

**VILLAGE OF CROTON ON HUDSON, NEW YORK
PLANNING BOARD MEETING MINUTES – TUESDAY, APRIL 26, 2011**

MEMBERS PRESENT: Robert Luntz, Chairman
 Mark Aarons
 Fran Allen
 Bruce Kauderer
 Steven Krisky

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 Chairman Luntz.

2. PUBLIC HEARINGS

*a) Zanfardino Subdivision – 101 Brook Street (Sec. 78.08 Block 5 Lot 3) –
Application for Preliminary Subdivision Approval.*

Bruce Kauderer made a motion to open the public hearing, seconded by Ms. Allen. Chairman Luntz asked if there were any comments from the public, to which there were none. Mr. Aarons made a motion to close the public hearing, Ms. Allen seconded, and the vote carried 5-0.

A brief discussion followed regarding the storm water management plan and Planning Board members agreed that it would improve the area onsite.

Mr. Aarons recommended that condition #7, “that, any excess soil from the excavation shall be removed from the site immediately,” be changed to, “that, any excess soil from the excavation site shall be removed from the site immediately but in no event more than 20 days.” Planning Board members all agreed.

Mr. Aarons suggested that there be a change in condition #11, to read “any proposed construction, grading, filling, excavating, clearing or other regulated activity within the 120 foot wetland or watercourse buffer area requires a *wetlands* permit from the Village of Croton-on-Hudson prior to the commencement of work.”

Ms. Allen stated that the resolution should also include that a final review from the Waterfront Advisory Committee was referred to the Planning Board.

Mr. Kauderer made a motion to accept the resolution, seconded by Ms. Allen, and carried by a vote of 5-0 in favor. A copy of the resolution is attached.

b) Umami Café – 325 South Riverside Avenue (Sec. 79.13 Blk 1 Lot 60) – Application for Amended Site Plan to relocate dumpster area and use existing dumpster area for new walk-in cooler and reconfiguration and addition of parking spaces.

Ms. Allen made a motion to open the public hearing, Mr. Krisky seconded the motion, and the vote carried 5-0.

Mr. Purdys summarized his proposal to relocate the dumpster area, install a new walk-in cooler, and reconfigure the parking space area. Mr. Purdys stated that he had informed the property owners to which the dumpsters were closest; the neighbors had told Mr. Purdys that the dumpster would not affect them. Mr. Purdys was planning to do the work himself with the exception of obtaining an electrical permit. The VE suggested Mr. Purdys submit the information about the cooler, and the VE would then make a determination about whether a building permit was needed.

There were no comments from the public.

Mr. Kauderer made a motion to close the public hearing, seconded by Mr. Aarons, and the vote carried 5-0 in favor.

Chairman Luntz read the resolution to which the condition was added, "that, the dumpster enclosure be installed prior to the dumpster relocation." The motion to approve this resolution was made by Mr. Aarons, seconded by Ms. Allen, and carried by a vote of 5-0 in favor. A copy of the resolution is attached.

c) Croton Community Nursery School – Lower North Highland Place (Sec. 67.20 Bk. 2 Lots 5, 6, 9, 25) -- Application for a Preliminary Subdivision Approval.

Chairman Luntz briefly summarized this application for a preliminary subdivision plan. The Planning Board reviewed the draft resolution and the conditions required before approval of the preliminary subdivision.

A draft copy (paper) of the resolution is available in the Engineering Office.

Norman Sheer, Esq. and Ron Wegner, P.E. were also present at the meeting. Discussion focused on the following conditions:

Condition 3: It was noted by Mr. Sheer, that the open space parcel is a dedicated lot in the subdivision, and therefore, the subdivision is actually a 4-lot subdivision not a 3-lot subdivision.

Condition 4: The following change should be made: "The plan shall be submitted to the satisfaction of the Village Engineer", not "to the Planning Board for approval." It was noted by Ron Wegner, Consulting Engineer for the applicant, that the clean-up plan for the debris removal from the wetland and wetland buffer areas would be written into the erosion control plan. Mr. Wegner also stated that the clean-up plan would be presented to the WAC meeting on April 27, 2011.

Condition 5: The condition should read: "That, the property deed be developed and approved by the Village Attorney and Village Engineer which requires that the property owners inspect and maintain the storm water management systems. The document shall also include provisions that give the Village the ability to inspect and maintain the storm water management systems, if not performed by the property owner, with all Village costs for such inspection, maintenance, and repair being billed to, and paid by, the property owner. This form of deed shall be presented to the Village Board and their acceptance of the document provided to the Planning Board."

Condition 6: It was noted that this condition was important to include: That, any disturbance to the wetland buffer outside the approved limit of disturbance would require an amended Wetlands Activity Permit and referral back to the Water Control Commission.

Condition 8: There was a lengthy discussion about whether the debris removal should be required before the approval of the subdivision or after final approval has been granted. Mr. Sheer indicated that the nursery school did not have the money to clean up the debris until the lots were sold and that Planning Boards often do not require work to be completed prior to final subdivision approval. He suggested that a building permit not be issued until the clean-up work was done.

Mr. Aarons suggested that upon the sale of the first lot, if the work has not been done, and if the conditions set forth (items 1-13) remain incomplete and require funds to complete, as estimated by the VE, the applicant shall deposit such amount that the VE believes will complete such tasks. Furthermore, the work has to be completed from the proceeds of the sale of the first lot and must be paid within five days. If the funds are not paid within five days, no building permit shall be issued.

Mr. Sheer suggested that a time limit of 18 months from filing the map be placed on all the work to be done (such as debris removal, monumenting the lot) or the Village Board will not accept the dedication of the open parcel.

Chairman Luntz stated that he would like to move this ahead, it was difficult to say that certain things have to be set before final approval, and he believes that by stating that using the proceeds from the sale of the first lot with a time frame of 18 months would indicate the intent of the Planning Board and puts assurances to the village that the work will be done. The VE summarized several of the Planning Board members' proposal that the debris removal and trail clearing occur after final subdivision approval within a certain time frame and the proceeds from the sale be put aside to assure payment to the Village.

Condition 10: The issue discussed was whether it was appropriate to require a variance before final subdivision approval or at the time of a minor site plan application. Chairman Luntz believed that at the time of applying for a building

permit, an application to the Zoning Board could be made. Mr. Aarons stated that he had concerns about a lot being sold with a requirement for a variance attached to it. Mr. Sheer asserted that the zoning application should happen when there is a real house to review. Chairman Luntz stated that the Planning Board knew it was creating this situation when they had previously made recommendations for compliant designs that had less environmental impact and therefore would make a recommendation to the Zoning Board regarding the issuance of a front yard variance. The Village Engineer stated he would discuss with the Village Attorney. Chairman Luntz believes this is a minor site plan issue, Mr. Kauderer concurred.

Condition 11: Mr. Sheer stated that conditions 11 and 13 could be combined. The condition should state that conveyance of the 10 ft strip on west side of property should be made to the adjoining property owner with the reservation of a trail easement. Village Engineer will talk with Mr. Sheer and Mr. Staudt about the language of the condition regarding the the10 ft. conveyance.

The Village Engineer will discuss the resolution and the conditions with the Village Attorney and Mr. Sheer, and then the Village Engineer will bring it back to the Planning Board.

d) Proposed adoption of Local Law Introductory No. 2 of 2011 (the "Draft Law") which would amend Chapter 116 to supplement the list of Type II (SEQRA) Regulations and proposed determinations of the Planning Board, Zoning Board of Appeals, Police chief, and Village Engineer

The Village Engineer explained to the committee that the Planning Board had to vote on whether or not it had any objections to the Village Board being lead agency. Mr. Aarons made a motion that the Planning Board had no objections to the Village Board being lead agency, seconded by Mr. Krisky, and carried by a vote of 5-0 in favor.

Mr. Kauderer stated that it was important to note that by supplementing the list of Type II actions, the Planning Board was not giving up any of its powers to say no or place conditions; rather, it was a way to address the frustrations of a lengthy process and streamline the procedure.

Mr. Luntz agreed and stated that the Planning Board still would look at the environmental impacts of each application.

Ms. Allen expressed concern that by making certain actions Type II the code was being discarded to which Ms. Gallelli and the Village Engineer both asserted that this was definitely not the case. Mr. Luntz added that adding Type II actions allowed the Planning Board to operate more efficiently to which Ms. Allen agreed. Mr. Aarons reiterated that the Planning Board would still look at the environmental impacts of applications.

Mr. Luntz suggested that the members review the Type II actions provided and then the Planning Board could discuss them at the next Planning Board meeting.

3. APPROVAL OF MINUTES

The minutes of the Tuesday, April 12, 2011 Planning Board meeting were approved, as amended, on a motion by Mr. Aarons, seconded by Mr. Kauderer and carried by a vote of 5-0.

There being no further business to come before the board, the meeting was duly adjourned at 10:30 p.m.

Respectfully submitted,

Ronnie L. Rose
Planning Board Secretary

**RESOLUTION
PRELIMINARY SUBDIVISION PLAT APPROVAL**

WHEREAS, Pat and Tara Zanfardino have applied to the Planning Board for Preliminary Subdivision Plat Approval on a property of 13,580 square feet which is located at 101 Brook Street, in a Residential RA-5 District, and is designated on the Tax Map of the Village as Section 78.08 Block 5 Lot 3.

WHEREAS, the subdivision being proposed is a two-lot subdivision with one vacant lot; and

WHEREAS, under the requirements of the State Environmental Quality Review Act (SEQRA), the Planning Board has determined that this project is an Unlisted Action; and

WHEREAS, the Applicant has submitted to the Planning Board a Short Environmental Assessment Form (EAF) dated February 3, 2011 and a Coastal Assessment Form (CAF) dated February 3, 2011, last revised April 4, 2011; and

WHEREAS, the Planning Board referred this application to the Water Control Commission for a recommendation on the issuance of a wetland permit and the applicant appeared before the Water Control Commission (WCC) on February 16, 2011. The WCC, in their memorandum to the Planning Board dated February 18, 2011, recommended that a wetland permit be granted subject to meeting those conditions stipulated in said memorandum; and

WHEREAS, as the Planning Board referred this application to the Waterfront Advisory Committee (WAC) on March 2, 2011, for a preliminary recommendation of consistency with the policies of the Village's Local Waterfront Revitalization Program (LWRP) and the WAC, in their memorandum to the Planning Board dated March 3, 2011 recommended to the Planning Board that the Proposed Action be found consistent (preliminary review) with the LWRP; and

WHEREAS, based on the WAC's preliminary recommendation of consistency with the LWRP, the WCC's positive recommendation on the issuance of the wetland permit, and the Planning Board's review, the Planning Board hereby determines that there will be no significant adverse impacts resulting from the Proposed Action and issues a Negative Declaration; and

WHEREAS, the Planning Board refers this application to the WAC for a final recommendation of consistency with the Village's LWRP,

WHEREAS, the Planning Board has determined that due to the size of the property insufficient land is available for use as a park or playground and therefore money in lieu of recreation land shall be paid to the Village.

WHEREAS, a Public Hearing before the Planning Board was held on this application on Tuesday, April 26, 2011; and

WHEREAS, on Tuesday, April 26, 2011, the Public Hearing was closed.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board approves the application submitted by Pat and Tara Zanfardino for a two-lot subdivision of property located at 101 Brook Street, as shown on the survey dated January 31, 2011, prepared by Thomas C. Merritts Land Surveyors, P.C., subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That, a Minor Site Plan application shall be submitted and approved by the Planning Board prior to the issuance of a Building Permit for lot 2.
3. That, iron rods or other permanent survey monuments be installed at property corners and any change in course of the lot lines shown on the preliminary subdivision plan and that the installed iron rods or other permanent survey monuments be shown on the final subdivision plat.
4. That, money in lieu of recreation land be paid to the Village at the time of issuance of a building permit for lot 2 by the Village Engineer.
5. That, the Waterfront Advisory Committee's final recommendation of consistency with the LWRP be submitted to the Planning Board.
6. That, the banks of the existing stream channel be restored with stone walls as detailed on the plans and that a written construction timeframe and sequence plan be developed to ensure that work in the stream channel is conducted with the least impact to the stream and that this plan be approved by the Village Engineer prior to the commencement of work.
7. That, any excess soil from the excavation shall be removed from the site immediately but in no event more than 20 days.
8. That, a temporary construction easement, for the temporary soil stock pile and access to it, on lot 2 be provided for the benefit of Lot 1 and the easement be shown and labeled on the plans.
9. That, a final design report, including soil test results, on the design of the storm water management system be submitted to the Village Engineer for approval prior to its installation.
10. That, the 120 foot wetland/watercourse buffer be shown and labeled on both sides of the stream channels on all plans.
11. That, the following note be placed on all plans, "Any proposed construction, grading, filling, excavating, clearing or other regulated activity within the 120 foot wetland or watercourse buffer area requires a wetlands permit from the Village of Croton-on-Hudson prior to the commencement of work."

12. That, the following wetland/watercourse notification statement be incorporated into the deeds for the two lots, "For as long as any portion of the property described in this deed is subject to regulation under the Village of Croton-on-Hudson's Wetlands Law, there shall be no construction, grading, filling, excavating, clearing or other regulated activity on this property within the wetland or watercourse buffer areas, as shown on the Final Subdivision Plat, at any time without having first secured the necessary wetland permit required pursuant to the above noted Law. This restriction shall bind the Grantee's, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property." A copy of the proposed deeds shall be submitted to the Planning Board.

BE IT FURTHER RESOLVED, that, as part of the Final Subdivision Plat approval process, the Applicant shall obtain the necessary approval from the Westchester County Department of Health. Evidence of approval by the Westchester County Department of Health shall be in the form of the Department of Health's endorsement of the Final Subdivision Plat.

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

Robert Luntz, Chairperson
Mark Aarons
Fran Allen
Bruce Kauderer
Steven Krisky

The motion to approve was made by Mr. Kauderer, seconded by Ms. Allen and carried by a vote of 5 to 0 in favor.

The resolution was accepted with the minutes of the Planning Board meeting held on April 26, 2011.

RESOLUTION

WHEREAS, the Planning Board held a public hearing on an Amended Site Plan application on April 26, 2011 for the Umami Café, hereafter known as “the Applicant.” The subject property, owned by Antonio & Sarina Tucci, is located at 325 South Riverside Avenue and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.13 Block 1 Lot 60; and

WHEREAS, the proposal is for the relocation of the dumpster area and the use of the existing dumpster area for a new walk-in cooler, and the reconfiguration and addition of parking spaces, and

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

WHEREAS, the Public Hearing was closed on April 26, 2011.

NOW, THEREFORE BE IT RESOLVED, that the amended site plan application as shown on site plan entitled “Site Plan” (undated); aerial photograph of lot (undated); photographs entitled “Exhibit 1,” “Exhibit 2,” “Exhibit 3,” “Exhibit 4,” “Exhibit 5,” “Exhibit 6,” “Exhibit 7,” and “Exhibit 8”, (undated); received by Engineer’s office on March 31, 2011, drawings and photographs by Craig Purdy, President of Umami Café, Inc., be approved subject to the following conditions:

1. That, the dumpster enclosure be installed prior to the dumpster being there.

In the event that this amended 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

Robert Luntz, Chairperson
Mark Aarons
Fran Allen
Bruce Kauderer
Steve Krisky

Motion to approve by Mr. Aarons, seconded by Ms. Allen and carried by a vote of 5 to 0.

Resolution accepted with the minutes of the meeting held on April 26, 2011.