

1 Regular Meeting of the Board of Trustees of the Village of Croton-on-Hudson, New  
2 York was held on Tuesday, September 4, 2007 at the Municipal Building, Van Wyck  
3 Street, Croton-on-Hudson, New York.

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6

The following officials were present:

Mayor Schmidt	Trustee Brennan
Trustee Kane	Trustee Gallelli
Trustee Konig	Manager Herbek
Attorney Staudt	Treasurer Zambrano

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8

1. CALL TO ORDER

9 Mayor Schmidt called the meeting to order at 8:00 p.m. Everyone joined in the Pledge of  
10 Allegiance.

11 2. APPROVAL OF VOUCHERS:

12 Trustee Brennan made a motion to approve the vouchers as follows; the motion was  
13 seconded by Trustee Kane and approved unanimously.

General Fund	\$67,896.74
Water Fund	9,916.29
Sewer	4,311.86
Capital Fund	49,883.46
Trust Fund	1,239.00
Debt Fund	0
Total	\$233,247.35

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3. PUBLIC HEARINGS

17 ***Mayor Schmidt opened the Public Hearing to Consider an Amendment and Modification***  
18 ***to the Special Permit issued to the Hudson National Golf Club, Inc.***

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23

Village Manager, Richard Herbek, advised that there are two actions to be taken by the Board this evening; one is an Environmental Findings Resolution regarding the amended Special Permit and the second is a Resolution of Amended Special Permit Approval. Mr. Herbek advised that this goes back to the Tax Certiorari decision that was signed by Judge

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1 Dickerson on June 16, 2006 which provided a payback of Village taxes to Hudson National  
2 Golf Club, Inc. amounting to \$606,052.00. Mr. Herbek said that this significant amount of  
3 money lead to a number of meetings with representatives from the Hudson National Golf  
4 Club, Inc. Mr. Herbek advised that on November 21, 2006 the Village received a report  
5 from the U.S. Golf Association detailing the condition of Hudson National Golf Club and  
6 subsequently a committee was formed including himself, Mayor Schmidt, Seymour  
7 Waldman, Dan O'Connor and representatives from Hudson National Golf Course to  
8 develop a "Concept Plan." Mr. Herbek advised that the "Concept Plan" lead to a  
9 Settlement Agreement which was signed by Mayor Schmidt at the previous Village Board  
10 meeting providing for a number of issues. Mr. Herbek said that the issue being discussed  
11 this evening deal with a "Vegetation Management Plan" as recommended by the U.S. Golf  
12 Association. Mr. Herbek advised that the Village Board has reviewed this document  
13 extensively and made a number of site visits to the Golf Course to review the  
14 recommendations in the "Vegetation Management Plan. Mr. Herbek said that they have  
15 retained Peter Woodcock, who has expertise in this area, to help the Board with the review  
16 of the various recommendations.

17

18 Bill Null, representing Hudson National Golf Club, Inc. said that they appreciate the time  
19 and consideration the Village has given in this application to amend the landscaping and  
20 maintenance restrictions of the "Special Permit." Mr. Null said that it had come to the  
21 attention of Hudson National Golf Club quite a while ago that those restrictions were  
22 negatively affecting the play, operation and maintenance of the course.

23

24 Peter Woodcock said that he was hired by the Village in early winter to review the U.S.  
25 Golf Association's Report that had been submitted with respect to vegetation, trees and  
26 other issues at the golf course. Mr. Woodcock said that he met many times with Chris  
27 Smith and the Village Manager, have gone through the entire course multiple times and,  
28 along with Mr. Smith, have come up with what we feel is a viable plan to improve many of  
29 the issues identified in the U.S. Golf Association's Report. Mr. Woodcock advised that the  
30 program would be phased in beginning this fall in small areas around the Club House and  
31 at holes 1, 2, and 13. Mr. Woodcock advised that before anything is removed, Mr. Smith  
32 and his crew will mark everything before it is taken out which would then be subject to his  
33 approval. Mr. Woodcock advised that there will be no breaking of the surface; trees will be  
34 cut down close to the ground and soil, sod and seed will be put down so that there will be  
35 no possibilities of erosion. Mr. Woodcock said we should not notice any glaring changes  
36 on the property.

37

38 Mr. Smith said that all the areas that will be addressed are internal with no areas bordering  
39 the property and there will be no extra exposure of the golf course to our neighbors. Mr.  
40 Smith said that one of the key factors and concerns of the residents is erosion and the  
41 approach and techniques that will be used will not cause any erosion. Mr. Smith said that  
42 the trees are not very large and large stump grinders will not be necessary; all the work will  
43 be done in house and it will be a very clean operation. Mr. Smith said that the key issues  
44 that were outlined in the U.S. Golf Association's Report were the inability to grow turf, the  
45 playability of the golf course and the aesthetics of the golf course. Mr. Smith said that their  
46 goal is to get the golf course back to being a beautiful golf course in Westchester County.

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1 Mayor Schmidt said that one of the components is the planting of wild flowers and fescue  
2 grasses that will actually hold more water and create more retention of runoff

3  
4 Mr. Smith said that every area being addressed will be re-established with pine fescue and  
5 wild flowers which is ideal to an environmentalist because we will be inviting different  
6 kinds of habitats and ecosystems.

7  
8 Trustee Gallelli said that by having healthier turf the golf course would be using less  
9 chemicals.

10  
11 Mr. Herbek said that Seymour Waldman is also present this evening to help with any  
12 questions that may arise this evening. Mr. Herbek said that he feels that this resolution will  
13 be in the best interest for both the Village and Hudson National Golf Course going forward.

14  
15 Mary Fagan said that she lives at the bottom of Finney Farm and the brook that runs down  
16 Finney Farm overflows when there is a lot of rainfall. Ms. Fagan said that some of her  
17 neighbors have had floods in their basement and is concerned that there will be more runoff  
18 when the trees are cut. Ms. Fagan asked that the brook be dredged.

19  
20 Mayor Schmidt said that a lot of the retention ponds at the golf course are not working  
21 properly because some of the vegetation that was planted was planted in the retention  
22 ponds and their removal will help retain that water. Mayor Schmidt said that we will be  
23 looking at the golf course on an ongoing basis to see if there are other things that they  
24 should be doing to prevent water from coming down the hill.

25  
26 Janet Nelson, Finney Farm asked where they will be going after holes 1, 2 and 13 are  
27 completed.

28  
29 Mr. Smith said that they hope to complete the entire process in two full seasons;  
30 Fall/Spring and then another Fall/Spring.

31  
32 Fran Allen, 7 Finney Farm said that this is very serious; it falls back on the Village to some  
33 extent because the Village was part of the monitoring of the water quality basins and their  
34 functioning. Ms. Allen said that most of the under-drains for the greens, which get most of  
35 the pesticides and herbicides, go into some of these water quality basins and the water  
36 quality basins must empty within 72 hours and hold water for 24 hours. Ms. Allen said that  
37 this was the metric that was put in place and if they are not doing that, it means that too  
38 much polluted water is going down the streams and flowing into basements and ponds  
39 below. Ms. Allen said that we worked hard to make sure that everything was going to  
40 work correctly and if they are not working correctly something must be done. Ms. Allen  
41 said that she does believe that the agreement regarding the trees is a good deal for the  
42 Village.

43  
44 Mayor Schmidt said that he didn't intend to indicate that the retention ponds were failing;  
45 they are just not working as optimally as they could. Mayor Schmidt said that he does not  
46 believe there has been any recorded runoff of pesticides or herbicides from the golf course.

1 Mr. Smith stated that the golf course is continually monitored by Environmental Turf  
2 Services and they test for nitrogen and phosphorus and they have received a clean bill for  
3 ten years indicating no detection for pesticides.

4  
5 On motion of TRUSTEE GALLELLI seconded by TRUSTEE KANE, the following  
6 resolution was adopted unanimously by the Board of Trustees of the Village of Croton-  
7 on-Hudson, New York:

8  
9 **ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE**  
10 **AMENDED SPECIAL PERMIT APPROVAL FOR HUDSON NATIONAL GOLF**  
11 **CLUB, INC.**

12  
13 WHEREAS, HUDSON NATIONAL GOLF CLUB, INC. ("HNGC"), a not-for-profit  
14 corporation created under the laws of the State of New York, is the owner in fee of an  
15 approximately two hundred and sixty (260) acre parcel of real property (the "Subject  
16 Property"), having an address at 40 Arrowcrest Drive, Croton-on-Hudson, New York,  
17 which Subject Property is situated within in the Village of Croton-on-Hudson, County of  
18 Westchester, and State of New York (the "Village"); and

19 WHEREAS, the Subject Property is identified on the Official Assessment Map of the  
20 Village of Croton-on-Hudson as Lot 67.15-001-004; and

21 WHEREAS, the Subject Property is classified in the R-40A (One-Family Residence)  
22 District and, pursuant to Section 230-9.A(6) of the Village's Zoning Law (the "Zoning  
23 Law"), is permitted to be maintained and operated as an Annual Membership Club,  
24 pursuant to a Special Permit issued by the Board of Trustees of the of Croton-on-Hudson  
25 (the "Board of Trustees"); and

26 WHEREAS, the Board of Trustees issued a Special Permit for an Annual Membership  
27 Club on the Subject Property to the Prickly Pear Hill Country Club on December 21,  
28 1992 and issued Amended Special Permits for this Annual Membership Club to HNGC  
29 on August 4, 1994 and April 19, 1999 (the 1992, 1994 and 1999 Special Permit and  
30 Amended Special Permits are sometimes collectively referred to as the "Special Permit");  
31 and

32 WHEREAS, the Subject Property is improved with a golf course designed by Tom Fazio  
33 (the "Golf Course"), as well as a clubhouse and other amenities and is currently being  
34 operated and maintained by HNGC as an Annual Membership Club in accordance with  
35 the Special Permit; and

36 WHEREAS, at all times relevant, the Board of Trustees was and is the agency of the  
37 Village that approved the Special Permit for the proposed Golf Course, clubhouse and  
38 other amenities at the Subject Property, and has jurisdiction pursuant to the Zoning Law  
39 to review and approve, disapprove, or modify and approve any application regarding such  
40 Special Permit and/or use of the Subject Property as a Golf Course and Annual  
41 Membership Club; and

42 WHEREAS, HNGC has submitted to the Village a December 19, 2006 report issued by  
43 David A. Oatis of the United States Golf Association, Northeast Region Green Section,

1 entitled "USGA Green Section Turf Advisory Service Report, Hudson National Golf  
2 Club, Inc., Croton-on-Hudson, New York" (the "USGA Report") detailing situations of  
3 over planting and extensive vegetative growth on and around the Golf Course which have  
4 negatively impacted and continue to negatively affect the quality, sustainability and  
5 playability of the Golf Course and use of the Subject Property; and

6 WHEREAS, the USGA Report has been reviewed by the Board of Trustees and the  
7 Special Environmental Consultant, Peter Woodcock ("Woodcock"), retained by the  
8 Village to provide special counseling with regard to the application submitted by HNGC;  
9 and

10 WHEREAS, HNGC also has submitted a May 15, 2007 letter to Mr. Richard Herbek,  
11 Village Manager, from Mr. Bradford O. Saunders, Sasaki Associates, Inc., forwarding the  
12 USGA Report and describing a proposed Vegetation Management Program ("VMP") as  
13 well as enclosing a detailed plan dated May 12, 2007, entitled "Proposed Vegetation  
14 Management Areas, The Hudson National Golf Club, Croton-on-Hudson, NY" consisting  
15 of one sheet (the "VMP Plan"); and

16 WHEREAS, the Board of Trustees and Woodcock have reviewed the VMP and VMP  
17 Plan; and

18 WHEREAS, based upon the USGA Report, VMP and VMP Plan, HNGC has requested  
19 the Village to modify the requirements of the Special Permit affecting the maintenance of  
20 and improvements to the Subject Property, including the Golf Course and amenities  
21 thereon, all in accordance with the Zoning Law and including proposed modifications to  
22 the planting and maintenance of the Golf Course, including tree thinning and removal  
23 implementation that would require amending the Special Permit conditions applicable to  
24 re-vegetation, planting and compliance with a landscape maintenance plan described in  
25 Conditions 4, 20, 21, and 22 of the Amended Special Permits dated August 4, 1994 and  
26 April 19, 1999; and

27 WHEREAS, the Village acknowledges that the USGA Report, the VMP and VMP Plan  
28 recommend, among other things:

- 29 a. The removal in areas of play within the Golf Course of all planting which  
30 currently block, or will block, adequate sunlight penetration and/or air  
31 circulation, or project an artificial appearance, or block significant views  
32 and important vistas;
- 33 b. The thinning and removal of plantings in certain areas; and
- 34 c. The seeding of cleared areas with a fescue and wildflower seed mix to  
35 encourage use by beneficial insects and open or grass-land bird species;  
36 and

37 WHEREAS, HNGC's request to Amend the Special Permit would incorporate provisions  
38 set forth in a Stipulation of Settlement (the "Stipulation") setting forth terms and  
39 conditions by which the Village of Croton-on-Hudson (the "Village") has reached  
40 agreement with HNGC to modify and amend an Order & Judgment entered in the  
41 Supreme Court of the State of New York, County of Westchester on June 16, 2006  
42 bearing Index Nos. 6263/00, 6433/01, 6246/02, 6354/03, 5972/04, 5425/05 and 5672/06

1 (the "Order & Judgment"), so that in certain circumstances the Village may reduce the  
2 sums due to be paid by the Village to HNGC (the "Court Ordered Conditions"); and  
3 WHEREAS, HNGC's request to Amend the Special Permit is based upon its submission  
4 of the following documents:

- 5 1. A letter from William S. Null, Esq. of Cuddy & Feder LLP, attorneys for  
6 HNGC, requesting an amendment to the Special Permit; .
- 7 2. The USGA Report;
- 8 3. The Vegetation Management Program (VMP);
- 9 4. The plan, dated May 12, 2007, entitled "Proposed Vegetation  
10 Management Areas, The Hudson National Golf Club, Croton-on-Hudson,  
11 NY" (VMP Plan); and
- 12 5. A Short Environmental Assessment Form dated July 31, 2007.

13 NOW, THEREFORE, BE IT

14 RESOLVED, in accordance with Article 8 of the New York State Environmental  
15 Conservation Law and the rules and regulations promulgated thereunder at 6  
16 N.Y.C.R.R. Part 617 (collectively "SEQR"), the Board of Trustees hereby  
17 declares itself Lead Agency with regard to this "Action;" and be it further

18 RESOLVED, having reviewed the Short Environmental Assessment Form, the  
19 Board of Trustees hereby adopts a Supplemental Findings Statement based upon  
20 its conclusion that there are no new significant environmental impacts associated  
21 with the HNGC proposal that were not already addressed and mitigated as set  
22 forth in the Environmental Impact Statement ("EIS") for the Prickly Pear Hill  
23 Country Club project, and/or subsequent approvals and SEQR determinations  
24 issued for the Subject Property in accordance with SEQR and the Zoning Law;  
25 and be it further

26 RESOLVED, that the Board of Trustees hereby classifies this Action as an  
27 Unlisted Action; and be it further

28 RESOLVED, that based upon this Board's examination of the potential  
29 environmental effects of this Action, it hereby adopts the following environmental  
30 findings:

- 31 1. The Action, including the Proposed Landscaping Work (as defined herein)  
32 and Court Ordered Conditions (the "Action") should not cause a substantial  
33 adverse change in existing air quality, ground or surface water quality, traffic  
34 or noise levels, solid waste production levels, or potential for erosion, flooding  
35 or drainage problems. The "action" includes the following proposed work  
36 (the "Proposed Landscaping Work"):
  - 37 a. Remove in areas of play within the Golf Course plantings which  
38 currently block, or will block, adequate sunlight penetration and/or air  
39 circulation, or project an artificial appearance, or block significant  
40 views and important vistas;

- 1                   b. Thin and remove plantings in certain areas designated on the VMP
- 2                    Plan; and
- 3                   c. Seed cleared areas with fescue and/or wildflower seed mix to
- 4                    encourage use by beneficial insects and open or grass-land bird
- 5                    species.
- 6                   d. Continued modification to the trees and vegetation as regular
- 7                    maintenance of the Subject Property to allow reasonable trimming,
- 8                    cutting, clearing and removal of vegetation consistent with the
- 9                    purposes stated in the USGA Report, VMP and VMP Plan, as well as
- 10                  to allow views from the Subject Property of the Hudson River and
- 11                  beyond, provided that:
  - 12                    i. Any such work along the ridgeline on the Subject Property
  - 13                    shall not open up views into the Golf Course from the Route
  - 14                    9A corridor, and
  - 15                    ii. Any such work shall respect the Non-Disturbance Areas
  - 16                    identified on the Site Plan while conforming to the VMP Plan.
- 17                  2. The Action will not generate any significant additional traffic nor any
- 18                  additional noise not otherwise temporarily associated with the cutting,
- 19                  trimming and maintenance activities themselves.
- 20                  3. The Action will not adversely affect air quality, ground or surface water
- 21                  quality, solid waste production levels, erosion, flooding or drainage problems.
- 22                  4. The Action will not increase the amount of stormwater runoff, based upon the
- 23                  limited nature of the proposed trimming, cutting, clearing and removal of
- 24                  vegetation consistent with the USGA Report, VMP and VMP Plan.
- 25                  5. The Action has been reviewed by the Village Engineer and Woodcock and
- 26                  their comments have been considered by this Board of Trustees.
- 27                  6. The removal of vegetation as described in the USGA, VMP, VMP Plan and
- 28                  Proposed Landscaping Work will be beneficial to the health of the vegetation
- 29                  at the Golf Course and the Subject Property, as it includes removal of some
- 30                  unsuitable plantings, dead or dying landscaping and vegetation that is
- 31                  negatively affecting other necessary landscaping.
- 32                  7. No endangered species of plant or animal should be adversely affected by the
- 33                  Action.
- 34                  8. The number of people attracted to the Subject Property by the Action will not
- 35                  be significantly increased over the existing use.
- 36                  9. The Action is consistent with the requirements of the Zoning Law and the
- 37                  goals of the Comprehensive Plan.
- 38                  10. The character or quality of important historical, archeological, architectural or
- 39                  aesthetic resources of the Village will not be adversely affected by the Action.
- 40                  The Action will not adversely impact surrounding properties, while meeting

1 the needs of HNGC.

2 11. No major change in type or quantity of energy used will result from the  
3 Action.

4 12. No hazard to health or human safety will be created or is anticipated.

5 13. The Action will not result in a significant increase of land use intensity; and  
6 be it further

7 RESOLVED, that based on the foregoing findings, the Board of Trustees  
8 determines that this Action will not have a significant effect on the environment,  
9 and be it further

10

11 RESOLVED, that the Board of Trustees shall file and otherwise process this  
12 Resolution as a Negative Declaration in accordance with SEQR.

13

14

15 Trustee Gallelli said that this is a benefit for the Village and will result in a diminishing of  
16 our payback to Hudson National Golf Club by \$366,000.

17

18 Mayor Schmidt said that this will go a long way to ensure that we have a top golf course in  
19 our community and they have demonstrated that they want to be a good neighbor.

20

21 Trustee Brennan said that a lot of work has been put into this and financially this is the best  
22 for the Village and the golf course.

23

24 Trustee Kane said that he walked the course with Trustee Gallelli, looked at all of the  
25 proposed cutting that is going to take place and Hudson National has assured us that what is  
26 being cut back is new growth that has been there for less than ten years and feels confident  
27 that this is good for both the Village and the golf course.

28

29 Mayor Schmidt said that this will be carefully monitored moving forward by Mr.  
30 Woodcock and Village staff.

31

32

33

34 On motion of TRUSTEE BRENNAN seconded by TRUSTEE GALLELLI, the  
35 following resolution was adopted unanimously by the Board of Trustees of the Village  
36 of Croton-on-Hudson, New York:

37

38 **RESOLUTION OF AMENDED SPECIAL PERMIT APPROVAL**  
39 **HUDSON NATIONAL GOLF CLUB, INC.**

40

41 WHEREAS, HUDSON NATIONAL GOLF CLUB, INC. ("HNGC"), a not-for-profit  
42 corporation created under the laws of the State of New York, is the owner in fee of an  
43 approximately two hundred and sixty (260) acre parcel of real property (the "Subject  
44 Property"), having an address at 40 Arrowcrest Drive, Croton-on-Hudson, New York,

1 which Subject Property is situated within in the Village of Croton-on-Hudson, County of  
2 Westchester, and State of New York; and

3  
4 WHEREAS, the Subject Property is identified on the Official Assessment Map of the  
5 Village of Croton-on-Hudson as Lot 67.15-001-004; and

6  
7 WHEREAS, the Subject Property is classified in the R-40A (One-Family Residence)  
8 District and, pursuant to Section 230-9.A(6) of the Village's Zoning Law (the "Zoning  
9 Law"), is permitted to be maintained and operated as an Annual Membership Club,  
10 pursuant to a Special Permit issued by the Board of Trustees of the Village of Croton-on-  
11 Hudson (the "Board of Trustees"); and

12  
13 WHEREAS, the Board of Trustees issued a Special Permit for an Annual Membership  
14 Club on the Subject Property to the Prickly Pear Hill Country Club on December 21,  
15 1992 and issued Amended Special Permits for this Annual Membership Club to HNGC  
16 on August 4, 1994 and April 19, 1999 (the 1992, 1994 and 1999 Special Permit and  
17 Amended Special Permits are sometimes collectively referred to as the "Special Permit");  
18 and

19  
20 WHEREAS, the Subject Property is improved with a golf course designed by Tom Fazio  
21 (the "Golf Course"), as well as a clubhouse and other amenities and is currently being  
22 operated and maintained by HNGC as an Annual Membership Club in accordance with  
23 the Special Permit; and

24  
25 WHEREAS, at all times relevant, the Board of Trustees was and is the agency of the  
26 Village that approved the Special Permit for the proposed Golf Course, clubhouse and  
27 other amenities at the Subject Property, and has jurisdiction pursuant to the Zoning Law  
28 to review and approve, disapprove, or modify and approve any application regarding such  
29 Special Permit and/or use of the Subject Property as a Golf Course and Annual  
30 Membership Club; and

31  
32 WHEREAS, HNGC has submitted to the Village a December 19, 2006 report issued by  
33 David A. Oatis of the United States Golf Association, Northeast Region Green Section,  
34 entitled "USGA Green Section Turf Advisory Service Report, Hudson National Golf  
35 Club, Inc., Croton-on-Hudson, New York" (the "USGA Report") detailing situations of  
36 over planting and extensive vegetative growth on and around the Golf Course which have  
37 negatively impacted and continue to negatively affect the quality, sustainability and  
38 playability of the Golf Course and use of the Subject Property; and

39  
40 WHEREAS, the USGA Report has been reviewed by the Board of Trustees and the  
41 Special Environmental Consultant, Peter Woodcock ("Woodcock"), retained by the  
42 Village to provide special counseling with regard to the application submitted by HNGC;  
43 and

44  
45 WHEREAS, HNGC also has submitted a May 15, 2007 letter to Mr. Richard Herbek,  
46 Village Manager, from Mr. Bradford O. Saunders, Sasaki Associates, Inc., forwarding the

1 USGA Report and describing a proposed Vegetation Management Program (“VMP”) as  
2 well as enclosing to a detailed plan dated May 12, 2007, entitled “Proposed Vegetation  
3 Management Areas, The Hudson National Golf Club, Croton-on-Hudson, NY” consisting  
4 of one sheet (the “VMP Plan”); and

5  
6 WHEREAS, the Board of Trustees and Woodcock have reviewed the VMP and VMP  
7 Plan; and

8  
9 WHEREAS, based upon the USGA Report, VMP and VMP Plan, HNGC has requested  
10 the Village to modify the requirements of the Special Permit affecting the maintenance of  
11 and improvements to the Subject Property, including the Golf Course and amenities  
12 thereon, all in accordance with the Zoning Law and including proposed modifications to  
13 the planting and maintenance of the Golf Course, including tree thinning and removal  
14 implementation that would require amending the Special Permit conditions applicable to  
15 revegetation, planting and compliance with a landscape maintenance plan described in  
16 Conditions 4, 20, 21, and 22 of the Amended Special Permits dated August 4, 1994 and  
17 April 19, 1999; and

18  
19 WHEREAS, the Village acknowledges that the USGA Report, the VMP and VMP Plan  
20 recommend, among other things:

- 21 a. The removal in areas of play within the Golf Course of all planting which  
22 currently block, or will block, adequate sunlight penetration and/or air  
23 circulation, or project an artificial appearance, or block significant views  
24 and important vistas;
- 25 b. The thinning and removal of plantings in certain areas; and
- 26 c. The seeding of cleared areas with a fescue and wildflower seed mix to  
27 encourage use by beneficial insects and open or grass-land bird species;  
28 and

29 WHEREAS, HNGC's request to Amend the Special Permit is based upon its submission  
30 of the following documents:

- 31
- 32 1. A letter from William S. Null, Esq. of Cuddy & Feder LLP, attorneys for  
33 HNGC, requesting an amendment to the Special Permit; .
  - 34 2. The USGA Report;
  - 35 3. The Vegetation Management Program (VMP);
  - 36 4. The plan, dated May 12, 2007, entitled “Proposed Vegetation  
37 Management Areas, The Hudson National Golf Club, Croton-on-Hudson,  
38 NY” (VMP Plan); and
  - 39 5. A Short Environmental Assessment Form dated July 31, 2007.
- 40

41 WHEREAS, in accordance with Article 8 of the New York State Environmental  
42 Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R.  
43 Part 617 (collectively "SEQR"), the Board of Trustees, has declared itself Lead Agency  
44 with regard to this "Action;" and

1 WHEREAS, the Board of Trustees has reviewed the Short Environmental Assessment  
2 Form and adopted a Supplemental Findings Statement (i.e., Negative Declaration),  
3 which reached the conclusion that there were no new significant environmental impacts  
4 associated with the HNGC proposal that were not already addressed and mitigated as set  
5 forth in the Environmental Impact Statement (“EIS”) for the Prickly Pear Hill Country  
6 Club project, and/or subsequent approvals and SEQR determinations issued for the  
7 Subject Property in accordance with SEQR and the Zoning Law; and  
8

9 WHEREAS, a Public Hearing has been duly notice and held before the Board of Trustees  
10 in accordance with Section 230-60 of the Zoning Law and the Board of Trustees has  
11 reviewed HNGC's request to amend the Special Permit in accordance with Article X of  
12 the Zoning Law and specifically considered, among other things, the criteria enumerated  
13 in Sections 230-58, 230-60 and 230-62 of thereof.  
14

15 NOW, THEREFORE, BE IT RESOLVED

- 16
- 17 1. That the Village Board of Trustees hereby approves the amendment of the  
18 Special Permit for the Subject Property concerning an Annual Membership  
19 Club including the Golf Course and amenities, subject to conditions described  
20 herein which include by reference all provisions and conditions of the Special  
21 Permit issued on December 21, 1992, as previously amended on August 4, 1994  
22 and April 19, 1999, except as expressly amended by this Resolution.
  
  - 23 2. It is important to the Board of Trustees that this request to amend the Special  
24 Permit Approval involves only modifications to the planting and maintenance of  
25 the Subject Property, including tree thinning and removal implementation,  
26 revegetation, planting and modification to a landscape maintenance plan, and  
27 will not materially or substantively alter the principal use of the Subject  
28 Property, nor otherwise impact the following criteria enumerated in Section  
29 230-58.A through E of the Zoning Law for the reasons noted below:
    - 30 a. Emergency access to the property and structures thereon remains the same  
31 and unchanged.
  
    - 32 b. There is no change to the location, size and character of the use as an  
33 Annual Membership Club and Golf Club, so that there is no modification  
34 that would alter its previously determined compatibility with the  
35 surrounding neighborhood and its appropriateness with the orderly  
36 development of the R-40A District.
  
    - 37 c. The modifications to the planting and maintenance of the Subject  
38 Property, including tree thinning and removal implementation,  
39 revegetation, planting and modification to a landscape maintenance plan  
40 will not materially affect the current development of the Subject Property  
41 so that its safety, convenience and congruity with normal vehicular traffic  
42 of the neighborhood and of the pedestrian and vehicular traffic generated

- 1 by the proposed use remains the same as previously approved by the  
2 Special Permit.
- 3 d. The modifications to the planting and maintenance of the Golf Course,  
4 including tree thinning and removal implementation, revegetation,  
5 planting and modification to a landscape maintenance plan will not affect  
6 the compatibility of the location itself or the location, nature and height of  
7 buildings, walls, fences and other similar improvements on the Subject  
8 Property.
- 9 e. The request to amend the Special Permit does not propose the construction  
10 or modification of any buildings, structures, roadways or other  
11 improvements, nor any other changes of significance to any ecological or  
12 environmental assets of the Subject Property of the Village of Croton-on-  
13 Hudson Zoning Code "Zoning Code".
- 14 3. The proposed modifications to the planting and maintenance of the Subject  
15 Property, including tree thinning and removal implementation, revegetation,  
16 planting and modification to a landscape maintenance plan regarding the  
17 Subject Property are *de minimus* in nature and are related to the continued  
18 operation and productive use of the Subject Property as a membership club and  
19 Golf Course. Accordingly, the Board of Trustees has determined that such  
20 modifications:
- 21 a. Will not materially change, modify or otherwise negatively impact  
22 lighting, access and egress to the Subject Property or Golf Course, its  
23 signs, architectural features, the location and layout of buildings as  
24 described in Section 230-62.A of the Zoning Law.
- 25 b. Will not otherwise alter the layout, nature or intensity of use of the Subject  
26 Property or Golf Course.
- 27 4. Because these modifications are and will be *de minimus* and because they are in  
28 furtherance of a settlement of litigation as provided in the Stipulation of  
29 Settlement between HNGC and the Village, the Board of Trustees hereby  
30 waives the requirement that this request be referred to the Planning Board under  
31 Section 230-59 of the Zoning Law.

32 Landscaping & Maintenance of Subject Property

- 33 5. The Board of Trustees, having consulted with Woodcock, who concurs with  
34 findings stated in the USGA Report and also agrees with the VMP and VMP  
35 Plan, hereby determines that areas of the Subject Property have been over  
36 planted and extensive vegetative growth on and around the Golf Course has  
37 negatively impacted the quality, sustainability and playability of the Golf  
38 Course and use of the Subject Property.

- 1           6. The Board of Trustees hereby determines that the USGA Report, VMP and  
2           VMP Plan recommend and support a program of thinning and removal,  
3           revegetation, planting and landscape maintenance that is different, but  
4           nonetheless consistent with the determinations made in the landscape aspects of  
5           the EIS and subsequent Findings Statements regarding the Subject Property as  
6           reviewed by the Village in accordance with SEQR.
  
- 7           7. Paragraph 20 of the 1999 Amended Special Permit is hereby stricken and  
8           replaced by the terms and conditions set forth in this Paragraph 7. HNGC shall  
9           be authorized to implement a program of tree thinning and removal,  
10          revegetation, planting and landscape maintenance consistent with the USGA  
11          Report, VMP and VMP Plan, including but not limited to some of the trees and  
12          vegetation planted as part of the previously required mitigation measures,  
13          subject only to:
  - 14           a. Supervision, review and monitoring by the Village's Environmental  
15           Consultant, Peter Woodcock ("Woodcock"), but only during the limited  
16           time necessary to complete performance of such work by HNGC; and
  
  - 17           b. The reasonable fees for Woodcock's consulting shall be reimbursed by  
18           HNGC to the Village (the "Environmental Consultant Fees") up to and  
19           including Ten Thousand Dollars (\$10,000).
  
- 20          8. Paragraph 21 of the 1999 Amended Special Permit is hereby stricken and  
21          replaced by the terms and conditions set forth in this Paragraph 8. While the  
22          Golf Course and Subject Property as designed provide 50-foot-wide vegetated  
23          buffers between all tees, greens, fairways and all adjoining property lines, some  
24          of these established buffers encroach, damage, threaten and otherwise injure the  
25          quality of the turf and other important vegetation as well as the quality and  
26          playability of the turf, greens and Golf Course. Therefore, reasonable trimming,  
27          cutting, clearing and removal of vegetation within this buffer shall be permitted  
28          in a manner consistent with the USGA Report, VMP and VMP Plan, subject to  
29          the "Village Consultation Process" more particularly described below.
  
- 30          9. Paragraph 22 of the 1999 Amended Special Permit is hereby stricken and  
31          replaced by the terms and conditions set forth in this Paragraph 9. HNGC shall  
32          maintain the proposed landscaping as demonstrated in the VMP and the VMP  
33          Plan and, subject to the Village Consultation Process, shall be permitted to:
  - 34           a. Remove in areas of play within the Golf Course plantings which currently  
35           block, or will block, adequate sunlight penetration and/or air circulation,  
36           or project an artificial appearance, or block significant views and  
37           important vistas;
  
  - 38           b. Thin and remove plantings in certain areas designated on the VMP Plan;  
39           and
  
  - 40           c. Seed cleared areas with fescue and/or wildflower seed mix to encourage

- 1 use by beneficial insects and open or grass-land bird species.
- 2 d. Continued modification to the trees and vegetation as regular maintenance
- 3 of the Subject Property to allow reasonable trimming, cutting, clearing and
- 4 removal of vegetation consistent with the purposes stated in the USGA
- 5 Report, VMP and VMP Plan, as well as to allow views from the Subject
- 6 Property of the Hudson River and beyond, provided that:
- 7 i. Any such work along the ridgeline on the Subject Property shall
- 8 not open up views into the Golf Course from the Route 9A
- 9 corridor, and
- 10 ii. Any such work shall respect the Non-Disturbance Areas identified
- 11 on the Site Plan while conforming to the VMP Plan.
- 12 10. Paragraph 4 of the 1999 Amended Special Permit is hereby stricken and
- 13 replaced by the terms and conditions set forth in this Paragraph 10. No
- 14 performance guarantees shall be required and any prior guarantees are no longer
- 15 required.

16 Village Consultation Process and Continued Maintenance

- 17 11. As used in this Resolution, the "Village Consultation Process" shall mean that
- 18 HNGC shall:
- 19 a. Provide prior notice to, and obtain prior approval by the Village Engineer,
- 20 which approval shall not be unreasonably withheld or delayed, to allow
- 21 reasonable trimming, cutting, clearing and removal of vegetation as set
- 22 forth in Paragraphs 8 and 9 hereof.
- 23 b. Woodcock may be retained by the Village Engineer, in the exercise of his
- 24 reasonable discretion to review and monitor the work governed by
- 25 Paragraphs 8 and 9 hereof, only limited to the time necessary to complete
- 26 performance of such work by HNGC.
- 27 c. Should the Village determine to engage Woodcock, or another
- 28 Environmental Consultant acceptable to HNGC, then any reasonable
- 29 Environmental Consultant Fees incurred by the Village shall be
- 30 reimbursed by HNGC up to and including Five Thousand Dollars
- 31 (\$5,000).

32 Discontinued Obligations

- 33 12. HNGC shall not be required to install any additional planting on the Subject
- 34 Property, nor shall it be restricted from reasonable trimming, maintenance,
- 35 thinning or removal of planting on the Subject Property as is customary for a
- 36 Golf Course as more particularly set forth in Paragraphs 7, 8 and 9 above.

37 Walking Trail

- 38 13. HNGC shall reasonably cooperate with the Village to fund reasonable
- 39 construction costs of an alternative at-grade walking trail, excluding
- 40 construction of any structures or other substantial or unusual costs, which
- 41 walking trail shall be open to the public but not on the actual Golf Course, if the

1 so-called "Ryan Property" is not available to provide a continuation of the  
2 walking trail system in accordance with the location shown in the Site Plan  
3 Approval granted for the Golf Course (the "Golf Course Walking Path").

4 14. The Golf Course Walking Path may either utilize the Saw Mill River Audubon  
5 Society lands connection to the so-called Con Edison lands along the border of  
6 the Subject Property, or other lands coordinated with the Village and HNGC.

7 Other Special Permit Conditions

8 15. The nature, timing and extent of any improvements that may be required to be  
9 made by HNGC to the utility infrastructure by the Special Permit, or otherwise,  
10 shall be governed by Paragraphs 4.b.v., 4.b.vi. and 10 of the Stipulation, as "So  
11 Ordered" by the Supreme Court of the State of New York, County of  
12 Westchester (the "Supreme Court"), thereby modifying the Order and Judgment  
13 of the Supreme Court entered on June 16, 2006, bearing Index Nos. 6263/00,  
14 6433/01, 6246/02, 6354/03, 5972/04, 5425/05 and 5672/06.

15  
16 Mayor Schmidt said that the Stipulation of Agreement was signed prior to the Public  
17 Hearing because the reality is that the Village needed to have an Agreement in place before  
18 we could put this before the Community. Mayor Schmidt said that if the public had come  
19 out and decided that this was not in the best interest of the Village, the Stipulation  
20 Agreement would have been rescinded. Mayor Schmidt said that as part of the litigation  
21 settlement; the Village Board was the Lead Agency and did all of the negotiating with the  
22 golf course and thanked Mr. Woodcock and Village Engineer Dan O'Connor for their help  
23 during this process. Mayor Schmidt also thanked the Village's former Village Attorney,  
24 Seymour Waldman, who handled the legal work and worked with both the Village and the  
25 golf course making sure that the Village was protected and the golf course was going to get  
26 what they wanted.

27  
28 Mayor Schmidt asked Village Attorney, James Staudt, to give an update on the pending  
29 case before the New York State Appellate Division.

30  
31 Village Attorney, James Staudt, advised that two cases pending in the New York State  
32 Appellate Division were heard this morning in White Plains. The Village's Special  
33 Counsel, Maryann Stecich, argued the first case involving an appeal by the Village of a  
34 decision made by Judge Nicolai of the Supreme Court which held that the 1A Croton Point  
35 Avenue property should continue to enjoy the "Non-Conforming Use" status and to  
36 continue to operate as a Transfer Station. Mr. Staudt advised that in the same decision  
37 Judge Nicolai extended the time the property owner had to obtain a "Special Permit" to  
38 continue the "Non-Conforming Use" status. Mr. Staudt stated that the Village's position is  
39 that they should not have the right to continue the use and even if there was such a right, the  
40 time period within which it would have to be exercised should not have been extended. Mr.  
41 Staudt said that the second case involved an appeal of Judge Nicoli where he determined  
42 that even though a "Non-Conforming Use" status had been granted to the land owner and  
43 the tenant, they would still have to get a "Special Permit" from the Village to use the  
44 property again. Mr. Staudt advised that the land owner filed an appeal of that decision

1 claiming that they should not have to get a "Special Permit" to continue the use the facility  
2 and should be permitted to go back in and continue to operate. Mr. Staudt said that the  
3 combined arguments took approximately forty-five minutes and at the conclusion the court  
4 thanked both parties. Mr. Staudt said that there was no indication given on how this will  
5 turn out. The process now is that we must wait for a decision that could take between two  
6 to ten months.

7  
8  
9 4. CORRESPONDENCE

10  
11 a. Letter from John Storek, requesting that the 'No Right On Red' sign at the  
12 intersection of Route 9A and Municipal Place be eliminated and that the traffic signal at  
13 Municipal Place and Route 129 should be looked at because it is not timed correctly.

14  
15 Mayor Schmidt said that the Village has passed along his request regarding the timing of  
16 the traffic signal, but the removal of the "No Right On Red" sign is difficult to remove  
17 because it is a fairly heavily used pedestrian crosswalk. Mayor Schmidt added that the  
18 crosswalk is activated by a pedestrian pressing a button to get the walk sign and it would  
19 be too dangerous for pedestrians to get a walk sign and allow vehicles to make turns on  
20 red. Mayor Schmidt said the Board has decided not to make any changes at this time  
21 with respect to the "No Right On Red."

22  
23  
24 b. Letter from Charles Kincannon, director of the U.S. Census Bureau dated August  
25 2007 advising of the 2010 Census.

26  
27 c. Letter from Fran Allen, Acting Chair of the Planning Board dated August 20,  
28 2007 advising that the Planning Board has unanimously agreed to recommend that the  
29 Village Board grant a Special Permit to Holy Name of Mary for a Montessori School  
30 waiving the off-street parking requirements for the existing pre-school use.

31  
32 d. Letter from Kenneth Verschoor, Deputy Planning Director; Department of  
33 Technical Services of the Town of Cortlandt dated August 22, 2007 advising of an  
34 upcoming Public Hearing regarding changes to their Zoning Code Amending Section  
35 307-17 "Table of Dimensional Regulations, Part 2."

36  
37 e. Letter from Carol Ann McOwen, Special Events Manager, dated June 1, 2007  
38 advising that the National MS Society Tappan Zee Bike Tour will be held on Sunday,  
39 September 30, 2007 and requested to use Municipal Parking Lot A.

40  
41 On motion of TRUSTEE KANE seconded by TRUSTEE BRENNAN, the Board of  
42 Trustees of the Village of Croton on Hudson unanimously approved the request by the  
43 National MS Society to use Municipal Parking Lot A on Sunday, September 30, 2007 in  
44 conjunction with their annual Tappan Zee Bike Tour for MS.  
45

1 f. Letter from L. Helle Maide, Director of Governmental Accounts of the New York  
2 Power Authority dated August 24, 2007 advising of proposed increases in the Power  
3 Authority's electricity rates and Con Ed changes in the distribution rates.

4  
5 g. Letter from Robert Hoch, Director of Government Affairs, Cablevision, dated  
6 August 16, 2007 advising that they have reached an agreement with TV Japan.

7  
8 h. Letter from Susan Sammon of Fox Road dated August 28, 2007 advising that  
9 phragmites growing around Kaplan's Pond have expanded in recent years and would like  
10 to meet with the Board to discuss an action plan.

11  
12 Susan Sammon, 1 Fox Road said that Kaplan's Pond and Bessemer Wetlands are great  
13 features in this Village and because action was not taken, the phragmites have gotten out  
14 of control and encouraged the Board to take action before it gets worse.

15  
16 Trustee Kane shared a report that was done in 2002 by the WCC concerning Kaplan's  
17 Pond.

18  
19 Mayor Schmidt asked that this be discussed at an upcoming work session.  
20  
21

## 22 5. CITIZEN PARTICIPATION - AGENDA ITEMS

23 Maria Cudequest, 84 Grand Street, said that she is in support of the Phase I  
24 Environmental Site Assessment Update and the Phase II Subsurface Investigation at 1A  
25 Croton Point Avenue. Ms. Cudequest said that since 1998 it has taken a lot of money to  
26 protect our Village from facilities such as Metro Enviro, Allied and now Regus that have  
27 repeatedly threatened our welfare. Ms. Cudequest said that it is important to make a  
28 united stand against this kind of business so that the Village will not be condemned to  
29 continually defend against this and that the acquisition of this site may be answer. Ms.  
30 Cudequest submitted documents received from the Ohio State Attorney General's Office  
31 concerning Regus and the Warren Hills Landfill.

32  
33 Richard Pellicci, 65 Radnor Avenue, encouraged the Mayor and Board to do whatever it  
34 takes to acquire the 1A Croton Point Avenue site. Mr. Pellicci stated that the site needs  
35 to be purchased and used solely by the Village for more useful purposes that will benefit  
36 the community.

37  
38 Patrick Oster, 18 Hunter Place, said that he understands that dedicated parks do not allow  
39 dogs. Mr. Oster said that Croton Landing has allowed dogs and asked if Croton Landing  
40 was going to become a dedicated park.

41  
42 Village Manager, Richard Herbek, stated that Croton Landing has not been dedicated yet  
43 but feels that it may be headed in that direction because of the extensive improvements  
44 that are being made.  
45

1 Mr. Oster asked where Village residents might walk their dogs.

2  
3 Mayor Schmidt said that this is something that will have to be a policy decision by the  
4 Board to see what we can do to accommodate dog walkers. Mayor Schmidt said that  
5 they have received concerns from the dog walking community.

6  
7 Trustee Gallelli said that another option is to take another look at the laws that we have  
8 on the books now to see if they can be appropriately modified.

9  
10 Mayor Schmidt closed Citizen Participation on Agenda Items

11  
12 6. RESOLUTIONS

13  
14 a. On motion of TRUSTEE BRENNAN seconded by TRUSTEE KANE, the  
15 following resolution was adopted unanimously by the Board of Trustees of the Village of  
16 Croton-on-Hudson, New York:

17  
18 WHEREAS, the Village has reached a settlement agreement with Striclin Realty  
19 whereby the Village of Croton on Hudson will purchase 78.12-3-3 for \$900,000; and

20  
21 WHEREAS, the purchase is subject to an environmental assessment of the property;  
22 and

23  
24 WHEREAS, Tri-State Engineering has completed the Phase I Environmental  
25 Assessment and a Phase II ESA of the property; and

26  
27 WHEREAS, Tri-State Engineering is recommending additional testing consisting of  
28 up to five samples of soil testing at a cost of \$7,800; and

29  
30 WHEREAS, the Village Attorney has recommended the further testing,

31  
32 NOW, THEREFORE BE IT RESOLVED: that the Village Manager is hereby  
33 authorized to accept the recommendations of Tri-State Engineering for soil borings  
34 and sampling in the amount of \$7,800,

35  
36 AND BE IT FURTHER RESOLVED: that \$7,800 will be transferred from the  
contingent account to Account # A1940.4000 Purchase of Land – Contractual.

37  
38  
39 b. On motion of TRUSTEE KANE, seconded by TRUSTEE BRENNAN, the  
40 following resolution was adopted unanimously by the Board of Trustees of the Village of  
41 Croton-on-Hudson, New York:

42

1 Village Clerk, Paula DiSanto, advised that New York State Labor Law requires that we  
2 institute a Work Place Violence Prevention Program. Ms. DiSanto advised that although  
3 we do have one currently in place, it is not up to the standards of New York State Labor  
4 Law. Ms. DiSanto said that the Village will be evaluating all of the work sites to  
5 determine areas of concern.

6  
7 WHEREAS, Section 27-b of the New York State Labor Law requires employers to  
8 perform a risk evaluation at each worksite; and

9  
10 WHEREAS, the goal is to develop and implement programs to prevent and minimize  
11 workplace violence resulting from assaults and homicides; and

12  
13 WHEREAS, public employers with a combined total of 20 or more full-time  
14 employees shall develop and implement a written workplace violence prevention  
15 program and provide employee training on workplace violence preventions measures  
16 and other information contained within the employers written program; and

17  
18 WHEREAS, in order to become compliant with this law, the Village Treasurer and  
19 Village Clerk have recommended that the Village seek professional consulting help;  
20 and

21  
22 WHEREAS, Public Sector HR Consultants LLC have provided the Village with a  
23 proposal which includes a workplace risk evaluation, training and education, and a  
24 written workplace violence prevention program at a total cost of \$4,950

25  
26 AND WHEREAS, the Village Treasurer has executed a contract with Public Sector  
27 HR Consultants LLC,

28  
29 NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby  
30 ratifies the contract with Public Sector HR Consultants LLC,

31  
32 AND BE IT FURTHER RESOLVED: that \$4,950 be transferred from the contingent  
account to the Law Account # A1420.4000.

33 c. On motion of TRUSTEE GALLELLI seconded by TRUSTEE KANE, the  
34 following resolution was adopted unanimously by the Board of Trustees of the Village of  
35 Croton-on-Hudson, New York:

36  
37 WHEREAS, the Holy Name of Mary Church has applied for a special permit for the  
38 Montessori School; and

39  
40 WHEREAS, this matter has been referred to the Planning Board for its  
41 recommendation and review; and

42  
43 WHEREAS, the Village Board of Trustees has received a favorable recommendation  
44 regarding this application,

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NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby calls for a Public Hearing on October 1, 2007 at 8pm in the meeting room of the Stanley H. Kellerhouse Municipal Building to consider the Holy Name of Mary special permit application for a Montessori School.

d. On motion of TRUSTEE BRENNAN, seconded by TRUSTEE KANE, the following resolution regarding an agreement with Westchester County and the Village of Croton on Hudson with respect to yard waste was put off to a work session for further discussion.

WHEREAS, the Village of Croton on Hudson is applying to the Hudson River Valley Greenway for a grant under the 2007 Greenway Conservancy for the Hudson River Valley Annual Grant Program for a project entitled Kaplan's Pond Trail Construction and Extension project to be located in Croton on Hudson; and

WHEREAS, the grant application requires the applicant municipality or not-for-profit to obtain the "approval/ endorsement of the governing body of the municipality or municipalities in which the project will be located; and

NOW, THEREFORE BE IT RESOLVED: that the Board of Trustees hereby does approve and endorse the application for a grant under the 2007 Greenway Conservancy for the Hudson River Valley Grant Program, for a project known as Kaplan's Pond Trail Construction and Extension, and located within this community.

e. On motion of TRUSTEE BRENNAN, seconded by TRUSTEE GALLELLI, the following resolution was adopted unanimously by the Board of Trustees of the Village of Croton-on-Hudson, New York

WHEREAS, the Village is considering acquiring the property at 1A Croton Point Avenue; and

WHEREAS, AKRF is in the process of completing an Environmental Impact Statement and has prepared a proposal to perform a Phase I Environmental Site Assessment Update and a Phase II Subsurface Investigation for the property located at 1A Croton Point Avenue,

NOW THEREFORE BE IT RESOLVED: that the Village Manager is hereby authorized to sign the proposal from AKRF for a Phase I Environmental Site Assessment Update and a Phase II Subsurface Investigation at a total estimated cost of \$28,700,

1           AND BE IT FURTHER RESOLVED: that \$50,000 will be transferred  
2           from the contingent account to Account # A1940.4000 Purchase of Land –  
3           Contractual.

4  
5

6           Village Attorney, Staudt, stated that this is an appropriate step for this type of property; it  
7           is a fairly standard specification for what we call a Phase I and Phase II assessment and is  
8           absolutely recommended for a municipality considering the acquisition of land.

9

10          Trustee Gallelli said that this was one of the things that were recommended to us by our  
11          Special Counsel as being a necessary step regardless of what avenue the Village may take  
12          or consider as far as a possible acquisition. Trustee Gallelli said that it is very important  
13          that we know the status of the land because it may influence any decision we may make.

14

15

16          7. CITIZEN PARTICIPATION - NON-AGENDA ITEMS

17

18          Kevin Davis, 17 Wolf Road, said that the Community Center Survey was to survey what  
19          the residents of Croton wanted in a Community Center and if they in fact wanted a  
20          Community Center. Mr. Davis said that the survey didn't address what he feels is the  
21          most important issue; are people willing to pay the costs for things they want. Mr. Davis  
22          said that it is difficult to know what you want without knowing the costs and it should be  
23          affordable for the residents.

24

25          Mayor Schmidt said that Mr. Davis' comments on costs are important and there are many  
26          things that the Board will be looking at as we take the survey to the next step.

27

28          Trustee Brennan said that the survey included a wide range of activities from a swimming  
29          pool, to a five hundred seat auditorium, to a full court gymnasium. Trustee Brennan said  
30          that when we were developing the survey we could not fathom all the things that people  
31          might want and it is difficult to give a cost estimate to what someone's idea of recreation  
32          might be until you find out what it is they want.

33

34          Fran Allen, 7 Finney Farm, explained that the water quality basins on the golf course  
35          came about because it became evident that because of the drainage systems, the position  
36          of the golf course and the amount of fertilizers that would be used it would be necessary  
37          to retain the water and filter it through carefully constructed water quality basins. Ms.  
38          Allen said that outflows were monitored over a period of years and when it was  
39          discovered that many of them were not working they had to rebuilt several times. Ms.  
40          Allen said that the one thing that everyone agreed on is that they had to be rebuilt every  
41          few years and part of the protocol was for the Village and the golf course to work  
42          together to assure that these basins are repaired when needed. Ms. Allen said that she  
43          believes that if this is not happening and feel that the health, safety and welfare of the  
44          people of this Village could be compromised.

45

1 Mayor Schmidt said that the Village takes this very seriously and our Village Engineer  
2 has been on top of this by checking these retention basins at the prescribed timeframe that  
3 is required of the golf course.

4  
5 Village Engineer, Dan O'Connor, said that there is some difficulty with the timing event  
6 of a rainfall; last year some inspections were done but not fully in compliance with the  
7 24/72 hour period. Mr. O'Connor said that when a rain event occurs he tries very hard to  
8 get up to the golf course but sometimes it is very difficult. Mr. O'Connor said that there  
9 is a very short window and an inspection can take an entire day to complete.

10  
11 Trustee Gallelli said that the policy that Ms. Allen was referring to is the "Environmental  
12 Management Plan" which lays out a lot of the rules and regulations that were established  
13 for the golf course. Trustee Gallelli said that one of the things that were supposed to  
14 happen and may well be happening is that the Water Control Commission play a role in  
15 annual or semi-annual monitoring. Trustee Gallelli pointed out that it is a complicated  
16 issue because not all of the basins are the same; there are water quality basins, retention  
17 basins and detention basins which serve various functions.

18  
19 Mayor Schmidt stated that this issue is further complicated because "Mother Nature"  
20 does not follow a regular schedule and that if you have two rain events within a 72 hour  
21 period it can throw off the calculation. Mayor Schmidt said that the Village is looking at  
22 the health of these basins and Peter Woodcock has also looked at them and has made  
23 some recommendations.

24  
25 Mayor Schmidt closed Citizen Participation on Non-Agenda Items

26  
27  
28 8. APPROVAL OF MINUTES:

29  
30 Trustee Brennan made a motion to approve the minutes of the Regular Meeting held on  
31 Monday, August 6, 2007. Trustee Kane seconded the motion. The Board voted  
32 unanimously to approve the minutes as amended.

33  
34 Trustee Brennan made a motion to approve the minutes of the Executive Session held on  
35 Monday, August 6, 2007. Trustee Kane seconded the motion. The Board voted  
36 unanimously to approve the minutes

37  
38 Trustee Gallelli made a motion to approve the minutes of the Special Meeting held on  
39 Monday, August 27, 2007. Trustee Kane seconded the motion. The Board voted  
40 unanimously to approve the minutes as amended.

41  
42 Trustee Brennan made a motion to approve the minutes of the Executive Session held on  
43 Monday, August 27, 2007. Trustee Kane seconded the motion. The Board voted  
44 unanimously to approve the minutes

45  
46

1 9. REPORTS

2  
3 Village Manager, Richard Herbek, advised that on August 13th there was an incident  
4 involving the failure of one of our 150 pound chlorine gas cylinders; the valve was faulty  
5 and the Water Department was unable to have it turned off. Mr. Herbek said that a  
6 number of agencies responded to this emergency and thanked the Fire, Ambulance and  
7 Police Departments of Croton, the Fire and Police Departments of Ossining and  
8 Cortlandt, the Fire Departments from Buchanan and Tarrytown, the County Office of  
9 Emergency Management and Commissioner Sutton, the County Health Department, the  
10 Red Cross, the New York State Police and Westchester County Police, Westchester  
11 County Hazmat Team, and the FDR Veteran's Administration Hospital Hazardous  
12 Materials Response Team. Village Manager Herbek said that this was not a typical  
13 situation and thankfully there were only a few minor injuries.

14  
15 Mr. Herbek said that with respect to Croton Landing; the clearing and grubbing activities  
16 are taking place as we speak; it is an active construction site and the area has been closed  
17 off. Mr. Herbek encouraged everyone, from a safety standpoint, to please not go onto  
18 the site.

19  
20 Mr. Herbek said that we should have the report on the Bicycle and Pedestrian Committee  
21 recommendations and a discussion on the Leaf Collection Program at our September 10th  
22 work session

23  
24 Mr. Herbek announced that the Ribbon Cutting for the new Game Room will take place  
25 on September 17th at 7:30pm. Mr. Herbek also announced that leaf bags will be  
26 available at the Public Works Department the last two weeks of October.

27  
28 Mayor Schmidt encouraged everyone to please bag their leaves; it will make pickup go  
29 much faster and safer for the community. Mayor Schmidt also asked if we could get  
30 some preliminary information regarding the phragmites problem for our September 10th  
31 work session.

32  
33 Village Treasurer, Abe Zambrano, reported on the following legal expenses since the last  
34 reporting on August 6, 2007; \$5,488 towards the STB case, \$1,070 for Site Plan  
35 Approval with respect to 1A Croton Point Avenue, \$7,779 for discussions with the owner  
36 of 1A Croton Point Avenue and \$10,549 for General Counsel; total paid for this  
37 particular reporting period is \$24, 886 with a year to date total since we started reporting  
38 in January of 2007 of \$135,710.

39  
40 Mr. Zambrano invited the Board to the Westchester County Municipal Clerks and  
41 Finance Officers Association first meeting in September wherein County Executive  
42 Andrew Spano will be speaking.

43  
44 Trustee Konig reminded everyone that piles of leaves are very attractive to children and  
45 can be very dangerous and encouraged residents to bag their leaves. Trustee Konig  
46 reminded everyone that schools are open and to drive carefully.

Regular Board Meeting

September 4, 2007

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1 Trustee Kane advised that on September 16th our Backyard Historian and Author Carl  
2 Oechsner will be offering a guided tour of the Croton Aqueduct and the new Croton  
3 Dam.

4  
5 Trustee Gallelli said that she attended the oral arguments in White Plains today and  
6 concur with Attorney Staudt that the quality of the arguments heard were very good and  
7 that it is very difficult to assess how it will turn out.

8  
9 Trustee Gallelli advised that on August 27th the Village Board met with residents of  
10 Batten Road to discuss the upcoming drainage improvements; Bob Hainey from Dvirka  
11 and Bartillucci attended the meeting to answer some of their concerns.

12  
13 Trustee Gallelli announced that Verizon will be holding a crane test from 8:00am to  
14 2:00pm on September 8, 2007 which will be raised to the height that the proposed tower  
15 will be; pictures will be taken at various vantage points to determine what the visual  
16 impacts are.

17  
18 Trustee Gallelli advised that calls from Andrew Spano's office are being made reminding  
19 everyone about the "Middle Class Star Program."

20  
21 Trustee Gallelli said that she hopes everyone gets off to a good start in their new school  
22 year and has a very productive fun year.

23  
24 Trustee Brennan asked that the crane pictures be put on the Village's web-site. Trustee  
25 Brennan encouraged everyone to support our High School sports teams.

26  
27 Mayor Schmidt advised that the Village Board held a joint meeting with the School and  
28 one of the issues discussed is that they are going to push recycling throughout the  
29 schools; the Village is working with the School District to make sure that they have all  
30 the proper receptacles.

31  
32 There being no further comments to come before the Board, a motion to close the  
33 meeting at 10:15pm was made by Trustee Brennan and seconded by Trustee Konig  
34 Motion was unanimously approved.

35  
36 Respectfully submitted,

37  
38  
39 \_\_\_\_\_  
40 Paula DiSanto, Village Clerk