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**MEMORANDUM**

TO: John Bainlardi, Vice President  
WBP Development, LLC

FROM: Jan K. Johannessen, RLA, AICP  
Principal

DATE: September 17, 2024

RE: 1 Croton Point  
LWRP Consistency Review

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As requested, and in response to a memorandum from Aaron Werner, AICP of AKRF, Inc. to the Village Board of the Village of Croton-on-Hudson, dated August 19, 2024, KSCJ Consulting has completed a Local Waterfront Revitalization Program (LWRP) Consistency Review for 1 Croton Point. We were asked to utilize the Waterfront Advisory Committee's LWRP Policy Review Sheet and evaluate consistency to applicable policies.

**THE SITE**

The subject property or "the site" consists of three (3) tax parcels totaling 1.7578 acres of land and located on Croton Point Avenue within the Village of Croton-on-Hudson, Westchester County, NY. The subject property consists of the follow tax parcels:

| TAX PARCELS  |                             |        |                                                |
|--------------|-----------------------------|--------|------------------------------------------------|
| Tax Parcel   | Current Ownership           | Size   | Current Use                                    |
| 79.17-1-3    | Village of Croton-on-Hudson | 0.2205 | 2-story office building and associated parking |
| 79.17-1-4    | Croton Point Realty, Inc.   | 0.2884 | 1-story office building and associated parking |
| PO 79.17-1-5 | Village of Croton-on-Hudson | 1.2489 | Surface parking                                |

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## **PROJECT DESCRIPTION**

WBP Development, LLC, has been selected by the Village of Croton-on-Hudson as the purchaser and developer of Village Parking Lot A and is in contract to purchase a privately owned parcel from Croton Point Realty, Inc., which, at present, are collectively developed with surface parking and a 2-story office building. The site is located on Croton Point Avenue and is bounded by NYS Route 9 to the east, Metro North Railroad to the west, and additional Metropolitan Transportation Authority (MTA) uses to the north. Collectively, the subject property is proposed to be developed with a 5-story, 100-unit, affordable multifamily building in condominium ownership with amenity space and 105 on-site parking spaces.

The Village Board recently rezoned the subject property, and others parcels in the general vicinity, to allow for the development of multifamily housing or multifamily housing over ground floor commercial uses, with a height of up to 5-stories. Following the adoption of the zoning amendment, the Village Board prepared and released an RFP to solicit proposals from the development community for the purchase and development of the subject property. In response to the Village's RFP, WBP Development, LLC submitted its proposal to purchase and develop the site, consistent with the underlying zoning and RFP, which was ultimately accepted by the Village Board in April of 2024. WBP Development, LLC has made application to the Village Board for a Special Use Permit and the Village Board, as Lead Agency, is currently evaluating the project pursuant to the State Environmental Quality Review Act (SEQRA).

The below policies are ordered and numbered consistent with how they appear in the Waterfront Advisory Committee's Policy Review Sheet; responses to each policy are provided in *italics*.

## **Development Policies**

- 1 Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.  
  
*The project involves the redevelopment of underutilized parcels containing surface parking and an office building which will be replaced with a 5-story, 100-unit, affordable multifamily building in condominium ownership with amenity space and 105 on-site parking spaces.*
- 1A Encourage integrated development of Village property to assure fulfillment of requirements relating to parking and accessory uses of Metro-North train station, while facilitating public access to the bay area and recreational use.  
  
*A portion of the subject property is Village-owned, and the project is replacing underutilized parking located in a parking lot known as Lot A. The project includes 105 off-street parking spaces for use by the project residents. The project will have no impact on public access to the bay area or recreational use of land.*
- 1B Encourage restoration of deteriorating structures related to railroad use and assure appropriate maintenance and screening to reduce visual impact.

*The project involves the construction of a 5-story multifamily building on lands that had been used for commuter parking. In the applicant's opinion, the proposed building will be a visual enhancement and will be landscaped. The applicant has provided sight line profiles and photo simulations to assess viability.*

- 1C Encourage the appropriate re-use of the old sewage treatment plant site at the intersection of Route 9A and Municipal Place.

*Not applicable*

- 2 Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.

*The subject site is not adjacent to coastal waters. The subject property is located over 1,700 feet from the Hudson River and 880 feet from Croton Bay. The building will be connected to municipal water and is expected to use approximately 6,395 gallons of water per day (domestic water).*

- 2A Encourage water-enhanced commercial uses where such uses complement water dependent uses and do not result in displacement of such uses.

*Not applicable; however, the residential units will be outfitted with water saving fixtures to conserve water.*

- 3 Further develop the State's existing major ports of Albany, Buffalo, New York, Ogdensburg and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, waterborne transportation of cargo and people.

*Not applicable*

- 4 Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

*The project site is not in the vicinity of a harbor; however, the proposed 100-unit development will generate approximately 147 new residents to the area who will support existing uses and businesses within the Village.*

- 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.

*The subject property is adequately served by public improvements and services such as a local and State road network, electrical service, public water, public sewer, emergency services, refuse collection, and other existing municipal services.*

- 5A When feasible, development within the Village should be directed within the current service area of existing water and sewer facilities or in close proximity to areas where distribution lines currently exist.

*The proposed building will connect to available public water and sewer services.*

- 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

*It is the applicant's position that the subject property is suitably located and can accommodate the proposed development, consistent with the underlying zoning and the Village's Request for Proposal (RFP).*

#### **Fish & Wildlife Policies (Not Applicable)**

*This set of policies is not applicable given the existing site conditions (developed parking and buildings) and the site's inability to provide suitable habitat given existing site features. The proposed action will result in a net increase in green space. The site is not located in proximity to surface water and, therefore, aquatic species or aquatic habitat are not a concern. The site contains no known significant natural communities, endangered or threatened species.*

#### **Flooding and Erosion Policies**

- 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding

*The subject property is not located in a floodplain and contains no wetlands, watercourses or protected buffer areas.*

- 12 Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

*The subject property is located over 1,700 feet from the Hudson River and 880 feet from Croton Bay. The property is not subject to flooding and contains no surface water features. The project will result in a net increase in green space and stormwater runoff will be improved upon through water quality structures. An Erosion and Sediment Control Plan has been developed and will be implemented throughout construction.*

- 12A Every effort should be made to protect Croton Point, a natural protective barrier to Croton Bay from activities or development that would increase erosion of or flooding of the point.

*See response to Policy 12, above.*

- 13 The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and

construction standards and/or assured maintenance or replacement programs.

*Not applicable*

- 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.

*See response to Policy 12, above.*

- 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.

*Not applicable*

- 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.

*With the exception of NYSHCR's Affordable Homeownership Opportunity Program (AHOP) and Westchester County's New Home Land Acquisition Fund (NHLA), public funds will not be used to develop the project.*

- 17 Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

*See response to Policy 12, above.*

- 17A Efforts to control erosion along the rivers and on the steep slopes inland shall be of a non-structural nature, wherever possible, to minimize the visual impact of structural measures.

*See response to Policy 12, above. Further, the site contains no steep slopes.*

### **General 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.

*The proposed action is a 100% affordable multifamily condominium project which is consistent with the State goals to provide owner occupied affordable housing.*

**Public Access (Not applicable)**

*This series of policies is not applicable as the subject property will not be open to the public and the project will not restrict or inhibit public access to another site or resource.*

**Historic and Scenic Quality Policies**

- 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.

*The subject property is nearly entirely developed with either asphalt pavement or buildings; no known locally listed historic resources exist on or adjacent to the property. Reference is made to a letter from the New York State Office of Parks Recreation and Historic Preservation, dated September 3, 2024, stating that there are no properties, including archaeological and/historic resources, listed in or eligible for the New York State and National Registers of Historic Places that will be impacted by the proposed action.*

- 24 Prevent impairment of scenic resources of statewide significance. (The nearest scenic area of statewide significance (SASS) is the Bear Mountain Park subunit of the Hudson Highlands SASS which is north of the Village).

*The subject property is not located within a mapped scenic area of statewide significance.*

- 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. (The following scenic areas were noted in the LWRP as having local and regional significance: (1) Distinctive and scenic views of Croton Point, (2) Views of the Hudson River from South Riverside Ave and Route 9 corridor, and (3) Vegetated slopes and undisturbed ridgelines particularly those in the viewsheds in the Croton Gorge, River, and Bay areas.)

*It is the applicant's position that the proposed development will be a visual enhancement compared to the appearance of the existing surface parking lot. Regarding the view from South Riverside Avenue toward the Hudson River, a sight line profile has been completed demonstrating that the proposed building will not be visible when looking west from the selected vantage point on Young Avenue, South Riverside Avenue and Wayne Street given topography, vegetation and/or existing structures. The view analyzed was from a point approximately 160 feet northwest of the intersection of Croton Point Avenue and South Riverside Avenue, west through the subject site. This same vantage point was determined to be important and was analyzed by the Village during the rezoning process.*

- 25A Establish and protect identified public viewsheds of the Hudson River, including but not limited to the public views of the Hudson River from the western shoreline of the Village, and of the Croton River and Gorge. (The following scenic areas were noted in the LWRP as having local and regional significance: (1) Distinctive and scenic views of Croton Point, (2) Views of the Hudson River from South Riverside Ave and Route 9 corridor, and (3) Vegetated slopes and undisturbed ridgelines particularly those in the viewsheds in the Croton Gorge, River, and Bay areas.)

*See response to Policy 25, above.*

- 26 Conserve and protect agricultural lands in the State's coastal area.

*Not applicable.*

**Energy and Ice Management Policies (Not applicable)**

*The policies identified under this category are not applicable as the proposal does not include the siting and construction of a major energy facility, involve ice management which would interfere with the production of hydroelectric power or damage the coastline, and does not involve an offshore use.*

**Water and Air Resources Policies**

- 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.

*The project does not involve municipal, industrial or commercial discharge of regulated air pollutants; the building is expected to be heated and cooled using electricity. The applicant is proposing a sustainable building design featuring full electrification, solar readiness, high efficiency HVAC equipment (cold climate air source heat pumps) and appliances (Energy Star Multifamily New Construction Program), and Level 2 EV charging stations (1 per 20 parking spaces).*

- 30A Existing rail services and transportation-related facilities shall not dispose of any regulated materials in coastal waters until all such regulated materials have been tested by the State for conformance with water quality standards.

*Not applicable*

- 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 overburdened with contaminants will be recognized as being a development constraint.

*Not applicable*

- 32 Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

*Not applicable; refuse will be collected by the Village and potentially supplemented by private carter, if needed; the applicant will be charged for such services.*

- 33 Best Management Practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

*The site is almost entirely developed with impervious cover (surface parking and buildings) and stormwater runoff, in the existing condition, flows in one of two directions. Approximately half of the site flows to the south to an existing on-site drain inlet that connects to the New York State Department of Transportation (NYSDOT) drainage system along NYS Route 9. The remaining portion of the site flows to the north toward property owned by the MTA. The project is considered a redevelopment project under the New York State Department of Environmental Conservation's (NYSDEC) stormwater regulations and based on the proposed overall reduction in impervious surfaces, will result in a net decrease in flows leaving the site; therefore, attenuation of stormwater on-site is not required. Water quality treatment is proposed in the form of hydrodynamic separators which will treat stormwater before discharging off-site. Further, an erosion and sediment control plan has been developed in accordance with NYSDEC standards.*

- 33A The flow of stormwater discharge shall be controlled to limit the flow of pollutants from street and parking areas, etc. directly into the rivers and water bodies.

*See response to Policy #33, above.*

- 34 Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

*See response to Policy #33, above; with the exception of stormwater, no other discharge is proposed.*

- 34A Moored structures or marine vessels shall not discharge ballast water or other releases into the waterway.

*Not applicable*

- 35 Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

*Not applicable*

- 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.

*Not applicable. The building will be heated and cooled using electricity.*



- 37 Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

*See response to Policy #33, above.*

- 37A Control of the development of hilltops, and steep slopes should be exerted in order to prevent erosion and minimize runoff and flooding from new construction.

*The subject property is relatively flat and does not contain a hilltop or steep slopes. Nonetheless, an erosion and sediment control plan has been developed in accordance with NYSDEC standards.*

- 38 The quality and quantity of surface water and ground water supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

*The subject property does not contain a wetland, watercourse or other surface waters. Further, the subject property will be connected to the municipal water system and will not rely upon the underlying aquifer for domestic use.*

- 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.

*The proposed action does not involve the disposal of hazardous waste. Common household refuse will be picked up by the Village; refuse collection may be potentially supplemented by a private carter, if needed.*

- 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.

*Not applicable*

- 41 Land use or development in the coastal area will not cause national or State air quality standards to be violated.

*The proposed action does not involve emissions that would trigger compliance with State air quality standards. The applicant is proposing a sustainable building design featuring full electrification, solar readiness, high efficiency HVAC equipment (cold climate air source heat pumps) and appliances (Energy Star Multifamily New Construction Program), and Level 2 EV charging stations (1 per 20 parking spaces).*

- 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.

*So noted.*

- 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.

*See response to Policy #41, above.*

**Wetland Policies (Not Applicable)**

*This category is not applicable as the subject property does not contain and is not adjacent to regulated wetlands, watercourses, or other surface waters.*

**Croton River Basin Projects (Not Applicable)**

*This category is not applicable as the subject property is not located within the Croton River Basin; stormwater runoff leaving the site will ultimately be discharged through an existing conveyance system toward the Hudson River.*

**Hudson Riverfront Project (Not Applicable)**

*This category is not applicable as the subject property is not located on the Hudson riverfront. The subject property is located over 1,700 feet from the Hudson River and 880 feet from Croton Bay.*

**Village-Wide Projects (Not Applicable)**

*This category is not applicable as these policies revolve around projects undertaken by the Village.*

In summary and as demonstrated above, the proposed action is consistent with the policies outlined under the LWRP and the Waterfront Advisory Committee's consistency worksheet.