

**VILLAGE OF CROTON-ON-HUDSON
MINUTES OF THE PLANNING BOARD MEETING
ON TUESDAY, JULY 12, 2016**

PRESENT: Robert Luntz, Chairman
Edward Doherty
Bruce Kauderer
Steve Krisky
Janet Mainiero

ALSO PRESENT: Daniel O'Connor, Village Engineer
Bob Anderson, Village Board Liaison

1. Call to order at 8:10 p.m.

2. PUBLIC HEARING

- a) *Bell Family Trust--175 Old Post Road North (Sec. 67.15 block 1 Lot 8) -- Application for Preliminary subdivision approval for a three lot subdivision (continuation of public hearing).*

PRESENT: Ron Wegner, P.E., Cronin Engineering, Andrew Brodnick, Esq.

DISCUSSION:

Mr. Wegner addressed the concerns that had been raised by the neighbor's attorney at the Planning Board meeting on June 28, 2016:

- *Driveway width:* Mr. Wegner stated that he had made adjustments to the driveway plans by widening the driveway. He reiterated that he is no longer proposing a public sewer line.
- *Soil Testing:* Mr. Wegner noted that on the revised plan sheet (revised from June 28th) he shows the existing grade on the driveway and includes a key map for photographs where soil testing has been completed. The reason for the soil testing was to find suitable areas for stormwater infiltration in which there is reasonable depth and infiltration rates. The places he has had tested have been shown to be suitable locations for stormwater mitigation. These soil testing areas have met health department standards.
- *Subdivision process:* Mr. Wegner responded to the question raised about the application being reviewed prior to the ZBA review; he noted that the village boards often have concurrent reviews of applications. The Planning Board members agreed and stated that the village has in past practice reviewed applications concurrently.
- *Driveway safety:* In the initial plans, the driveway was designed to meet fire and safety codes (12' in width, 50' length, and pull-off area 20' feet wide). With the revised plan of June 28th, the driveway to Lot 1 and 2 has been increased to over 16' wide, a width that will allow two standard trucks to go by (fire truck is 8' wide). Mr. Wegner provided

photographs to support his assertion that there is sufficient passing areas for a driveway in a residential area. Mr. Krisky asked if the Fire Department would be reviewing the safety of the driveways egress and ingress for emergency vehicles. Mr. Wegner stated that if the application is at the point of subdivision approval, it is required by Village Code that the turnaround at the top of the driveway be reviewed by the Fire Department. In addition, grading would be reviewed during Minor Site Plan review.

- *Driveway grades:* Mr. Wegner pointed out that in the revised plans he has shown the driveway grades in which the grade ranges from 13% to 19% at its steepest. He pointed out that there are village and county public roadways that have similar, if not steeper, grades and these roads are traversable.
- *Limited Site Distance:* Mr. Wegner submitted photographs to demonstrate that there is sufficient site distance as one drives up the proposed driveway.
- *Tree removal:* Mr. Wegner stated that as part of the subdivision application, he believes he has sufficiently demonstrated that stormwater drainage can be addressed and that there is suitable soil to provide stormwater mitigation. He asserted that there are no trees to be removed along the driveway. He pointed out that the proposed driveway has been placed further away from the property line than had previously been shown.

The Planning Board asked about the potential of more water draining onto the neighboring property because of tree removal. Although there is no tree removal along the driveway, Mr. Wegner stated that an infiltration system would mitigate this possibility if other trees on the property were removed. He further explained the possible infiltration devices (curbs, curtain drain, inlets, swales or berms) would address drainage mitigation. He noted that some of the water will be diverted out of the watershed (7/10 of an acre) and therefore the proposed plan improves stormwater drainage conditions.

Mr. Kauderer summarily stated Mr. Wegner's points: that the drainage will be better than it is currently, that there is the means to provide mitigation for stormwater drainage, that there is minimal grading, and that there will be no trees removed for the driveway, and that therefore there will be minimal impact on the neighboring property. A subdivision application needs to show there is the means to provide mitigation, and Mr. Wegner has shown this to be the case.

- *Vehicular headlight glare:* Mr. Wegner stated that there may be some headlights from cars going up the driveway and at the point of Minor Site Plan approval, the applicants can provide screening to mitigate the glare of the headlights. Grading will also screen headlights at the knob section of the driveway. Beyond this point, Mr. Wegner indicated that it is very wooded and the driveway is a good distance away so that spillover from car lights should not be an issue.

Chairman Luntz inquired whether there had been a response from New York State about the archaeological issue, to which Mr. Wegner responded that there had been a letter (as distributed to the Planning Board) stating that this area was not an archaeological sensitive site.

This response was the remaining condition prior to issuing a Negative Declaration for the purpose of SEQR.

Chairman Luntz invited the public to comment as the public hearing has remained open from the last meeting.

Clifford Davis, Attorney, White Plains, stated that he had submitted a letter to the Zoning Board and had also distributed it to the Planning Board since all the information is pertinent to both boards.

Mr. Davis asked the Planning Board, if as a courtesy, his client could be informed when a Minor Site Plan application is submitted. The Planning Board members explained that it is the responsibility of the resident to inquire about agenda items and that they can either sign up for receipt of Planning Board agendas and/or look at the village website for upcoming meetings. All plans and documents are uploaded to the website.

Mr. Davis again raised the following items: that, he had not seen a wetland permit for disturbance of a wetland buffer zone; that, the driveway may be unsafe to serve the two existing and one proposed residence due to its grade and limited passing areas and that Emergency Services should do an updated review of the the ingress and egress for emergency service vehicles as part of the SEQR review; that, no perc tests had been done on Lot 1 and Lot 2; that, no tree buffer has been created, and that there exist excessive steep slopes and the removal of trees may have a negative impact on drainage toward the neighbors at 30 Finney Farm Road. Mr. Davis also questioned the practice of the village to have concurrent reviews, i.e. the subdivision application should not be processed by the Planning Board until a variance is granted for frontage on lot 3. The Planning Board responded that the village historically has reviewed applications at the same time that other boards are reviewing them.

Mr. Eliot Senor, of Gabriel E Senor Engineering, questioned the steep grade of the driveway, questioned the applicant's engineer's compliance with NYS/WC testing procedural requirements, and wondered why the details of the driveway could not be agreed upon prior to minor site plan approval. He also asked why there hadn't been Stormwater Prevention Plan submitted.

Mr. Wegner addressed the comments of Mr. Davis and Mr. Senor. Mr. Wegner stated that Mr. Davis had mentioned the need for mitigation for lots 1 and 2; however, Mr. Wegner pointed out that those lots are zoning compliant and as such, the applicant is not required to provide mitigation for an existing condition; the applicant is not making the drainage situation worse on these lots, and the applicant is providing mitigation for new construction.

Mr. Wegner stated that Mr. Senor had wondered why the driveway details weren't established prior to subdivision approval, and Mr. Wegner stated that there were several options for the driveway. The Village Engineer noted that there are different designs for the driveway with a

variety of types of stormwater systems and it depends on who is buying the property and what that buyer may prefer.

With respect to soil testing, Mr. Wegner pointed out that the village is not in the NYC watershed and the soil tests were done as feasibility studies. The NYCDEC does not require mitigation for a single family dwelling. Soil testing was completed to determine if suitable soil is present for stormwater infiltration systems. He noted that more infiltration systems could be provided in other parts of the property but it wasn't clear if these parts of the property would be utilized.

Mr. Wegner also disagreed with the assertion that driveway is more than 19% sloped, the stream is accurately indicated on the plan and as far as drainage goes it does not run to the well on the neighbor's property.

Mr. Wegner also stated that a SWPPP is required when construction begins, not at the time of the subdivision approval process.

Kimberly Ragazzo, 30 Finney Farm, stated that she is here tonight because she is very stressed by the potential subdivision's impact on her home. She lives in an old house (1800's), of which she is very proud, and she and her husband hope to continue to live in Croton and raise her family. She submitted photographs of her property and the house in order to show the grade, the backyard steep slope, the house's location (built into a hill) and to state, for the record, that she and her husband have already spent a lot of money upgrading the house and addressing the water issues. They have installed new gutters on one side of the house, and have installed a new water drain on the other side. She distributed photographs (to be added to the record) to the Planning Board of her house and the work completed. Ms. Ragazzo stated that they do not wish to spend any more money on this water drainage issue than they already have spent. She also submitted a photograph of a large tree on the property that they have monitored by a trained arborist which poses a concern for its integrity should there be excessive water or a lack of water. Ms. Ragazzo also mentioned that the width of the driveway was of concern to her since it seemed that it would be tight for a fire truck to fit.

Chairman Luntz stated that there was no question about the need for mitigation on the proposed subdivision lot 3, that the Planning Board members were all in agreement about the need for mitigation. He noted however that there is runoff that naturally occurs from properties that this proposed development has nothing to do with.

Mr. Kauderer stated that the Planning Board has listened to detailed presentations by the neighbor's and applicant's attorneys and engineers. He stated that the objection regarding frontage is an issue for the Zoning Board of Appeals and is not an issue for the Planning Board. He also stated that the neighbor's concerns about the water issues is a valid concern and the Planning Board's job is to balance these concerns with the rights of an applicant to subdivide his property. The Planning Board believes that Mr. Wegner has shown the potential to mitigate whatever impacts there may be and the Planning Board expects that the applicant will show mitigation during the minor site plan approval process.

MOTION TO CLOSE PUBLIC HEARING:

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

MOTION TO APPROVE NEGATIVE DECLARATION:

Mr. Kauderer made a motion to issue the Negative Declaration, as amended to include the Water Control Commission's review and recommendation regarding a Wetlands Permit, seconded by Mr. Krisky, and carried, all in favor, by a vote of 5-0.

Mr. Kauderer requested that in the subdivision resolution there be a condition that any site plan approval would have to address concerns about mitigation during the site plan approval process.

Ms. Mainiero requested that there be a clarification on the survey of the current neighbor's name instead of the original property owner.

3. APPROVAL OF MINUTES

Mr. Krisky made a motion to approve the minutes of July 12, 2016, as amended, seconded by Ms. Mainiero, and the motion carried, all in favor, by a vote of 5-0.

4. ADJOURNMENT OF MEETING

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

Respectfully submitted by,

Ronnie L. Rose
Planning Board Secretary