

**VILLAGE OF CROTON ON HUDSON, NEW YORK  
PLANNING BOARD MEETING MINUTES – TUESDAY, FEBRUARY 22, 2011**

MEMBERS PRESENT:       Mark Aarons  
                                  Fran Allen  
                                  Bruce Kauderer  
                                  Robert Luntz

ABSENT:                   Chris Kehoe

ALSO PRESENT:       Daniel O'Connor, P.E., Village Engineer

**1. Call to Order:**

The meeting was called to order at 8:00 P.M. by Mr. Luntz, vice-chairman, substituting for Chairman Kehoe who was absent.

**2. PUBLIC HEARINGS**

- a) *Croton Community Nursery School – Lower North Highland Place (Sec. 67.20 Bk. 2 Lots 5, 6, 9, 25 [formerly Lots 5, 6, 7, 8, 9, 10, 11, 12, & 25] – Application for a Preliminary Subdivision Approval – Request for an Adjournment*

Mr. Luntz stated that the Planning Board had received a letter from Dvirka and Bartilucci, Consulting Engineers, regarding the Croton Community Nursery School's storm water management plan review and Storm Water Pollution Prevention Plan. As has been the case for the past several months, the public hearing on this application for a preliminary subdivision approval is being adjourned until the next Planning Board meeting.

**3. OLD BUSINESS**

- a) *John Palladino – South Riverside Avenue (Sec. 79.13 Blk. 1 Lot 66 ) – Referral from Village Board on Application for Special Permit Use for a Motor Vehicle Service Station.*

Mr. David Steinmetz, attorney at Zarin & Steinmetz, Attorneys at Law, representing John Palladino, owner of the property at 365 South Riverside Avenue, presented the application for Special Permit use for the Proposed Use of the property as an auto repair shop, with accessory sales of used and vintage cars. He referred to the Village Engineer's letter of February 10, 2011 written in response to Mr. Steinmetz's letter of February 8, 2011 which had concluded that the Proposed Use "meets the requirements for a Motor Vehicle Service Station Special Permit Use (Zoning Code Section 230-17B(1))."

Mr. Steinmetz stated that the applicant was not proposing to modify the site; he was requesting a special permit recommendation to the Village Board, and then would return to the Planning Board for a site plan review. Mr. Steinmetz reviewed the requisite criteria for the Proposed Use mentioning in particular that no retail gasoline would be sold, no building permit was required, and no painting or body work was being proposed. This would not be an auto body shop. Mr. Steinmetz emphasized that Mr. Palladino's building has been vacant for four years and that Mr. Palladino has been paying taxes during this time. The applicant wanted the building returned to productive use and hoped to stimulate business in an area that the village was attempting to revitalize. He would like to be on the agenda of the Village Board meeting in March in order to return to the Planning Board with details for the site plan.

Planning Board members discussed at length their concerns regarding the bulk parking requirements for a special permit use for the Motor Vehicle Service Station and the required parking spaces for a special permit for used cars sales and vehicles awaiting repair. On the proposed site plan, 37 total spaces are shown on the property. Mr. Kauderer expressed concerns that the bulk parking requirements and required parking spaces for used cars would result in a Proposed Use that would not be in keeping with the character of the community or neighborhood. He maintained that it would be inappropriate to recommend this special permit to the Board without first asking for a detailed site plan review that included parking details.

The Village Engineer explained that there is parking for the bulk requirements for the Motor Vehicle Service Station special permit, and additional requirements for the special permit use for the sale of used cars. The applicant was requesting a recommendation to the Village Board for two special permit uses (Part A and B). There was a discussion about parking spaces used for display purposes, employee parking ratio of employees to parking spaces, number of service and repair customers, and the number of cars awaiting service that would be parked in the lot. Planning Board members questioned how many customers would be parking for service at any given time, and how many customers would be looking at cars for sale. Mr. Steinmetz referred to Mr. Palladino's experience with dealerships, but said he would come back with projections of use.

The Village Engineer suggested that the Planning Board take into consideration the need for sufficient parking on the premises so there would be adequate off-premises parking for other businesses.

Mr. Kauderer reiterated that he believed the Planning Board should have the facts about the parking before making a positive recommendation to the Village Board.

Mr. Steinmetz asserted that the Applicant had met the criteria and before spending time with the parking details of the site plan, he wanted to know that the Village Board was going to approve this application.

There was continued detailed discussion about the bulk requirements for parking and the number of parking spaces required for used cars and required parking for the number of employees. Mr. Aarons stated that the parking space numbers had to be tailored with the Village Board recommendation. Mr. Luntz agreed.

Mr. Steinmetz pointed out that because it is a Motor Vehicle Service Station with accessory sales of cars, the bulk of the stock must be outside the building and the code would have to take this into consideration.

Mr. Luntz suggested making a positive recommendation to the Village board with the caveat that the open issue about the parking requirements would be discussed by the Village Board, and subsequently by the Planning board.

Mr. Kauderer believed that the Planning Board should be explicit in its comments to the Village Board regarding the limiting of parking. Mr. Kauderer referred to Section 230-58B in the Zoning code that refers to the “compatibility of the location, size and character of the proposed use with the orderly development of the zoning district in which it is located and with that of adjacent properties in conformity with the zoning district applicable to such properties,” and said that he did not believe that a used car business was compatible with the neighborhood, and therefore, the sale of used cars was an inappropriate use of this space.

Ms. Allen stated that she felt “compatibility” was a very generic statement and it was too generic to restrict the applicant.

Mr. Kauderer reiterated that he believed the terms and conditions needed to be spelled out before recommending the permit to the Board. Ms. Allen stated that the Planning Board had talked about this application for months and it was time to refer it to the Village Board. Mr. Aarons suggested that the Village Board should delegate to the Planning Board the task of allocating parking spaces. Mr. Kauderer stated that the Planning Board had little leverage to change the permit use once the application is recommended to the Village Board.

Mr. Aarons pointed out that the Planning Board knows there are conditions required and the Village Board can decide these or delegate the decision back to the Planning Board. The Village Engineer added that there could be a condition placed on the special permit subject to the Planning Board review.

Mr. Steinmetz emphasized that this application had been initiated in December 2009 and it was time to tell the applicant whether he would get the special permit or not. The Planning board had been clear about dealing with the parking, so that if his client gets the special permit, they will wrestle with the parking count.

Mr. Aarons stated he believed the Planning Board should recommend the application but with explicit conditions placed on parking on-site and off-street parking, and precise conditions on the display of vehicles. Mr. Steinmetz acknowledged that he understood this was what the Planning Board would recommend.

Mr. Aarons made a motion to recommend to the Village Board the issuance of a special permit for use as a Motor Vehicle Service Station (Part A) and a special permit for the sale of used and vintage cars (Part B) with the caveat that conditions be placed on both the parking on and off the premises and on the display of used vehicles.

Ms. Allen seconded the motion, and the vote carried 3-1, with Ms. Allen, Mr. Aarons, and Mr. Luntz in favor, and Mr. Kauderer dissenting.

*b) Pat and Tara Zanfardino—101 Brook Street—Sec. 78.08 Blk.1 Lot 66 (formerly Sec. 39 Blk. 2 Lo 76)—Application for a preliminary subdivision approval and wetlands activity permit.*

Mr. Luntz referred to the memorandum from the Water Control Commission regarding a wetlands activity permit for this application. The Water Control Commission made a unanimous positive recommendation to the Planning Board that a wetlands activity permit be granted.

The Village Engineer reviewed the memorandum and stated that it addressed storm water management, soil testing, and erosion control. No action is required from the Planning Board at this time since the application has now been referred to the Waterfront Advisory Committee and will return to the Planning Board after the Waterfront Advisory Committee's preliminary consistency review.

### **3. NEW BUSINESS**

*a) Green Hybrid Energy Solutions Inc. – 33 Croton Point Avenue --(Sec. 79.13 Blk 2 Lot 5)—Application for Amended Site Plan for installation of solar panels on the roof of the Franzoso Contracting Building.*

Mr. John Tighe, owner of Green Hybrid Energy Solutions, Inc., presented his application for Amended Site Plan approval for the installation of a 16.1 kw solar panel system consisting of 70 solar panels on two roofs and on an additional solar awning on the front of the Franzoso Contracting Building. He described the solar panel system and its specifications and stated that he is trying to make the panels as aesthetically pleasing as possible. This project is a joint venture with Franzoso Contracting.

Mr. Luntz stated that given the pictures presented, it was difficult to determine what the solar panels would look like on the building especially on the roof surface. Mr.

Tighe stated that as shown on the diagram, the panels would be six inches off the roof surface. Mr. Luntz stated that a public hearing would be needed, and at the public hearing, Mr. Tighe should provide a more descriptive rendering of the solar panel installations. Mr. Luntz requested a rendering of the front of the building and asked Mr. Tighe to consider panels in the front of the building so that the panels would not be higher than the roof. A rendering of the front of the building would provide a clearer picture of the solar panel installation.

A motion was made by Ms. Allen for a public hearing for this application at the next Planning Board meeting on March 8, 2011, seconded by Mr. Aarons, and carried by a vote of 4-0.

*b) Doran Construction – 12 Hastings Avenue – (Sec. 79.1 Blk. 2 Lot 76) --  
Application for Minor Site Plan Approval for construction of new house on  
vacant lot.*

Mr. Ron Wegner, of Cronin Engineering, P.E., P.C., presented the application for 12 Hastings Avenue, a vacant parcel of 7250 square feet in the RA-5 Zoning District. The project involves construction of a two-story 2039 sq. ft colonial house (with small garage) on a flat parcel served by municipal water and sewer. The site contains no steep slopes and there are no regulated wetlands or watercourses within 120 feet of the site. A couple of trees will be removed but will be replaced with landscaping on site. Mr. Wegner will treat the storm water runoff from the site by means of infiltration, and conduct soil testing for the dry wells.

The Village Engineer recommended the following conditions be attached to the resolution: 1) that the proposed replacement tree in the front yard be increased in size from 1.5" caliber to 2.5" caliber, 2) that an additional yard drain be installed in the front yard near the end of the driveway curb and be connected to the dry well, 3) that iron rods be set on the property corners by a NYS licensed land surveyor and that these iron rods be shown on the as-built survey, 4) that the plan be revised to indicate that the driveway be cross-sloped towards the proposed house, 5) that an engineer's report, including soil testing data, on the sizing of the dry wells be submitted to the Village engineer for approval prior to the installation of the dry wells, and 6) that the site plan is revised to address the above items and three copies be submitted to the Village Engineer. There is no public hearing required because this is a Minor Site Plan application.

Mr. Doran showed pictures of houses in neighborhood to show how the house will fit in with the character of the neighborhood, and the Planning board members agreed.

Mr. Kauderer made a motion to approve the resolution with conditions for the application for minor site plan, seconded by Ms. Allen, and carried by a vote of 4-0.

**3. APPROVAL OF MINUTES**

The Planning Board Members postponed the approval of the minutes until the next Planning board meeting on 3/8/2011.

There being no further business to come before the board, the meeting was duly adjourned at 10:10 p.m.

Respectfully submitted,

Ronnie L. Rose  
Planning Board Secretary

## RESOLUTION

**WHEREAS**, the Planning Board reviewed a Minor Site Plan application on Tuesday, February 22, 2011, for Doran Construction, hereafter known as “the Applicant,” said property located at 12 Hastings Avenue, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.13 Block 2 Lot 76; and

**WHEREAS**, the proposal is for a new single-family dwelling; and

**WHEREAS**, this proposal is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), therefore, no Negative Declaration is required.

**NOW, THEREFORE BE IT RESOLVED**, that the Minor Site Plan application as shown on Drawing SP-1.0 entitled “Site Development Plan, Proposed Residence for Doran Construction”; Drawing UD-2.0 entitled “Details, Proposed Residence for Doran Construction”; prepared by Cronin Engineering, dated February 17, 2011, and Plan 211-002 including “Front Elevation”, “Basement Plan”, “First Floor Plan”, “Second Floor Plan”, “Side Elevation”, “Side Elevation”, “Rear Elevation”, and “Garage Plan” prepared by Goewey and DeMasi Architects. P.C., received February 18, 2011, be approved subject to the following conditions:

1. That the proposed replacement tree in the front yard be increased in size from 1.5” caliber to 2.5” caliber,
2. That an additional yard drain be installed in the front yard near the end of the driveway curb and be connected to the dry well,
3. That iron rods be set on the property corners by a NYS licensed land surveyor and that these iron rods be shown on the as-built survey,
4. That the plan be revised to indicate that the driveway be cross-sloped towards the proposed house,
5. That an engineer’s report, including soil testing data, on the sizing of the dry wells be submitted to the Village Engineer for approval prior to the installation of the dry wells,
6. That the site plan is revised to address the above items and three copies be submitted to the Village Engineer.

In the event that this Minor Site Plan is not implemented within three (3) years of this date, this approval shall expire.

The Planning Board of the Village of  
Croton-on-Hudson, New York

Chris Kehoe, Chairperson (Absent)  
Mark Aarons  
Fran Allen  
Bruce Kauderer  
Robert Luntz (Vice-Chair)

Motion to approve by Mr. Kauderer, seconded by Ms. Allen and carried by a vote of 4 to 0.

Resolution accepted with the minutes of the meeting held on Tuesday, February 22, 2011.