

**VILLAGE OF CROTON ON HUDSON, NEW YORK
PLANNING BOARD MEETING MINUTES – TUESDAY, May 10, 2011**

MEMBERS PRESENT: Robert Luntz, Chairman
Mark Aarons
Fran Allen
Bruce Kauderer (ABSENT)
Steven Krisky

ALSO PRESENT: Daniel O'Connor, P.E., Village Engineer

1. Call to Order:

The meeting was called to order at 8:00 P.M. by Chairman Luntz.

2. NEW BUSINESS

a) Green Growler Grocery—368 South Riverside Avenue (Sec. 79.13 Block 1 Lot 71) -- Application for Change of Use from office to new retail business.

Chairman Luntz stated that the Village Board had granted the Green Growler Grocery a special permit on May 2, 2011 for a retail business, and now the Planning Board is reviewing the application for Change of Use approval from an office to a new retail store.

The Planning Board had discussed at a previous meeting that there were two on-site parking spaces, and that there was sufficient off-site parking for this business use; therefore, all other parking requirements would be waived and noted on the resolution.

Mr. Aarons recommended that the resolution also include a condition that the Change of Use Approval specify this permit is for a craft beer and artisanal snack grocery.

A motion to approve the resolution, as amended, was made by Mr. Aarons, seconded by Mr. Krisky and carried by a vote of 4-0.

The resolution is attached to the minutes.

b) Tavern at Croton Landing—41 North Riverside Avenue (Sec. 78.08 Block 3 Lot 78) -- Application for Amended Site Plan Approval for the installation of retractable awnings on store front.

Ms. Lynn Panessa, owner of Tavern at Croton Landing, presented her application for Amended Site Plan approval for the installation of retractable awnings over the top of the two windows on the storefront of the restaurant. Ms. Panessa stated that the awnings would be a solid color, complementing the existing building paint color,

there would no lettering on the valances, and the awnings would be closed at the end of each business day and concealed under a hood.

Mr. Luntz asked about the requirements of the Village Code regarding this installation to which the Village Engineer replied that the application complied. The next step would be for the application to go to the VEB and then hold a public hearing.

Mr. Luntz stated that he liked the plan and believed the awnings accentuated the signage and the front door. Mr. Aarons concurred.

Mr. Aarons made a motion for a public hearing to be held at the next Planning Board meeting on May 24, and prior to this public hearing a referral made to the VEB, Ms. Allen seconded, and the vote carried 4-0 all in favor.

3. OLD BUSINESS

a) *Croton Community Nursery School – Lower North Highland Place (Sec. 67.20 Bk. 2 Lots 5, 6, 9, 25) -- Application for a Preliminary Subdivision Approval.*

Mr. Norman Sheer, Esq. and Mr. Ron Wegner, P. E. were present.

The Village Engineer distributed the draft resolution from the April 26th Planning Board meeting (paper copy), and the revised resolution (attached) for Preliminary Subdivision Approval. The applicants will return for final subdivision approval.

Ms. Allen asked about the status of the debris cleanup. Mr. Wegner stated it would be incorporated into a detailed wetlands mitigation plan. The Village Engineer stated that the removal of debris would be required at the time of final plat approval.

Mr. Sheer stated that he would be working with Mr. Jim Staudt, Village Attorney, on the language regarding the easement to the Village and the maintenance of the storm water drains, in addition to the trail easement on the open space parcel to the Village. The conditions for these easements will be placed on the final subdivision plat.

Chairman Luntz discussed the requirement for a variance for a front yard setback for lot 1 prior to final subdivision approval. Mr. Sheer stated that he had discussed this requirement with the Village Attorney, and the Village Attorney stated that an application had to be submitted to the Zoning Board of Appeals. Chairman Luntz said that the Planning Board agreed with Mr. Staudt's recommendation for a zoning board variance application. The Planning Board will write a letter of recommendation to the ZBA for approval of the application since the Planning Board had created this necessity for a variance when the lots were created.

Mr. Aarons made a motion to approve of the resolution, as amended, for the preliminary subdivision, seconded by Mr. Krisky, and carried by a vote of 4-0, all in favor.

The resolution is attached to the minutes.

b) Proposed adoption of Local Law Introductory No. 2 of 2011 (the "Draft Law") which would amend Chapter 116 to supplement the list of Type II (SEQRA) Regulations and proposed determinations of the Planning Board, Zoning Board of Appeals, Police chief, and Village Engineer.

The Planning Board agreed that they would table the discussion of the additional Type II actions when everyone was present at the next meeting,

c) Zanfardino Subdivision – 101 Brook Street (Sec. 78.08 Block 5 Lot 3) – Application for Preliminary Subdivision Approval.

The resolution, as amended, was reviewed and a motion to approve the preliminary subdivision plat was made by Ms. Allen, seconded by Mr. Aarons, and carried by a vote of 4-0 in favor.

4. APPROVAL OF MINUTES

The minutes of the Tuesday, April 26, 2011 Planning Board meeting were approved, as amended, on a motion by Mr. Aarons, seconded by Mr. Krisky and carried by a vote of 4-0. Mr. Kauderer was absent from the meeting.

5. ADJOURNMENT

There being no further business to come before the board, the meeting was duly adjourned at 9:30 p.m.

Respectfully submitted,

Ronnie L. Rose
Planning Board Secretary

RESOLUTION

WHEREAS, the Planning Board held a meeting on a Change of Use application on Tuesday, May 10, 2011 for Green Growler Grocery (Seana O'Callaghan), hereafter known as "the Applicant," said property owned by Karl Frank and located at 368 South Riverside Avenue. The property is in the C-2 Zoning District and is designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.13 Block 1 Lot 71; and

WHEREAS, the proposed Change of Use is from office use to a craft beer and artisanal snacks grocery retail business; and

WHEREAS, the Village Board, as the Lead Agency for this application under the State Environmental Quality Review Act (SEQRA), determined that the proposed project is an Unlisted Action and issued a Negative Declaration at their meeting of April 19, 2011.

WHEREAS, the Village Board issued a Special Permit to operate a new craft beer and artisanal snacks grocery retail business on May 2, 2011; and

NOW, THEREFORE BE IT RESOLVED, that the Change of Use application, as described in documents received by the Planning Board on May 6, 2011, be approved subject to the following conditions:

- 1) That the foregoing recitals are incorporated herein as if set forth at length.
- 2) That all mandated New York State Liquor Authority licensing be kept current,
- 3) That a sign application be submitted to the Planning Board for review and approval, and as part of said application, be referred by the Planning Board to the Advisory Board on the Visual Environment (VEB) for their review and comments.
- 4) That there are two on-site parking spaces, and all other parking requirements be waived for this use.

In the event that this Change of Use is not implemented within three (3) years of this date, this approval shall expire.

The Planning Board of the Village of
Croton-on-Hudson, New York

Robert Luntz, Chairman
Mark Aarons
Fran Allen
Bruce Kauderer (ABSENT)
Steven Krisky

Motion to approve by Mr. Aarons, seconded by Mr. Krisky and carried by a vote of 4- 0. Planning Board member, Bruce Kauderer, was absent.

Resolution accepted with the minutes of the meeting held on Tuesday, May 10, 2011.

**RESOLUTION
PRELIMINARY SUBDIVISION PLAT APPROVAL**

WHEREAS, Pat and Tara Zanfardino have applied to the Planning Board for Preliminary Subdivision Plat Approval on a property of 13,580 square feet which is located at 101 Brook Street, in a Residential RA-5 District, and is designated on the Tax Map of the Village as Section 78.08 Block 5 Lot 3.

WHEREAS, the subdivision being proposed is a two-lot subdivision with one vacant lot; and

WHEREAS, under the requirements of the State Environmental Quality Review Act (SEQRA), the Planning Board has determined that this project is an Unlisted Action; and

WHEREAS, the Applicant has submitted to the Planning Board a Short Environmental Assessment Form (EAF) dated February 3, 2011 and a Coastal Assessment Form (CAF) dated February 3, 2011, last revised April 4, 2011; and

WHEREAS, the Planning Board referred this application to the Water Control Commission for a recommendation on the issuance of a wetland permit and the applicant appeared before the Water Control Commission (WCC) on February 16, 2011. The WCC, in their memorandum to the Planning Board dated February 18, 2011, recommended that a wetland permit be granted subject to meeting those conditions stipulated in said memorandum; and

WHEREAS, as the Planning Board referred this application to the Waterfront Advisory Committee (WAC) on March 2, 2011, for a preliminary recommendation of consistency with the policies of the Village's Local Waterfront Revitalization Program (LWRP) and the WAC, in their memorandum to the Planning Board dated March 3, 2011 recommended to the Planning Board that the Proposed Action be found consistent (preliminary review) with the LWRP; and

WHEREAS, based on the WAC's preliminary recommendation of consistency with the LWRP, the WCC's positive recommendation on the issuance of the wetland permit, and the Planning Board's review, the Planning Board hereby determines that there will be no significant adverse impacts resulting from the Proposed Action and issues a Negative Declaration; and

WHEREAS, the Planning Board refers this application to the WAC for a final recommendation of consistency with the Village's LWRP,

WHEREAS, the Planning Board has determined that due to the size of the property insufficient land is available for use as a park or playground and therefore money in lieu of recreation land shall be paid to the Village.

WHEREAS, a Public Hearing before the Planning Board was held on this application on Tuesday, April 26, 2011; and

WHEREAS, on Tuesday, April 26, 2011, the Public Hearing was closed.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board approves the application submitted by Pat and Tara Zanfardino for a two-lot subdivision of property located at 101 Brook Street, as shown on the survey dated January 31, 2011, prepared by Thomas C. Merritts Land Surveyors, P.C., subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That, a Minor Site Plan application shall be submitted and approved by the Planning Board prior to the issuance of a Building Permit for lot 2.
3. That, iron rods or other permanent survey monuments be installed at property corners and any change in course of the lot lines shown on the preliminary subdivision plan and that the installed iron rods or other permanent survey monuments be shown on the final subdivision plat.
4. That, money in lieu of recreation land be paid to the Village at the time of issuance of a building permit for lot 2 by the Village Engineer.
5. That, the Waterfront Advisory Committee's final recommendation of consistency with the LWRP be submitted to the Planning Board.
6. That, the banks of the existing stream channel be restored with stone walls as detailed on the plans and that a written construction timeframe and sequence plan be developed to ensure that work in the stream channel is conducted with the least impact to the stream and that this plan be approved by the Village Engineer prior to the commencement of work.
7. That, any excess soil from the excavation shall be removed from the site immediately but in no event more than 20 days.
8. That, a temporary construction easement, for the temporary soil stock pile and access to it, on lot 2 be provided for the benefit of Lot 1 and the easement be shown and labeled on the plans.
9. That, a final design report, including soil test results, on the design of the storm water management system be submitted to the Village Engineer for approval prior to its installation.
10. That, the 120 foot wetland/watercourse buffer be shown and labeled on both sides of the stream channels on all plans.
11. That, the following note be placed on all plans, "Any proposed construction, grading, filling, excavating, clearing or other regulated activity within the 120

foot wetland or watercourse buffer area requires a wetlands permit from the Village of Croton-on-Hudson prior to the commencement of work.”

12. That, the following wetland/watercourse notification statement be incorporated into the deeds for the two lots, “For as long as any portion of the property described in this deed is subject to regulation under the Village of Croton-on-Hudson’s Wetlands Law, there shall be no construction, grading, filling, excavating, clearing or other regulated activity on this property within the wetland or watercourse buffer areas, as shown on the Final Subdivision Plat, at any time without having first secured the necessary wetland permit required pursuant to the above noted Law. This restriction shall bind the Grantee’s, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property.” A copy of the proposed deeds shall be submitted to the Planning Board.

BE IT FURTHER RESOLVED, that, as part of the Final Subdivision Plat approval process, the Applicant shall obtain the necessary approval from the Westchester County Department of Health. Evidence of approval by the Westchester County Department of Health shall be in the form of the Department of Health’s endorsement of the Final Subdivision Plat.

The Planning Board of the Village of
Croton-on-Hudson, New York

Robert Luntz, Chairperson
Mark Aarons
Fran Allen
Bruce Kauderer
Steven Krisky

The motion to approve was made by Mr. Kauderer, seconded by Ms. Allen and carried by a vote of 5 to 0 in favor.

The resolution was accepted with the minutes of the Planning Board meeting held on April 26, 2011.

**RESOLUTION
PRELIMINARY SUBDIVISION APPROVAL**

WHEREAS, Croton Community Nursery School has applied to the Planning Board for Preliminary Subdivision Plat Approval on property which is located at Lower North Highland Place, in a Residential RA-40 District, and is designated on the Tax Map of the Village as Section 67.20 Block 2 Lots 5, 6, 9, and 25.

WHEREAS, this property, consisting of 10.45 acres, is proposed to be subdivided into three lots and one 5.9 acre conservation parcel; and

WHEREAS, under the requirements of the State Environmental Quality Review Act (SEQRA), the Planning Board has determined that this project is an Unlisted Action; and

WHEREAS, the Applicant has submitted to the Planning Board an Environmental Assessment Form (EAF) dated March 2, 2011, last revised March 23, 2011; and a Coastal Assessment Form (CAF) dated March 2, 2011, last revised March 23, 2011; and

WHEREAS, the Planning Board referred this application to the Water Control Commission (WCC) for a recommendation on the issuance of a wetland permit. The applicant appeared before the WCC on March 16, 2011. The WCC, in their memorandum to the Planning Board dated March 30, 2011, recommended that a wetland permit be granted subject to meeting those conditions stipulated in said memorandum; and

WHEREAS, the Planning Board referred this application to the Waterfront Advisory Committee (WAC) on March 22, 2011 for a preliminary recommendation of consistency with the policies of the Village's Local Waterfront Revitalization Program (LWRP) and the WAC, in their memorandum to the Planning Board dated April 8, 2011, recommended to the Planning Board that the Proposed Action be found consistent (preliminary review) with the LWRP; and

WHEREAS, based on the WAC's preliminary recommendation of consistency with the LWRP, the WCC's positive recommendation on the issuance of the wetland permit, and the Planning Board's review, the Planning Board hereby determines that there will be no adverse impacts resulting from the Proposed Action and issues a Negative Declaration; and

WHEREAS, a negative declaration has been issued and the Planning Board has referred this application to the WAC for a final recommendation of consistency with the Village's LWRP, and

WHEREAS, an open space parcel of 5.9 acres is proposed for dedication to the Village and that the Village Trail Committee has reviewed this parcel and has recommended the Village accept the dedication of this open space parcel since it will provide for the

looping and extension of the existing Village trail system; and based on this and other recreation uses provided by the open space parcel the Planning Board finds that the dedication of this parcel satisfies the requirement for land for recreational purposes and that no money in lieu of recreation land shall be required; and

WHEREAS, a Public Hearing before the Planning Board was begun on this application on Tuesday, January 12, 2010; and

WHEREAS, on Tuesday, April 14, 2011, the Public Hearing was closed.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board approves the application submitted by Croton Community Nursery School for a three-lot subdivision (and one conservation parcel) of property located on Lower North Highland Place, for the project entitled "Preliminary Subdivision for Croton Community Nursery School" as shown on Sheet SP - 1.0 entitled "Subdivision/Site Development Plan" dated September 4, 2008, and last revised January 13, 2011; Sheet SP - 1.1 entitled "Environmental Constraints Plan" dated September 4, 2008, and last revised January 13, 2011; SP - 1.2, entitled "Erosion Control Plan", dated January 13, 2011; Sheet UD -2.0, entitled "Profiles and Details" dated September 4, 2008, and last revised January 13, 2011; Sheet UD -2.1, entitled "Details" dated January 13, 2011; Sheet TS - 2.1 entitled "Tree Survey Plan" dated September 4, 2008, last revised July 7, 2010; Stormwater Pollution Prevention Plan dated July 2010, revised November 2010, last revised January 2011, prepared by Cronin Engineering, P.E., P.C.; subject to the following conditions:

- 1) That, the foregoing recitals are incorporated herein as if set forth at length.
- 2) That, an index of plan sheets be provided on the first sheet of the plan set.
- 3) That, the location of the water, wastewater and other utilities be shown on the plans and be located to avoid impacts to the storm water management systems.
- 4) That, a detailed plan be created using best practices for the debris removal from the wetland and wetland buffer areas and that this plan consider performing the work during dry conditions. The plan shall be submitted to the Planning Board for approval.
- 5) (A) That, the property deeds for lots 1, 2 and 3 be developed and approved by the Village Attorney and Village Engineer in which the deeds shall acknowledge the requirement for an onsite storm water management system and require that the property owners inspect and maintain the storm water management systems. All wording regarding the above shall be expressly set forth in all subsequent deeds for lots 1, 2 and 3. A reference to any easement or other agreement between the property owner and the Village shall also be referenced in the deeds. (B) That an easement agreement or other appropriate legal document be developed and include provisions that require the property owner to inspect and maintain the storm water management system and also give the Village the ability to inspect and maintain the storm

water management systems if not performed by the property owner with all Village costs for such inspection and maintenance being billed to the property owner. The agreement shall also include a statement that binds the Grantee's, their successors and assigns to the above requirement. This agreement shall be presented to the Village Board and their acceptance of the document provided to the Planning Board.

- 6) That, any disturbance to the wetland buffer outside the approved limit of disturbance would require an amended Wetland Permit and referral back to the Water Control Commission.
- 7) That, the following wetland/watercourse notification statement be incorporated into the deeds for lots 1 and 2, "For as long as any portion of the property described in this deed is subject to regulation under the Village of Croton-on-Hudson's Wetlands Law, there shall be no construction, grading, filling, excavating, clearing or other regulated activity on this property within the wetland or watercourse buffer areas, as shown on the Final Subdivision Plat, at any time without having first secured the necessary wetland permit required pursuant to the above noted Law. This restriction shall bind the Grantee's, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property." A copy of the proposed deeds shall be submitted to the Planning Board.
- 8) That, a final recommendation of consistency be issued by the Waterfront Advisory Committee in accordance with Chapter 225 of the Village Code.
- 9) That, a variance will be required for a front yard setback for lot 1 and that application be made to the Zoning Board of Appeals for such variance and a copy of the ZBA resolution granting such variance be provided to the Planning Board. If a variance is not obtained the lot shall be redesigned to the satisfaction of the Planning Board to provide the required front yard.
- 10) That, an offer of the 10 foot conveyance be made to the adjacent property owner and if accepted a written copy of the acceptance agreement be provided to the Planning Board along with a proposed deed for the conveyance with reservation of a trail ROW easement for the Village unless the trail ROW easement is relocated off of the 10 foot conveyance.
- 11) That, an offer of dedication of the open space parcel be made to the Village Board and if accepted a written copy of the acceptance agreement be provided to the Planning Board along with a proposed deed for the conveyance. The deed shall be approved by the Village Attorney. If the Village Board declines the offer of the open space parcel the same offer shall be made to the Westchester Land Trust or similar land trust organization with a reservation of a ROW easement for a trail over open space parcel in a location to be approved by the Planning Board with the input of the Village Trail Committee.

- 12) That, a single Trail ROW easement, from Lower North Highland Place to the open space parcel, for a trail and its associated maintenance be developed and shown on the plans and that a Trail ROW easement agreement be developed and submitted to the Village Attorney and Village Engineer for review and approval and an offer of dedication of the Trail ROW easement be made to the Village Board and if accepted a written copy of the acceptance agreement be provided to the Planning Board along with the proposed Trail ROW easement agreement.

BE IT FURTHER RESOLVED, that, as part of the Final Subdivision Plat approval process, the Applicant shall seek the necessary approval from the Westchester County Department of Health. Evidence of approval by the Westchester County Department of Health shall be in the form of the Department of Health's endorsement of the Final Subdivision Plat.

The Planning Board of the Village of
Croton-on-Hudson, New York

Robert Luntz, Chairperson
Mark Aarons
Fran Allen
Bruce Kauderer (Absent)
Steve Krisky

The motion to approve was made by Mr. Aarons, seconded by Mr. Krisky and carried by a vote of 4 - 0.

The resolution was approved at the Planning Board meeting held on May 10, 2011.