

**Village of Croton-on-Hudson  
Meeting of the Planning Board  
Tuesday, May 27, 2014**

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

ALSO PRESENT: Daniel O'Connor, Village Engineer  
Ann Gallelli, Village Board Liaison

**1. Chairman Luntz opened the meeting 8:08 p.m.**

At the request of Peter Schuyler, attorney for 205 S. Riverside Avenue, the public hearing was changed to later on the agenda.

**2. NEW BUSINESS**

- a) *Doran Construction—106 Penfield Avenue (79.09 -10 -34.03)—Application for Minor Site Plan approval for construction of new single-family dwelling.*

Butch Doran of Doran Construction and Ron Wegner, Consulting Engineer of Cronin Engineering, presented the application for the construction of a new single family dwelling at 106 Penfield Avenue. He presented the site plan including key points regarding tree removal, drainage and infiltration, and the removal of the screened porch in order to make the lot legally conforming.

Mr. Krisky asked about the large healthy tree that was marked for removal. Mr. Doran stated that unfortunately the tree is in the way of construction and he couldn't change the location of the house to save the tree because there was a steep drop-off in the back. The Village Engineer noted that in the back, where the retaining wall is, the beech tree can be saved by changing the location of the retaining wall.

Chairman Luntz stated that there are two letters that had been received from the neighbors (one dated 7/18/2013 and the other received in the Engineering office on 5/27/2014) and the Planning Board should address the concerns raised in the letters:

*1. Regarding the impact on trees:*

Chairman Luntz noted that neighbors' concerns about the two of the trees on the property had been addressed by the arborist's recommendation in his letter (submitted by the applicant) dated May 7, 2014. The arborist recommended moving the garage to the opposite side of the house so that the two trees located at the front right corner would not be disturbed. The Planning Board agrees that

whatever plan is implemented the construction work will need to be monitored so that these trees don't get damaged.

*2. Duck pond gorge*

Mr. Wegner stated that the wall is designed so that the water will go through the wall drainage system. The walls are made up of large blocks (mesa walls) and were added as a response to the concerns about erosion.

The Village Engineer stated that he did not see active erosion on the top of the slope, but there is erosion at the bottom of the gorge by the Duck Pond.

*3. Drainage in front of the house because there are pools of water that develop at the north end of Penfield*

The proposed development is designed so that all water stays on the property and doesn't contribute to the road water. The Village Engineer stated that there are two catch basins at the end of Penfield and the drainage pipe wraps around the Laudon house towards the Duck Pond. There are two existing infiltration basins that take a lot of water but it wasn't clear to the Village Engineer why there would be freezing and ponding. There will be curbs installed all the way up Oneida to Cleveland and this should keep water away from the street.

*4. Vibrations from heavy equipment*

The plans have a limit of disturbance and there should be no need for any heavy equipment to be on the neighboring property. The machinery will be kept away from the trees. Because of the sandy conditions of the soil there should be no boulders and no need for blasting.

5. Regarding the letter from Mr. and Mrs. Goe, 120 Penfield, dated July 18, 2013. There was a recent survey completed by Dan Merritts that shows that the neighbor's shed is over the property line and verified that the old survey was not accurate. The existing fence is gone.

Chairman Luntz asked the Village Engineer if the FAR, setbacks, steep slopes were in compliance, and the Village Engineer stated they were.

The neighbors of the proposed house were present and requested an opportunity to speak. Chairman Luntz stated that although a Minor Site Plan application does not require a public hearing the Planning Board would take brief comments, although he doesn't want to rehash the issues that had been addressed in the letter.

Mr. Stephen Goe, Penfield Avenue, stated that he was concerned about the long-term impact of erosion and the impact of the construction on erosion of the soil. He was concerned about how erosion would affect the foundation walls of his house and the larger trees. He also expressed concern about construction vehicles turning into his driveway and the undue wear on his driveway.

Jane Laudon, Penfield Avenue, stated that she lives on the dead end of Penfield and is an active member of Duck Pond restoration committee, and she was very concerned about her neighbor's trees and construction vehicles rolling over the tree roots.

Abby Spitzer, Penfield Avenue, stated that she was concerned also about the preservation of the trees and also drainage in which water runs down her driveway and turns into ice in the winter.

Mr. Krisky asked if anything could be done regarding the ice conditions in this part of Penfield. The Village Engineer stated that the water is evidently ponding but he did not believe this was a drainage issue but instead might be a grade issue. The Village Engineer will follow up to evaluate.

The Village Engineer suggested also that cones could be placed in the driveway to prevent construction vehicles from using the neighbor's driveway. Mr. Doran stated that the previous houses he had built were also on dead ends and he had the vehicles back down the street. He also will put a sign up which states that trucks cannot use the neighbor's driveway, but he had to be mindful of keeping the sidewalk open. Mr. Krisky and the rest of the Planning Board agreed that this did not need to be a condition but would rely on Mr. Doran's showing a good faith effort. Mr. Wegner noted that there would be tree fencing to keep vehicles off the tree roots.

Mr. Kauderer asked about Mr. Goe's concerns about shifting the foundation walls. Mr. Wegner responded that the excavation will only go about 7 feet deep, and Mr. Doran said the open excavation would not be open for more than a week. The Village Engineer stated that there is a condition in the resolution that shoring or sheet piling to be used if necessary.

Chairman Luntz noted that the resolution discusses trees and tree protection and that the landscaping must be installed before the Certificate of Occupancy is issued.

Mr. Kauderer made a motion to approve the Minor Site Plan Application with the following conditions added: 1) that, the screened porch on 98 Penfield be removed under a demolition permit issued by the Village engineer prior to the closing on 106 Penfield, 2) That the 20 " beech tree in the rear left of the property be shown on the site plan, and 3) that the retaining wall in the rear of the property be redesigned to have no impact to the existing 20" beech tree and 36" oak tree on 98 Penfield and the revised site plans be submitted to the Village Engineer. Mr. Mastronardi seconded the motion, and the vote carried, all in favor, 5-0.

*b) Bruce and Lorraine Fiorito—4 Devon Avenue (79.13 - 2 - 66)—  
Application for Minor Site Plan approval for construction of new single- family  
dwelling.*

Mr. Bruce Fiorito, owner of the property, was present.

The Village Engineer explained that the lot had previously been owned by Tom Fallacaro and Mr. Fallacaro had been granted Amended Site Plan approval by the Planning Board so that the property lot lines were altered to create a residential lot which met the zoning setbacks.

Mr. Kauderer stated that he had looked at the property and it looked like all steep slopes. The Village Engineer responded that there are steep slopes but the proposed house did not exceed the thresholds that would require a steep slope permit.

Mr. Fiorito stated that he was first going to fill in the right rear property to stabilize the area. Once the area was stabilized, he will dig the foundation.

The Village Engineer stated that it would be beneficial in this section of Harmon to have a continuous sidewalk in front of the property. The Village Engineer also recommended that the infiltration system in front of the house be relocated so that the three trees marked to be removed could be saved.

The Village Engineer stated that the steep slopes were under the thresholds, the plan meets the zoning setbacks.

Mr. Krisky made a motion to approve the minor site plan application with the following conditions added: 1) that the curb and sidewalk in front of the property be completed prior to a Certificate of Occupancy being issued, 2) that the storm water infiltration system in front of the house be relocated to not require the removal of the three trees shown on the plan, 3) and that a construction staging/sequencing plan be submitted with the building permit application.

The motion was seconded by Mr. Kauderer, and carried by a vote of 5-0.

*c) Michael Ferruzza—33-35 N. Riverside Avenue (78.08 - 3 - 72) -  
Application for Amended Site Plan approval for installation of awnings*

Mr. Michael Ferruzza, applicant and owner of 33-35 N. Riverside Avenue, stated that he had inherited from his father the building and several stores on N. Riverside. Over time, the building has grown shabby--the rustic wood and the existing awning are rotting and the building needs a fresh look. He would like to replace the current façade by fixing the stucco and cracks in addition to placing stone veneer in the front and side of the building. He would like to eliminate all the rustic wood completely and change the doors and windows. He described the waterfall style of the awning with a sample of the color.

The Planning Board expressed appreciation for Mr. Ferruzza's decision to upgrade the façade of the building; Chairman Luntz explained that the Planning Board will

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refer the application to the Advisory Board of the Visual Environment for their review and comments of the color and font of the awnings and signage.

A public hearing will be schedule for the next Planning Board meeting on June 10, 2014.

### **3. PUBLIC HEARING**

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

Mr. Mastronardi made a motion to open the public hearing, seconded by Mr. Krisky, and carried by a vote of 5-0 all in favor.

Ron Wegner, consulting engineer for the applicant, provided an update of the amended site plan application. He showed on the plan that the crosswalk was moved closer to the Maple Street/South Riverside intersection, pending permission from the DOT, so that there is a better flow from the corner where the proposed sidewalk is located.

The revised plan includes site notes and landscaping notes to include some additional trees, labeled waste oil fill tanks, plantings and striping for handicap spot. The curb cuts will remain where they already exist.

Mr. Kauderer asked about the environmental survey or if there was only the letter from Conklin Sevices & Construction Inc. , dated May 21, 2014 provided by Mr. Schuyler on 5/27/2014. Mr. Schuyler stated that the assessment showed that there is no contamination on the site.

The Village Engineer stated that the windows recommended by the Chief of Police were not shown on the plans. Mr. Schuyler stated that because a security system is being installed and a camera system will be in place, they would not require a window on the side. Mr. Gemmola added that they will replace the smaller windows as shown on the front of the building to match the larger windows.

Chairman Luntz stated that he would prefer the simple corner treatment and liked that the four windows will be the same size so that customers can see in. Mr. Krisky added that the larger windows were more welcoming.

Mr. Gemmola noted that an office space had been added along with the attic space storage. The Village Engineer stated that during the building permit review he would review the egress and handicap access in front of the store.

Mr. Krisky asked about the past discussion regarding the possibility of a pass-through between the site and the shopping center at Croton Commons. Mr. Schuyler stated that because there is a wall and a difference in grade, and based on a

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discussion with the chief of who had discouraged a pass through, they did not pursue it.

Mr. Krisky reiterated his opinion that the Planning board would like to create a pedestrian way between the two areas, and he respectfully disagreed with the chief of police's assessment.

Mr. Olver stated that although he understood the chief of police's point about access on rear, there was a lack of access on Maple street. He questioned why there couldn't be pedestrian access on the west side of Maple street from one shopping center to the other instead of pedestrians going all the way around the shopping center.

Mr. Schuyler pointed out that the applicant did not own that portion of the property.

Mr. Olver said that there are four different shopping areas in this section of the village and to the degree that the board could tie it together it would be a great boost for the village. Mr. Krisky agreed with Mr. Olver and mentioned that they had spoken about the current opportunity to tie together the shopping centers. This would benefit both businesses and the Planning Board recommended speaking with the adjoining property owner.

The Village Engineer stated that the retaining wall and the slopes make it more difficult, although not impossible, to create a pass way. Chairman Luntz stated that it would require an agreement between Croton Commons and the applicant. Mr. Mastronardi stated that he could understand the police chief's perspective regarding security and therefore, was inclined not to be as concerned about the connection between the two properties.

Mr. Kauderer shared some of Mr. Mastronardi's concerns and was also concerned about pedestrian safety. Mr. Schuyler also was concerned about pedestrian safety. Mr. Olver disagreed and Mr. Krisky suggested that the Village Engineer reach out to the Croton Commons property owners so the Planning Board could see what is possible.

Chairman Luntz stated that the Planning Board needed to hear back from Croton Commons but in the meantime, moving the cross walk down towards the intersection seemed like a good idea if DOT permission is obtained. Mr. Olver reiterated his position that there needed to be a pedestrian access to get from the different shopping centers without resorting to driving from one place to another. Chairman Luntz agreed but was not sure this was a viable option. Mr. Olver responded that he was not sure it had been researched. Mr. Gemmola stated that the owner would be amenable to complete the sidewalks to get the two centers together.

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Mr. Rey Mussa, future owner of the property, arrived at the meeting and asked if the resolution could be granted this evening with the condition that the applicant agrees to cooperate with the village and the adjacent owner of croton Commons Shopping Center and take all reasonable steps within applicant's control to attempt to achieve a reasonable means of pedestrian access along South Riverside Avenue between the property and Croton Commons.

There being no comments from the public, the public hearing was closed on a motion made by Mr. Kauderer, seconded by Mr. Mastronardi, and carried by a vote of 5-0.

A motion to approve the resolution was made by Mr. Olver, seconded by Mr. Krisky and carried by a vote of 5-0. (Resolution attached)

#### **4. OLD BUSINESS**

*a) Steel Style Properties, LLC—50 Half Moon Bay Drive (78.16 - 1 - 3)—  
Request for extension of Amended Site Plan approval.*

Mr. Brian Plotkin, Steel Style Properties, requested an extension of his Amended Site Plan approval for a period of six months. He explained that his intention was to start this past spring but his subcontractor was unable to start the work. Mr. Plotkin is hoping to start construction in the fall of 2014 (given the previous blackout period of the summer).

Mr. Krisky questioned Mr. Plotkin on why there is a pile of debris on the site. Mr. Krisky thought that it was dangerous, and in addition to the debris, the grass was uncut and had grown over a foot and half.

Mr. Plotkin stated that the marina is storing material there while they are cleaning up the marina and he was helping the marina out until the insurance company could inspect it. It would be removed in about four to five weeks. He hadn't cut the grass because he didn't want it to encourage a lawn.

Chairman Luntz stated that Mr. Plotkin needed to clean up the overgrowth on the site and remove the debris within the next two weeks by the next Planning Board meeting on June 10<sup>th</sup>.

Mr. Kauderer asked Mr. Plotkin if he could really finish the construction by April 24, 2015. Mr. Plotkin answered that it could be tight especially since there is the black out timeframe for building in the summer.

Mr. Krisky stated that the board had been lenient in the past and it was his recommendation to not grant the extension and he would not vote for an extension. Mr. Plotkin stated that he would then have to leave a foundation in the summer.

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Mr. Olver suggested that the Board grant an extension from 4/24/2015 to July 24, 2015 conditioned on the removal of debris and the grass cut and maintained within the next two weeks.

The Village Engineer noted that only in the Waterfront District (WD) does the construction need to be completed within a year. All other districts, a building permit is issued for two years.

Mr. Plotkin reiterated that because of the summer blackout times per the resolution, it limits the construction time frame.

Chairman Luntz stated that he did not want to see a foundation all summer but he did not want to hear about any problem with the site and how it is maintained. He stated that the Board was leaning towards granting an extension but Mr. Plotkin should return in two weeks. Mr. Kauderer reminded Mr. Plotkin that there was not an opportunity for an extension after this third request.

## **5. REFERRAL**

*a) Village Board referral—Zoning code amendment language regarding fences, walls, and attached structures (deferred from 5/13/14 meeting)*

The Planning Board held a brief discussion about some of the fence issues, acknowledging that more in-depth discussion needed to take place.

Mr. Olver stated that the fences as discussed in the Zoning Board's memorandum seemed designed for village residents, but not those on the periphery who might be severely impacted by deer. He noted that the village is filled with walls and hedges that obstruct sight lines and the village needed to take a stand on non-conforming structures.

Mr. Krisky asked if changing the law was going to create more problems than solved?

Chairman Luntz also raised the issues of the "good side" of the fence versus the "bad" side of the fence and the difficulty of defining the height of a fence.

Ms. Gallelli, Village Trustee Liaison, stated that the Zoning Board grapples with the fence issue frequently. She suggested that the Planning Board might want to meet with the Zoning Board for some clarification of their perspective on the fence issue.

Mr. Mastronardi asked about model ordinances. The Village Engineer commented that many villages respond to individual situations and then create an ordinance to deal with a specific situation.

Mr. Kauderer stated that he was troubled by the proposal that a fence was limited to four feet in front of a property; he believed a homeowner should be able to have

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privacy if s/he need or want to and that a six foot solid fence should not be prohibited.

Mr. Krisky recommended that at the next meeting the Planning Board members come prepared to highlight the issues and then plan to meet with the Zoning Board on the issues.

**6. APPROVAL OF MINUTES**

Mr. Mastronardi made a motion to approve the minutes of May 13, 2014, seconded by Mr. Krisky and carried by a vote of 4-0-1 (abstention).

**7. ADJOURNMENT**

There being no more business to come before the board, the meeting was duly adjourned at 11:35 p.m.

Respectfully submitted,

Ronnie L. Rose  
Secretary to the Planning Board

**RESOLUTION**

**WHEREAS**, the Planning Board reviewed a Minor Site Plan application on Tuesday, May 27, 2014, for Bruce and Lorraine Fiorito, hereafter known as “the Applicant,” said property located at 4 Devon Avenue, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.13 Block 2 Lot 66; 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.

**WHEREAS**, under section 120-4 of the Village Code the Planning Board is the approving authority for the issuance of an Excavation and Filling Permit and in accordance with section 120-3(C) of the Village Code, the approval of the Minor Site Plan incorporates the excavation and filling permit, subject to the conditions specified below.

**WHEREAS**, under section 208-16(C) of the Village Code the Planning Board is the approving authority for the issuance of a Tree Removal Permit and in accordance with section 208-16(F) of the Village Code the approval of the Minor Site Plan includes the approval to remove trees noted on the site plan to be removed, subject to the conditions specified below.

**WHEREAS**, under section 196-3(C) of the Village Code the Planning Board is the approving authority for the Stormwater Pollution Prevention Plan (SWPPP) and hereby approves the Stormwater Pollution Prevention Plan, subject to the conditions specified below.

**NOW, THEREFORE BE IT RESOLVED**, that the Minor Site Plan application as shown on Architectural Drawings entitled “Title Sheet” A-1.0; “General Notes” Drawing A-2.0; “Plot Plan” Drawing A-3.0; “Foundation Plan” Drawing A-4.0, “Floor Plans” Drawing A-5.0. “Elevations” Drawing A-6.0, A-7.0, “Wall Section/foundation details” Drawing A-8.0, “Plumbing Riser Diagram” Drawing A-9.0, and “General Notes/plumbing/electrical notes” Drawing A-10.0, drawn by Paul B. Jankovitz, Architects/Planners, Kingston, New York, November 28, 2013; “Project Report on Fiorito Residence” dated May 12, 2014 and “Site Plan” Sheet Number 1 and “Erosion and Sediment Control Plan” Sheet Number 2, dated May 1, 2014 and prepared by Ciarcia Engineering, P.C. Yorktown Heights, NY; be approved under Section 230-67 (B) of the Village Zoning Code subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That, the curb and sidewalk in front of the property be completed prior to a Certificate of Occupancy being issued.
3. That, the stormwater infiltration system in front of the house be relocated to not require the removal of the three trees shown on the plan.
4. That, a construction staging/sequencing plan be submitted with the building permit application.
5. That, the following conditions are established as part of the approval of the Stormwater Pollution Prevention Plan under Chapter 196 of the Village Code:
  - a. That, a copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

- b. That, no land disturbance work shall commence until the installation of the sediment and erosion control devices has been completed and found acceptable by the Village Engineer or his authorized agent.
- c. That, each contractor and subcontractor who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards." Copies of these statements shall be delivered to the Village Engineer prior to the issuance of a building permit.
  - i. That, the certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
  - ii. That, the certification shall contain proof that each contractor who will be involved in a land development activity has obtained training and/or certification in proper erosion and sedimentation control practices. Such certification shall become part of the SWPPP for the land development activity and shall be retained on-site.
- d. That, the applicable stormwater facility maintenance, inspection and repair requirements in section 196-9 of the Village Code be complied with, the stormwater infiltration chamber shall be inspected annually within 48 to 72 hours after a heavy rainfall (1" or more) to determine that the chambers have drained. If the chambers have not drained remedial action shall be taken to rebuild the storm water management system and restore the infiltrative capacity of the soil. An inspection port shall be provided.
- e. That, deep and percolation tests be conducted in the area of the storm water infiltration chambers and that an engineer's report on the soil testing, and redesign if the percolation rate is greater than 15 minutes/inch, be submitted to and approved by the Village Engineer prior to installation of the chambers.
- f. That, the applicant shall contact the Village Engineer at least 48 hours before any of the work inspections listed in section 196-10(A)(1) of the Village Code are required.
- g. That, in accordance with section 196-10(C) an as-built plan of the stormwater management practices shall be submitted to the Village Engineer.
- h. That, in accordance with section 196-10(F) the landowner shall grant to the Village the right to enter the property at reasonable times and in a reasonable manner for the inspection of the stormwater management facilities.

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6. That, in accordance with sections 208-18 and 208-19 of the Village Code the following conditions are established for the approval to remove trees:
  - a. That, landscaping consisting of a minimum of two (2) 2.5" minimum caliber trees and some foundation plantings be installed prior to a certificate of occupancy being issued.
  - b. That, if any of the trees noted on the plan to be saved are damaged during construction, the applicant will replace such trees with a tree of 2.5" minimum caliber with the species to be approved by the Village Engineer.
  - c. That, the trees to remain shall be protected with tree trunk armor and/or root zone protection as shown on the site plans listed above or as required by the Village Engineer.
  - d. That, in accordance with section 208-19(A) of the Village Code the applicant shall file with the Village a suitable bond or other security payable to the Village to cover the completion of conditions (a) through (c) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.
  - e. That, tree removal operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through Friday and between the hours of 8:00 p.m. and 10:00 a.m. Friday through Sunday.
  - f. That, any stumps remaining above grade shall be removed to less than two feet.
  - g. That, no tree removal shall occur unless a building permit has been issued by the Village Engineer.
  - h. That, within 30 days after the completion of all tree removals the Village Engineer shall be notified of such completion.
  - i. That, the approval to remove trees shall be valid for the term of minor site plan approval and shall terminate upon the issuance of a certificate of occupancy.
  
7. That, in accordance with sections 120-7 and 120-8 of the Village Code the following conditions are established for the approval of the excavation and fill work:
  - a. That, suitable fencing, with a minimum height of 48", be provided to guard any excavation greater than four feet in depth. All gates shall be locked at all times when work is not being performed on the property.
  - b. That, excavation and/or filling work shall not commence until a building permit has been issued and erosion and sediment control devices have been installed, inspected, and accepted by the Village Engineer in order to prevent potential impacts to stormwater drainage, water bodies and/or wetlands.
  - c. That, during construction all excavations shall be drained so that any standing water at the bottom not be greater than one foot.
  - d. That, any fill from off-site shall be clean, containing no garbage, refuse or deleterious matter, the Village Engineer shall inspect all

- fill from off-site sources and may require testing, by an approved laboratory, to determine the cleanliness of the fill.
- e. That, appropriate dust-control measures shall be implemented on-site and on access roads and any traveled areas used in connection with any excavation and/or filling work to protect the public and surrounding area against windblown soil and dust.
  - f. That, removal of soil or other material from the ground and/or placement of fill on the ground shall not prevent or interfere with the orderly development of land in the vicinity, shall not unreasonably impede traffic flow, or parking.
  - g. That, to prevent the earth of adjoining property from caving in before permanent supports have been provided for the sides of such excavation, any person causing any excavation to be made shall provide such sheet piling, bracing or other methods as may be necessary, plans for which are to be submitted to and approved by the Village Engineer prior to any such excavation being undertaken.
  - h. That, provisions shall be made for the temporary drainage of the property during excavations or filling operations and for the permanent drainage to be effective upon the completion of the operations.
  - i. That, any excess soil from the excavation shall be removed from the site immediately but in no event more than 20 days from excavation.
  - j. That, all disturbed areas not hardsurfaced or mulched shall be covered with 3” of top soil, perennial rye grass and mulch, and be reseeded and remulched as necessary to achieve a minimum 85% grass coverage or covered with other ground cover as shown on the approved landscaping plan.
  - k. That, the Village Engineer shall be notified by the next business day if bedrock is encountered in the excavation. If hammering is required, a rock excavation plan shall be submitted to the Village Engineer for review and approval and shall not include any blasting operations. The rock excavation plan shall provide for the shortest possible timeframe for the removal of bedrock with the goal that all bedrock removal operations be conducted in a two to three week period as approved by the Village Engineer. The Village Engineer may extend this period on a day by day basis due to weather events that would not allow reasonable working conditions. The rock excavation plan shall also include an analysis of leaving part of the basement a crawl space to reduce the quantity of bedrock required to be excavated.
  - l. That, in accordance with section 120-7 of the Village Code the applicant shall file with the Village a suitable bond or other security to cover the completion of conditions (a) through (k) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.
  - m. That, excavation and/or filling operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through Friday and between the hours of 8:00 p.m. and 10:00 a.m. Friday through Sunday.

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- n. That, there shall be no on-site processing of fill or excavated soil or the erection or use of any structure for such processing however, power equipment for the purpose of filling and excavation is permitted.
- o. That, the Planning Board reserves the right to impose additional reasonable conditions related to the excavation and filling operations during the terms of this approval if in its opinion such additional reasonable conditions are necessary.
- p. That, the approval for excavation and/or filling operations shall be valid for a period of one year starting on the date of issuance of the building permit and subject to termination or renewal as specified in section 120-10(A) of the Village Code.
- q. That, any revision to the work covered by the approval of the excavation and or filling work shall be reviewed by the Village Engineer and if determined to be a substantial revision a submission of a new application to the Planning Board shall be required.
- r. That, following the completion of the work the applicant shall submit a certification of completion by a NYS licensed design professional to the Village Engineer. The Village Engineer may require the submission of an as-built survey.
- s. The approval for excavation and filling operations may be suspended or revoked and stop work orders issued as set forth in section 120-10(E)-(G) of the Village Code.

In the event that this Minor Site Plan is not implemented within three (3) years of this date, this approval and all other associated approvals shall expire.

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

Robert Luntz, Chairperson  
Bruce Kauderer  
Steven 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 with the minutes of the meeting held on Tuesday, May 27, 2014.

**RESOLUTION**

**WHEREAS**, the Planning Board reviewed a Minor Site Plan application on Tuesday, May 27, 2014, for Doran Construction Corp, hereafter known as “the Applicant,” said property located at 106 Penfield Avenue, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.09 Block 10 Lot 34.03; 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.

**WHEREAS**, under section 120-4 of the Village Code the Planning Board is the approving authority for the issuance of an Excavation and Filling Permit and in accordance with section 120-3(C) of the Village Code, the approval of the Minor Site Plan incorporates the excavation and filling permit, subject to the conditions specified below.

**WHEREAS**, under section 208-16(C) of the Village Code the Planning Board is the approving authority for the issuance of a Tree Removal Permit and in accordance with section 208-16(F) of the Village Code the approval of the Minor Site Plan includes the approval to remove trees noted on the site plan to be removed, subject to the conditions specified below.

**WHEREAS**, under section 196-3(C) of the Village Code the Planning Board is the approving authority for the Stormwater Pollution Prevention Plan (SWPPP) and hereby approves the Stormwater Pollution Prevention Plan, subject to the conditions specified below.

**NOW, THEREFORE BE IT RESOLVED**, that the Minor Site Plan application as shown on the Survey Map dated May 2, 2006 (surveyed), and May 9, 2014 (Map prepared to show side yard offsets) and the Survey Map dated April 24, 2014 prepared by Thomas C. Merritts Land Surveyors, P.C.; and Architectural Drawings entitled “Preliminary Plan” including Drawing #1 “Front Elevation and First Floor Plan”, Drawing #2 “Second Floor and Basement Plan”, Drawing #3 “Left side Elevation”, and Drawing #4 “Right and Rear Elevation” prepared by Goewey & DeMasi Architects, P.C., dated May 6, 2014; and “Site Development Plan” Sheet SP-1.0, “Grading, Utility and Erosion Control Plans” Sheet SP-1.1, and “Details,” Sheet UD-2.0, dated May 22, 2014; and “Drainage Analysis” dated May 22, 2014, prepared by Cronin Engineering, P.E., P.C., be approved under Section 230-67 (B) of the Village Zoning Code subject to the following conditions:

8. That, the foregoing recitals are incorporated herein as if set forth at length.
9. That, the screened porch on 98 Penfield be removed under a demolition permit issued by the Village Engineer prior to the closing on 106 Penfield Avenue.
10. That, the proposed retaining wall in the rear of the property be redesigned to have no impact to the existing 20” beech tree and 36” oak tree on 98 Penfield and the revised site plans be submitted to the Village Engineer.
11. That, the 20” beech tree in the rear left of the property be shown on the site plan.
12. That, the following conditions are established as part of the approval of the Stormwater Pollution Prevention Plan under Chapter 196 of the Village Code.

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- a. That, a copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.
- b. That, no land disturbance work shall commence until the installation of the sediment and erosion control devices has been completed and found acceptable by the Village Engineer or his authorized agent.
- c. That, each contractor and subcontractor who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards." Copies of these statements shall be delivered to the Village Engineer prior to the issuance of a building permit.
  - i. That, the certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
  - ii. That, the certification shall contain proof that each contractor who will be involved in a land development activity has obtained training and/or certification in proper erosion and sedimentation control practices. Such certification shall become part of the SWPPP for the land development activity and shall be retained on-site.
- d. That, the applicable stormwater facility maintenance, inspection and repair requirements in section 196-9 of the Village Code be complied with, the stormwater infiltration chamber shall be inspected annually within 48 to 72 hours after a heavy rainfall (1" or more) to determine that the chambers have drained. If the chambers have not drained remedial action shall be taken to rebuild the storm water management system and restore the infiltrative capacity of the soil. An inspection port shall be provided.
- e. That, deep and percolation tests be conducted in the area of the storm water infiltration chambers and that an engineer's report on the soil testing, and redesign if the percolation rate is greater than 15 minutes/inch, be submitted to and approved by the Village Engineer prior to installation of the chambers.
- f. That, the applicant shall contact the Village Engineer at least 48 hours before any of the work inspections listed in section 196-10(A)(1) of the Village Code are required.
- g. That, in accordance with section 196-10(C) an as-built plan of the stormwater management practices shall be submitted to the Village Engineer.
- h. That, in accordance with section 196-10(F) the landowner shall grant to the Village the right to enter the property at reasonable

times and in a reasonable manner for the inspection of the stormwater management facilities.

13. That, in accordance with sections 208-18 and 208-19 of the Village Code the following conditions are established for the approval to remove trees:
  - j. That, landscaping, shown on approved plan, be installed prior to a certificate of occupancy being issued.
  - k. That, if any of the trees noted on the plan to be saved are damaged during construction, the applicant will replace such trees with a tree of 2.5" minimum caliber with the species to be approved by the Village Engineer.
  - l. That, the trees to remain shall be protected with tree trunk armor and/or root zone protection as shown on the site plans listed above or as required by the Village Engineer.
  - m. That, in accordance with section 208-19(A) of the Village Code the applicant shall file with the Village a suitable bond or other security payable to the Village to cover the completion of conditions (a) through (c) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.
  - n. That, tree removal operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through Friday and between the hours of 8:00 p.m. and 10:00 a.m. Friday through Sunday.
  - o. That, any stumps remaining above grade shall be removed to less than two feet.
  - p. That, no tree removal shall occur unless a building permit has been issued by the Village Engineer.
  - q. That, within 30 days after the completion of all tree removals the Village Engineer shall be notified of such completion.
  - r. That, the approval to remove trees shall be valid for the term of minor site plan approval and shall terminate upon the issuance of a certificate of occupancy.
  
14. That, in accordance with sections 120-7 and 120-8 of the Village Code the following conditions are established for the approval of the excavation and fill work:
  - t. That, suitable fencing, with a minimum height of 48", be provided to guard any excavation greater than four feet in depth. All gates shall be locked at all times when work is not being performed on the property.
  - u. That, excavation and/or filling work shall not commence until a building permit has been issued and erosion and sediment control devices have been installed, inspected, and accepted by the Village Engineer in order to prevent potential impacts to stormwater drainage, water bodies and/or wetlands.
  - v. That, during construction all excavations shall be drained so that any standing water at the bottom not be greater than one foot.

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- w. That, any fill from off-site shall be clean, containing no garbage, refuse or deleterious matter, the Village Engineer shall inspect all fill from off-site sources and may require testing, by an approved laboratory, to determine the cleanliness of the fill.
- x. That, appropriate dust-control measures shall be implemented on-site and on access roads and any traveled areas used in connection with any excavation and/or filling work to protect the public and surrounding area against windblown soil and dust.
- y. That, removal of soil or other material from the ground and/or placement of fill on the ground shall not prevent or interfere with the orderly development of land in the vicinity, shall not unreasonably impede traffic flow, or parking.
- z. That, to prevent the earth of adjoining property from caving in before permanent supports have been provided for the sides of such excavation, any person causing any excavation to be made shall provide such sheet piling, bracing or other methods as may be necessary, plans for which are to be submitted to and approved by the Village Engineer prior to any such excavation being undertaken.
- aa. That, provisions shall be made for the temporary drainage of the property during excavations or filling operations and for the permanent drainage to be effective upon the completion of the operations.
- bb. That, any excess soil from the excavation shall be removed from the site immediately but in no event more than 20 days from excavation.
- cc. That, all disturbed areas not hardsurfaced or mulched shall be covered with 3" of top soil, perennial rye grass and mulch, and be reseeded and remulched as necessary to achieve a minimum 85% grass coverage or covered with other ground cover as shown on the approved landscaping plan.
- dd. That, the Village Engineer shall be notified by the next business day if bedrock is encountered in the excavation. If hammering is required, a rock excavation plan shall be submitted to the Village Engineer for review and approval and shall not include any blasting operations. The rock excavation plan shall provide for the shortest possible timeframe for the removal of bedrock with the goal that all bedrock removal operations be conducted in a two to three week period as approved by the Village Engineer. The Village Engineer may extend this period on a day by day basis due to weather events that would not allow reasonable working conditions. The rock excavation plan shall also include an analysis of leaving part of the basement a crawl space to reduce the quantity of bedrock required to be excavated.
- ee. That, in accordance with section 120-7 of the Village Code the applicant shall file with the Village a suitable bond or other security to cover the completion of conditions (a) through (k) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.
- ff. That, excavation and/or filling operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through

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- Friday and between the hours of 8:00 p.m. and 10:00 a.m. Friday through Sunday.
- gg. That, there shall be no on-site processing of fill or excavated soil or the erection or use of any structure for such processing however, power equipment for the purpose of filling and excavation is permitted.
  - hh. That, the Planning Board reserves the right to impose additional reasonable conditions related to the excavation and filling operations during the terms of this approval if in its opinion such additional reasonable conditions are necessary.
  - ii. That, the approval for excavation and/or filling operations shall be valid for a period of one year starting on the date of issuance of the building permit and subject to termination or renewal as specified in section 120-10(A) of the Village Code.
  - jj. That, any revision to the work covered by the approval of the excavation and or filling work shall be reviewed by the Village Engineer and if determined to be a substantial revision a submission of a new application to the Planning Board shall be required.
  - kk. That, following the completion of the work the applicant shall submit a certification of completion by a NYS licensed design professional to the Village Engineer. The Village Engineer may require the submission of an as-built survey.
  - ll. The approval for excavation and filling operations may be suspended or revoked and stop work orders issued as set forth in section 120-10(E)-(G) of the Village Code.

In the event that this Minor Site Plan is not implemented within three (3) years of this date, this approval and all other associated approvals shall expire.

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

Robert Luntz, Chairperson  
Bruce Kauderer  
Steven Krisky  
Rocco Mastronardi  
Richard Olver

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

Resolution accepted with the minutes of the meeting held on Tuesday, May 27, 2014.

## RESOLUTION

**WHEREAS**, the Planning Board reviewed an Amended Site Plan application on Tuesday, May 13, 2014 and May 27, 2014 for Rey Mussa—205 South Riverside Avenue, hereafter known as “the Applicant,” said property located in the C-2 General Commercial Zoning District and Municipal Place Gateway Overlay District at 205 South Riverside Ave. and designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.12 Block 3 Lots 5,6; and

**WHEREAS**, this Amended Site Plan application is for a proposed convenience store and gasoline sales station; and

**WHEREAS**, on May 12, 2014, the Village Board issued a Special Permit to operate a convenience (retail) store subject to certain conditions as recommended by the Planning Board; and

**WHEREAS**, the Planning Board held a public hearing on Tuesday, May 27, 2013; 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 Amended Site Plan application, as shown on Site Development Plan SP – 1.0 and UD – 2.0 Details and Notes, dated 4/3/2014, last revised 5/22/14, prepared by Cronin Engineering, Cortlandt Manor, NY; Architectural plans entitled “Proposed Floor Plan” A- 101, “Proposed exterior elevations” A – 201, last revised 5/12/14, “Existing floor plan” EC-101, “Existing Exterior elevations” EC-102, dated 04/03/14, prepared by Gemmola & Associates, Hawthorne, New York, be approved subject to the following conditions:

- 1) That, the applicant install a crosswalk with ramps on Maple Avenue subject to New York State Department of Transportation (NYSDOT) approval.
- 2) That, the applicant install a sidewalk on South Riverside Avenue subject to approval from NYSDOT; however a portion of the proposed sidewalk on South Riverside Avenue does not abut 205 South Riverside Avenue and its installation may be the responsibility of others.
- 3) That, employee parking be on South Riverside Avenue to have more onsite parking available to customers. The applicant shall apply to the Village for the necessary parking permits.
- 4) That, the applicant provides landscaping that improves the general appearance of the intersection of Maple Street and South Riverside Avenue and other landscaping onsite and in the Right of Way subject to NYSDOT approval.
- 5) 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 of the sign prior to its installation.

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- 6) That, the applicant relocates the last section of curb on Maple Street to align with the uphill curb locations subject to NYSDOT approval.
- 7) That, a report and test results on the decontamination and the building be submitted to the Village Engineer prior to any building permit being issued for the conversion to a retail store.
- 8) That, prior to the issuance of a certificate of occupancy for the renovations, the applicant shall submit a bond or equal in an amount acceptable to the Village Engineer to cover the cost of all improvements in the NYSDOT ROW abutting the applicant's property including the Rte. 129 cross walk, ramps, curb relocation, sidewalks and landscaping, however not the sidewalk and ramps abutting the Croton Commons shopping center. The bond shall also include all soft costs such as engineering, fees, etc. The application to NYSDOT shall include all improvements including the sidewalk and ramps adjacent to Croton Commons Shopping Center.
- 9) That, the applicant shall use best efforts in submitting the application to NYSDOT and constructing the improvements such that the improvements are completed by June 30, 2015.
- 10) That, two bike posts be installed on site in locations to be discussed with the Village Engineer and Bicycle/Pedestrian Committee.
- 11) That, the two smaller (A31) windows as shown on the front of the building be enlarged to match the larger (CXW15) windows.
- 12) That, the applicant agrees to cooperate with the village and the adjacent owner of Croton Commons Shopping Center and take all reasonable steps within applicant's control to attempt to achieve a reasonable means of pedestrian access along South Riverside Avenue between the property and Croton Commons.

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, Chairman  
Bruce Kauderer  
Steven Krisky  
Rocco Mastronardi  
Richard Olver

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

Resolution accepted at the meeting held on Tuesday, May 27, 2014.