



MEMORANDUM

TO: Mayor Pugh and Members of the Village Board of Trustees

FROM: Valerie Monastra, AICP

SUBJECT: SEQR Changes and Proposed Code Amendments

DATE: July 17, 2026

CC: Bryan Healy, Village Manager

As part of the 2026-2027 Enacted State Budget, the New York State Environmental Conservation Law was amended, which affects the regulations and application of the State Environmental Quality Review Act (SEQRA). The amendments included adding new definitions, creating deadlines for certain agency determinations, and establishing a new category of SEQRA “qualified actions” that exempt projects from SEQR.

The new “qualifying action” that greatly affects the Village of Croton-on-Hudson concerns housing construction. Housing construction outside of New York City is considered exempt from SEQR if the project meets the following criteria:

- a. Connected to existing community or public water and sewer systems at the commencement of habitation;
- b. Located on a previously disturbed site;
- c. Contains no more than 20 percent commercial, retail, community facility, or other non-industrial non-residential uses by gross floor area;
- d. Does not exceed 100 dwelling units;
- e. Does not exceed 20 dwelling units if located in a city, town, or village without zoning;
- f. Does not exceed 300 dwelling units if located within a Census-defined urban area; and
- g. Does not consist only of the construction of one single-family residence on a parcel of one acre or more.

These exemptions do not override other applicable federal, state, or local laws, including local zoning and land use authority. As a result, we are recommending amendments to the zoning that will permit your boards to continue reviewing the impacts of the project on the environment, traffic, community services, etc. Attached to this memo is a table of the impacts typically reviewed during the SEQR process and the sections of the Village Code that address those impacts. Where recommendations are suggested, we noted those. Also attached to this memo are the proposed Village Code amendments.

Finally, I will be at the July 22nd work session to review the new SEQR changes and our proposed amendments.

List of SEQR Environmental Review Criteria and Corresponding Local Laws

Impacts to Review	Site Plan Review Requirements	Other Applicable Village Code Sections
Compliance with local and regional plans	“Conformance of the proposed site development plan with such portions of the Master Plan of the Village of Croton-on-Hudson as may be in existence from time to time.” 230-70 B (4) Recommendation that this be updated for the Comprehensive Plan and LWRP.	Chapter 23, Greenway Compact Plan
Historic, archeological, scenic, or cultural resources	“The preservation of scenic views and vistas, consistent with reasonable use of property, particularly to the Hudson and Croton Rivers.” 230-70 B (11) (Under Building Design) “Historic quality. The building’s value within the historic district or landmark fabric of the Village (i.e., built before 1931), or listed on, or determined eligible for, the state and/or National Register of Historic Places, or designated as a historic site or property by Westchester County.” 230-70 B (12)(b)[10] Should add review criteria to see if the project site contains, or is substantially contiguous to, a building, archaeological site or sensitive area, or district which is listed on the National or State Register of Historic Places	
Critical Environmental Area	Recommendation that this be updated for the CEA review.	
LWRP	Recommendation that this be updated for the LWRP.	225-6 Waterfront Revitalization requires referral by the Lead Agency to the WAC for any projects in the Coastal Zone. Note that <u>this review would appear to only apply to projects subject to SEQR.</u> Need to amend when Consistency Review is required

List of SEQR Environmental Review Criteria and Corresponding Local Laws

Impacts to Review	Site Plan Review Requirements	Other Applicable Village Code Sections
Community services (school, police, fire, and EMS)	“Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.” 230-70 B (9) Police, school, EMS not addressed. Should add submission requirements on impacts to school, police, fire, and EMS, if requested by the Planning Board	Ability of public services to handle additional development is considered in 230-180 A (2), Planning Board review of zoning amendments.
Fiscal	Should add submission requirements on fiscal impacts to Village services if requested by the Planning Board	Special Permit (230-60 A) provides that the Board “may refer legislative matters to the Board of Trustees so as to ensure that... any authorization hereunder shall not create fiscal burdens upon the community...”
Traffic (counts, site distances, intersection improvements)	Under Required Submissions: “All means of vehicular access and egress to and from the site onto public streets.” 230-69 D (4) (d) Under Planning Board Review considerations: “Maximum safety of traffic access and egress.” 230-70 B (1) Should tighten up requirements to include impacts to adjacent and nearby intersections	Chapter 230 Article VIII.
Internal movement and circulation (parking, internal circulation, emergency access, site access, loading areas, road network, and charging stations)	Under Required Submissions: “The location and design of any off-street parking areas or loading areas.” 230-69 D (4) (e) Under Planning Board Review considerations: “Location, arrangement, appearance and sufficiency of the off-street parking and loading.” And “Safe, adequate and convenient pedestrian access and circulation both within the site and to adjacent streets.” 230-70 B (7) and (10)	Chapter 230 Article VIII.
Public transportation and	“Safe, adequate and convenient pedestrian access and circulation both	

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Impacts to Review	Site Plan Review Requirements	Other Applicable Village Code Sections
multi-modal (different modes of transportation, pedestrian access, sidewalks, bike parking, and public transportation)	within the site and to adjacent streets.” 230-70 B (10) No mention of public transit anywhere in the code Should add complete streets policy as review criteria	
Architecture and massing	Under Required Submissions: numerous requirements under “Architectural Features.” 230-69 D (5) Under Planning Board Review considerations: numerous considerations under “Quality of architectural features” 230-70 B (12)	
Visual impacts and preservation	“The preservation of scenic views and vistas, consistent with reasonable use of property, particularly to the Hudson and Croton Rivers.” Also related considerations under “Quality of architectural features” 230-70 B (11) and (12)	
Agricultural resources	N/A	
Threatened or endangered species or habitats	Should add review criteria to see if project site contains any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered	227-5 Wetlands 195-4 Steep Slopes 230-20.8 WPOD Overlay All mention habitat as a general consideration.
Tree removal	“Minor site plan approval required for... Any proposed clearing of trees or earthwork on any property involving 20% or more of the site.” 230-67 B (3) Under Required submissions: “single trees with a diameter of six inches or more.” 230-69 D (3) (b) Should add a tree removal plan as a submission requirement and reference to Chapter 208, Trees	Chapter 208, Trees, provides regulations for tree removal, including a permit to be issued by the Planning Board when the tree removal is associated with an application before them.
Landscaping	“The reasonable screening, at all seasons of the year, of all playgrounds and parking	230-52, Parking and Loading facilities; 230-20.1 to 7,

List of SEQR Environmental Review Criteria and Corresponding Local Laws

Impacts to Review	Site Plan Review Requirements	Other Applicable Village Code Sections
	and service areas from the view of adjacent residential properties and streets.” 230-70 B (3). No other mention of landscaping.	Gateway Overlay; 230-16.1, C-1R (A) District, 230-15 O-1 and O-2 Districts; 230-18 LI District; 230-22 WD District; 230-58 Special Permit Review; Certain uses with Supplementary Regs
Recreation and open space	230-73 Reservation of Parkland – Site plans with residential units may need to provide parkland or pay a fee as determined by the Planning Board	Some districts include bulk restrictions requiring “outdoor play and recreation” areas to be at least 20 feet from residential lot lines
Flooding and development in floodplains	Should add as review criteria and reference to Chapter 129	Chapter 129 (Flood Damage Prevention)
Stormwater control (pre-construction, during construction, and post-construction)	Under Required Submissions, “The proposed stormwater drainage system” and “A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 196. 230-69 D (4) (i) and 230-69 D (6).	Chapter 196, Stormwater, Drainage, Erosion and Water Pollution Control.
Impervious coverage	None	Chapter 196, Stormwater, Drainage, Erosion and Water Pollution Control
Erosion and sediment control	Same as Stormwater control, above	Same as Stormwater control, above
Groundwater (water well supply, withdrawal, or aquifer impacts)	Under Required Submissions, “The location of existing water mains” and “The location of all proposed waterlines, valves and hydrants... with profiles, indicating connections with existing lines or alternative means of water supply.” 230-69 D (2) (b) and 230-69 D (4) (f) Under Planning Board Review considerations: “Adequacy of water supply.” 230-70 B (8)	Chapter 223, Water
Wetlands and waterbodies (disturbance and water quality)	Under Required Submissions, “The location of existing watercourses, marshes... and other significant existing features.” 230-69 D (3) (b) Should specifically include wetland as well.	Chapter 227, Wetlands

List of SEQR Environmental Review Criteria and Corresponding Local Laws

Impacts to Review	Site Plan Review Requirements	Other Applicable Village Code Sections
Geologic features (steep slopes, soils, and ridgelines)	Under Required Submissions, “The location of existing watercourses, marshes, rock outcrops, wooded areas... and other significant existing features” and “A plan showing existing slopes, rock outcrops, and rock ledges on the site and the environs within 200 feet of the property boundaries, and the postconstruction plan showing proposed topographic contours and profiles, with existing and proposed contours to be shown at a maximum vertical interval of two feet.” 230-69 D (3) (b) and 230-69 D	195-4 Steep Slope Protection provides for a steep slope permit issued by an approving authority, which is the Planning Board for any projects requiring their broader approval and when the action impacts “very” or “extremely” steep slopes as defined in the code. The Chapter contains review standards at 195-4. 230-20.15 contains regulations specific to the WPOD.
Excavation and fill	None	Chapter 120, “Excavation, Filling and Topsoil Removal,” provides for a excavation and filling permit issued by an approving authority, which is the Planning Board for any projects requiring their broader approval. The Chapter contains review standards at 120-8.
Blasting and rock removal	None	Chapter 81, “Blasting,” provides for a blasting permit issued by the Village Engineer, with standard requirements including safety, insurance, etc.
Hazardous Waste	Should add review criteria to see if project site or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste	No substantive regulations anywhere in the code. Term appears in the WPOD definitions, BESS supp regs, and the purpose section of the Stormwater chapter.
Utilities (demand, capacity, and connections for electricity, sewer, water, and trash collection)	Under Required Submissions, “The location of all proposed waterlines, valves and hydrants and of all sewer lines with profiles, indicating connections with existing lines or alternative means of water supply or sewage disposal and treatment.”	Chapter 113 (Electrical Standards) covers basic safety provisions. Chapter 191 (Sewers) regulates sewer connections. Chapter 223 (Water) regulates water service.

List of SEQR Environmental Review Criteria and Corresponding Local Laws

Impacts to Review	Site Plan Review Requirements	Other Applicable Village Code Sections
	230-69 D (4) (f). No mention of trash or electric.	
Lighting	Under Required Submissions, “The proposed location, direction, power and time of proposed outdoor lighting by means of data, details and an illumination contour plan which shows that lighting equal to or greater than 1/2 footcandle will not splay off site.” 230-69 D (4) (g). Under Planning Board Review considerations (Building Design): “Lighting. All lighting should be appropriate to the building and its surroundings in terms of style, scale and intensity of illumination. Low-wattage systems are preferred. Site lighting should be shielded to prevent glare or spillage onto adjoining properties.” 230-70 B (12) (b) [8].	Specific zones (Gateway, C-1R(A), C-2) have their own lighting regs, as do some specific uses.
Energy demand and savings, and greenhouse gas emissions reduction	Should specifically add requirements to submit information on any energy savings components	Chapter 114 (Energy Conservation) provides incentives and options for energy efficiency, but no requirements. There are also tax benefits for LEED-certified buildings.
Construction phasing and staging	Should add review criteria on construction phasing	Discussed in Article V, “Special Districts,” in the Multiple Development Use and WD District sections. Phasing Plan is also a requirement of a SWPPP and a stormwater management plan for minor land disturbance, per 196-6 and 196-7.

§ 230-66. General procedure.

In all cases where this chapter requires approval of site plans by the Planning Board, such site plans shall be submitted to said Board by the Village Engineer, and no building permit shall be issued by him or her except in conformity with the approved site plans.

§ 230-67. Uses and actions subject to site plan approval and minor site plan approval. [Amended 8-12-2019 by L.L. No. 8-2019; 2-12-2025 by L.L. No. 3-2025; 4-8-2026 by L.L. No. 5-2026]

- A. Site plan approval by the Planning Board shall be required in all districts, unless specific districts are identified below, for the following uses and actions:
- (1) Any new construction or enlargement of a building, or swimming pools, with the exception of new construction or enlargement of a residential building, residential accessory building, or noncommercial swimming pool in an RA or RB District (see § 230-67B).
 - (2) A change of use in which a change of building footprint is also proposed.
 - (3) Proposed new roads and driveways, and changes to existing roads and driveways, with the exception of new roads and driveways and changes to existing roads and driveways in an RA or RB district.
 - (4) Tier 3 and Tier 4 solar energy systems within the RA-40, RA-60, C-2 and LI Zoning Districts, subject to a special permit from the Planning Board.
 - (5) Tier 2 battery energy storage systems within the RA-40, RA-60, C-2 and LI Zoning Districts, subject to a special permit from the Planning Board.
- B. Minor site plan approval by the Planning Board shall be required in all districts, unless specific districts are identified below, for the following uses and actions:
- (1) Any new construction of a residential building, including a manufactured home in accordance with § 230-40I. However, the construction of residential decks and patios, walkways and gardens are not subject to site plan review.
 - (2) Any enlargement of a single-family or two-family home that brings the total habitable floor area to 80% or more of the maximum permitted habitable floor area. The maximum habitable floor area is calculated by multiplying the maximum FAR in that zoning district by the lot size. When any enlargement of a single-family or two-family home is subject to minor site plan review, then the structures accessory to that single-family or two-family home, such as garages, are subject to minor site plan review as well.
 - (3) Any proposed clearing of trees or earthwork on any property involving 20% or more of the site.
 - (4) Any change of use where no change to the building or site is proposed.
 - (5) Roof-mounted solar energy systems except where located on a residential structure in

the RA and RB Zoning Districts.

- (6) Noncommercial swimming pool with an area of 300 square feet or more in an RA or RB zoning district.
 - (7) Residential accessory building that exceeds 300 square feet in an RA or RB zoning district.
 - (8) Walls or retaining walls in excess of six feet.
 - (9) Accessory cottages, but not accessory apartments, as set forth in § 230-41.
- C. Routine maintenance and investment such as repainting, reroofing, and resurfacing/residing, and window replacement shall be excluded from site plan review and minor site plan review.

§ 230-68. Presubmission.

- A. Site plan review. Prior to the submission of a formal site development plan, the applicant should meet in person with the Planning Board and/or its designated representative to discuss the proposed site development plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Board's attitude and requirements in matters relating to site development.
- B. Minor site plan review. For minor site plan review, the applicant shall submit the proposed building or clearing plan to the Village Engineer. Based on the proposed plan, the Village Engineer shall determine which of the criteria listed in § 230-69D shall be included on the site plan. The completed site plan shall then be submitted for review in accordance with § 230-69A and B of this article.

§ 230-69. Required submissions. [Amended 7-16-2007 by L.L. No. 3-2007; 4-8-2026 by L.L. No. 5-2026]

- A. At least 15 days in advance of the Planning Board meeting at which a site development plan or an amendment of it or a minor site plan is to be presented, one electronic and eight hard copies of the site development plan and the information enumerated below must be submitted to the Village Engineer, along with a letter of application, if requested.
- B. In addition, the application shall be accompanied by a fee in an amount set by resolution of the Board of Trustees.¹
- C. The foregoing schedule of fees and provisions relating to refund of fees shall also be applicable to applications for approval of subdivision plats.
- D. The information to be submitted and which, in total, constitutes a site development plan shall be as follows:
 - (1) Legal data.
 - (a) The names of all owners of record of all adjacent property and the lot, block and

1. Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

section number of the property.

- (b) Existing zoning district boundaries.
 - (c) Boundaries of the property: building or setback lines and lines of existing streets, lots, reservations, easements and areas dedicated to public use. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest 10 seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed 1:10,000.
 - (d) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
- (2) Existing buildings and facilities.
- (a) The location of existing buildings.
 - (b) The location of existing water mains, culverts and drains on the property with pipe sizes, grades and direction of flow.
- (3) Topographic and natural resource data.
- (a) Existing contours with intervals of two feet or less, referred to a datum satisfactory to the Board.
 - (b) The location of existing wetlands, watercourses, and marshes in accordance with Chapter 227, Wetlands; rock outcrops, wooded areas, single trees with a diameter of six inches or more measured three feet above the base of the trunk, and other significant existing features.
 - (c) Geologic features, such as depth to bedrock and the location of rock outcrops.
 - (d) Vegetative cover, including existing wooded areas, significant isolated trees and similar features.
 - (e) Soil characteristics, such as load-bearing capacity and drainage capacity.
 - (f) Hydrologic features should include drainage and runoff patterns, flood hazard areas in accordance with Chapter 129, Flood Damage Prevention, and depth to groundwater.
 - (g) Tree removal plan. Where the proposed action involves the removal of any tree with a DBH of six inches or greater measured three feet above the base of the trunk, a tree removal plan shall be provided identifying the location, species, and size of all trees proposed for removal in accordance with Chapter 208, Trees.
- (4) Development data.
- (a) The title of development, date, North point, scale, and name and address of record owner, engineer, architect, land planner or surveyor preparing the site development plan.
 - (b) The proposed use or uses of land and buildings and proposed location or locations of buildings, including proposed grades.

- (c) All proposed lots, easements and public and community areas. All proposed streets with profiles indicating grading and cross sections showing width of the roadway, location and width of the sidewalk and locations and size of utility lines. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest 10 seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed 1:10,000.
 - (d) All means of vehicular access and egress to and from the site onto public streets.
 - (e) The location and design of any off-street parking areas or loading areas.
 - (f) The location of all proposed waterlines, valves and hydrants and of all sewer lines with profiles, indicating connections with existing lines or alternative means of water supply or sewage disposal and treatment.
 - (g) The proposed location, direction, power and time of proposed outdoor lighting by means of data, details and an illumination contour plan which shows that lighting equal to or greater than 1/2 footcandle will not splay off site.
 - (h) The proposed screening, where deemed necessary by the Board.
 - (i) The proposed stormwater drainage system.
 - (j) The location, either existing or proposed, of tents, ramada structures, inflatable structures and similar structures or facilities which are erected or intended to be erected for more than 30 days within any one-year period, all of which are deemed structures or facilities that must be shown on any required site plan.
 - (k) A plan showing existing slopes in accordance with Chapter 195, Steep Slopes Protection, rock outcrops, and rock ledges on the site and the environs within 200 feet of the property boundaries.
 - ~~(k)(1)~~ Post-construction plan showing proposed topographic contours and profiles, with existing and proposed contours to be shown at a maximum vertical interval of two feet.
- (5) Architectural features.
- (a) Purpose. To improve the overall visual and built quality in the Village, to encourage quality exterior building design, and to encourage buildings that are appropriate in design and scale to the site and surrounding area, the Planning Board shall also consider architectural features in its review of site development plans and minor site plans.
 - (b) Required submissions. In addition to the materials listed in § 230-69D(1) through (4), the applicant shall be required to submit the following materials to the Planning Board in order to demonstrate the design context within which a development is proposed.
 - [1] A photographic montage or appropriate drawings of the proposed development and its accompanying street district. The montage or drawings shall show the proposed building and all buildings within a two-hundred-foot radius of the proposed building. If the building is within 200 feet of a corner, the montage or drawings shall include the corner and that part of the adjacent block within the two-hundred-foot radius of the proposed building.

[2] Scaled building elevations.

[3] Narrative description and/or samples of proposed exterior building materials and treatments.

~~[3]~~[4] Identify if the project site contains, or is substantially contiguous to, a building, archaeological site or sensitive area, or district which is listed on the National or State Register of Historic Places.

(6) A stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 196, Article I, Stormwater Management and Erosion and Sediment Control, shall be required for any site development plan approval that qualifies as or authorizes a land development activity as defined in Chapter 196, Article I. The SWPPP shall meet the performance and design criteria and standards in Chapter 196, Article I. The approved site development plan shall be consistent with the provisions of Chapter 196, Article I.

§ 230-70. Review by Planning Board. [Amended 4-8-2026 by L.L. No. 5-2026]

- A. The Planning Board shall review the site plans or any amendment of such plans in accordance with § 7-725-A of the Village Law, with public notice for hearing to be identical to those required by § 230-164B for the Zoning Board of Appeals. For minor site plan review, the public notice and public hearing provisions of § 230-164B are not required. The Planning Board may approve minor site plans in one meeting if the Board determines that the applications meet the approval criteria. The Planning Board shall by resolution approve, with or without modifications, or disapprove a minor site plan application within 90 calendar days of receipt of a complete application by the Planning Board. If such decision is not rendered by the Planning Board by the 91st day, the application shall be deemed approved unless the applicant has consented to a further continuation of the review process.
- B. In considering and approving the site development plan, the Planning Board shall take into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and shall require any appropriate study, plan, or report to assist in the development of ~~make~~ any appropriate conditions and safeguards ~~in harmony with~~ to ensure the site development plan meets the general purpose and intent of this chapter and particularly with regard to satisfactorily achieving the criteria listed below.

(1) Conformance of the proposed site development plan with Comprehensive Plan of the Village of Croton-on-Hudson, and Local Waterfront Revitalization Plan as may be in existence from time to time.

(2) The Village's adopted Complete Streets Policy shall be considered and applied by the Planning Board when deemed context appropriate in the review and approval of site development plans under the provisions of this chapter.

~~Safe, adequate and convenient pedestrian access and circulation both within the site and to adjacent streets. Maximum safety of traffic access and egress.~~

(3) A site layout, including the location, character and appearance of any proposed building, group of buildings or sign location, with the power, direction and time of any outdoor lighting of the site, which would have no adverse effect upon any properties in adjoining residence districts by impairing the established character or the potential use of

properties in such districts.

~~(4)(4)~~ Siting of buildings and other improvements shall provide for adequate screening and minimizing noise and lighting impacts upon surrounding property owners.

~~(2)(5)~~ The reasonable screening, at all seasons of the year, of all playgrounds and parking and service areas from the view of adjacent residential properties and streets.

~~(3)~~ ~~Conformance of the proposed site development plan with such portions of the Master Plan of the Village of Croton-on-Hudson as may be in existence from time to time.~~

~~(6)~~ In specific cases where the Planning Board finds that the maximum setback distances from the front, side or rear lot lines fail to maintain adequately the residential characteristics of surrounding residential properties, if any, it may require that such distances be increased, but in no case may it reduce said minimum setbacks.

~~(4)(7)~~ In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems.

~~In specific cases where the Planning Board finds that the maximum setback distances from the front, side or rear lot lines fail to maintain adequately the residential characteristics of surrounding residential properties, if any, it may require that such distances be increased, but in no case may it reduce said minimum setbacks.~~

~~(5)~~ ~~Location, arrangement, appearance and sufficiency of the off-street parking and loading.~~

~~(8)~~ Adequacy and capacity of water supply and sewage disposal facilities and service lines.

~~(9)~~ Adequacy of utilities to support energy demand and energy savings components shall be considered and applied by the Planning Board when deemed context appropriate in the review and approval of site development plan.

~~(6)(10)~~ Whether adequate public school facilities and other public services exist or can be created to serve the needs of the proposed site development. The Planning Board may request a fiscal, school student projection analysis, or public service impact analysis.

~~(7)(11)~~ Adequacy of emergency access, fire lanes and other emergency zones and the provision of fire hydrants.

~~(8)(1)~~ ~~Safe, adequate and convenient pedestrian access and circulation both within the site and to adjacent streets.~~

~~(12)~~ Maximum safety of proposed modes of transportation. All proposed vehicles, public transportation, pedestrian, and other modalities of transportation that will serve the site development plan shall have adequate access in width, grade, alignment, and visibility, and be located on a roadway capable of adequately and safely handling the additional modes of transportation. Proper mitigation will be implemented if the project will result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services. A traffic study addressing projected trip generation, peak traffic periods, sight distances, parking demand, and any proposed intersection, roadway, pedestrian or bicycle improvements may be requested by the Planning Board.

~~(13)~~ Circulation and parking. Adequate off-street parking and loading spaces are provided to prevent parking of vehicles on public streets. The interior circulation system will be adequate to provide safe accessibility to all required off-street parking and safe and convenient

pedestrian access and circulation both within the site and to adjacent streets.

(14) The preservation of scenic views and vistas, consistent with reasonable use of property, particularly to the Hudson and Croton Rivers.

~~(9)~~(15) Quality of architectural features. The following criteria are intended to provide a framework within which the Planning Board may judge the appropriateness of the project to the neighborhood context and, for renovations, to assess the compatibility of the proposed addition with the existing exterior building. The criteria are also designed to enable the designer of the project to exercise creativity and innovation.

(a) Site development: the orientation, setback, alignment, spacing and placement of all buildings, and structures.

(b) Building design:

- [1] Scale and proportion. The height, width, bulk and general proportions of the development, the ratio of wall surface to openings, and the ratio of the width and height of windows and doors.
- [2] Setback and orientation. The setback of the building, accessory structures, and retaining walls, and the orientation of the proposed building to the setbacks on the lot, as well as to the setbacks of proximate buildings and the common street setback.
- [3] Directional expression. The vertical, horizontal, or nondirectional facade character of the proposed building or addition, and its relationship to the existing building and/or proximate structures.
- [4] Windows and doors. The pattern of placement and proportions of windows and doors, and their relationship with that of the existing building and other structures in the two-hundred-foot vicinity of the building.
- [5] Roof form. Roof form should be in proportion to the structure and should relate to the materials and construction of the existing building and structures in the two-hundred-foot vicinity.
- [6] Features and details. Balconies, decks, covered porches, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches should be in proportion to each other.
- [7] Wall materials. Walls should be constructed of natural materials such as masonry, stone or wood, or of synthetic materials that are selected for harmony with natural materials.
- [8] Lighting. All lighting should be appropriate to the building and its surroundings in terms of style, scale and intensity of illumination. Low-wattage systems are preferred. Site lighting should be shielded to prevent glare or spillage onto adjoining properties.
- [9] Diversity of design. The designs for proposed new buildings should avoid:
 - [a] Overly repetitive use of identical architectural features such as facade openings, cornice lines, etc.
 - [b] Overly similar treatment of building elevations.

[c] Excessive identical replication of the architectural style or treatment existing in surrounding buildings.

[10] Historic quality. The building's value within the historic district or landmark fabric of the Village (i.e., built before 1931), or listed on, or determined eligible for, the state and/or National Register of Historic Places, or designated as a historic site or property by Westchester County:

(16) Environmental Resources. The following criteria are intended to provide a framework within which the Planning Board may judge the impacts of the project on the natural resources on the site and assist with the development of any conditions or mitigation, or identification of any permitting required.

(a) Critical Environmental Area. The site development plan does not adversely affect any critical environmental areas, on-the project site or directly adjacent to the project site.

(e)(b) The site development plan does not contain or will not significantly impact any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered.

(d)(c) All landscaping within the site shall be designed to facilitate conservation of the environment and preservation of a visually attractive community character through the use of native plant material and the retention of existing natural vegetation to the greatest extent practicable.

(d) The site development plan contains or is adjoining property been the subject of remediation (ongoing or completed) for hazardous waste.

(10)(17) Adequacy of the construction phasing, staging and management of the site development plan.

§ 230-71. Variations or waivers.

Variations or waiver of the general requirements outlined above may be permitted by the Board when, in its judgment, special factors warrant such variations or waiver.

§ 230-72. Maintenance of on-site improvements.

- A. It shall be the duty of each owner of property within the Village of Croton-on-Hudson for which property site plan approval under this article has been granted to erect, maintain, repair and replace all on-site landscaping, screening, paving and any other similar improvements required contingent to such site plan approval. Single-family and two-family homes are exempt from this requirement but are subject to the requirements of Chapter 179, Property Maintenance, of the Village Code and of the Property Maintenance Code of New York State.
- B. Notice of violation. Whenever the Village Engineer of the Village of Croton-on-Hudson determines that such on-site improvements are not being properly erected, maintained, repaired or replaced as required by Subsection A above, he shall include such determination in a notice of violation to be sent by the Village Engineer by registered or certified mail addressed to the owner of record of such land at the address shown on the last preceding assessment roll of the Village, which notice shall direct the owner to remove the violation within 30 days of mailing of the notice. The notice of violation shall specify the manner in which the on-site improvements do not comply with requirements, the correction that is

§ 230-99

§ 230-119

required to be made and a statement that, in the event that the owner fails to comply within such 30 days, the Board of Trustees may direct the Department of Public Works to erect, replace, repair or maintain such on-site improvements and provide for the assessment of all costs and expenses so incurred by the Village in connection with any action taken by the Village to be placed as a lien against the property and included in the following year's Village tax levied on the property.

- C. Enforcement of violation notice. Whenever the notice of violation has not been complied with within the thirty-day period after mailing of the same, the Board of Trustees shall, by resolution, direct the Department of Public Works to erect, repair, replace or maintain such on-site improvements in the manner specified in the notice of violation and to assess the costs and expenses of the same as a lien against the property as provided in Subsection B.

D.Recovery of expenses. The costs and expenses incurred pursuant to Subsection C shall be paid by the owner of record of the property as shown on the last preceding assessment roll of the Village. The Department of Public Works shall file among its records an affidavit stating with fairness and accuracy the items of cost and expense incurred and the date of execution of actions authorized by the Board of Trustees. The Receiver of Taxes and appropriate Village officials shall incorporate all such costs and expenses as a lien against the property by including the same in the following year's Village tax levied on the property unless said costs and expenses have been paid in full prior to preparation and mailing of the tax notice.

§ 230-73. Reservation of parkland. [Amended 10-23-2024 by L.L. No. 13-2024]

- A. Site development plans and recreation facilities. Any site plan containing residential units shall, when required by the Planning Board, include a park or parks suitably located for playground or other recreational purposes, in accordance with requirements of § 7-725-a, Subdivision 6, of the Village Law. The Planning Board shall determine whether a proper case exists for requiring such land reservation. Such determination shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Village based on projected population growth to which the particular site plan will contribute. If such need is found to exist, and the Planning Board determines that suitable lands do not exist on the subject property for such reservation, the Planning Board may require the payment of a fee in lieu of parkland in accordance with § 230-73B herein.
- B. Where payment of a fee in lieu of parkland is required as set forth above, the payments made pursuant to this chapter shall be established by resolution of the Board of Trustees and set forth in the Master Fee Schedule, as may be amended from time to time,² for each of the following dwelling types: efficiency (studio unit), one-bedroom unit, two-bedroom unit, three-bedroom unit, or single-family (detached or attached) dwelling. Units that are Affordable Affirmatively Furthering Fair Housing (AFFH) Units pursuant to § 230-48 shall not be included in the total number of dwelling units for calculation of such fee and no fee will be due for such units. Payment of such fee in lieu of parkland shall be a condition of site plan approval.
- C. This section shall not apply to property that formed part of a subdivision that was itself approved on condition that land or money be set aside for parks, playground or other recreational purposes. If the land included in a site plan under review is a portion of a subdivision plat that has been reviewed and approved, the Board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plan approval.
- D. All funds paid in lieu of recreation land shall constitute a trust fund to be used by the Village of Croton-on-Hudson exclusively for park, playground or recreation purposes, including the

acquisition of land.

§ 230-74. Plan amendments for dish antennas.

In all cases where site plan approval is required under this chapter, the installation of a dish antenna in excess of 36 inches in diameter shall be deemed an amendment to the site plan or an action requiring a site plan if none has heretofore been approved and shall require submission to and approval by the Planning Board.

2. Editor's Note: The current fee schedule is on file in the office of the Village Clerk.

Chapter 225

WATERFRONT REVITALIZATION

§ 225-1.	Title.	§ 225-6.	Consistency review.
§ 225-2.	Statutory authority; purpose; legislative intent.	§ 225-7.	Enforcement.
§ 225-3.	Definitions.	§ 225-8.	Penalties for offenses.
§ 225-4.	Management and coordination of LWRP.	§ 225-9.	Severability.
§ 225-5.	Review of actions required.	§ 225-10.	When effective.

[HISTORY: Adopted by the Board of Trustees of the Village of Croton-on-Hudson 3-16-1992 by L.L. No. 2-1992; amended in its entirety 10-5-2015 by L.L. No. 8-2015. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Conservation Advisory Council — See Ch. 12.

Flood damage prevention — See Ch. 129.

Planning Board — See Ch. 40.

Steep slopes — See Ch. 195.

Visual Environment Advisory Board — See Ch. 60.

Stormwater, drainage, erosion and water pollution control — See Ch. 196.

Building construction — See Ch. 86.

Wetlands — See Ch. 227.

Environmental quality review — See Ch. 116.

Zoning — See Ch. 230.

§ 225-1. Title.

This chapter will be known as the "Village of Croton-on-Hudson Waterfront Consistency Review Law."

§ 225-2. Statutory authority; purpose; legislative intent.

- A. This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Resources and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- B. The purpose of this chapter is to provide a framework for agencies to consider the policies and purposes contained in the Village of Croton-on-Hudson LWRP when reviewing applications for actions or direct actions located in the Village coastal area and to ensure that such actions are consistent with said LWRP policies, and whenever practicable will advance one or more of them.
- C. It is the intention of the Village of Croton-on-Hudson that the preservation, enhancement and utilization of the natural and man-made resources of the coastal area of the Village of Croton-on-Hudson take place in a comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate population growth and economic development. Accordingly, this chapter is intended to achieve such a balance, permitting the beneficial use of

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coastal resources while preventing the following: loss of living estuarine resources and wildlife; diminution of open space areas and of public access to the waterfront; erosion of shoreline; impairment of water quality and scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

§ 225-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACTION — Either Type 1 or unlisted actions as defined in the SEQRA regulations (6 NYCRR 617) or a development project that requires Special Permit approval, or Site Plan approval for 6 or more units.

AGENCY — Any board, agency, department, office, other body or officer of the Village of Croton-on-Hudson.

AUTHORIZING AGENCY – An agency authorized by the Code of the Village of Croton-on-Hudson that is responsible for issuing an approval for an action.-.

COASTAL AREA OR ZONE — The lands and waters within the Village of Croton-on-Hudson's jurisdiction as described in the Local Waterfront Revitalization Program.

COASTAL ASSESSMENT FORM (CAF) — The form, approved by the Village Manager, and on file in the Village Clerk's office, and used by an agency to assist it in determining the consistency of an action with the LWRP.

CONSISTENT — That the action will substantially comply with the LWRP policies and, whenever practicable, will advance one or more of them.

DETERMINATION OF CONSISTENCY — The written decision that is made regarding whether the action substantially complies with the LWRP policies and whenever practicable will advance one or more of them.

DIRECT ACTION — An action planned and proposed for implementation by an agency.

LEAD AGENCY — An involved agency under SEQRA principally responsible for undertaking, funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action and for the preparation and filing of the statement if one is required, in accordance with SEQRA.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) — The local program approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law Article 42), a copy of which is on file in the office of the Village Clerk of the Village of Croton-on-Hudson.

RECOMMENDATION OF CONSISTENCY — The recommendation that is made by the WAC regarding whether the action substantially complies with the LWRP policies and whenever practicable will advance one or more of them.

SEQRA — The State Environmental Quality Review Act, codified as Article 8 of the Environmental Conservation Law, and its implementing regulations, 6 NYCRR Part 617.

WATERFRONT ADVISORY COMMITTEE (WAC) — The Committee that will make a recommendation of consistency regarding an action.

§ 225-4. Management and coordination of LWRP.

A. The lead agency or authorizing agency shall be responsible for coordinating review of actions in the Village of Croton-on-Hudson's coastal zone for consistency with the LWRP policies.

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- B. The WAC will advise, assist and make recommendations of consistency to the lead agency or authorizing agency in its review of actions and in the implementation of the LWRP, its policies and projects.

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- D. The Village Board with the assistance of the WAC shall coordinate with the New York State Department of State regarding consistency review of actions by federal agencies and with state agencies regarding consistency review of their actions.
- E. The WAC shall assist the Village of Croton-on-Hudson Board of Trustees in making applications for funding from state, federal or other sources to finance projects included in the LWRP.
- F. The WAC will consist of five members appointed on a yearly basis by the Mayor, consisting of members of the Board of Trustees, the Water Control Commission, the Planning Board and, at the Mayor's discretion, the Village's environmental consultant. The Board of Trustees, the Water Control Commission and the Planning Board shall each be represented on the WAC by at least one and no more than two members. The Mayor shall appoint the Chairperson on a yearly basis.
- G. Any vacancy shall be filled by the Mayor for the balance of the expired term within 60 days, or as soon as practicable thereafter, of receiving notice of the vacancy.
- H. The WAC may request that the referring agency retain a consultant to assist in its review pursuant to Chapter 178 of the Village Code. The Chairperson of the WAC shall submit the request for retaining a consultant to the referring agency.
- I. The members of the WAC shall serve without compensation and shall be charged with the duties as set forth in this chapter.
- J. For conducting business, including making a recommendation of consistency, a quorum shall consist of three members of the WAC.

§ 225-5. Review of actions required.

- A. Prior to approving, funding or undertaking a proposed action located within the Village of Croton-on-Hudson coastal zone, the lead agency shall make a determination of consistency.
- B. An application to a Village of Croton-on-Hudson agency for approval or funding of an action shall be accompanied by a coastal assessment form (CAF) and other required documents.

§ 225-6. Consistency review.

- A. Lead agency.
- (1) Whenever a Village agency declares itself lead agency regarding a proposed action under SEQR, or is the authorizing agency for a Special Permit approval, or Site Plan approval for 6 or more units in the Village's coastal zone, the agency shall refer a copy of the CAF and any other required documents to the WAC within 10 days. Prior to the lead agency making its determination of consistency, it shall consider the recommendation of the WAC with reference to the determination of consistency of the proposed action with the LWRP policies.
 - (2) Whenever a Village agency is an involved agency under SEQRA and not the lead agency for a proposed action in the Village's coastal zone, either the Village Board of Trustees, the Planning Board, the Zoning Board of Appeals, or the Water Control Commission shall be deemed the lead agency under this chapter. If multiple Village agencies are involved agencies, the lead agency under this chapter will be determined in the order stated above.

- B. After referral from the lead agency, the WAC shall review the CAF and other required documents and make a recommendation to the lead agency regarding the action's consistency with the LWRP policies.
- (1) The WAC shall render its written recommendation of consistency to the lead agency or authorizing agency within 30 days of receiving the referral of the CAF and any other required documents. The WAC may request an extension of time in order to obtain more information or more documentation, or the need to hire a consultant from the lead agency or authorizing agency, in order to render its written recommendation of consistency. The extension of the time shall be by mutual agreement of the lead agency and applicant.
 - (2) The WAC's recommendation shall indicate whether the proposed action is consistent with or inconsistent with one or more of the LWRP policies and shall elaborate, in writing, the basis for its opinion. The WAC shall, along with its recommendation of consistency, make any suggestions to the lead agency or authorizing agency concerning modification of the proposed action, including recommending conditions of approval, to make it consistent with the LWRP policies or to greater advance one or more of them.
 - (3) In the event that the WAC's recommendation of consistency is not forthcoming within the specified time, the lead agency or authorizing agency shall make its determination of consistency without the benefit of the WAC's recommendation of consistency.
- C. Upon receipt of the WAC's recommendation of consistency, the lead agency or authorizing agency shall consider whether the proposed action is consistent with the LWRP policies. The lead agency or authorizing agency shall consider the WAC's recommendation of consistency, the CAF and other relevant information in making its determination of consistency. No approval or decision shall be rendered for an action in the coastal area without a determination of consistency having first been adopted by the lead agency. The lead agency or authorizing agency shall circulate its determination to all other involved agencies.
- D. Where an environmental impact statement (EIS) is being prepared or required, the draft EIS must identify applicable LWRP policies and include a discussion of the effects and impacts of the proposed action on such policies.
- E. The lead agency or authorizing agency which is making a determination of consistency for direct actions must also review consistency with Section IV of the LWRP, in making its consistency determination.
- F. Recommendation of consistency.
- (1) The WAC's recommendation of consistency shall indicate whether, in its opinion, the proposed action is consistent or inconsistent with the LWRP policies. The recommendation of consistency shall address:
 - (a) Potentially significant adverse impacts on coastal area resources and the consistency of the action with the LWRP policies.
 - (b) Alternative actions which would avoid the potential significant adverse impacts on coastal resources and ensure consistency with the LWRP policies.
 - (c) Measures to mitigate potential significant adverse impacts on coastal resources and resolve inconsistencies with LWRP policies.
 - (2) The WAC shall approve its recommendation of consistency by a majority vote of a quorum of its members.
- G. In the event the WAC's recommendation of consistency is that the action is inconsistent with the

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LWRP policies, and the lead agency makes a contrary determination of consistency, the lead agency shall elaborate, in writing, the basis for its disagreement with the WAC's recommendation of

consistency and state the manner and extent to which the lead agency believes that the action is consistent with the LWRP policies.

H. If the lead agency or authorizing agency finds that the action is not consistent with one or more of the LWRP policies, the action shall not be undertaken, approved or funded unless the lead agency or authorizing agency makes a written finding that, on balance, the action should nevertheless be undertaken, approved or funded, taking into consideration each of the following factors listed below. Such a finding shall be a prerequisite to a determination of consistency with the LWRP policies.

- (1) No reasonable alternatives exist to the proposed action which would permit the action to proceed in a manner that is consistent with the LWRP policies.
- (2) The action would be undertaken in a manner which will minimize inconsistencies with LWRP policies.
- (3) The action will advance one or more of the other LWRP policies or proposed projects.
- (4) The action will result in an overriding Village, regional or statewide public benefit.

I. The lead agency or authorizing agency shall have the authority, in its determination of consistency, to impose reasonable conditions on an action to ensure that it is carried out in accordance with this chapter and the LWRP.

§ 225-7. Enforcement.

No work or activity on a project in the Village which is subject to review under this chapter shall be commenced or undertaken until the Village Engineer has been presented with a written determination of consistency from the lead agency or authorizing agency except for direct actions. In the event that an activity is not being performed in accordance with this chapter or any condition imposed thereunder, the Village Engineer shall issue a stop-work order, and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

§ 225-8. Penalties for offenses. [Amended 7-9-2025 by L.L. No. 11-2025]

- A. A person who violates any of the provisions of or who fails to comply with any condition imposed by this chapter shall have committed a violation, subject to penalties as provided by § 1-12 of the Code of the Village of Croton-on-Hudson. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- B. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 225-9. Severability.

If any provision of this chapter shall be held for any reason to be invalid, such determination shall not invalidate any other provision hereof.

§ 225-10. When effective.

This chapter shall take effect immediately filing with the office of the Secretary of State.