

**VILLAGE OF CROTON ON HUDSON, NEW YORK**  
**PLANNING BOARD MEETING MINUTES – TUESDAY, March 27, 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 8:07 p.m.

**2. OLD BUSINESS**

a) Morgan Properties-- 31A Old Post Road South (79.05 - 1 -33) -- Review of proposed recreation improvements at Bari Manor Apartments.

Richard Calore, property manager of Bari Manor Apartments, presented changes made to the previously submitted site plan for the proposed recreational site. Detail changes include having the sidewalk closer to the retaining wall, four picnic tables on an expanded concrete pad, additional shrubbery and trees, lighting for the walkway and floodlights behind the grill area. At present, there will not be a covered structure due to a lack of money in the budget, but this possibility has not been ruled out for the future. Mr. Calore stated that this recreational area will only be open in the daylight to Bari Manor residents and it will close at dusk. The lighting is for security. Mr. Krisky stated that he hoped that the solar lights used will be of high caliber so that they last.

Mr. Calore requested an additional 30 days, for a total of 90 days, to complete the improvements listed on the resolution and on the site plan. The deadline will be June 30, 2012 instead of the original May 31, 2012 date.

Mr. Aarons asked where the garbage would be contained, and the Village Engineer recommended commercial grade containers that could possibly be placed against the existing retaining wall. Rather than stipulating where the garbage containers should be, the Planning Board agreed that Mr. Calore would find an appropriate spot.

Mr. Aarons made a motion that the resolution regarding the improvements to the site plan be approved, seconded by Mr. Kauderer, and carried by a vote of 5-0 all in favor. Copy of the resolution is attached.

*b) Steel Style Properties, LLC -- 50 Half Moon Bay Drive (Sec. 78.16 - 1 - 3) -- Application for an Amended Site Development Plan, Wetlands Activity Permit, and Steep Slope Permit for new single-family dwelling.*

Mr. Mastromonaco described some of the details and changes made to the existing site plan for the proposed dwelling and trail. He had submitted the steep slopes report to the Village Engineer and his calculations were under the threshold, therefore making a steep slopes permit unnecessary. The Village Engineer confirmed that the calculations were under the threshold for requiring a steep slope permit. Mr. Mastromonaco stated that the path and the hedge were not new however in designing the layout of the house, there was a small piece of a retaining wall approximately 2 feet high which had been added. The purpose of the retaining wall is for the deck and this will create a cubbyhole for possibly a planter. He also stated that the erosion control plan had been modified.

Mr. Kauderer asked about the details of construction and questioned how realistic 14 weeks was for construction. Mr. Mastromonaco responded that this time frame did not include the trades for the interior work.

Mr. Kauderer noted that the gate at the beginning of the trail had been removed and he was happy to see that.

Ms. Allen expressed concern that the fence which had been added to protect the people walking on walkway and from the steep drop had been removed. Mr. Kauderer and Mr. Krisky reiterated that this fence issue had been discussed the last time, and it had been decided that the public did not want the fence and would prefer that the fence conform to the rest of the pathway. Mr. Kauderer reminded Ms. Allen that the applicant had offered to construct a fence but the Trails committee and the Planning Board preferred its removal and it was at the request of the Planning Board to remove it. Ms. Allen stated that the Chairman of the Trails committee should have been invited on the site walk. Mr. Aarons acknowledged this Mr. Wines should have been included.

Chairman Luntz asked the Village Engineer about the height of the building with respect to zoning and the zoning table on the site plan. The Village Engineer stated that the proposed house conforms in height but he will double check the zoning table. The Village Engineer confirmed that the proposed dwelling is a two story house with a cellar.

Mr. Kauderer raised the issue of the mooring fields and asked what had been decided regarding this issue. Mr. Mastromonaco stated that the applicant is willing to provide a letter of intent to the Village during the process but they would like the building to be constructed first. Some of the mechanisms to achieve a dedication of the mooring fields to the village are complicated.

Mr. Kauderer asked what would happen if the building is never built.

Mr. Davis stated that they were willing to put something in writing about the dedication of the mooring fields. They were willing to give a letter of intent that immediately gives the village permission to use the mooring fields. Mr. Davis stated that in fact the village is already using the mooring fields even though the village does not have rights to it. Once the applicant has a building permit they will dedicate the fields to the village and make the lot line change. Mr. Kauderer asked about a time limit and the possibility of making this agreement irrevocable.

Mr. Kauderer stated that from the Planning Board's point of view, the Village has been promised the mooring fields repeatedly yet nothing has happened.

Mr. Aarons stated that past comments regarding dedication of the fields from the applicant are irrelevant since in fact there has been no dedication of the fields.

Mr. Brian Plotkin disagreed and stated that the records show that it is their intent to donate the mooring fields. He stated that the minutes from the Planning Board meetings over time show this intention. Mr. Plotkin stated that they (applicants) had stood by their intention, and once they get approval for the proposed dwelling the fields will be given to the village.

Mr. Krisky noted that the Planning Board has asked for this in writing to show good faith.

Mr. Plotkin stated that they have been letting the village use it rent free and they want to give it to the village. This is all in good faith and the applicant stated that the Board has his “word.”

Bob Davis reiterated that the applicant is planning to give the mooring fields to the village.

Mr. Kauderer noted that the dedication based on the issuance of a building permit rather than a certificate of occupancy was a big improvement. Chairman Luntz agreed.

Mr. Davis stated that he would put in writing the applicant’s intent and when the applicant gets a building permit they will dedicate the fields to the village. They will file a declaration document, file a deed with the metes and bounds delineation, and the lot line alterations and make the offer to the village.

There was some discussion about the relocation of the gazebo. Mr. Davis stated that if the village wanted it, they can have it but the village will have to relocate it. If the Village does not want the gazebo, the applicant will get rid of it. The Village Engineer stated that he will send a memorandum to the recreation department and recreation advisory committee about where they might want to see the gazebo placed.

Chairman Luntz stated that the Planning Board needed to make a decision about issuing a Negative Declaration and a subsequent referral of this application to the Waterfront Advisory Committee. The WAC will make a recommendation of consistency and then refer it back to the Planning Board. At that point, the Planning board will make a determination of consistency and vote on the site plan.

Ms. Allen asked at what point the state and federal level would get involved.

Mr. Kauderer stated that the state and federal agencies don’t get involved in this application. Mr. Aarons stated that this is a single-family application and stays at the local level. The Village Engineer stated that no Army Corps of Engineers permit is required, no dredging is proposed, no DEC approval is required--there is no proposal to do anything in the water.

Ms. Allen stated that the Planning Board will have to watch carefully that nothing is done in the water. The Village Engineer stated that the whole community will be looking at what is being done. Ms. Allen stated that it would be very easy to violate these critical environmental areas in terms of moving soil, disturbing beds, and fish. The Village Engineer reiterated that no proposed work was going to occur in the Hudson River or on the slope going to the river adjacent to the shoreline.

Chairman Luntz noted that the Planning Board has an erosion and sediment control plan which shows erosion control and silt fence. The plan will be enforced by the Village Engineer’s office when the construction occurs. Ms. Allen stated she wanted to see it in great detail. Chairman Luntz suggested that larger plans be delivered to the Village Engineer’s office by Mr. Mastro Monaco.

There was a discussion about making a determination of consistency. Mr. Davis noted that this is a local procedure in which the WAC is the recommending body. The WAC will determine whether or not they want to make a final recommendation to the Planning board and then the Planning board will or will not make a determination of consistency. If the Planning Board gets a recommendation of inconsistency, it is

still up to the Planning Board to make a determination of consistency and consider the WAC's recommendation.

Ms. Allen asked if one can appeal to state law or federal law to which Mr. Davis stated that no federal or state laws were applicable. Ms. Allen stated that her concern was what happens to the river.

Chairman Luntz reiterated that the Negative Declaration will go to the WAC and the WAC will review the application according to the LWRP. The WAC will give their recommendation to the Planning Board and then the Planning Board will make a determination about its consistency. Mr. Kauderer stated that since the WAC had already given a preliminary determination of consistency, albeit with conditions, it was hard to imagine that the WAC would go against their own preliminary determination.

Mr. Kauderer made a motion to vote on issuing a Negative Declaration, Chairman Luntz seconded the motion. Mr. Aarons made a motion that the vote on issuing a Negative Declaration be done by roll count and seniority, seconded by Mr. Krisky.

Ms. Allen: Opposed--the application ignored the environment, the beauty of the river and life in it.

Mr. Aarons: In Favor—

Chairman Luntz: In Favor

Mr. Kauderer: In Favor

Mr. Krisky: Abstain: does not believe the Planning Board has enough information at this point to issue a Negative Declaration

The resolution to issue a Negative Declaration and refer the application to the WAC was approved by a vote of 3 (favor) -1 (opposed)-1 (abstention).

Mr. Davis stated he will send two letters to the Planning Board: one about the gazebo and one about the mooring fields.

Mr. Krisky and Mr. Aarons stated that they are not able to attend the April 10th meeting. Mr. Davis stated he believed the full board should be present to vote on the site plan so it was agreed that the staff would confirm the date with the Applicant.

*c) Hudson National Golf Club -- 40 Arrowcrest Drive (Sec. 67.15 Blk. 1 Lot 4) - Discussion on 2011 Fall Surface Water Sampling Report from Environmental & Turf Services, Inc.*

The Village Engineer stated that the Environmental & Turf Services, Inc. (ETS) submitted the 2011 Fall Surface Water Sampling Event - Base Flow at the Hudson National Golf Club (HNGC). The report suggests that the course is being well managed. There was one RT (Response Threshold) exceedance of N (nitrate-nitrite-nitrogen) by a minimal 7% during the 2011 Fall sampling event. The Village Engineer stated that ETS looks at thresholds which had been established years ago during the preliminary phase of golf course development when there was a limited data set. Now there is a more extensive data set. The question that ETS is considering is whether the initial response thresholds should be changed or not. ETS

in their report recommend revision of the response thresholds (RTs) for nitrate nitrogen and total phosphorus. The report suggests that although the RTs need to be revised, no research to date has been completed to determine what percent difference is acceptable and no research has been done regarding the maximum amount of N and TP that would negatively impact the drainage into the Arboretum.

The Village Engineer stated that ETS wants to know if natural factors are changing the exceedance factors and whether the current sampling should be continued.

Mr. Krisky confirmed with the Planning Board Secretary that a copy of the report will be sent to Karen Jescavage-Bernard at the Arboretum.

### **3. Minutes**

Minutes of March 13, 2012 were approved, as amended, on a motion by Mr. Aarons, seconded by Mr. Kauderer, and carried by a vote of 5-0 all in favor.

### **4. Adjournment**

There being no further business to come before the board, the meeting was duly adjourned 10:00 p.m.

Respectfully submitted,  
Ronnie Rose  
Planning Board Secretary

## RESOLUTION

**WHEREAS**, the Planning Board closed the public hearing on an Amended Site Plan, Wetland Permit and Steep Slope application on Tuesday, March 13, 2012 for Steel Style Properties, LLC, hereafter known as “the Applicant,” for the property located at 50 Half Moon Bay Drive and designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.16 Block 1 Lot 3; and

**WHEREAS**, the proposed project is for an amendment to the Half Moon Bay Development Site Plan to revise the proposed development on the above referenced property from a restaurant to a one unit dwelling; and

**WHEREAS**, site visits were made by the Planning Board to 50 Half Moon Bay Drive and the proposed site of the trail; 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**, as an Unlisted Action, the Planning Board referred this application to the Waterfront Advisory Committee (WAC) on September 22, 2011 for a 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 October 20, 2011, recommended to the Planning Board that the Proposed Action be found consistent with the LWRP subject to certain conditions; and

**NOW, THEREFORE, BE IT RESOLVED**, based on the WAC’s recommendation and the Planning Board’s review, the Planning Board hereby determines that there will be no significant adverse impacts on the environment resulting from the Proposed Action and hereby issues a Negative Declaration. The Planning Board hereby refers this application to the Waterfront Advisory Committee for a final recommendation of consistency with the policies of the Village’s Local Waterfront Revitalization Program.

## **RESOLUTION**

**WHEREAS**, the Planning Board reviewed a Minor Site Plan application on Tuesday, March 27, 2012, prepared by Morgan Management LLC, hereafter known as “the Applicant,” said property located at 31A Old Post Road South known as “Bari Manor Apartments”, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.05 Block 1 Lot 33; and

**WHEREAS**, there had previously existed at the Bari Manor apartment complex a swimming pool for recreational use by Bari Manor residents, and said swimming pool had deteriorated to an advanced state of disrepair so that the property owner decided to pursue the demolition of the pool;

**WHEREAS**, at their meeting of January 12, 2010, the Planning Board granted approval for the demolition of the swimming pool with the provision that the Applicant return to the Planning Board with a plan showing a proposal for recreational features at the Bari Manor site;

**WHEREAS**, the Applicant presented to the Planning Board a proposal for an improved recreation plan at the site of the demolished swimming pool; 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 a proposal entitled “Proposal Morgan Management” for estimates for Bari Manor concrete and landscaping prepared by La Teja Contractors and Landscaping, Inc. dated November 11, 2011; Rendering entitled “Bari Manor Courtyard Proposal”, photograph #1 of the new sidewalk, photograph #2 of the new sidewalk and steps, photograph #3 of the new patio, new fence, new barbecue grills, new plantings and new sidewalk, prepared by La Teja Contractors and Landscaping, dated February 17, 2012; Rendering entitled “Bari Manor Courtyard Proposal” prepared by La Teja Contractors and Landscaping and product descriptions of a whitewood picnic table and a commercial park charcoal grill dated March 23, 2012 be approved, subject to the following conditions:

1. That the sidewalk will be extended through the car parking space area and will be installed just west of the last parking space,
2. That the new steps down the hill will have a hand rail and lights installed,
3. That four picnic tables with integral benches are installed,
4. That the proposed patio is made of concrete to minimize maintenance,
5. That two grills (typical park type grill) with small concrete pads are installed,
6. That landscaping will be installed along the west end of the flat lawn area to screen the rear yards of the adjacent residential homes on Old Post Road South and along the north end of

the lawn area to screen properties on Maple Street. Trees are to be planted as shown on approved site plan.

7. That topsoil, seed and mulch be installed over the recreational area shown on the site plan.
8. That two commercial grade 35-40 gallon garbage cans be provided on site.
9. That the improvements listed above and shown on the site plan be completed by June 30, 2012.

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

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

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

Resolution accepted at the meeting held on Tuesday, March 27, 2011.