety, and welfare of Village residents and visitors. The Proposed Action will not have a significant adverse environmental impact, and, therefore, is consistent with Section IV of the LWRP.

The Board determines that the Proposed Action will not have any potentially significant adverse impacts on coastal resources and is consistent with the LWRP policy standards and conditions.