

Village of Croton-on-Hudson
Water Control Commission Meeting of
October 20, 2011

PRESENT: Stuart Greenbaum, Chairperson
Mark Goldfarb
Charles Kane
Al Mazza

ALSO PRESENT: Daniel O'Connor, Village Engineer

ABSENT: Vita Rhodes

1. Call to Order.

The Water Control Commission Meeting of October 20, 2011 was called to order at 7:35 P.M.

2. Old Business:

- a) **Steel Style Properties, LLC - 50 Half Moon Bay Drive (Sec. 78.16 Blk. 1 Lot 3)** – Referral from Planning Board to WCC for recommendation on issuance of Wetlands Activity Permit (Hudson River buffer disturbance).

Steel Style Properties had no representative for the application present at the meeting, so Chairman Greenbaum started the meeting by asking Board members for their comments. Mr. Kane spoke first and stated that a site visit had taken place. He felt that the height of the proposed structure impacts the views from the site. About 600 residents pass through the area and that would result in a major impact. He did not think it was an appropriate use for the area, that the single family structure did not fit into the multi-unit complex, and felt that a commercial endeavor would be more appropriate.

Mr. Goldfarb said that after reviewing the Village Code, Section 227-8B, there was a need for discussion regarding a mitigation plan. He also cited Section 227-8C(2) which reads “There is no feasible alternative to the proposed activity on another site available to the applicant that is not a wetlands or wetlands buffer.” He suggested that the Planning Board inquire whether the applicant had any other real estate on the Hudson River where the house could be built since the WCC did not know the answer to that question.

Chairman Greenbaum then read a short statement from Board member Vita Rhodes who could not attend the meeting. Her statement raised the issue of sufficient mitigation of storm water runoff and expressed her opinion that sufficient mitigation was impossible due to the close proximity to the River.

Next, Chairman Greenbaum said his concerns related to the following Sections of the Village Code:

227-8A(2) Whether the proposed activity will have an environmental impact and the extent of that impact.

227-8A(3) Whether there are possible or practicable alternatives to the proposed activity.

227-8A(7)to protect any other benefits of wetlands as enumerated in “Chapters” 227-1 and “Chapters” 227-2.....

He then read from the Village Code, Chapter 227, Wetlands. “Chapter 227-1 Legislative findings. The Board of Trustees of the Village of Croton-on-Hudson finds that growth of population and attendant residential and commercial development and increasing demands upon the natural resources have the potential of encroaching upon, despoiling, polluting or eliminating many of the wetlands, water bodies and watercourses of the Village which, if preserved, constitute important physical, economic, social historic, archaeological, aesthetic, recreational and ecological assets to present and future residents of the Village and provide important beneficial functions, including natural flood and stormwater control, groundwater recharge, natural pollution treatment, erosion and sediment control, wildlife habitat creation, recreation and open space enhancement and educational opportunities.”

From Chapter 227-2. Legislative intent, he cited the following portion: “.....otherwise protecting the quality of such areas for their conservation, economic, aesthetic, recreational and other public uses and values.....regulation of wetland and wetland buffer areas of the Village, as defined in ‘paragraph’ 227-3 of this chapter and as this chapter becomes effective relative to any specific area as described herein,”.

In summary, Chairman Greenbaum stated that as per the role of the Board described in the Village Code Sections 227-8 and 227-7(G), it was the consensus of the WCC that it would not approve or deny the application for the wetlands activity permit but would register its concerns about the project in its current scope. The Board would refer the application to the Planning Board for suggestions of alternatives, preferably commercial, such as a restaurant which would benefit the public at large. The Board would also suggest to the Planning Board that it work with the applicant to mitigate the adverse affects of the project, one of which is on the viewsheds. The Board suggested possibly a smaller house, turning the house at a different angle, or lowering the roof or house. He added that it is the WCC’s opinion that the impact is significant on aesthetic assets to the community and is referring the application to the Planning Board for its consideration.

A motion was then made by Mr. Goldfarb to register the Board’s concerns about the project in its present form, and to recommend to the Planning Board that it address the issues described, with the applicant. Mr. Kane seconded the motion. The motion passed 4 to 0 in favor.

3. Approval of Minutes:

Mr. Kane made a motion to approve the minutes of the September 21, 2011 Water Control Commission Meeting as amended. The motion was seconded by Mr. Goldfarb. The minutes were approved 4 - 0 in favor.

4. Adjournment:

Mr. Kane made a motion to adjourn. The meeting was adjourned at 7:45P.M.

Respectfully submitted,
Toni Cruz
Secretary, Water Control Commission