

**The Village of Croton-on-Hudson
Meeting of the Planning Board
Tuesday, June 24, 2014**

Present: Rob Luntz, Chairman
Bruce Kauderer
Steve Krisky
Rocco Mastronardi
Richard Olver

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

1. Call to order

Chairman Luntz called the meeting to order at 8:05 p.m.

2. **OLD BUSINESS**

a) Michael Ferruzza—33-35 N. Riverside Avenue (Sec. 78.08 Blk. 3 Lot 72)—Application for Amended Site Plan approval for installation of awnings and façade change to storefront.

The Planning Board reviewed the recommendations of the VEB for the above-referenced application and agreed with the VEB's recommendations that suggested a change in the awning color to "forest green," and a recommendation to continue to work with the VEB on font and design styles for the signage (awning).

Mr. Ferruzza stated that he also agreed with the VEB comments and was eager to get started on the renovations.

Mr. Krisky made a motion to approve the resolution, as amended, seconded by Mr. Kauderer, and carried by a vote of 5-0, all in favor. (See attached resolution)

3. **REFERRAL**

a) Village Board referral—Zoning Code amendment language regarding fences, walls, and attached structures (continued discussion).

The Planning Board reviewed the draft law and discussed the recommendations of the ZBA and the VEB regarding fences, walls and attached structures and offered the following recommendations:

1. Fences should not be more than six feet in height unless there are special circumstances, and then only with a fence permit. Deer fences, garden fences, and tennis court fences could be more than six feet in height, but not be more than 11-12 ft' (industry standard height) and not more than 25% solid, but only with a fence permit.
2. Applicants who wish to have fences greater than six feet and more than 25% solid must apply to the Zoning Board for a fence permit for fences or a variance.
3. The height of the berm or retaining wall should be included in the height of the fence and the overall height of the fence should not be more than six feet high.
4. The Zoning Board should be the board to review and make a determination on applications for a fence permit.

There was an extensive discussion about which board should review the special permit for fence applications. It was agreed that the Zoning Board seemed to be the most appropriate board to make a determination about the fence applications given their

experience and familiarity with variances. However, if the Zoning Board did not want to review the fence permits, the Planning Board would agree to do so.

The Planning Board recommended that the Village Board use the criteria of an area variance as a starting point for determining the criteria for the issuance of a fence permit.

5. The Planning Board recommends that legal notification, as used in area and use variance applications (which includes public hearings), not be used for fence permit applications. There should be written notification to the abutting property owners, but not those within 200' (required for legal notification).

Mr. Krisky noted that fences are a neighbor issue, not a neighborhood issue.

6. The Planning Board recommends that if a fence is abutting a street, fences or walls should not be over four feet in height and not more fifty or sixty percent solid. These fences may be put anywhere on the lot, except as set forth in Subsection C10 (intersection sight lines). If for a specific reason (a "hardship") a fence needed to be higher than four feet in the front yard, a variance or "fence permit" would be required.
7. The Planning Board is in agreement with Section Eight, (H)3, that fences shall be erected with the finished side facing the streets or abutting lots.
8. The Planning board had no comments on proposed changes to walls and attached structures.

Mr. Kauderer stated for the record that he believed that a property owner should be able to place whatever kind of fence s/he wants (solid or otherwise) anywhere on his property so long as the fence is not greater than six feet (with the exception of the 11-12 ' height in deer , tennis court, and garden fences) and as long it is not a spite fence.

After a brief discussion, the Planning Board did not have any comments on the distance of the fence from the street lines.

It was agreed that the Board did not wish to pursue addressing existing nonconforming fences and the process of legalizing nonconforming fences.

A memo from the Planning Board will be written and sent to the Village Board.

4. APPROVAL OF MINUTES

Mr. Krisky made a motion to accept the minutes of June 10, 2014, seconded by Mr. Kauderer, and carried all in favor by a vote of 5-0.

5. ADJOURNMENT

There being no more business to come before the board, the meeting was duly adjourned at 9:20 p.m.

Respectfully submitted,

Ronnie L. Rose
Planning Board Secretary

RESOLUTION

WHEREAS, on June 10, 2014, the Planning Board held a public hearing on an Amended Site Plan application for the installation of awnings and façade change to the storefronts submitted by Michael Ferruzza hereafter known as “the Applicant.” The subject property, owned by Michael Ferruzza, is located at 33-35 North Riverside Avenue in the C-1 General Commercial Zoning District and designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.08 Blk. 3 Lot 72; and

WHEREAS, the proposal is for the installation of awnings and a façade change to the storefronts; and

WHEREAS, on June 18, 2014, the Visual Environment Board (VEB) reviewed the sign application and provided comments and recommendations to the Planning Board; and

WHEREAS, the Planning Board reviewed and discussed said comments from the Advisory Board of the Visual Environment (VEB) on June 24, 2014; and

WHEREAS, this proposal is considered a Type II Action under the State Environmental Quality Review Act (SEQRA); therefore, no Negative Declaration is required; and

NOW, THEREFORE BE IT RESOLVED, that the amended site plan application as described on the cover letter, font style description, drawings of the dimensions and photographs of the awning, submitted by the applicant on May 23, 2014, be approved with the following conditions:

- 1) That, the awning color be revised to “Forest Green” as recommended by the Advisory Board of the Visual Environment (VEB).
- 2) That, installation of the awnings and façade improvements be completed within six (6) months of the start of construction.

In the event that this amended 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
Bruce Kauderer
Steve Krisky
Rocco Mastronardi
Richard Olver

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

Resolution accepted at the meeting held on June 24, 2014.