

VILLAGE OF CROTON ON HUDSON, NEW YORK  
MINUTES OF THE WATERFRONT ADVISORY COMMITTEE MEETING  
Thursday, September 22, 2011

A meeting of the Waterfront Advisory Committee of the Village of Croton-on-Hudson, New York was held on Thursday, September 22, 2011 in the Municipal Building.

MEMBERS PRESENT: Charlie Kane, Chairman  
Stuart Greenbaum  
Bruce Kauderer

ABSENT: Ann Gallelli  
Ian Murtaugh

ALSO PRESENT: Daniel O'Connor, Village Engineer

**1. Call to Order**

Chairman Kane called the meeting to order at 5:30 p.m.

**2. Referral from Village Board regarding a special use permit for non-conforming use—General Splice Corporation—1 Niles Road (Sec. 68.14 Blk. 5 Lots 4,5)—preliminary consistency review**

Mr. Ray D'Alvia, representative of General Splice Corporation, presented this application for a special use permit. He explained that the business puts together conveyor belt fasteners and ships out the items. No items are produced outside the building; there have never been any complaints against General Splice; there would be 6-8 employees at the maximum.

Mr. Kauderer asked if there had been any change in the operation of the business. Mr. D'Alvia answered that there hadn't been any changes. The Village Engineer explained that the reason this application is before the Village Board is that there was a revision to the Zoning Code and the Village Board was made the approving board rather than the Zoning Board. Mr. D'Alvia noted that at the Planning board meeting, Ms. Fran Allen had made the statement that after her site visit with the Village Engineer and Assistant Building Inspector, there is no apparent impact on the environment.

Mr. Kauderer asked if the building was high up above the river to which the Village Engineer stated that the business was located outside of the 100 year flood plain.

In reviewing the CAF, p. 2, C, 1., the answer should be "YES", not "NO" because the proposed action is *contiguous* to the Croton River. The answer to C,1. a) *Significant fish or wildlife habitats* should be changed to "YES", not "NO" as the Croton River is listed as a Significant Fish and Wildlife habitat. The answer to C,1. b) *Scenic resources of local or statewide significance* should also be changed to "YES", not "NO" because the

proposed action is located in the Croton Gorge, a listed scenic area.

A committee member asked if the septic system was adequate to which Mr. D'Alvia responded that there were no problems. Chairman Kane asked if any fluids were discharged from the business. Mr. D'Alvia again answered no. The Village Engineer stated that there were some metal shavings as a byproduct of splicing but these shavings were disposable and recyclable.

The Committee reviewed the LWRP policies and found that none were applicable. There are no discharges into the river, the business is outside the flood plain, and there are no complaints on file about the business.

Mr. Greenbaum made a motion to make a determination of preliminary consistency, seconded by Mr. Kauderer, and carried by a vote of 3-0 all in favor.

**3. Referral from Planning Board regarding application for an Amended Site Development Plan and Wetlands Activity Permit for new single-family dwelling—Steel Style Properties, LLC—50 Half Moon Bay Drive (Sec. 78.16 Blk. 1 Lot 3)—preliminary consistency review**

Mr. Ralph Mastromonaco, Consulting Engineer for this application, was present. Mr. Mastromonaco stated that of the two plans, no plan has been decided upon. He is waiting for a public hearing.

In reviewing the Short EAF, the following should be added to the Project Location: "50 Half Moon Bay Drive." ,

In reviewing the CAF, p. 1 B. 3), the location of actions should state "50 Half Moon Bay Drive" and not "Hudson River Drive." On p. 2, C 1. "*Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map*" the answer should be YES, not NO because it is *contiguous to* the Hudson River; for C. 1.a) "*Significant fish or wildlife habitats*" the answer should say YES, not NO because the proposed action is contiguous to the Haverstraw Bay which is a significant fish or wildlife habitat; for C1, b) *scenic resources of local or statewide significance*, the answer should be YES, not NO because the proposed action is contiguous to a Critical Environmental Area; and for C1. d) "*Natural protective features in an erosion hazard area*," the answer should be YES, not NO because the proposed action is contiguous to the shoreline which is in an erosion hazard area.

On p. 3, C. 2 b) *Will the proposed action have a significant effect upon scenic quality of the coastal environment*, the answer should be YES, not NO because the proposed action has a significant effect upon the scenic quality of the river; on p. 3 C 2 h) *Will the proposed action have a significant effect on existing or potential public recreation opportunities* the answer should be YES, not NO, because the proposed action will affect the relocation of the pre-existing trail.

On p. 3, C. 3 a) *Will the proposed action involve or result in...physical alteration of land along the shoreline, land under water or coastal waters*, the answer should YES, not NO because the proposed action involves physical alteration of land along the shoreline because of the relocation of the trail along the shoreline; for C. 3 f) *“Will the proposed action involve or result in ...reduction of existing or potential public access to or along the shore”* should say YES, not NO, because access to the driveway of the proposed house through the municipal parking lot would potentially reduce parking opportunities. Mr. Mastromonaco stated that there is access to the parking lot. The proposed house does not block any access. Mr. Greenbaum commented that there was a potential reduction of parking. The Village Engineer mentioned that the “restaurant parcel” has rights to parking in the public portion of Half Moon Bay, which would mean that visitors to the proposed residence could park in this area rather than the lower municipal lot.

On p. 4, 4 c) *“Is the project site presently used by the community neighborhood an open space or recreation area?”* should say YES, not NO, because the recreational trail runs through the site and the trail will have to be relocated and moved; for 4d) *“Does the present site offer or include scenic views or vistas known to be important to the community?”* the answer should say YES, not NO, because the scenic views are a concern to the community and the Half Moon Bay community.

In reviewing the LWRP policies, the Committee found the following policies to be relevant:

*Policy 9A:*

*Ensure continued recreational use and public access to the rivers through Village-owned land adjacent to the Metro-North parking lot, at Croton Point Park and at Senasqua Park, along the Croton River, and at the Croton Yacht Club. Efforts should be made to encourage recreational use of the fish and wildlife resources found in these areas by increasing the opportunities for public access and enjoyment.*

The committee believes this policy is applicable because of the potential disruption to public access to the existing trail during the proposed construction. In addition, the committee had concerns about public access through the village-owned parking lot if the access to the proposed residence’s driveway cuts through this lot as shown in site plan alternate 1 and alternate 1A. Furthermore, there was concern that during peak summer parking lot usage, visitors to the proposed house might use available parking spaces in the municipal parking lot and, subsequently, reduce public access to parking spaces.

This policy is consistent with the proposed action because there is a proposed trail or walkway replacing the existing trail, and as noted in the Coastal Assessment Form additional remarks “public access to the foreshore is provided along a new walkway.” This new walkway/trail will ensure continued public access to the river.

*Policy 11A:*

*Erosion and sediment control measures shall be undertaken in order to safeguard*

*persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction use and maintenance of any development or other activity which disturbs or breaks the topsoil or results in earth movement.*

This policy is applicable because it refers to the control of soil erosion and sedimentation caused by development activities such as for a single structure or building on a single lot. The proposed action is for the building of a single structure on a single lot near the Hudson River, a designated floodplain area. This policy is consistent with the proposed action since the applicant states that “Best Management Practices will be utilized to control erosion of excavated areas during construction,” as noted in the CAF, part D, remarks or additional information.

Also consistent with the above-mentioned policy in order to “prevent damage to the environment”, is the proposal as shown in Alternate 1A Site Plan which keeps the existing 30” tree that is located nearby the parking lot.

*Policy 17A:*

*Efforts to control erosion along the rivers and on the steep slopes rising from areas inland shall be of a non-structural nature, wherever possible, in consideration of the visual impact of structural measures. The retention or planting of vegetative covers will be preferred to structural measures.*

This policy is applicable because the trail is being relocated closer to the shoreline of the Hudson River. The proposed residence will have a six-foot privacy fence that runs along the trail which does not inhibit the visual scenic view from the walkway. The committee noted that the planting of natural vegetation is preferable to the construction of retaining walls along the river trail; however, there may have to be structural measures used to control erosion in this area, and therefore, it is not clear that non-structural measures would be sufficient in control of the erosion of the shoreline

*Policy 19:*

*Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority will be given to public beaches, boating facilities, fishing areas and waterfront parks.*

This policy is applicable to the proposed action because Alternate site plan 1 and 1A indicate access to the driveway of the proposed residence through a municipal parking lot which would affect access to the Hudson River. Parking at this municipal lot offers both scenic views of the Hudson River, parking for the marina, and access to the trail that links Half Moon Bay Condominiums and Elliot Way. In the summer months, this lot is utilized to its full capacity. There is concern by the committee that parking would be limited and reduced, not only during construction, but upon completion of the house, when visitors to the new residence’s homeowners might use public parking spaces in the

municipal lot.

*Policy 19A:*

*Encourage the linkage of open space along the Hudson and Croton Rivers in the form of a trail or walkway system. Such systems should be provided along undeveloped and underutilized land as well as along previously developed land.*

This policy is relevant to the proposed action because the trail that currently exists as part of waterfront trail from Elliot Way to the Half Moon Bay Condominiums will be relocated closer to the shoreline of the Hudson River. The committee noted that the new six feet wide walkway should be wider, however, the relocated walkway is consistent with encouraging the continuation of the waterfront trailway along the Hudson River.

*Policy 20:*

*Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.*

This policy is relevant and consistent to the proposed action because there will be a newly created walkway along the foreshore in the conservation easement.

*Policy 25:*

*Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.*

*Policy 25A:*

*Protect local scenic resources by preventing: (i) the irreversible modification of geologic forms, the destruction or removal of vegetation or wetlands, the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.*

*Policy 25D:*

*Establish and protect identified viewsheds which provide visual access to the Hudson River, including but not limited to the views of the Hudson River from the western shoreline of the Village, and from Prickly Pear Hill, Lounsbury Hill, and River Landing. In addition, protect viewsheds to and of the Croton River and Gorge.*

The above-mentioned policies are relevant to the proposed action because of the concern that the proposed single family dwelling will have an impact on the overall scenic quality of the coastal area. Policy 25A refers to the prevention of “*the addition of structures which because of siting scale will reduce identified views or which because of scale, form or materials will diminish the scenic quality of an identified resource.*” The committee

members believe that the proposed structure, and in particular, the height of the proposed construction, will diminish the scenic quality of the coastal area, and diminish the scenic views of the Hudson River and therefore is inconsistent with the LWRP. Policy 25D is also relevant because the committee members believe that the identified viewsheds, including but not limited to other views of the Hudson River, are diminished by the proposed construction.

*Policy 33:*

*Best Management Practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.*

*Policy 33A:*

*Encourage new developments to retain stormwater runoff on site so as to not increase flows within the existing system or to improve existing stormwater runoff systems to that runoff from such developments does not adversely impact coastal waters.*

*Policy 37:*

*Best Management Practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.*

The above-mentioned policies concern the use of Best Management Practices. The applicant has written in the additional remarks of Coastal Assessment Form that Best Management Practices will be utilized to control erosion of excavated areas during construction. This includes, but not limited to, the installation of a silt fence at the appropriate locations noted on the erosion control plan, stabilization of all areas of disturbed soil, utilization of silt screens in areas of unconcentrated flows to collect silt, and surrounding stockpile areas with staked haybales or silt screen materials. A Stormwater Prevention Plan will be required before approval of the site plan.

*Policy 37A:*

*Standards and specifications for the control of non-point source discharge as set forth in Westchester County's Best Management Practice Manual or other recognized reference shall be utilized during development of any site.*

*Policy 37B:*

*Control of the development of hilltops, and steep slopes should be exerted in order to prevent erosion and minimize runoff and flooding from new construction.*

*Policy 44A:*

*Wetlands, water bodies and watercourses shall be protected by preventing damage from erosion or siltation, minimizing disturbance, preserving natural habitats and protecting against flood and pollution.*

Policy 37A refers to using Best Management Practices according to a recognized reference source such as the Department of Environmental Conservation Best Practices manual. This is both relevant and consistent with the proposed action since the applicant

has stated that best management practices will be utilized.

Policy 37B is specifically focused on steep slopes and the control of the development of such steep slopes. This policy is relevant to this action because there are potential steep slope disturbances. The applicant will be required to submit slope disturbances maps for each alternative site plan.

Policy 44A refers to erosion control and again, is both relevant and consistent with the use of best management practices and the provision of a stormwater prevention plan.

Based on a review of these policies, Mr. Kauderer made a motion to make a preliminary determination of consistency subject to conditions, seconded by Mr. Greenbaum, and carried by a vote of 3-0 all in favor. This is a conditional determination of consistency.

**4. Referral from Village Board regarding a special permit application for renewal of a Personal Wireless Services Facility located at 1 Van Wyck Street—Nextel of New York, Inc.—1 Van Wyck Street (Sec. 78.08 Blk 5 Lot 9) – preliminary consistency review**

The Committee members reviewed the CAF dated September 1, 2011 and the Short EAF dated September 1, 2011, and concluded there have been no changes. The Committee noted that this application was a renewal and there had been no changes to the application. No LWRP policies were applicable. There were no further comments. Mr. Kauderer made a motion to make a preliminary determination of consistency, seconded by Mr. Greenbaum, and carried by a vote of 3-0 all in favor.

**5. Referral from Zoning Board of Appeals regarding application of Peter Tsagarakis/Rakis, Inc. – 215 So. Riverside Ave. & Bungalow Road (Sec. 79.09 Blk. 1 Lots 52, 53, &54)—Request for two ZBA Special Permits under Code Section 230-51(C) and Code Section 230-52(B) for existing parking lot (Section 79.09 Blk 1 Lot 52) on Bungalow Road—preliminary consistency review**

Mr. Ed Gemmola, architect, represented Peter Tsagarakis of Rakis, Inc. In reviewing the Short EAF, dated August 24, 2011, the following changes need to be made: 1) The Applicant/Sponsor should be changed to Rakis Inc., 2) the project name should be changed to “The Reissuance of Special Permit for the Croton Colonial Diner Bungalow Road parking area,” and 3) the project location should include the address: 215 S. Riverside Avenue.

In reviewing the CAF, there have been no changes. There is no environmental impact on the Duck Pond. The Committee also reviewed the memorandum from the WAC to the Village Board dated December 16, 2009. This memorandum made the determination that the parking lot expansion was consistent with the LWRP policies. The memorandum from the WAC to the Zoning Board of Appeals, dated June 30, 2011, also made a determination of consistency with the LWRP.

Mr. Greenbaum made the suggestion, as had been made in the December 2009 memorandum referring to the expansion of the parking lot, that an additional storm drain be added to prevent “ponding” at a low point in the lot.

Mr. Greenbaum made a motion to recommend a preliminary determination of consistency, seconded by Mr. Kauderer, and carried by a vote of 3-0 all in favor.

#### **6. Approval of Minutes**

The minutes of August 15, 2011 were approved on a motion by Mr. Kauderer, seconded by Chairman Kane, and carried by a vote of 3-0.

#### **4. Adjournment**

There being no further business to come before the Committee, the meeting was duly adjourned at 7:00 p.m.

Respectfully submitted,

Ronnie Rose  
WAC Secretary