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To: Village Board of Trustees
From: Emily Mancini, Assistant to the Village Manager
Date: March 20, 2024
Re: Indian Brook/Croton Gorge Watershed Protection Overlay District

This memorandum outlines the background, objectives, and key provisions of the proposed Indian Brook/Croton Gorge Watershed Protection Overlay District regulations for your consideration.

Background:

The Indian Brook/Croton Gorge watershed encompasses the land draining into the Indian Brook and the Croton Gorge in Westchester County, New York. This area is pivotal for wildlife habitat and serves as a vital source of drinking water for nearby communities, underscoring the necessity of its protection and conservation.

Action Plan:

The [2008 Indian Brook-Croton Gorge Watershed Conservation Action Plan](#) proposed a recommendation advocating for the establishment of an Indian Brook Reservoir Overlay Zone to address concerns about potential water quality threats arising from development around the reservoir and its tributaries, particularly nonpoint source pollution. An overlay zone functions as a zoning tool designed to protect natural habitats, mitigate pollution, and foster sustainable development practices.

Current Initiative:

In 2019, the Town of Cortlandt secured a \$50,000 grant from the NY DEC Hudson River Estuary Program to create a multi-jurisdictional land use overlay zone for safeguarding the Indian Brook/Croton Gorge watershed. This collaborative effort among five municipalities aims to ensure consistency in environmental regulations for proposed projects, thereby preserving the watershed's integrity. In the years following the grant award, officials from the Town of Cortlandt, Town and Village of Ossining, Village of Croton-on-Hudson, and Town of New Castle have convened to craft legislation aimed at adopting an overlay zone.

Legislation

The draft legislation outlines regulations and guidelines for the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District. Key provisions include the establishment of the Indian Brook-Croton Gorge Inter-Municipal Watershed Protection Overlay District (WPOD), applicability to new land use activities, enforcement mechanisms, and performance criteria ensuring compliance with environmental standards. Key points are as follows:

- **Establishment:** The WPOD is established on a designated map, encompassing the watersheds of Indian Brook and the Croton Gorge.

Summary:

- **Applicability:** Regulations apply to new land use, construction, or subdivision within the district, with exemptions for existing developments initiated before the adoption of regulations.
- **Implementation:** Regulations are enforced through existing building permit and site plan review processes. Site plan review is required for new activities except for one- and two-family residences. Major subdivisions must reserve at least 30% of the land as permanent conservation areas.
- **Prohibited Uses:** The WPOD District prohibits several activities and facilities to safeguard the environment and ensure safety. This includes banning the disposal of hazardous materials or solid waste, hazardous material treatment or creation, and activities such as dry cleaning, automobile service stations, and landfills. Additionally, it prohibits new underground storage of petroleum, installation of dams, and land spreading of sludge or ash. Certain facilities like solar farms, vehicle storage yards, and fuel storage facilities are restricted, and permits are mandated for specific activities such as mining and point source discharges.
- **Performance Criteria:** Construction activities must comply with stormwater management guidelines, and low impact development practices are encouraged. Strict regulations apply to the use of pesticides, herbicides, and fertilizers.
- **Wetlands and Watercourses:** Development near wetlands, watercourses, and buffer areas is restricted, with stringent permit requirements and mitigation plans for activities impacting wetlands.
- **Wellhead Buffers and Stormwater Hotspots:** Restrictions are imposed on construction activities near wellheads and stormwater hotspots, with protections for municipal water supply purposes.
- **Enforcement:** Compliance orders are issued for violations, with penalties including fines and legal actions.

Deadline:

Each municipality has the flexibility to adjust the legislation to align with their respective municipal codes. To meet the grant deadline, all municipalities must adopt the ordinance by June 2024.

Please let me know if you have any questions. Thank you.