

**VILLAGE OF CROTON-ON-HUDSON, NEW YORK
MINUTES FOR MEETING OF THE PLANNING BOARD
TUESDAY, JULY 24, 2012**

Present: Rob Luntz, Chairman
Mark Aarons
Fran Allen
Steve Krisky

Absent: Bruce Kauderer

Also Present: Daniel O'Connor, Village Engineer
Rhoda Stephens (Zoning Board of Appeals Committee Member)

1) Call to order at 8:08 p.m.

2) New Business

- a) Doran Construction -- 63 Irving Avenue (Sec. 79.5 Blk 4 Lot 61.01) -- Application for Minor Site Plan for construction of new single-family dwelling.

Mr. Barnard Doran, of Doran Construction and Mr. Ron Wegner, P.E. of Cronin Engineering presented the application for the construction of a single family residence on an existing 50 x 125 ft vacant parcel with a shed and existing driveway. The parcel is located on the northern end of Irving Avenue. The shed will be removed and a single car garage will be built. The house design is exactly like the new house construction on Hastings Avenue that was recently completed by Mr. Doran. Mr. Doran stated that there is a lot of landscaping to be completed in the front of the Irving Avenue property and some trees will have to be removed.

Chairman Luntz stated that there did not appear to be any zoning issues-- the house meets front and side yard setbacks and floor area ratio. He agreed the triple maple trees on the property looked unhealthy and suggested that two replacement trees be planted on the site.

Mr. Wegner stated that to address the drainage issue an infiltrator (in the rear and the front) would handle the flow rate. The Village Engineer recommended that a level spreader be installed behind the garage to help spread the water out.

Chairman Luntz observed that the driveway seemed very close to the neighbor's driveway. There was a discussion about shifting the driveway away from the property line to provide a vegetative strip.

Ms. Allen made a motion to approve the Minor Site plan application, seconded by Mr. Krisky, and carried 4-0, all in favor. Mr. Kauderer was absent. The resolution is attached.

3) Old Business

- a) Tom Fallacaro -- 3 Arrowcrest Drive (Sec 67.15 Blk 1 Lot 33) -- Applications for a Modification to the Building Envelope, a steep slopes permit and a wetlands activity permit for an existing retaining wall and other site improvements.

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Tom Fallacaro, resident and owner of 3 Arrowcrest Drive, and Ed Gemmola, consulting engineer, were present.

Mr. Gemmola stated that he has known Mr. Fallacaro a long time. In order to understand the issues, Mr. Gemmola reviewed the engineering files and past Planning Board minutes about Mr. Fallacaro's applications. From Mr. Gemmola's perspective the retaining wall and drainage issues are paramount. Mr. Gemmola reviewed the original design plans for the subdivision and it appears that the drainage was supposed to be routed in the front of the house and this did not happen. If the retaining wall were to come down, the applicant still has to address the drainage problem. Mr. Gemmola stated that he is amenable to vouching for the retaining wall based on the past report written by Mr. Bernie Grossfield, a consulting engineer hired by Mr. Fallacaro six years ago. Mr. Gemmola stated that if it would make people feel more comfortable with the safety of the retaining wall by having the plans signed by an engineer, he (Mr. Gemmola) is willing to help out.

Chairman Luntz stated that the Planning Board is not an enforcement agency; the Planning Board is concerned about the safety of the wall and in order for the Planning Board and the Village Engineer to know that the wall is safe, there will be need to be a signed and sealed document that states that the wall is safe. Chairman Luntz explained that the Village Engineer and the Village Attorney are preparing a written document for Mr. Fallacaro which will specify the process, the procedures to go through, and the necessary permits to be obtained.

Because a variance from zoning requirements is needed for the retaining wall, the Planning Board recommends that the applicant apply to the Zoning Board to see if the variances can be obtained. Chairman Luntz stated that the Zoning Board will want to see some kind of engineering documentation that validates that the wall is safe. Chairman Luntz stated that the Village Engineer and the Planning Board would like to work with the applicant. It may be necessary for Mr. Fallacaro to establish an escrow account for the potential reimbursement to the Village for professional engineering review services that may be required.

Mr. Fallacaro stated that when this process had first started he had waited for the Village to let him know how much escrow was needed but, according to Mr. Fallacaro, never heard a specific amount. Although he had built the wall without a permit, he had done so because he believed it was an urgent situation. He explained that he takes full responsibility and he knows it was wrong to build the retaining wall without a permit; however, the wall has been up for 12 years and to date nothing has happened to the wall. He stated that, in the past, he had been asked to get testing for the soil, and he had proceeded to do so. From his point of view, the fact that the wall has been up for twelve years seems like the best validation of the wall's safety more than anything else that could be provided. Mr. Fallacaro asserted that he believes he has provided enough documentation; he cited Mr. Grossfield's report. He believes that if the wall were not there, the ground would have given out. His neighbor has not had a problem since the wall had been constructed.

Mr. Aarons wanted to confirm that Mr. Gemmola was, in fact, stating he would sign and seal the construction plans for the wall. Mr. Gemmola responded that knowing the quality of the work of the engineer who had written the previous report (Bernie Grossfield), Mr. Gemmola affirmatively stated that he would sign and seal the plans.

Ms. Allen pointed out that there had been a violation of the conservation easement. The Village Engineer stated that this would have to go to the Village Board, not the Planning board.

Mr. Aarons asked if this application is an unlisted action to which the Village Engineer said he would confer with the Village Attorney to determine if this action is Type II or unlisted. Mr. Aarons stated that even if Mr. Gemmola was willing to sign off on the plans, he would still want an outside consultant to sign off on the plans as well. Chairman Luntz agreed and said that another consultant would review the engineering data and calculations and test the safety of the retaining wall. The Village Engineer stated that if the outside consultant gave the same opinion as Mr. Grossfield, he could certify the as-built plans and issue a Certificate of Occupancy.

A discussion ensued about the need for Fallacaro to apply for a wetlands permit and some of the issues related to this permit--steep slopes, extent of ecological damage done during the construction, and mitigation of any damage done.

Mr. Aarons stated that the Planning Board may want to ask for funds for escrow in case of future damage. Mr. Aarons asked about a cash bond or insurance bond for a length of time. The Village Engineer responded that he was not sure that he could weave a bond into the permit process. The Village Engineer stated that he believes the bond must be asked for at the Planning Board level. Mr. Aarons recommended issuing a Temporary Certificate of Occupancy with a yearly renewal and an insurance bond. The Village Engineer mentioned that in the past Mr. Norman Sheer, the previous attorney for Mr. Fallacaro, had suggested monitoring the retaining wall on a yearly basis.

The Village Engineer and the Village Attorney will draft a letter to be sent to Mr. Fallacaro on the procedures, process and fees for obtaining Planning Board approvals.

4) Other business

The Village engineer submitted a letter from Margo Francy, 57 Old Post Road North which indicated her wish to withdraw her initial application. A new application to the Planning Board will be submitted at a later date.

5) Minutes Approved

The minutes of July 14, 2012 were approved on a motion by Mr. Aarons, seconded by Mr. Krisky, and carried, all in favor, 3-0.

Mr. Aarons and Mr. Krisky mentioned that they will not be at the next meeting on August 14, 2012.

5) Adjournment

There being no further business to come before the board, the meeting was duly adjourned.

Respectfully submitted,

Ronnie Rose
Planning Board Secretary

RESOLUTION

WHEREAS, the Planning Board reviewed a Minor Site Plan application on Tuesday, July 24, 2012, for Doran Construction, hereafter known as “the Applicant,” said property located at 63 Irving Avenue, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.5 Block 4 Lot 61.01; 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 Irving Avenue Residence for Doran Construction”; Drawing UD-2.0 entitled “Details, Proposed Irving Avenue Residence for Doran Construction”; prepared by Cronin Engineering, dated July 19, 2012, and Plans entitled “Front Elevation”, “Left Side Elevation”, “Right Side Elevation”, “Rear Elevation”, “Garage Plan (side, front, rear, foundation elevations)” prepared by Goewey and DeMasi Architects. P.C., received July 20, 2012, be approved subject to the following conditions:

1. That all excess soil from the foundation excavation should be removed within 20 days of the excavation,
2. That, prior to the installation of the storm water infiltration systems, an engineer’s report that includes soil testing shall be submitted,
3. That a construction fence shall be installed around the triple maple (or two additional trees planted in lieu of triple maple) and Japanese maple trees,
4. That the driveway be shifted 1.5 feet from the property line in the area of the adjacent stone patio to provide a vegetative buffer strip,
5. That a level spreader be installed behind the garage to handle the drainage discharge from the proposed swale.

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

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

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

Resolution accepted with the minutes of the meeting held on Tuesday, July 24, 2012.