

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

LOCAL LAW INTRODUCTORY NO. 14 OF 2026

**A LOCAL LAW TO AMEND THE PROVISIONS OF CHAPTER 225 “WATERFRONT
REVITALIZATION” OF THE CROTON-ON-HUDSON VILLAGE CODE TO PROVIDE
CLARIFICATION IN THE REVIEW OF LAND USE APPLICATIONS FOR CONSISTENCY
WITH THE LOCAL WATERFRONT REVITALIZATION PROGRAM**

A LOCAL LAW to amend the text of Chapter 225 “Waterfront Revitalization” to provide clarification in the review of land use applications for consistency with the Village’s LWRP.

BE IT ENACTED by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section One. Legislative Intent and Purpose. To better serve the public’s interest, the Village Board of Trustees of the Village of Croton-on-Hudson proposes amendments to the Village Code for the purpose of providing clarification in the review of land use matters for consistency with the adopted Local Waterfront Revitalization Program.

Section Two. Chapter 225 “Waterfront Revitalization” Section 225-3 of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

§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 a Site Plan approval for a project with 5,280 square feet or more of habitable space.

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.

Section Three. Chapter 225 “Waterfront Revitalization” Section 225-4 of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

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

Section Four. Chapter 225 “Waterfront Revitalization”, Section 225-6 of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

§225-6. Consistency Review.

A. Lead Agency or Authorizing Agency

- (1) Whenever a Village agency declares itself lead agency or is the authorizing agency regarding a proposed action, as defined in Section 225-3, located 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 located 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 or the authorizing 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 LWRP policies, and the lead agency or authorizing agency makes a contrary determination of consistency, the lead agency or authorizing 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 or authorizing 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.

Section Five. Chapter 225 “Waterfront Revitalization” Section 225-7 of the Code of the Village of Croton-on-Hudson is hereby amended as follows, with new matter underlined and deleted matter struck through and in [brackets]:

§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.

Section Six. Except as otherwise provided herein, all other provisions of Chapter 225 of the Croton-on-Hudson Village Code shall remain the same.

Section Seven. Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Eight. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law and shall be published and posted as required by law.