

VILLAGE OF CROTON ON HUDSON, NEW YORK
PLANNING BOARD MEETING MINUTES – TUESDAY June 14, 2011

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

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

1. Call to Order:

Chairman Luntz called the meeting to order at 8:00 p.m.

2. PUBLIC HEARINGS

*a) John Palladino – 365 South Riverside (Sec. 79.13 Block 1 Lots 66, 68, 69) ---
Amended Sited Plan Application for a proposed Motor Vehicle Service
Station with pre-owned sales.*

Mr. David Steinmetz, Attorney for the applicant, Mr. John Palladino, Applicant, and Mr. Ed Gemmola , Architect were present. Mr. Steinmetz stated that revisions to the site plan were completed as per the suggestions of the Planning Board and the Village Engineer, and now there was an approvable site plan with a draft resolution before the Planning Board.

Mr. Luntz opened the public hearing.

Ms. Maria Cudequest, 84 Grand Street, stated that she had attended almost every meeting regarding this application: this proposal would have no impact on school taxes and would return the area to a more vibrant place. She supported the applicant.

Mr. Kauderer asked Mr. Gemmola about the sign for parking at the nail salon and questioned how the public would know where to park if there was only one sign as indicated on the site plan. Mr. Gemmola stated that the one sign would have an arrow in both directions to indicate which spots were available. The Village Engineer's recommendation is a "Parking for Nail Salon only" sign on the right and left end of the six spaces with an arrow on each sign pointing towards the opposite end. Mr. Steinmetz stated that this recommendation could be met by the applicant, and this would be written as one of the conditions.

Mr. Gemmola gave an overview of the items on the site plan that had been changed and the Village Engineer stated he was satisfied with the changes.

Mr. Steinmetz stated that the applicant was willing to comply with the conditions in the resolution regarding landscaping, a sign application to the PB and subsequent referral to the Visual Environment Board, and the Nail Salon parking signage.

A copy of the resolution is attached.

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

A motion to approve the resolution was made by Mr. Aarons, seconded by Mr. Krisky, and carried by a vote of 5-0.

3. NEW BUSINESS

*a) 157 Maple St. LLC – 157 and 159 Maple Street (Sec. 68.17 Block 4 Lot 41) --
Application for preliminary subdivision approval (two-lot).*

Mr. Daniel Merritts, owner of 157 Maple Street, LLC, and Mr. Steven de Young, attorney for the applicant, presented the application for a two (2) lot subdivision. Mr. Merritts explained that the subdivision involves creating two (2) separate parcels of the existing premises located at 157 and 159 Maple Street. The subdivision line would be created through the existing structure along the party wall, creating two separate single-family dwellings. Mr. Merritts pointed out that this subdivision would retain open space; there would be no disturbance of trees; and the large paved areas around the building would be eliminated.

Mr. Merritts stated that the Planning Board had approved divisions of two lots in the past (August, 1985). Mr. De Young stated that this application had been to the Zoning Board on June 8, 2011 for variances from side yard, lot width, and total side yard setback requirements. The ZBA granted these variances so that two properties could be sold separately as two individually owned single-family homes.

Mr. Merritts explained that all utilities (water and sewer service) would be separate. Con Edison is already providing separate electric service.

Mr. Kauderer asked if this would be a party wall agreement, and Mr. De Young stated that a party wall agreement would be incorporated as a condition. The Village Engineer reminded the applicant that he needs to get a statement from the Department of Transportation that a curb cut is acceptable.

Chairman Luntz declared the Planning Board's intention to be Lead Agency and called for a public hearing for the next Planning Board meeting. Chairman Luntz also referred this application to the WAC for a preliminary consistency review.

Mr. Kauderer made a motion to call for a public hearing for June 28, 2011, seconded by Ms. Allen, and carried by a vote of 5-0. Chairman Luntz made a motion to refer this application to the WAC, seconded by Mr. Aarons, and carried by a vote of 5-0.

- b) Zeytinia Gourmet Market – 56 Maple Street (Sec. 79.09 Blk 1 Lot 30) – Annual Report Submission of Deliveries by 18-Wheeler Trucks.*

Mr. Kauderer referred to the amended condition for the Resolution accepted October 14, 2003, which states that Zeytinia Gourmet Market may receive deliveries from 18-wheeler trucks no more than once per week. Mr. Luntz stated that in the past the Planning Board had heard from some neighbors, but there appeared to be no complaints at the present time. The report was reviewed, and it was noted that according to the report, there had been no more than once a week 18-wheeler deliveries for the year 2010.

4. OLD BUSINESS

- a) Resolution to adopt a list of Type II actions to supplement the list of Type II actions contained in the New York State SEQRA regulations.*

The Planning Board reviewed each of the seven actions that are being proposed to supplement the list of Type II actions contained in SEQRA that are within the jurisdiction of this Board:

1) The Sign Permit issued under Chapter 230 of the Village code.

Ms. Allen asked who has the responsibility for issuing a sign permit. The Village Engineer explained that the Engineer's Office issues some sign permits, the Planning Board issues some sign permits, and the Visual Environment Advisory Board (VEB) reviews all sign permits for aesthetics. As a Type II action, the approval process does not change, nor do the requirements for obtaining sign permits change. Not all sign permits in the village have to go through the SEQR process; many applications are Type II actions that do not require a SEQR review, yet the VEB still reviews the sign permit application and makes sure it is compliant. All signs still have to be approved if they are part of a site plan-- requiring the Planning Board's approval and the VEB's recommendations.

2) Granting of Site Plan or Minor Site Plan Approval (including the allowable waiving of any requirements) for the construction or expansion of a primary or accessory/appurtenant, structure or facility involving less than 4,000 square feet of gross floor area and less than 10,000 square feet of land disturbance and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.

The Village Engineer explained that the language of this Type II action comes directly from the language in the State Type II list. An example of a minor site plan that would not require a SEQR action would be those applications that are changes of use (for example, stores such as the Green Growler or Feed the Birds). A use variance is very different from change of use and very difficult to obtain from the Zoning board.

3) Granting an extension of the expiration date for a site plan or minor site plan.

This action does not preclude putting conditions on an extension for a site plan or minor site plan.

4) The Granting of Minor Site Plan Approval, not requiring a Wetland or Steep Slope permit, including the allowable waiving of any requirements for the construction or expansion of a single-family, or a two-family residence on an existing lot including provision of necessary utility connections and the installation, maintenance and/or upgrade of a drinking water well and a septic system.

Mr. Aarons recommended that the phrase “including the allowable waiving of any requirements” be placed after “The Granting of Minor Site Plan Approval” at the beginning of the sentence.

5) The approval of a Storm Water Pollution Prevention Plan under Chapter 196 of the Village Code in connection with any Type II action.

6) The approval of a Tree Removal Permit under Chapter 208 of the Village Code in connection with any Type II action.

7) The approval of an Excavation and Filling Permit under Chapter 120 of the Village Code in connection with any Type II action.

The three proposed Type II actions (numbers 5, 6, &7) are actions that might be part of an amended site plan; if the Planning Board approves the Amended Site Plan, these actions would not be subject to a SEQR review.

Ms. Allen expressed the hope that this list is a step toward more clarity. She expressed concern that this step might be more injurious to the environment.

Mr. Aaron stated that he didn't think anything was being given up. The Village Engineer stated that there was an effort not to deviate from the state list that was used as a model.

Ms. Allen stated that it was important to make sure there is sufficient oversight in the process of making the laws, interpreting them, and enforcing them to protect the environment.

Mr. Aarons stated that this list removes unnecessary duplication in reviewing an application.

Mr. Kauderer moved that by consensus of the Board, he recommended that the Village Board adopt the proposed Local Law (the "Draft Law") which would amend Chapter 116 to supplement the list of Type II actions, and upon the completion of the SEQRA process for Type II actions by the Village Board, the Planning Board will adopt the proposed resolution to adopt a list of Type II actions within the jurisdiction of the Planning Board. Mr. Krisky seconded the motion, and the vote carried 4-0-1 (Abstention by Ms. Allen).

5. APPROVAL OF MINUTES

Approval of the minutes of the Tuesday, May 10, 2011 Planning Board meeting were approved, as amended, on a motion by Mr. Aarons, and seconded by Ms. Allen, and carried by a vote of 4-0.

Approval of the minutes of the Tuesday, May 24, 2011 Planning Board meeting were approved, as amended, on a motion by Mr. Kauderer, and seconded by Mr. Aarons, and carried by a vote of 3-0.

6. ADJOURNMENT

There being no further business to come before the board, the meeting was duly adjourned at 9:30 p.m.

Respectfully submitted,

Ronnie L. Rose
Planning Board Secretary

RESOLUTION

WHEREAS, the Planning Board held a public hearing on an Amended Site Plan application on Tuesday, June 14, 2011 for John Palladino—365 South Riverside Avenue, hereafter known as “the Applicant,” said property located in the C-2 Zoning District at 365 South Riverside Ave. and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.13 Block 1 Lot 66; and

WHEREAS, this Amended Site Plan application is for a proposed Motor Vehicle Service Station with pre-owned sales; and

WHEREAS, the Village Board, as the Lead Agency for this application under the State Environmental Quality Review Act (SEQRA), determined that the proposed project is an Unlisted Action and issued a Negative Declaration at their meeting of April 19, 2011; and

WHEREAS, the Village Board issued a Special Permit for a Motor Vehicle Service Station subject to certain conditions on May 2, 2011; and

WHEREAS, the Village Board issued a Special Permit for the sale of used cars subject to certain conditions on May 2, 2011; and

WHEREAS, the Public Hearing was closed on June 14, 2011; and

NOW, THEREFORE BE IT RESOLVED, that the Amended Site Plan application, as shown on Drawing #SY-101 entitled “Proposed Site Plan” dated December 17, 2009, last revised June 10, 2011; Drawing #A-101 entitled “Proposed Floor Plan” dated December 17, 2009, last revised June 10, 2011 prepared by Gemmola and Associates, Architects/Planners, be approved subject to the following conditions:

- 1) That all improvements and conditions as shown on above- referenced site plan and floor plan, and not included in said Special Permits, including the planting of flowers and providing new mulch on South Riverside Avenue side, be completed before the opening day of business; the planting of shrubs are to be completed before November 30, 2011;
- 2) That a sign application be submitted to the Planning Board for review and approval, and as part of said application, be referred by the Planning Board to the Advisory Board on the Visual Environment (VEB) for their review and comments;
- 3) That the signage for the nail salon parking area indicate “Parking for Nail Salon only” and this signage be placed on the right and left end of the designated six spaces with an arrow pointing towards the other direction.

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, Chairman
Mark Aarons
Fran Allen
Bruce Kauderer
Steven Krisky

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

Resolution accepted at the meeting held on Tuesday, June 14, 2011.