

VILLAGE OF CROTON-ON-HUDSON
Minutes of the Planning Board Meeting on
April 14, 2015

PRESENT: Rob Luntz, Chairman
Bruce Kauderer
Steve Krisky
Janet Mainiero
Rocco Mastronardi

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

1. Call to order

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

2. REFERRALS

a) Referral from Village Board regarding a zoning amendment for property located at 1 Baltic Place (Sec. 67.10 Blk 2 Lot 3)—Planning Board recommendation

PRESENT: Ralph Mastromonaco, P.E.

DISCUSSION:

The Planning Board noted that two legal memoranda were written to the Village Attorney regarding the covenant issue. Upon review of these letters, the Village Attorney had stated to the Village Engineer that although there is no guarantee that a homeowner is going to claim a benefit in the covenant, it is not enough to stop the process and he recommended that the Village proceed with the zoning amendment process.

Mr. Kauderer noted that there would be a public hearing for the rezoning, and Mr. Krisky asked about legal notification, to which the Village Engineer stated that standard procedure would be followed to give legal notice of the public hearing. The Planning Board agreed that they had sufficient legal information to proceed with the process.

Chairman Luntz requested that Mr. Mastromonaco present the zoning matrix that was requested by the Planning Board.

Mr. Mastromonaco explained that the applicant was hoping to have the property be zoned as a C-1 Commercial zoning district. The proposed building would meet all the minimum requirements of the C-1 zoning district including the Floor Area Ratio. The applicant hopes to have retail stores and a bank in the proposed building and the C-1 district allows retail stores and banks as a use by right. According to Mr.

Mastromonaco, the problem with a C-2 zoning district designation is that it would require a special permit to have retail stores and a bank. The applicant did not want to apply for renewals of special permits every few years or so. Chairman Luntz noted that the central issue seemed to be on the permitted use and, depending on the zoning district, whether a special permit would be required.

Mr. Kauderer stated that it did not seem sensible to require a special permit for commercial property since it puts a "chill" on the renting and could make financing more difficult for tenants. Chairman Luntz stated that if it is a five-year special permit, it could be more difficult to get a tenant interested in a longer lease.

The Village Engineer stated that there might have to be a slight revision of the comprehensive plan to have the gateway overlay district apply to this property. At present, this property is not in the Gateway Overlay district. The Gateway Overlay district exists across the street near Warren Road.

Chairman Luntz stated that it seemed to him that the only advantage of making this part of the Gateway Overlay district is the restriction of use. The Gateway Overlay district prohibits automobile or other vehicle dealerships, commercial parking lots, automobile storage lots, and drive-through windows for commercial establishments. Mr. Mastromonaco pointed out that the applicant wanted to have a bank at this location and not having a drive-through would be difficult. Mr. Kauderer expressed concern about the possibility of a fast food restaurant in this location, but noted that since the overlay district prohibits a drive-through, would be reassured that this could not happen. Mr. Mastromonaco stated that the applicant wanted retail and a bank and was definitely not interested in having a fast food restaurant at this location. Chairman Luntz noted that the other option is to have the zone be a C-2 district in which retail use and banks are by special permit only, as opposed to as of right in the C-1 district.

The Planning Board agreed that it seems appropriate to recommend C-1 Commercial zoning district with a Gateway Overlay. Mr. Kauderer asked if the Gateway Overlay would create a problem with parking and Mr. Mastromonaco responded that the parking lot already existed, and more parking would be added adjacent to the existing parking lot. Although parking in the Gateway Overlay district requires all off-street parking to be located along the side and in the rear of buildings, Mr. Mastromonaco stated that the parking would be in the front of the building where it currently is (Albany Post Road and Baltic Place). Chairman Luntz noted that the Overlay district would prevent a drive-through but does not prevent a bank. The Village Engineer stated that it might be possible to provide an exclusion for a drive-through bank, if one did not already exist.

Mr. Mastromonaco asked about the 15% open space requirement specified in the Gateway Overlay. Mr. Kauderer suggested that this requirement could probably be met easily with landscaping the property. Chairman Luntz agreed and stated that

there was enough land on this property so that the 15% open space requirement would be easy to overcome.

DECISION:

Mr. Krisky made a motion to recommend to the Village Board that the zoning district for 1 Baltic Place be amended to a C-1 Commercial District Gateway Overlay zoning district, seconded by Mr. Mastronardi, and the vote carried all in favor 5-0.

The Planning board acknowledged that there might need to be a small modification to the Comprehensive Plan since the plan recommends that no rezoning should occur which would permit commercial development outside of those areas currently zoned for commercial development.

3. UPDATES

a) Kussa Corporation – 370 South Riverside Avenue (Sec. 79.13 Blk. 1 Lot 70) – Referral from Village Board regarding a special permit application for a mixed-use occupancy building – Zoning Board of Appeals resolution (March 11, 2015)

The Village Engineer gave an update on the status of the application process for the mixed-use building. The Planning Board had requested that the applicant go to the ZBA for variances and the applicant, having done so, was granted approval for the following variances: rear yard variance on the north side of the building, a front yard variance, and a variance for a transparent glass percentage.

The Zoning Board was concerned about the counter remaining in its current location near the window, and therefore added the condition that the Planning Board in site plan approval discuss interior design to make the store more transparent in order to improve the transparency and visibility of the interior first floor commercial space.

Chairman Luntz commented that the applicant will need to redo the first floor and the Planning Board will discuss the design at that point.

b) Shoprite—460 South Riverside Avenue (Sec. 79.17 Blk. 2 Lot 2) – Special Permit renewal and modification application for Shoprite Supermarket—status of application.

The Village Engineer reported that Shoprite is having discussions with Historic Hudson Valley regarding Historic Hudson Valley's covenant that restricts the square footage of the Shoprite building. Shoprite attorneys have requested an extension of the Waterfront Advisory Committee preliminary review process so that the covenant can be modified. Historic Hudson Valley has also expressed an interest in having a sidewalk installed along South Riverside Avenue towards Historic Hudson

Valley as well as additional landscaping (beautification) around the Shoprite parking areas.

The Planning Board noted that the Planning Board and Historic Hudson Valley have similar goals for improvements regarding additional sidewalks to improve access to both Shoprite and Historic Hudson Valley and landscaping. Ms. Gallelli reported that Historic Hudson Valley had received monies to improve access.

There was a brief discussion regarding the location of future sidewalks and potential parking spots along South Riverside Avenue.

4. OTHER ITEMS:

The Village Engineer reported that he had spoken to Mr Hilpert, attorney for Fallacaro and he had not yet found an engineer.

Mr. Kauderer asked if the village could provide names of engineers, and the Village Engineer stated he would reach out and give Mr. Hilpert some names.

5. APPROVAL OF MINUTES

Mr. Mastronardi made a motion to approve the minutes of February 24, 2015, as amended, seconded by Mr. Krisky, carried all in favor by a vote of 4 to 0 (one abstention).

6. ADJOURNMENT

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

Respectfully submitted,

Ronnie L. Rose
Secretary to the Planning Board