

VILLAGE OF CROTON ON HUDSON, NEW YORK
PLANNING BOARD MEETING MINUTES – TUESDAY, February 28, 2012

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

ALSO PRESENT: Daniel O'Connor, Village Engineer

1. Call to Order

Meeting called to order at 8:05 p.m. by Chairman Luntz.

2. PUBLIC HEARING

a) Steel Style Properties, LLC -- 50 Half Moon Bay Drive (Sec. 78.16 Blk. 1 Lot 3) -- Application for an Amended Site Plan, Wetlands Activity Permit, and Steep Slopes permit for new single-family dwelling.

Ralph Mastromonaco, Engineer for the Applicant, and Robert Davis, Attorney for the applicant, were present. Mr. Mastromonaco stated that he has made the roofline as low as he can and he has nothing more to add to this application.

Chairman Luntz stated that he understood the efforts made to respond to the Board's requests for lowering the roofline, but there were still some unresolved issues that had not been fully discussed: an analysis of the height of the house from the two sides, some of the technical issues of the trail, the configuration of the trail, and the proposal for the fence in the easement area.

Furthermore, in reviewing the site plan, it was brought to the Planning Board's attention that it appeared that the proposed fence is in the easement. The Planning Board would prefer to not see it in the easement. The 15 ft. conservation easement is not very well defined; it wasn't clear to the Board how the fence and walkway would interact with the water's edge.

Mr. Mastromonaco stated that the path has been on the plan since July. The conservation easement is an odd shape and not consistently 15 ft. The applicant's proposal is to use the western edge of the path to place a fence there, then have six feet of paving, and then some sort of privacy fence. The applicant had made an offer to have hedges and this would provide privacy for the homeowners.

Mr. Kauderer stated that the Board found it problematic to put a fence in an easement area and that the Board would prefer to see hedges. Mr. Mastromonaco agreed that hedges are good for privacy and had no problem with hedges instead of a fence.

A discussion ensued regarding the legality of building on an easement, the width of the path, and the stability of the area for a trail. Ms. Allen stated that she believed the whole area is unstable and eroded. Mr. Mastromonaco stated that the applicant wanted the proposed house to be some distance away from the path. Mr. Krisky stated that the Board would like to maintain a corridor of fifteen ft. Ms. Allen agreed.

Mr. Aarons stated that the erosion issue is the biggest issue for him, especially given what is happening in the Croton Yacht Club area where the land mass is starting to erode.

Mr. Mastromonaco stated that it is the applicant's responsibility to maintain the path, so if it erodes, the homeowner would have to maintain it and this can be stipulated in an agreement.

Mr. Aarons stated that he was concerned about the width of the trail, and the danger of walking on a path with the potential of erosion. He wants to receive information that would help him be more comfortable with the public's walking on the trail without having to worry about safety concerns. He would like to see a 15 ft. easement and he believes the Board needs a professional opinion that would determine whether or not this trail is sustainable and safe.

Ms. Allen asserted that for her the width of the trail is very important—there are people with dogs and mothers with baby carriages and if there is a hedge or a fence the width is decreased. Ms. Allen stated that in her opinion there should be a fence at the house but not at the other part of the trail. There was a lengthy discussion about the width and safety and stability of the shoreline. Mr. Aarons stated that the Board should look carefully at potential erosion so that it is not dangerous for the public. Mr. Mastromonaco stated that he was a professional engineer and he would not design something that would collapse. He suggested that together he and the Village Engineer look at the slope. If the Village Engineer has any doubts and believes they need to get another engineer the applicant would do so. He stated that there is nothing being built on the slope.

Mr. Davis, attorney for the applicant, stated that the easement is written such that the Board does not have latitude to move the path out of the easement area no matter what the results of any erosion testing might show. The path can be moved back from the shoreline within the easement area, but the fundamental point is that the parameters are what they are.

Mr. Aarons raised the issue of the village parking lot parcel in which the applicant has an easement over the parking lot. The Village Engineer stated that the Village Attorney would be given the easement to review in order to verify that there was an access easement by the applicant over that parcel.

Mr. Aarons stated, for the record, that once there is an access right the Village is stuck with that use in perpetuity and the Village has to maintain access for regular and emergency vehicles and cannot deny access. If the Village ever wanted to develop the parking lot, they would be unable to do so.

Mr. Davis stated that there was a nonexclusive right to use the parking lot. The village is restricted in its use. Mr. Kauderer pointed out that residents cannot use it at certain times at night. The Village Engineer stated that the Village Attorney may call Mr. Davis directly, and Mr. Davis was amenable to this.

All agreed to have a site visit to the property and this will be arranged by the Engineering staff.

The discussion turned to the height of the roof of the proposed dwelling. Mr. Mastromonaco pointed out that the applicant is comfortably below the height requirement. Mr. Aarons stated that he wanted to see the side elevations. Chairman Luntz stated that an analysis from the back of the house is not required.

Chairman Luntz stated that the Planning Board believes that this application is subject to SEQR review. Mr. Aarons wanted to make sure that the applicant understands that the Planning Board has always acted in the direction that SEQR was necessary and that this application is subject to SEQR review.

Mr. Kauderer stated to the applicant that the Planning Board had conferred with the Village Attorney and that the Board does not agree that the 90-day period is up nor that this application is a minor site plan. The Planning the Board would like to work with the applicant but reserves the right to determine that SEQR applies.

Mr. Davis, attorney for applicant, responded that they too would prefer not to go the 90-day route, however, their letters speak for themselves and clearly this is a minor site plan. They want to cooperate and reach a mutually satisfactory resolution.

Comments were accepted from the public:

Bettie Jackson, resident of HMB, spoke about how in the past the trail in front of HMB had eroded so much that approximately \$30,000 was spent to do construction repair. She also emphasized that the hedges would have to be maintained or the area would become overgrown.

Barbara Toby, a resident of HMB, and a member of the Homeowners Association (HOA) Board of Directors, spoke on behalf of Lisa Stenson-Desamours, President of the HOA Board who was unable to be at the meeting in time to speak. Ms. Toby stated that the HOA appreciated the fact that the application, in a revised form, might be approved by the Planning Board. The HMB HOA encouraged the Planning Board to take into account the safety and security of residents and urges the Board to require that the access to the proposed home be from the lower parking lot—not

from HMB Drive. The HOA also encourages the applicant to have as low a roofline as possible to protect the scenic view.

Anna Lattanzi, resident of HMB, requested that the applicant supply an overlay of a conservation easement so that one could visually understand the specifics of the trail in the easement. She expressed concerns about the trail system and believes that the Planning Board should make sure that the trail is legally in compliance with the easement and that the trail system is not compromised.

Eileen Consilvio, resident of HMB, questioned why there was consideration for a house of this magnitude when the restaurant was supposed to be smaller.

Jan Wines, Trails committee chair, reviewed the letter of February 28 he had sent which was a follow up to the Trails committee's original comments on 9/28/11 and reiterated his concerns about erosion, handicapped accessibility, maintenance issues, and the need for new signage. He thinks the hedges would be a great improvement over a fence.

Jim Parkin, resident of HMB, thanked the Trails Committee and stated that he agreed with the committee's points. He also recommended that the applicant provide a 3D DVD version of the house and trail.

Chairman Luntz asked if the Village Engineer and Mr. Mastromonaco had together walked the trail, and both engineers agreed to arrange this. Chairman Luntz recommended that the trail be staked out prior to the Planning Board's site visit.

Although Mr. Mastromonaco stated that a site walk had previously taken place and the trail had been marked out, Chairman Luntz stated that he hadn't seen the stakes. Mr. Aarons stated he also wanted the easement staked out in addition to the trail. Mr. Mastromonaco responded that the applicant had been criticized for not taking the trail to Senasqua Park when, in fact, they were only responsible for improving the trail on their property.

Mr. Aarons responded that those criticisms did not come from the Planning Board. However, Mr. Aarons continued to say he was not happy with the aesthetic quality of the trail and the overall size of the house given its proximity to the waterfront and the view from the water, as well as the impact on the scenic view from HMB Drive. He questioned Mr. Mastromonaco about the size of the clubhouse to which Mr. Mastromonaco stated the clubhouse is twice the size of the house but the distance from the river is about the same as the proposed house.

There was further discussion about the mass of the house. Mr. Davis pointed out that 150 units are a lot more massive than this proposed house. Chairman Luntz commented that the footprint of the house could be smaller given the house is 7500 sq. ft. to which Mr. Davis responded that there was no room to pull back the house.

One would not look for an ordinary house in this location on the river. Mr. Aarons stated that the mass is overwhelming and it did not need to be this large.

Mr. Davis responded that the Planning Board has a compliant house both in the context of the HMB development and the clubhouse. He noted that there have been almost as many meetings to review one house as it had taken to build the whole complex. He also noted that each of the unit owners understood that this property was approved for a restaurant up to 50 ft.

Mr. Aarons again reiterated his concern about the mass of the house. Based on the LWRP, there was an aesthetic consideration; the scenic quality is important.

Chairman Luntz stated that all the Planning Board members believe that the size and mass is an issue, and that although the lowering of the roofline is helpful the Planning Board considered the other side of the building of concern. Mr. Davis answered that they would take this under advisement and will mark out the house and trail for the site visit.

Chairman Luntz stated that the board was trying to get comfortable with the project but it would help a great deal if the applicant could scale back a little.

The public hearing is still open at the next meeting. Mr. Davis requested that after 12 meetings, there should be an end to the public hearing.

3. New Business

a) Morgan Properties – 31A Old Post Road South (79.05 – 1- 3) – Review of proposed recreation improvements at Bari Manor Apartments.

Mr. Phil Sells, maintenance manager at Bari Manor was present. Chairman Luntz explained that this application was a review of proposed recreation improvements at the Bari Manor Apartments. The swimming pool had been demolished in 2010, and the Planning Board at its meeting on January 12, 2010 had discussed possible ways to restore the pool area for recreational use.

Mr. Aarons recalled that at that Planning Board meeting, a covered area was suggested. Chairman Luntz noted that in the minutes of that meeting it was suggested that the applicant might want “to consider putting a gazebo or some other type of shelter in case of inclement weather.”

The Village Engineer stated that a formal resolution had not been made. The Planning Board allowed the approval of the demolition of the pool because the demolition was an emergency. The current proposed plan includes a new sidewalk, a new patio, four picnic tables, 2 barbecue grills, concrete pads, some plantings, and twelve new trees.

There was some discussion about a possible covering for the patio and appropriate lighting for the recreation area.

Mr. Sells stated that he would discuss the Planning Board's recommendations with the property manager.

The Village Engineer stated that the applicant should provide a more detailed site plan that delineates paths, fencing, lighting, and the proposed structure.

4. Adjournment

There being no further business to come before the board, the meeting was duly adjourned 10:35 p.m.

Respectfully submitted,

Ronnie Rose
Planning Board Secretary