

Village of Croton-on-Hudson  
Water Control Commission Meeting of  
August 12, 2015

**PRESENT:** Stuart Geenbaum, Chair  
Ian Arturo  
Charles Kane  
Gail Sasso

**ABSENT:** Mark Goldfarb

**ALSO PRESENT:** Daniel O'Connor, Village Engineer

**1) Call to Order:**

The Water Control Commission Meeting of August 12, 2015 was called to order at 7:30 P.M.

**2) Old Business:**

- a) **Thomas Lewis, Trillium Invasive Species Management, Inc. – 10 Fox Road (Section 67.12 Block 1 Lots 13 and 5)** – Application for phragmites australis patch eradication project involving cutting and herbicide application within the Jane E. Lytle Memorial Arboretum.

Karen Jescavage-Bernard, President of the Board of Directors of the Arboretum, was present to represent the Applicant at tonight's meeting. Tonight's documentation for the application included a copy of a 1995 report by Hudsonia Ltd., entitled "Biological Assessment of the Jane E. Lytle Memorial Arboretum, Village of Croton-on-Hudson, Westchester County, New York". Ms. Jescavage-Bernard pointed out that Hudsonia reported that when a survey of the Arboretum was done for the report there were no phragmites; now there is a large and growing patch of phragmites. As a result, a choice is needed to be made to either abandon the site at issue to the phragmites or try to control the patch with the Board's approval with the herbicide application.

Mr. Kane recommended manual removal without the use of herbicides and when Ms. Sasso expressed concern about the cost of that approach, Mr. Kane suggested the use of volunteers.

Mr. Arturo said he had reviewed the Hudsonia reports included in the documentation and concluded that before the Hudson National Golf Club (HNGC) came into being, there were no phragmites at the Arboretum or Kaplan's Pond, both downstream of HNGC. He felt that the best option due to the current size of the phragmites patch was to try to control the phragmites through the herbicide application before it got out of control. He felt it is worth taking the risk which in this case is minimized by the fact that it will be a spot treatment (1 day) with small amounts of herbicide being used. He pointed out that

sometimes the risk needs to be taken as when the Board approved the replacement of telephone poles in wetland areas. These poles contain pesticides but the need for the electricity outweighs the risk factor.

Chairman Greenbaum said he agreed with Mr. Arturo that the proposed application was the most efficient and reasonable approach to the phragmites problem.

Ms. Sasso said the Board is very mindful of the chemical risks involved but the Board's decision would be thoughtful with the goal of reaching a balance between the risk and the reward.

Chairman Greenbaum then read the draft resolution and the Board included a one-year expiration date.

Mr. Arturo made a motion to approve the amended resolution and Mr. Greenbaum seconded the motion. The motion passed with a vote of 3 to 1. Chairman Greenbaum, Mr. Arturo, and Ms. Sasso all voted in favor and Mr. Kane was opposed.

### **3) New Business**

- a) **Croton Community Nursery School (John Nikic Construction, Contract Vendee) - 27 Lower North Highland Place (Section 67.20 Block 2 Lot 9) -** Referral from Planning Board for review and recommendation on the issuance of a Wetlands Activity Permit for the construction of a new single-family dwelling.

Ronald Wegner of Cronin Engineering, and Project Engineer for the proposed project was present to represent the Applicant. He explained that this proposed house is similar to an approved house on another lot in the subdivision which required a 15-foot front yard variance; this proposed house is being pushed back from the road and is zoning compliant. With that change, the project will affect more of the wetland buffer area resulting in some disturbance to the buffer area. It will be cut and fill disturbance. He further explained that the regulated wetland encroached the rear of the lot which eventually will be lawn area.

Mr. Kane asked about the vegetation on the lot and Mr. Wegner said that mostly lawn is proposed and that currently it is mostly trees with no undergrowth. He said water will be able to soak into the ground.

Chairman Greenbaum asked how far into the wetland buffer zone will the disturbance be and Mr. Wegner said that the nearest disturbance is 65 feet from the wetland edge and no impervious surfaces are proposed within the 120-foot wetland buffer area. It was also confirmed that the house will not be in the wetland buffer.

Mr. Arturo asked if the rainfall drainage channel is the Brook Street stream and whether it was the same stream from Kaplan's Pond. This was confirmed by Mr. Wegner.

Mr. Kane remarked that the proposed engineering plan was of high quality.

Mr. Arturo noted that the three yard drains are tied into the storm water management system and questioned whether the roof leaders would be going into the system also. Mr. Wegner said that it should be noted on the plans that the roof leaders will be connected to the storm water management system. He added that drainage pipes similar to those used on the similar house next door on lot 2 can be installed which will capture rainfall from a 100 year storm event and that deep testing was done for the original subdivision approval.

Chairman Greenbaum asked whether any discussion had taken place to move the house forward so as not to impact the wetland. Mr. Wegner replied that steep slope regulations came in play and that the proposed placement of the house is the best overall design.

Mr. Kane then lead a discussion about the aesthetics of the house and Mr. Wegner commented that the Planning Board is the approving authority for the aesthetics of the house. He said he is currently working with the Planning Board to have a two-step rock excavation process which will be evaluated by an arborist and will hopefully result in saving some trees. Mr. Kane then added that the current plan requires a lot of trees coming down.

Chairman Greenbaum then reminded the Board that it is not the approving authority but that the Board is required only to make a recommendation to the Planning Board on the issuance of the wetland permit.

Mr. Kane made a motion to recommend to the Planning Board that the wetland activity permit be issued with the recommendation that the number of trees to be removed be minimized. Ms. Sasso seconded the motion and the motion passed with a vote of 4 to 0.

- b) **Anthony R. Carr, Commissioner of Public Works, Village of Croton-on-Hudson - Elliott Way** - Application for Wetlands Activity Permit for the Elliott Way Site Improvement Project to create a safe pedestrian access link on Elliott Way between Senasqua Park and Croton Landing Park.

Along with Mr. Carr, Anthony Cioffi and Joseph Riina, of Site Design Consultants, were present.

Mr. Carr explained that the current access between Senasqua Park and the Yacht Club is dangerous for pedestrians and a safe walkway between the two is greatly needed. He said that project submissions had also been made to the Department of Environmental Conservation (DEC), the Department of State (DOS), and the Army Corps of Engineers. He added that tonight's meeting was the first meeting about the project with regard to the local permitting process.

Mr. Cioffi and Mr. Riina gave an overview of the project and provided details in the application documentation. In the overview, they said the overall project length is approximately 800 feet. There will be an elevated boardwalk and two at grade concrete sections. Elliott Way will be rehabilitated and the shoreline will be stabilized. The project will also include a water main extension. Mr. Riina added that there will be minimal disturbance and minimal impact to the Hudson River; there will only be two small areas where there is disturbance below the mean high water line.

Mr. Carr said that the Village is working with Metro North to modify the license agreement and in response to Chairman Greenbaum's inquiry about the Croton Yacht Club, he said that there had been a discussion with the Yacht Club and the Village and the Yacht Club will be working together to make sure the project will get done.

Mr. Carr added that at the south end of the access link, a new retaining wall a few feet in height will be installed to protect the sidewalk from erosion.

Mr. Kane asked if any parking spaces will be lost and Mr. Cioffi said there would be no loss of parking spaces.

A discussion followed regarding how the design will minimize disturbance to the Hudson River. This includes keeping the piles 5 feet off the existing roadway and using a cantilevered walkway.

Mr. Riina said there will be some disturbance to the river due to the installation of the new shoreline stabilization system. All work will be done from Elliott Way and a turbidity curtain will be installed to protect the river.

Mr. Kane asked how long the project would take. Mr. Riina said it is scheduled to start in February and completed by April or May; it has a 90-day construction schedule.

In response to Mr. Kane's inquiry, Mr. Riina said they had discussions and a pre-application meeting with the DEC and that the DEC did not express any concerns about the impact on the Hudson River but did want some details about the rip rap and installation of plantings in the rip rap. Also, although the plan is to save as many trees as possible, the DEC asked to plant fringe areas along the wall.

Mr. Riina also added that they heard back from the Army Corps of Engineers and that the Corps did not ask for any additional information with regard to the project.

Chairman Greenbaum asked about traffic and pedestrian protection. Mr. Carr replied that a guide rail will be installed to separate the road and walkway; all pedestrian traffic will be on the walkway. A railing matching the one at Croton Landing will be installed along the walkway. Chairman Greenbaum then raised the issue of bikes on the walkway and safety of pedestrians. Mr. Riina replied that bikes would likely be on the road along with vehicles. Chairman Greenbaum followed up with a question as to whether the road could

have a bike lane. Mr. Riina explained that the limited width of the road could not accommodate a bike lane. Following a general discussion about bike lanes, Mr. Riina said that widening of the road would have to be a policy decision by the Village.

Mr. Arturo then asked how long is the elevated walkway and what is the maintenance cost associated with the walkway. Mr. Riina replied that the elevated portion will be 340 feet in length and since it will be precast concrete, there will be no maintenance cost.

Ms. Sasso asked what the composition of the material will be for the walkway and whether or not it could leach into the water. Mr. Cioffi replied that it will be precast concrete made in a factory. He said his company had looked at alternatives but settled on the precast concrete believing that it is the best option for the Village with regard to environmental concerns.

Chairman Greenbaum asked if the weather might affect the work schedule and Mr. Carr replied in the negative.

Next Ms. Sasso inquired as to the cost of the project and Mr. Carr replied that it will be \$1.2 million.

Mr. Kane asked whether the Applicant had reached out to CSX Railroad and Mr. Carr said that he will be reaching out to them.

The Board then concluded that it would reserve its decision on the issuance of a Wetlands Permit until after the Village Board issues a negative declaration under SEQRA and a consistency determination under the Village LWRP. The Board believes that the project is needed to provide a safe pedestrian walkway and road improvements from Senasqua Park to the Croton Yacht Club. The project is also important due to the new shore stabilization which will protect the shore and road from future erosion.

**4) Approval of Minutes:**

Mr. Kane made a motion to approve the minutes of the July 15, 2015 meeting of the Water Control Commission. The motion was seconded by Ms. Sasso and was passed with a vote of 4 to 0.

**5) Adjournment:**

The meeting was adjourned at 9:45 P.M.

Respectfully submitted,

Toni Cruz  
Secretary, Water Control Commission