

**Minutes of the Planning Board Meeting
Tuesday, February 9, 2016**

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

Also Present: Bob Anderson, Village Trustee
Daniel O'Connor, Village Engineer

1. Call to order

Chairman Luntz called the meeting to order at 8:02 p.m.

2. PUBLIC HEARING

- a) *ABM Real Estate Management Corp--15 North Riverside Avenue (Sec. 78.08 Block 3 Lot 62)--Application for Amended Site Plan Approval for proposed one story building addition to Hudson View Automotive Repair Shop*

PRESENT: Mr. Mark Aarons, attorney; Heike Schneider, architect; Adam Anfiteatro, owner

MOTION:

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

DISCUSSION:

Mr. Aarons noted that the only slight change to the application is that the handicapped space is now closer to the building and the signage for the handicapped space will be located on the building.

PUBLIC COMMENTS:

Ms. Constantini, Bank Street, stated that Mr. Anfiteatro has been a good neighbor but she has the following concerns:

- Since her property is directly behind the automotive shop, more fumes from the proposed expansion would affect her organic garden and the wildlife habitat she has created;
- She and her family have breathing issues and the extra exhaust fumes will exacerbate them;
- Parking is already a problem on Bank Street;
- There are potential environmental effects to the river which is in close proximity to the business
- She and her neighbors would lose air space with an additional building

Ms. Liubenov, Bank Street, stated her concerns:

- Her family also has breathing problems--in the summer she has to keep her windows closed
- Concerned that with the automotive business expanding, there would be more fumes
- Concerned about where the byproducts of the business go and how that affects the ground soil
- That parking is already difficult especially with the restaurants on South Riverside Avenue
- Concerned about environmental aspects with increased exhaust fumes in combination with the train exhaust and highway exhaust and that these types of businesses should not be in front of residential homes
- Believes the business should go elsewhere

Ms. Peterson, Bank Street, expressed her concerns:

- She has a lot of allergies and concerned with the increased fumes
- Concerned about the impact on the environment, e.g. trees, honey bees, monarch butterflies, and bald eagles
- The sidewalk is already covered in cars so it is difficult to walk on the sidewalk
- It is a safety hazard getting off of Bank Street

Mr. Brown, Bank Street, expressed his concerns:

- The traffic and cars in this area are already jeopardizing safety
- Questioned where the increased number of cars would park

Mr. Tichenor, Georgia Lane, spoke in support of the application:

- Stated that there is a demand for quality auto repair which Mr. Anfiteatro provides
- Auto repair shops are essential for any town
- The views won't be impacted
- 99% of the cars are turned off
- Source of fumes primarily from the road, from Metro North trains and not the garage
- Croton has to encourage businesses to grow or the economy is negatively affected

Mr. Patrick, Bank Street:

- Believes that his views would be slightly impacted with the additional building

Chairman Luntz asked the applicant to respond to some of these concerns:

RESPONSE TO CONCERNS:

Mr. Aarons, attorney, stated that the addition is a one story building in which the height of building is 16' (starts at 12' goes to 28'). The contour lines are on the plans and is level with the existing building, therefore, the new building would not obstruct any views.

Mr. Aarons stated that there was a misconception about parking. There has been a long line of cars waiting to be serviced because the cars are not able to be repaired quickly enough. By adding two extra bays in an indoor space, the rate of repair increases, there are less cars waiting on the street, and the cars can be returned to the owners in one day rather than the cars kept overnight.

The applicant noted that that any outdoor repair work currently being done would be contained inside so there would be less fumes in the air than at present. Mr. Anfiteatro stated that he does not have cars idling. If cars need to idle for 30 seconds for car inspections, with the additional building, he would be able to contain the cars inside. With today's car standards, most car fumes have very little odor because the emission standards are better. He has never had an air quality complaint. Mr. Aarons noted that there are many cars in the nearby roadways (South Riverside Avenue, and Route 9A).

When asked about ventilation, Mr. Anfiteatro responded that exhaust is ventilated through the bay doors, which are closed during the winter. Mr. Aarons observed that there have no observed ill effects of working in the existing building. Mr. Anfiteatro stated that heat exhaust from the furnace (natural gas heat) is currently vented out the back but possibly could be vented out the front.

When asked about tree removals, Ms. Schneider responded that there would be no tree removals; the proposal is intended to beautify the retaining wall and includes extensive planting on the retaining wall (species were noted that are good for bees) in addition to creating some erosion control measures. Mr. Krisky asked if it were possible to install a green roof to beautify the building. Ms. Schneider said it was a question of budget but they would look into it.

Chairman Luntz asked about the concerns about sidewalks being covered in cars and not being walkable. Mr. Anfiteatro stated that he tries to keep the sidewalk clear and has installed a sign that says no parking on sidewalk. Mr. Kauderer stated that if anyone is parked on the sidewalks it would be a matter for the police. Mr. Anfiteatro also stated that he did not believe that his proposed addition creates a parking problem since his cars are not parked on Bank Street. Many of the parked cars are parked there for the nearby restaurants.

The Planning Board agreed that North Riverside Avenue could use some improved traffic control to slow down traffic but that this was a problem that only NYSDOT could solve. The Village Engineer stated that if the village wants to do something about this street the process would include creating a list of concerns, arranging a site meeting with the DOT, then waiting for an analysis and response to the village's concerns. In the past, the state has been difficult to work with.

Chairman Luntz stated that the applicant was moving some of the repairs that are currently happening outside the building into the proposed building and this will be an improvement, that the height of the proposed building is the same so no views will be blocked, and the plantings will also be an improvement. Chairman Luntz noted that it was difficult to attribute all of the exhaust to the one business, but to the extent that any additional filtration of fumes or exhaust could be improved, it should be, and the applicant should look into discharging any exhaust or heat out the front.

Mr. Krisky asked if there is a better way to filter exhaust, and Mr. Anfiteatro and Ms. Schneider stated they would look into it.

Mr. Kauderer explained to the public who were present at the public hearing that it is not up to the Planning Board to decide if an automotive business is an allowable use or whether it could be expanded-- that decision was up to the Zoning Board and the Zoning Board had allowed the construction to expand. He explained that the role of the Planning Board is to review the site plan and ensure that the plan has the least impacts to the neighbors and environment.

PUBLIC HEARING MOTION TO CLOSE:

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

Chairman Luntz stated that the Planning Board had received requested comments from the Advisory Board on the Visual Environment (VEB) and they had inquired about the installation of an oil/water catchment system on the downhill edge of pavement between the service bay apron and the curb line. Ms. Schneider stated that they are proposing a no discharge oil/water catchment system inside the building because all the repair work other than minor repairs not including fluid changes will take place inside.

DECISION:

Mr. Mastronardi made a motion to approve the resolution as written with the additional recommendations to 1) explore the options for a green roof, and 2) explore the options for filtration devices/apparatus for the exhaust from cars that are idling in the the bays.

Mr. Krisky seconded the motion, and the motion carried, all in favor by a vote of 5-0.

3. OLD BUSINESS

- a) *Kimelman, David-- 53 Old Post Road North (Sec. 67.20 Blk. 2 Lot 24)--Application for two-lot subdivision for the purpose of dividing the property into two legal lots, with each of the existing dwellings on its own lot.*

PRESENT: Luke Hilpert, Esq. (attorney for applicant)

DISCUSSION:

Mr. Hilpert stated that he had incorporated all comments that had been recommended in the preliminary subdivision resolution, the easement agreements are filed, and the subdivision plat has received final approval from the Westchester County Health Department. The Village Engineer suggested one change in the deed for Lot #1 as noted in the conditions in the final subdivision plat resolution.

There were no further comments.

DECISION:

Mr. Kauderer made a motion to approve the final subdivision plat, seconded by Mr. Mastrnardi, and the motion carried, all in favor by a vote of 5-0.

4. REFERRALS

- a) *Village Board Referral for review and recommendations of the renewal of the Special Permit for ShopRite Supermarkets, Inc. at 460 South Riverside Avenue (Sec. 79.17 Block 2 Lot 2)--continued discussion.*

PRESENT: Dan Hollis, Esq., Dan Peveraro, P.E.

Also Present: Rob Olsson, Bicycle/Pedestrian Committee member

DISCUSSION:

Mr. Peveraro stated that he had visited the site and reviewed the trees on the south driveway side which had been discussed at the previous meeting. The suggestion to eliminate only one row of trees in this area was not practical because of the below grade topography of the existing swale. The parking area would be too steep. Mr. Hollis stated that he had spoken to the Village Manager who had indicated that the option of parking on South Riverside Avenue was not desirable. The Planning Board acknowledged that even if the trees remained on South Riverside Avenue, the number of parking spaces would not be enough.

Chairman Luntz noted that if the trees were not able to be saved, a more healthy distribution throughout the lot would be desirable. Mr. Peveraro stated that one option was the distribution of trees throughout the lot, the other included less trees on the lot, and twelve other trees donated for planting in other parts of the village.

The Planning Board discussed these options and decided that the public and the Planning Board would be happier to see the trees on site. The Planning Board also agreed that the applicant should hire a landscape architect or an arborist to determine where the trees would best be placed on South Riverside Avenue and the parking lot. Mr. Peveraro and Mr. Hollis stated that this would be agreeable. Mr. Peveraro indicated that the design intent for more trees

was to make the southern end more of a focal point so that more people would enter the at the southern end.

The Planning Board discussed at length the possibilities for pedestrian access. Mr. Rob Olsson, a member of the Pedestrian/Bicycle Committee was present and joined the discussion.

Several options were discussed in an effort find a solution for pedestrian access in addition to the ADA compliant sidewalk that has been proposed along South Riverside Avenue. When asked about the possibility of a sidewalk or ramp down the northern driveway entrance, Mr. Peveraro stated that the construction of such a ramp would result in a very long length.

Mr. Peveraro responded to a suggestion regarding the construction of a ramp approximately halfway between the two entrances on South Riverside Avenue, from the sidewalk to the parking area given that there are less elevation changes. Mr. Peveraro measured the area and stated that the grades across the parking lot exceeded ADA requirements which would then require that the entire parking lot would need to be regraded at a very substantial cost.

Mr. Olsson noted that there are some disabled ShopRite employees who walk to get to the bus, walk up the driveway against incoming traffic and he suggested that despite the ADA sidewalk, would end up walking the shortest distance. Mr. Peveraro stated that there is no alternative at present given the steep grade. There has been no pedestrian accident in this area in the past five years. Mr. Hollis added that the ShopRite management would encourage employees to take the ADA compliant sidewalk route.

Mr. Mastronardi observed that it would be beneficial if a Beeline Bus (Westchester County) could travel down South Riverside Avenue to Van Cortlandt Manor if a turnaround were to be constructed by Historic Hudson Valley (as conceptually drawn for a future project by HHV). Although noting that the county would have to be involved in the change of routes, the Planning Board agreed that as a possibility in the future, a bus stop at the southern entranceway, would help those employees who take the bus to work.

Mr. Olsson noted that on the website about the Blaze, Historic Hudson Valley does not recommend walking to the Blaze because there is no sidewalk and the lighting is poor. The Planning Board agreed that improved lighting along the proposed sidewalk on South Riverside Avenue would be helpful.

RECOMMENDATIONS:

- That an ADA accessible sidewalk be installed from the northern entrance along South Riverside Avenue and the southern entrance to the ShopRite entrance
- That lighting be provided along proposed ADA accessible sidewalk on South Riverside Avenue for safety and access for pedestrians during evening hours

- That replacement trees (3.5" caliper) be planted on site as shown on submitted concept tree planting plan and that the plan will be more specifically determined by the Planning Board during site plan review
- That a landscape architect or arborist be retained by ShopRite in order to recommend the species and distribution of trees that are planted
- That a requirement for a parking lot maintenance agreement be included in the Special Permit so that the upkeep of the lot is required and the health of the landscape trees are maintained
- That the Village continue to work with Historic Hudson Valley in its plans for improvements at Van Cortlandt Manor which respect to ta vehicle turnaround at the end of South Riverside Avenue
- And that if such a turnaround is constructed, that the Village reach out to Westchester County to promote the possibility of creating a Beeline bus stop at the southern entranceway.

DECISION:

Mr. Krisky made a motion to recommend the renewal of the special permit with the recommendations as discussed, seconded by Ms. Mainiero, and the motion carried all in favor by a vote of 5-0.

5. APPROVAL OF MINUTES

Ms. Mainiero made a motion to approve the minutes of January 27, 2016, seconded by Mr. Mastronardi, and the motion carried all in favor 5-0.

6. ADJOURNMENT

There being no more business to come before the board, the meeting was duly adjourned at 10:25 p.m.

Respectfully submitted,

Ronnie L. Rose
Secretary to the Planning Board