

**Village of Croton-on-Hudson
Planning Board Meeting
Tuesday, May 13, 2014**

Present: Rob Luntz, Chairman
Steve Krisky
Rocco Mastronardi

Absent: Bruce Kauderer
Richard Olver

Also present: Daniel O'Connor, Village Engineer
Ann Gallelli, Village Board Liaison

1) Chairman Luntz called the meeting to order at 8:10 p.m.

2) OLD BUSINESS

*a) Patrick and Tara Zanfardino—103 Brook Street (78.8 - 5 - 3.1)—
Request for extension for Minor Site Plan Approval for new single-family
dwelling.*

Chairman Luntz asked if anything had changed with the Minor Site Plan that had been approved on August 9, 2011 and Mr. and Mrs. Zanfardino stated that nothing has changed. The Planning Board had no objections to granting the one-year extension. Mr. Krisky made a motion to grant a one-year extension for the approved Minor Site Plan, seconded by Mr. Mastronardi, and carried by a vote of 3-0, all in favor. (Resolution attached).

3) NEW BUSINESS

*a) McCarthy Law Firm (Stephanie V. Porteus and Daniel McCarthy)—37
North Riverside Avenue (78.08 - 3 - 76)— Application for Change of Use of
first floor only from apartment dwelling to law office and waiver of off-street
parking requirement.*

Ms. Stephanie Porteus, of McCarthy Law Firm, presented the application for Change of Use for 37 N. Riverside Avenue. She stated that the McCarthy law firm has been in Croton for twenty years, and they would like to move from their current location on Croton Point Avenue to the first floor of 37 N. Riverside Avenue. The change of use is from a first floor apartment residential use to a law office use. The application included a letter from the owner granting permission for the change of use, and also included a parking survey that showed the spaces available between High Street and Brook Street (both sides of N. Riverside Avenue).

According to the Village Code, the parking requirement would increase by two additional spaces (from four spaces for a two family house) and the applicant requested a parking waiver of these two spaces on the basis that there is no on-site parking for the building and, based on the submitted parking survey, there is available on-street parking. Ms. Porteus noted that the office was open during the day and usually there was not a need for parking for the law firm on the weekend.

Chairman Luntz stated the plan seemed sound. Mr. Krisky asked about handicap accessibility, and Ms. Porteus noted that the bathroom is being configured. Since there is no parking on-site, there is no handicap accessible space required.

Chairman Luntz stated that the sign application when submitted will be referred to the Visual Environment Advisory Board for their review and recommendation and then returns to the Planning Board for final approval.

Ms. Porteus stated the sign will be similar to the one they currently have—green background with gold lettering. Chairman Luntz recommended that a photo be taken of the proposed sign when she goes to the VEB.

Mr. Krisky made a motion to approve the Change of Use application, seconded by Mr. Mastronardi, and the vote carried, 3-0 all in favor. (Resolution attached).

b) The Side Car (Panessa Enterprises)—39 North Riverside Avenue (78.08 - 3 - 77)—Application for change of Use from professional services (music school) to retail food services use and waiver of off-street parking requirement.

Ms. Lynn Panessa, owner of the Tavern for ten years, and Ms. Kathleen Leveque (the manager who will run Side Car) were present. Ms. Panessa stated she would like to expand on her business model. She has been renting 39 N. Riverside for about 18 months, and sees the Side Car as a market place which will sell prepared foods and some small seasonal retail items. She believes that most of the customers visiting the Side Car are customers that are already going to the Tavern. She does not anticipate that many customers will be making a separate journey to Side Car. The store will only have two employees (one being Lynn Panessa).

Interior space has been renovated and there are four stools at a counter, with two tables inside (4 seats at each). The plan is to utilize the two large windows and place stenciled logos in the window with no overhead sign (the music school sign will be removed).

Because the sidewalks in front of the store are narrower than the sidewalks in front of the Tavern, these smaller outdoors tables will have half umbrellas.

Ms. Panessa stated that she was requesting a waiver of the requirement for three additional parking spaces. Many customers who go to the Tavern, especially for

Saturday and Sunday brunch business, travel on bikes or park at Senasqua and walk to the Tavern. The employees of the Tavern are told to park south of Bank Street on S. Riverside. She stated that there are no employees who park north of Bank Street and the spots in front of the restaurant are not used by employees. The Side Car employees will not add to the parking situation since one of the employees is Lynn herself, and the other already works at the Tavern.

Mr. Krisky asked if there was a possibility to increase parking by changing some of the signs. Ms. Panessa stated that it was restrictive only on Thursday for street cleaning and there wasn't official parking on the north side of Bank Street.

There was some discussion about the options for parking in this area. The Village Engineer noted that south of Brook Street is not very busy. Ms. Panessa said that she didn't have an issue with employees parking south of Brook Street except she would want the bartender who stays late to eventually bring his/her parked car closer to the Tavern.

Mr. Krisky asked about the possibility of the village designating certain spots as 30 minute parking. The Village Engineer responded that if there were a lot of people doing pick-up at the Side Car, at that point, Ms. Panessa could approach the village.

The Village Engineer stated that based on the proposed twelve seats, and the fact that outdoor dining did not add any more parking requirements (Village Board Resolution of 4/28/93), the recommendation is to waive three parking spaces.

Chairman Luntz stated that the parking issues are not going to change in this area, and that the Planning Board does not want to limit development. The recommendations that employees park further away and the future possibility of designating 30-minute parking spots, will maximize what is available in this area.

The Planning Board also added as a condition that the painting of the façade be completed by September 1, 2014.

Mr. Krisky made a motion to approve the Change of Use application, seconded by Mr. Mastronardi, and the motion carried, all in favor, by a vote of 3-0. (Resolution attached)

c) Rey Mussa—205 S. Riverside Avenue (78.12 -3 -5,6)—Application for Amended Site Plan approval (pending Village Board approval for Special Permit) to operate a convenience store on property

Ron Wegner, P.E., Ed Gemmola, architect, and Peter Schuyler, attorney were all present on behalf of the applicant to present updated architectural plans and a revised site plan. Mr. Wegner stated that on May 12, 2014 a special permit has been granted by the Village Board for the convenience store at Dom's.

Chairman Luntz asked what comments had been raised at the Village Board meeting, and Ms. Gallelli, Village Board liaison, stated that she had commented that she was not in favor of the proposed digital/electronic sign, instead she preferred either landscaping or a quaint sign that welcomes people to Croton. Mr. Krisky stated that he strongly agreed with Ms. Gallelli that a digital sign would not be desirable and rescinded his comment from a previous meeting that had been in favor of such a sign.

The Village Engineer stated that there was a comment from the public about the police having a line of sight from the parking lot to the cash register. The police chief has been consulted and there will be continued discussion regarding issues about security.

Mr. Krisky asked about the second crosswalk that had been spoken about previously and questioned whether there wasn't a way to put in the second crosswalk which he believed would benefit everyone and Croton Commons.

Mr. Schuyler pointed out that the applicant was not required to install a sidewalk on property owned by Croton Commons. Chairman Luntz commented that the Planning Board could not require applicants to install sidewalks or crosswalks not owned by the applicant. There was further discussion about the difficulty in creating a second crosswalk given the traffic on Maple Avenue.

The Village Engineer stated that he would try to reach out to the Croton Commons owners and see if they want to install sidewalks on the S. Riverside Avenue side of their property.

Chairman Luntz stated he was generally in favor of the changes that had been made in the tower of the building and noted that dormers had been added and a stair to the attic space had been added. Chairman Luntz asked if the upstairs was to be only storage space. Mr. Gemmola stated that as far as he was told, it was a space to count receipts and keep the safe. Chairman Luntz stated that with windows shown, it looked as if more could be happening than just storage space. Mr. Gemmola responded that it was not heated space; it was just being used for inventory purposes. Chairman Luntz stated that the Planning Board might want to restrict the use of that space for storage only. Mr. Schuyler then added that it was possible that the applicant might want to use it as an office. Chairman Luntz responded that the space is then turning into something else and, as such, should be part of the site plan. Mr. Schuyler replied that he would confer with the applicant since the existing building currently has an office space on the ground floor. He will have the plans updated if there is an intended office upstairs and confer with the Village Engineer about potential building code requirements.

Mr. Gemmola stated that building height of 28 ft. was intended to enhance the appeal from the highway so there was an open and accessible view from the highway.

Chairman Luntz asked about signage, and Mr. Wegner stated that there was not going to be signage on the building, rather there would be a freestanding sign and the sign of the canopy.

There was some discussion on the items required for site plan approval that the Village Engineer had provided on an itemized list that the applicant should address which includes considerations of the architectural features of the building, dumpster location, ADA compliance, lighting, HVAC, recycled oil containers, and a required landscaping plan, etc.

Mr. Schuyler mentioned that there would be an environmental report provided but the completed environmental study indicated that the building inside has concrete foundation and there are no floor drains.

The Village Engineer suggested that the Planning Board refer the application to the Bicycle/Pedestrian Committee when the plans are ready.

Steve motion to have a public hearing at the next meeting, seconded by Mr. Mastronardi, and carried all in favor by a vote of 3-0.

4. REFERRAL

- a) Village Board referral (pending VB meeting on 5/12/2014) on zoning code amendment language regarding fences, walls, and attached structures.

The Planning Board members present agreed that the discussion on fences should be deferred until the next meeting when more Board members were in attendance.

5. MINUTES

Mr. Mastronardi made a motion to approve the minutes of April 22, 2014, as amended, seconded by Mr. Krisky, and the motion carried, all in favor 3-0.

6. ADJOURNMENT

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

Respectfully submitted,

Ronnie L. Rose
Secretary to the Planning Board

RESOLUTION

WHEREAS, the Planning Board has received an application for a Change of Use permit on Tuesday, May 13, 2014 for McCarthy Law Firm hereafter known as “the Applicant,” said property owned by Ina Rose Ferris and located at 37 North Riverside Avenue. The property is in the C-1 Zoning District and is designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.08 Block 3 Lot 76; and

WHEREAS, the proposed Change of Use of first floor only is from apartment dwelling to law office; and

WHEREAS, under the requirements of the State Environmental Quality Review Act (SEQRA), the Planning Board has determined that this project is a Type II Action, which is not subject to review under SEQRA.

NOW, THEREFORE BE IT RESOLVED, that the Change of Use application, as shown on the site plan entitled “Drawing A-1”, prepared by John A. Lentini, Architect, and dated May 7, 2014; “Parking Survey” submitted on May 8, 2014 and prepared by McCarthy Law Firm; and a survey of the property, dated July 26, 1994, and prepared by W. A. Slater, Jr., be approved subject to the following conditions:

- 1) That the sign application be submitted to the Advisory Board on the Visual Environment for their review and recommendation to the Planning Board, and that the applicant return to the Planning Board for final approval;
- 2) That the Planning Board waives the required number of on-site parking spaces on the basis that there is no on-site parking for the building and there is available on-street parking as shown on submitted parking survey.

In the event that this Change of Use 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
Bruce Kauderer (ABSENT)
Steven Krisky
Rocco Mastronardi
Richard Olver (ABSENT)

Motion to approve by Mr. Krisky, seconded by Mr. Mastronardi and carried by a vote of 3 to 0.

Resolution accepted with the minutes of the meeting held on Tuesday, May 13, 2014.

RESOLUTION

WHEREAS, the Planning Board has received an application for a Change of Use permit on Tuesday, May 13, 2014 for "Sidecar at the Tavern" (Panessa Enterprises), hereafter known as "the Applicant," said property owned by Harold Waters and located at 39 North Riverside on Avenue. The property is in the C-1 Zoning District and is designated the Tax Map of the Village of Croton-on-Hudson as Section 78.08 Block 3 Lot 77; and

WHEREAS, the proposed Change of Use is from a professional services (music store) to a retail food services use with twelve (12) seats; and

WHEREAS, under the requirements of the State Environmental Quality Review Act (SEQRA), the Planning Board has determined that this project is a Type II Action, which is not subject to review under SEQRA.

NOW, THEREFORE BE IT RESOLVED, that the Change of Use application, as shown on three drawings of the interior entitled "Change of Use – Side Car Food Service Facility" received by the Village Engineer's Office on May 6, 2014, be approved subject to the following conditions:

- 1) That, the sign application be submitted to the Advisory Board on the Visual Environment for their review and recommendation to the Planning Board, and that the applicant return to the Planning Board for final approval.
- 2) That, the Planning Board waives the required number of off-street parking spaces on the basis that there is available on-street parking.
- 3) That, any employees of the Tavern and the Side Car park on North Riverside Avenue south of Brook Street.
- 4) That, the painting of the façade be completed by September 1, 2014.
- 5) That, the outdoor seats and tables (four tables with 3 to 4 people per table) comply with the April 28, 1993 Village Board Resolution on outdoor dining.

In the event that this Change of Use 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
Bruce Kauderer (ABSENT)
Steven Krisky
Rocco Mastronardi
Richard Olver (ABSENT)

Motion to approve by Mr. Krisky, seconded by Mr. Mastronardi and carried by a vote of 3 to 0.

Resolution accepted with the minutes of the meeting held on Tuesday, May 13, 2014.

RESOLUTION

WHEREAS, the Planning Board had approved a Minor Site Plan application for a single-family dwelling on Tuesday, August 9, 2011, for Pat and Tara Zanfardino, hereafter known as “the Applicant,” said property located at 103 Brook Street, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.8 Block 5 Lot 3.1; and

WHEREAS, the Planning Board had also approved the application for a Wetland Activity Permit as part of the Board’s review of the subdivision application, and

WHEREAS, on April 22, 2014, the Applicant requested an extension of the expiration date of the Minor Site Plan approval for a period of one year from August 9, 2014 to an expiration date of August 9, 2015.

NOW, THEREFORE BE IT RESOLVED, that the Minor Site Plan and Wetland Activity Permit application, and all the conditions therein, as previously submitted and approved on August 9, 2014, be granted an extension of one year and to expire on August 9, 2015.

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

Robert Luntz, Chairman
Bruce Kauderer (ABSENT)
Steven Krisky
Rocco Mastronardi
Richard Olver (ABSENT)

Motion to approve by Mr. Krisky, seconded by Mr. Mastronardi, and carried by a vote of 3 to 0.

Resolution accepted with the minutes of the meeting held on Tuesday, May 13, 2014.