

VILLAGE OF CROTON ON HUDSON, NEW YORK
PLANNING BOARD MEETING MINUTES – TUESDAY, August 23, 2011

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

ALSO PRESENT: Daniel O'Connor, Village Engineer

1. Call to Order

Meeting called to order at 8:00 p.m. by Chairman Luntz.

2. OLD BUSINESS

- a) Steel Style Properties, LLC -- 50 Half Moon Bay Drive (Sec. 78.16 Blk. 1 Lot 3) -- Application for an Amended Site Plan and Wetlands Activity Permit for new single-family dwelling*

Ralph Mastromonaco, consulting Engineer for Steel Style Properties, LLC, and Mr. David Plotkin owner of Steel Style Properties, LLC, were present.

Chairman Luntz stated that the consulting engineer would be presenting alternate plans. In the future this application will go to a public hearing but the Planning board would allow limited comments from the public at tonight's meeting. These comments can also be submitted in writing to the Planning Board.

Mr. Mastromonaco stated that the attorney for the ~~Homeowners Association of Half Moon Bay~~ applicant [correction of fact requested by Lisa Stenson Desamours, President of HMB HOA Board, confirmed per discussion with Planning Board Chairman on 10/25/11 and corrected on 10/26/11] sent a copy of the letter from Rothschild & Pearl, LLP (dated August 17, 2011) regarding whether the review and architectural approval of improvements and powers vested in the Board of Directors of HMB HOA extends to the [Restaurant] Parcel at Half Moon Bay. This letter will be given to the Village Attorney Jim Staudt.

Mr. Mastromonaco stated that he had submitted three plans: "Alternate 1" site plan (30" tree to be removed) and "Alternate 1A" site plan (30" tree to remain)--both site plans show access to the house from the parking lot. "Alternate 2" site plan shows access to the house from Half Moon Bay Drive. Ms. Allen asked Mr. Mastromonaco if the two houses shown on Alternate 1A and Alternate 2 were the same size. Mr. Mastromonaco stated they were. Ms. Allen then pointed out that according to her calculations the square footage of one house was bigger than the other. Mr. Mastromonaco then answered that the square footage of the house on

Alternate 2 is a little bigger than the house on Alternate 1A. (Copies of the site plans are available in the Village Engineer's Office).

Chairman Luntz agreed with Mr. Krisky's previously expressed concern regarding access to a private house through a municipal lot. Chairman Luntz suggested that the alternative is to go in front of the house or not have a garage at all, neither seeming to be a great alternative; however, it will be the Village Board's decision whether or not to grant an easement through a municipal lot.

Mr. Mastromonaco stated that there was a need for a circular driveway for parking so that the homeowner could get in and out of the driveway without having to back out onto Half Moon Bay Drive. He stated that he was doing a lot less than the original plan for a restaurant.

Chairman Luntz stated that he hadn't seen site plans for the restaurant but nonetheless a restaurant site plan would still have had to consider adjacent properties. Mr. Krisky stated one couldn't compare a restaurant with a private home since a restaurant would have a different public value than a house.

Mr. Mastromonaco reiterated that he was proposing a single-family house; and a circular driveway was a convenience for the people who live there and better for the people who don't live there since the homeowner would not be backing in and out onto Half Moon Bay Drive.

Mr. Krisky asked if Mr. Mastromonaco had explored other configurations of a driveway onto Half Moon Bay Drive. He wondered if there were there other options that took up less of a presence. Mr. Mastromonaco stated that the only alternative he had examined were grade issues, intersection issues and setback concerns since there was not a lot of room between the road and the house.

Mr. Kauderer stated that he didn't have much of a problem with access through a parking lot, since it wasn't a park. However, he was interested in what the neighbors thought of the application.

Chairman Luntz stated that the Village Board had no objections to the Planning Board being lead agency, but the Planning Board had not yet heard from the DEC and it has only been 27 days, not the 30 days required. He did not believe the Planning Board was in a position to call a public hearing.

Mr. Mastromonaco maintained that the Planning Board did not have to be designated the lead agency in order to call for a public hearing and if the Planning Board continued to wait it might run past the 90 days, and by default, the application would be approved.

Chairman Luntz stated that it was his understanding that there is a difference in opinion between the Village Engineer and Mr. Mastromonaco about whether this

was an Amended Site Plan or a Minor Site Plan application. The Village Engineer stated that he would talk with the Village Attorney when the Village Attorney returned from vacation next week.

Mr. Kauderer suggested that the letter from Rothschild and Pearl, LLP, be given to one of the representatives of Half Moon Bay Association this evening so that they can give it to the HMB attorney and he can review and offer his opinion. The Planning Board agreed.

Mr. Aarons expressed concerns about losing parking in the lower municipal lot especially when the lot is filled to capacity in the summer months. Mr. Mastromonaco responded that neither plan indicates any loss of parking spots. He was building a single –family house that is required to have parking on the site. He believes it is not likely that the parking lot will be filled. Mr. Aarons disagreed.

There was some discussion about the lower floor and whether it would be considered a basement or a cellar. If the lower floor was determined to be a basement, the house would be three stories. A more detailed discussion ensued regarding fill issues and its effect on the grade level. Ms. Allen pointed out that one might manufacture a cellar (the house would then be considered a two-story) by adjusting the grade level. Mr. Aarons asked about the soil, and the Village Engineer stated that further along in the review process there could be a soil analysis. If one design option is through the parking lot, the Village Board will need to give approval. If they say no to the easement through the parking lot, then the design options are reduced.

Mr. Kauderer reminded the Board that there are legal constraints; the Planning Board cannot say it doesn't want a house at this site.

Ms. Allen cited the last paragraph of Mr. Mastromonaco's letter to the Planning board dated August 19, 2011 in which it states "We would like to process both alternate plans 1 & 2 simultaneously since we can not anticipate the Village Board granting the use of the parking lot for access." Ms. Allen stated that the Planning Board may feel that neither of the two site plans is acceptable whether because of its blocking river views or taking down trees, and if that is the case, the Planning Board might want to look at alternatives that are more acceptable without going through the ones being proposed. Ms. Allen believed it would be a waste of time looking at unacceptable alternatives.

Chairman Luntz asked if other options were explored that increased the view of the river. Mr. Mastromonaco stated that in order to comply with the zoning code and adhere to the proper setbacks, there were no other places a house could be built. He did not see any possibility for an alternative.

Mr. Krisky suggested that the house could be made smaller which would reduce the impact it would have on the view when coming across the bridge. Mr.

Mastromonaco stated that he had given drawings of front elevations superimposed on the elevations of the house. There was some discussion about the pitch and slope of the roof.

Mr. Mastromonaco again requested that the Planning Board call for a public hearing for the next meeting. Mr. Aarons stated that given the letter of August 19, 2011 from the Village Engineer to Mr. Mastromonaco regarding preliminary comments on the application, it would be inappropriate to call for a public hearing before all the information is gathered. He would like to see a completed application.

Mr. Mastromonaco reiterated that the sooner there is a public hearing on an application, the more input he would have before looking at alternatives. He believed that the letter sent by the Village Engineer is outside the scope of a public hearing. Mr. Aarons stated that the Planning Board needed to find out some facts and speak with the Village attorney. Until this was done, the Planning Board was not calling for a public hearing.

Chairman Luntz agreed and invited the public to make short comments.

Joseph Biber, of 204 Cleveland Drive, member of the Bike/Pedestrian Committee and an urban planner expressed the following concerns: 1) Is a single family dwelling appropriate in a conservation easement? 2) If the goal is to promote public access does this private use encroach on public space? 3) What is the impact on pedestrian use since the path will only be 10 ft. wide--will this width make it uncomfortable for the public by making people feel as if one is walking through a private front yard? 4) There is the inconvenience of major construction that would make the area unusable for a lengthy period of time.

Pete Drexler, of 215 HMB, stated his concern about the blocked views from Half Moon Bay drive. When individuals enter the Half Moon Bay complex they get a view of the river-- to place a roofline in the view would alter that first impression. He is concerned that the values of the condo would go down. If house were to be built, it should have a design that is not visible from Half Moon Bay Drive.

Lisa Stenson Desamours, of 1400 Half Moon Bay Drive and President of HMB HOA Board asked the following questions: 1) Is it possible to receive latest copy of drawing? (Chairman Luntz stated that drawings can be located at the Village Engineer's office) 2) The Homeowners' Association asked that a member of the Plotkin family/marina come to the September 14th HOA Board meeting to discuss the plan, and 3) How would the gazebo and river be impacted? Ms. Desamours stated the Half Moon Bay community was looking forward to a discussion about this application.

Ann Lindau, of 417 Half Moon Bay Drive, stated that she too was concerned about river walk access, the environment and shoreline, and the stability of steep slopes and the location of the proposed house.

Doug Werle, 84 Old Post Road South, stated that he thinks most of the comments have been covered but he has two sets of interests—HMB residents interests and the rest of Village of Ctoton.

Pete Drexler invited the Planning Board members to walk the entranceway of Half Moon Bay and see the impact that the proposed house might have.

Chairman Luntz stated that all the Planning Board members had been at the site, but if time were available, they would consider going again.

Ronald Jensen, of 214 Half Moon Bay, stated that his main concern was that the proposed house would obscure the view of the bay which would be a loss to the residents of Croton and HMB. Many residents park in the municipal lot and use the river walk.

Chairman Luntz stated that once the Planning Board hears back from the village attorney, and the applicant responds to some of the comments from the Village Engineer, the Planning Board should be able to call for a public hearing.

3. NEW BUSINESS

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

The Village Engineer stated that five years ago the Village Board had issued a special permit to allow Nextel to install antennas in the attic of the Municipal building and grants this special permit for a five year period unless the technology changes. The lease is a twenty-year lease, but the special permit renewal is every five years.

Chairman Luntz asked if Nextel had met the conditions of their special permit and if there was any reason not to recommend the renewal of this special permit application. The Village Engineer answered that the wireless services was operating as originally operating and that when little issues have arisen, Nextel has resolved them.

Mr. Aarons asked if there was a requirement regarding the painting of the antennas.

The Village Engineer stated that the Planning Board could make a recommendation to the Village Board to have the Village Engineer evaluate the paint condition in addition to completing an inspection of the attic.

Mr. Aarons made a motion to recommend the special permit renewal to the Village Board, seconded by Mr. Kauderer, and carried by a vote of 5 to 0 all in favor.

5. APPROVAL OF MINUTES

The minutes of July 26, 2011 were approved, as amended, on a motion Ms. Allen, seconded by Mr. Kauderer, carried by a vote of 3 to 0 with 2 abstentions (Mr. Aarons and Chairman Luntz).

The minutes of August 9, 2011 were approved, as amended, on a motion by Mr. Aarons, seconded by Ms. Allen, and carried by a vote of 4 to 0 with 1 abstention (Mr. Kauderer).

6. ADJOURNMENT

There being no further business to come before the board, the meeting was duly adjourned at 9:45 p.m. on a motion by Mr. Aarons, seconded by Ms. Allen, carried by a vote of 5 to 0, all in favor.

Respectfully submitted,

Ronnie L. Rose
Planning Board Secretary