

Village of Croton-on-Hudson  
Minutes of the Planning Board  
Tuesday, July 23, 2013

Present: Bruce Kauderer  
Richard Olver  
Robert Luntz, Chairperson  
Steve Krisky  
Mark Aarons

Also Present: Daniel O'Connor, Village Engineer

**1) Call to order at 8:06 p.m.**

**2) Referrals**

*a) Happy Hearts Daycare (Desiree Drapala) -- 10 Old Post Road (Sec. 78.08 Block 7 Lot 5)--Referral from Village Board for renewal and amendment to the Special Permit to operate a child care center*

Desiree Drapala, owner of Happy Hearts Daycare, was present to discuss the proposed changes to the day care center.

The Planning Board members again discussed their concerns, as they had at the last meeting, regarding the traffic flow and usage at the Merwin Oaks parking lot. They reiterated the request for a traffic usage analysis for the morning drop-off time (6:30 a.m. to 9:00 a.m.) and pick-up time (5:00-7:00 p.m.) with respect to how many spaces are occupied at a specific time of day and how many cars are coming and leaving the lot at half hour intervals at these specific times. There was a brief discussion about the number of teachers and where they park (usually Dobbs or walk).

Mr. Kauderer asked about the interior staircase that had also been discussed at the previous meeting. Ms. Drapala responded that an interior staircase will definitely be added to the building as it will make the building safer. Mr. Luntz added that the interior staircase will help the flow of traffic as well since children and teachers can get upstairs or downstairs within the building.

The Planning Board stated that until the traffic analysis was completed and the members had a chance to review it, they could not at this time make their recommendation to the Village Board. Ms. Drapala agreed to an extension of the Planning Board's review to the August 13th Planning Board meeting and an extension of the Village Board recommendation to August 20th.

### 3) Public Hearings

*a) Edgewater Group Architects on behalf of 420 S. Riverside LLC--420 S. Riverside Avenue (Sec. 79.17 Block 2 Lot 1)--Application for Amended Site Plan Approval for facade modification at shopping center*

Mr. Olver made a motion to open the public hearing, seconded by Mr. Krisky. Mr. Michiel Boender, architect for the applicant, was present. He stated that he had gone to the VEB and the committee have made similar recommendations to that of the Planning Board's made at a prior meeting. He showed the revised site plan which will include additional trees to the parking island and throughout the parking lot. The curb treatment will extend the sidewalk as recommended by the VEB. The Planning Board agreed that the parking lot and fire lane should be resurfaced and restriped.

Mr. Krisky asked about furniture and benches to which Mr. Boender replied that recently new trash containers were purchased. There was a discussion about where the benches should be located and Mr. Boender suggested that the brick area be extended in front of the Back Stage Hair Salon. The Village Engineer requested that no benches be placed over manhole covers. There was also a discussion about the options to have a more accessible pedestrian walkway between the two shopping centers. Mr. Aarons and Mr. Krisky also commented that the signage by the entrance of the shopping center needed some improvement.

The Planning Board recommended the following conditions be added to the resolution:

1. Landscaping as per plan (9 additional trees as per landscaping diagram) 2.5-3 " caliber;
2. Extension of brick area and addition of two park benches;
3. Resurfacing pavement and restriping of parking lot;
4. Improve pedestrian access through either crosswalks or other means; and
5. Improve pylon signage and work with other shopping center owner

Mr. Boender stated that he will be returning to the VEB for discussion about the facade signage but would like to move forward with the building itself. The Village Engineer stated that the site plan should be updated to reflect the changes. Mr. Krisky encouraged a discussion between the two shopping centers regarding an improvement of pedestrian access.

Mr. Kauderer made a motion to close the public hearing, seconded by Mr. Krisky, carried all in favor 5-0. Mr. Aarons made a motion to approve the resolution (Exhibit A), seconded by Mr. Krisky, and carried all in favor 5-0.

*b) Rui Jorge--27 Harrison Street (Sec. 68.17 Block 2 Lot 26)--Application for Preliminary Subdivision Approval (consolidation subdivision) for two lots and Minor Site Plan Approval for two new two-family dwellings*

Mr. Kauderer made a motion to open the public hearing, seconded by Mr. Krisky, all in favor.

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Mr. Jorge showed his landscape plan and the Planning Board agreed that the plan looked well thought out and the Board liked the differences between the houses. Mr. Krisky made a motion to close the public hearing, seconded by Mr. Aarons, and carried all in favor 5-0. Mr. Aarons made a motion to approve the resolution (Exhibit B) to issue a negative declaration and refer the application to the WAC for a final recommendation of consistency, seconded by Mr. Kauderer, and carried all in favor 5-0.

#### **4) New Business**

*a) Fernando Duce--1307 Albany Post Road (Sec. 67.14 Block 3 Lot 9)--Application for final subdivision approval for two lot subdivision*

Ralph Mastromonoco, engineer for the applicant, stated that this application for final subdivision approval had expired and he is now submitting a new application on behalf of Mr. Duce for reapproval of the final subdivision of the two lots. He noted that the WCHD had approved the subdivision in 2008 and that the health department approval did not expire.

Mr. Mastromonoco stated that the applicant had removed a portion of the existing garage that previously straddled the proposed property line. Mr. Mastromonaco maintained that currently the building/garage is vacant and he was certain that it would be taken down at some point but the applicant did not want to take it down prior to approval of the subdivision. The proposed lot line is slightly modified from the previously approved plan in order to meet the required side yard setback for the existing garage in order that the subdivision complies with zoning. Mr. Mastromonaco also acknowledged that in a discussion with the Village Engineer, a separate water supply will need to be placed in the back prior to the subdivision being approved.

The discussion focused on whether the existing structure could even be considered a primary dwelling and if so, would it meet the minimum square footage, or whether the building is considered an accessory structure and therefore must be taken down because it is against the zoning code for an accessory structure to stand alone without a primary structure. Mr. Mastromonaco maintained that the structure should be considered a primary dwelling, but in any event, will most likely be removed once final subdivision approval is granted. Mr. Mastromonaco also stated that this structure is used as an office/garage space.

Chairman Luntz stated that there had been a condition in the prior subdivision approval that the building needed to come down. The Village Engineer stated that if it were to be considered a primary structure, it would need a minimum square footage and a Certificate of Occupancy.

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The Planning Board agreed that Mr. Mastromonaco and the Village Engineer would go to the site and determine if the square footage of the structure meets the zoning code and therefore could be considered a primary structure.

Mr. Aarons asked what the structure has to do with the subdivision. The Village Engineer explained that it is a zoning code issue--if a subdivision is created, and the proposed lot line separates the two lots, then the garage/office would be considered an accessory structure without a primary structure and therefore would be in violation of the zoning code.

Mr. Krisky stated that he wanted to know if the structure was safe and had the correct square footage to be considered a primary structure.

Chairman Luntz stated that the Planning Board need to have a site visit to look at the property and a wanted a statement from Mr. Mastromonaco to say whether the structure conformed to the zoning code.

**4) Discussion**

Mr. Kauderer stated that he will contact Ann Gallelli, Village Liaison, to remind her about contacting the Village Attorney about the Fallacaro issue.

**5) Approval of Minutes**

Mr. Olver made a motion to approved the minutes of July 9, seconded by Mr. Aarons, and carried by vote of 4-0 (Mr. Krisky abstained)

**6) Adjournment**

There being no more business to come before the board, the meeting was duly adjourned at 10:04 p.m.

Respectfully submitted,

Ronnie L. Rose  
Planning Board Secretary