

**VILLAGE OF CROTON ON HUDSON, NEW YORK**  
**PLANNING BOARD MEETING MINUTES – TUESDAY, September 13, 2011**

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

ABSENT:                     Bruce Kauderer

ALSO PRESENT:            Daniel O'Connor, Village Engineer

**1. Call to Order**

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

**2. NEW BUSINESS**

- a) General Splice Corporation—1 Niles Road (Sec. Blk. Lot )—Referral from Village Board regarding a special use permit for a non-conforming use

The Village Board referred to the Planning Board this application for a special use permit for a non-conforming use. Mr. Ray D'Alvia, representative for the General Splice Corporation, stated he was requesting an additional five-year or more extension of the special use permit from the date of December 31, 2009. In the past, this permit has been granted by the Zoning Board of Appeals, however now the special use permit is granted by the Village Board with a recommendation by the Planning Board.

Mr. D'Alvia explained that General Splice Corporation, originally a nickel-plating business, has been, for over forty years, a mail order business that reassembles parts of equipment, primarily conveyor belt fasteners. He believes this application should be recommended for the following reasons: at present there are only two employees and there would not be more than 6-8 employees necessary at any given time; no one has ever filed a complaint with respect to this business; all the work is done in the building; there has never been any spillage out from the building and there is no danger to the property; the use permit is attached to the business and not the owner; no expansions are requested; the hours are a regular 9-5 day (no irregular hours); and there is ample parking available for employees and small delivery trucks.

The Village Engineer, the Assistant Building Inspector, and Ms. Allen visited the site Monday, September 12, 2011. Ms. Allen described the space as a fairly large area. Prior to her visit, she stated that she initially had been concerned about the business' impact on the river given the building's proximity to the Croton River; however, from what she had seen, everything was contained within the building and

there was no business conducted out of the building nor did anything get discharged into the air or into the ground. There is a septic system and the building is old, but from what they saw, there did not appear to be any impact on the river.

Mr. Aarons requested more details about the business to which the Village Engineer explained that the business assembled conveyor belt fasteners of various metals; there were clamps used to tighten the belts; there was very minimal metal cutting with metal lathes.

Mr. Aarons inquired how the items were delivered to General Splice, and Mr. D'Alvia answered that items were delivered by truck or mail. The Village Engineer stated that there was a van for pick up or delivery and this van fit in the garage. There appeared to be only a few smaller trucks and there was ample parking space.

Mr. Aarons asked if General Splice only assembled parts and did not manufacture its items. Mr. D'Alvia confirmed that this was the case. Mr. Luntz stated that he basically has been a neighbor for over thirteen years and it has been a very quiet business with no problems with traffic.

Mr. Aarons made a motion to make a recommendation to the Village Board to issue a special use permit for non-conforming use, seconded by Mr. Krisky, and carried by a vote, all in favor 4-0.

### **3. 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*

Mr. Ralph Mastromonaco, Consulting Engineer for the Applicant, stated that he had responded to some of the comments in the letter dated 8/15/11 from the Village Engineer. He plans to respond to other comments at the time of applying for a building permit. He distributed a photographic montage titled "Before and After visual from Driveway entrance to Half Moon Bay." This photo was taken at ground level (on the sidewalk) in a cul-de-sac. The photo is relative to scale. (The photograph was also distributed to the public in attendance at the meeting. A copy is available in the Village Engineer's Office)

Mr. Mastromonaco described the third picture at the bottom of the montage as a representation of what one might typically see when walking on the sidewalk at Half Moon Bay. Chairman Luntz asked if Mr. Mastromonaco was trying to show that one can not see the river from the driveway all along Half Moon Bay Drive. Mr. Mastromonaco agreed.

Chairman Luntz stated that at tonight's meeting, the Planning Board can procedurally declare itself as lead agency in SEQR process (the 30 day response time from the DEC has passed), move to set a public hearing date, and refer the application to other recommending boards in the village-- the Waterfront Advisory Committee (WAC), the Water Control Commission (WCC), the Advisory Board on the Visual Environment (VEB), and the Trails committee.

Ms. Allen stated that she thinks that the referrals to other boards should be done later; she does not want the plan to be "frozen in place"; she would like to have the opportunity to make adjustments to or make comments on the site plans before referring to other boards.

Chairman Luntz responded that the Planning Board can review the plans again after the committees respond, but now is a good opportunity to refer the application and supporting materials to other boards for their opinions so that when the Planning Board gets these opinions back, the Planning Board can proceed to get public comment. He did not think that the plan was "frozen in place." He stated that there was still opportunity to make adjustments by making such referrals, and such referrals and comments help the Planning Board with their review.

Ms. Allen agreed to the referrals to the other boards as long as the Planning Board does not accept the plan as the final plan.

Chairman Luntz stated that this had not been suggested —the Planning Board has a controversial application and was going to get input from other boards and the public and then advise the applicant as to what the status is. The Planning Board also has questions to the Village Attorney to which they are waiting for comments. He suggested that the public hearing be postponed until October 3<sup>rd</sup> and not the September 27<sup>th</sup> meeting since he was not able to be at that meeting. Most of the other boards/committees meet once a month and can therefore get their comments back to the Planning Board for review before the public hearing.

The Village Engineer stated that both alternatives of the site plan are in the application.

Mr. Mastromonaco stated that the site plan that shows access from Half Moon Bay Drive is looking more appealing to him than Alternative 1A because he is not encouraged that his client is going to get the easement through the municipal lot.

Mr. Aarons said he is hopeful to hear from the public what they perceive as the better plan. He is still confused however about the calculations for the height of the building, and asked Mr. Mastromonaco and the Village Engineer for clarification.

Mr. Mastromonaco stated that at present the height of the proposed dwelling is well below the height requirements.

A discussion followed between the Village Engineer, Mr. Aarons, and Mr. Mastromonaco regarding the calculations used to determine the height of the building. These calculations include determining which streets the building faces. Mr. Aarons requested an interpretation and opinion from the Village Attorney on what constitutes a street.

Chairman Luntz stated that at tonight's meeting, the Planning Board can take a vote on declaring itself lead agency, set a public hearing, and make the referrals to other boards/committees.

Mr. Mastromonaco stated that the public hearing is for a wetlands permit only, since this application is a minor site plan for a single-family dwelling. A minor site plan does not require a public hearing.

The Village Engineer agreed that the wetlands activity permit requires a public hearing, but also, a public hearing is required because this application, in his opinion, is an amendment to the original site development plan, not just a minor site plan application as Mr. Mastromonaco suggests. Also, the Village Engineer had requested a steep slope analysis for the driveway coming off of Half Moon Bay Drive from the applicant, and in reviewing the analysis it appears that there is a disturbance level of approximately 300-400 sq. ft. This amount of disturbance will require a public hearing for a steep slopes permit.

Ms. Allen stated that she believed the Board needed a lawyer's opinion and interpretation on what type of application this is. She believed the Board was rushing the process without the attorney's opinion.

Mr. Krisky asked if it was normal to proceed with two very different plans. Ms. Allen said that in her opinion the board has to settle on which one it is going to focus because various issues apply to one plan and not the other.

Chairman Luntz pointed out that the idea was to move to a public hearing so the Board could hear the feedback on both plans, and not focus on just one of the plans before hearing what the public said.

Mr. Aarons stated that there was no need to close the public hearing after the first meeting. Mr. Mastromonaco asked why the public hearing wouldn't be closed after the first meeting. Mr. Aarons stated that until the Board determined which plan was being used, the public should hear both plans and the public should not have to give a final comment when there isn't a final plan. Mr. Mastromonaco recommended that once the public has been heard from, the hearing should be closed. He believed the public had already given comments in the previous meeting, even without it being an official public hearing.

Mr. Aarons disagreed and stated that in his experience public hearings have rarely been closed after the first meeting.

A discussion followed about the drop from the curb to the level of the garage and its impact on a steep slopes disturbance. The Village Engineer stated that if the applicant wanted to avoid a steep slopes disturbance, the house could be shortened, but if the applicant wanted to move ahead with what they have now, a steep slopes permit application would be required in addition to the wetlands activity permit and amended site development plan.

Chairman Luntz stated that he was in favor of setting a public hearing four weeks from today so that the Planning Board has adequate time to hear from the attorney and boards.

Mr. Krisky pointed out that if the Board is waiting for feedback from other committees and the attorney, maybe six weeks would be better for the public hearing. Mr. Krisky also suggested that the Board might want to plan for a group site visit in which all members could ask questions of Mr. Mastromonaco and share opinions. He believed that something so significant warranted another site visit now that the Board understood the plans better.

Ms. Allen agreed that it is very important to visit the site again. She stated that the 30" tree at the municipal lot plays a major part in hiding the proposed building from the view at the end of Senasqua . The tree that may or may not be taken down is a significant one.

Mr. Krisky asked if the tree remains in the plan with access from Half Moon Bay Drive. Mr. Mastromonaco answered that the big tree stays if the driveway is from Half Moon Bay Drive, and they would try to save half of the twin tree shown on the proposed plan.

The Village Engineer stated that the 90 day period in which to call a public hearing would end approximately October 25, three meetings from now.

Mr. Mastromonaco stated that "we know what the public thinks." Mr. Krisky stated that he did not think that was the case. Chairman Luntz also disagreed with Mr Mastromonaco and stated that the application had not been advertised, the Planning Board had not heard from everyone, and the application has not had legal notices sent to neighbors or the newspaper yet.

The Village Engineer stated that if mutually agreeable the public hearing could be extended to a later date.

Chairman Luntz agreed that a six-week wait until the public hearing made sense. Mr. Aarons also did not mind if the public hearing was in four or six weeks as long as the public hearing could be kept open. He asked what happens if a decision is not made within 90 days. The Village Engineer stated that a public hearing should be held within 90 days of an application.

Mr. Mastromonaco stated that if a public hearing is not held after 90 days of an application, it is a default approval.

Mr. Aarons stated that he could not believe that it is a default approval after 90 days. He would like to verify this matter with the Village Attorney. He also stated that he took exception to Mr. Mastromonaco's implication that the applicant had been unduly delayed. Mr. Aarons stated that he believed it was appropriate to have a public hearing in four to six weeks. For the record, he wanted to make clear that Mr. Mastromonaco had not been unduly delayed given the context of this particular application.

Mr. Mastromonaco agreed that he had not been unduly delayed but reiterated that there has to be a response in 90 days for a single-family house. There is a legislative mandate to move things along.

Mr. Aarons maintained that the Planning Board should get clarity on this issue. Mr. Krisky stated that if the public hearing is scheduled for October 25, the Board will get more input from all parties and Half Moon Bay homeowners, and it will give the Planning Board time to review that input.

Chairman Luntz stated that he would like this application to get on the agenda for October 25 for a public hearing. He is willing to take his chances regarding the 90 days limitation.

Mr. Aarons added that he would like the Planning board to schedule a meeting on the October 11<sup>th</sup> meeting date with the Village Attorney so he can advise the Board. The Village Engineer stated that he would contact the Village Attorney to schedule.

Mr. Aarons made a motion to declare the Planning Board lead agency for a SEQR review on this application, seconded by Ms. Allen, and carried by a vote of 4-0, all in favor.

Mr. Krisky made a motion to schedule a public hearing on October 25, 2011 for this application, seconded by Mr. Aarons, and carried by a vote of 4-0, all in favor.

Mr. Krisky made a motion to refer this application to the WCC, WAC, VEB and the Trails committee to review this application, seconded by Mr. Aarons, and carried by a vote of 3-0, with one abstention (Ms. Allen).

Ms. Allen stated that she would like to hear from the public who were in attendance this evening since the Planning board has always extended this courtesy and there may be a piece of information the Planning Board needs to know. Mr. Pete Drexler, 215 Half Moon Bay Drive, stated that since this is a corner lot at Half Moon Bay Drive and Elliot Way, from the perspective of Elliot Way, a person might see 40 ft of

structure. Do both streets need to be satisfied in terms of calculating the height requirement of the building?

Chairman Luntz stated that the calculations needed to be completed but would likely conform to the code. He would like to see this in the drawings, and when that is completed, he will look at the calculations done by the applicant.

Mr. Drexler also submitted to the Planning Board a copy of the map of the original offering plan showing the restaurant fronting the lower lot. Chairman Luntz suggested that if there is a legal opinion that the HOA would like to submit, the Planning Board would consider it.

Ann Lindau, of Half Moon Bay, wanted to confirm that everyone at Half Moon Bay will get a notice about the public hearing; she wanted to state that it is her understanding that a public hearing can be kept open for several months and if the applicant agrees, the 90 day period can be extended.

Ms. Allen stated that the Planning Board should get the issue of what the plan was at the time of the offering and what was given to the attorney general.

Chairman Luntz stated that this question could be asked of the Village Attorney. Mr. Drexler also added that the Homeowners Association's attorney should contact the attorney general regarding the offering plan.

*b) Green Growler Grocery—368 South Riverside Avenue (Sec. 79.13 Block 1 Lot 71) – Sign Application for craft beer retail grocery store.*

Mr. Luntz stated that Ms. Seana O'Callaghan, the applicant, was not able to be present at the meeting tonight, but she had sent supporting materials in an e-mail.

Mr. Krisky stated that the sign on the convenience store next door had the same sign as the Green Growler's. He thinks the Green Growler's sign is adequate and does not violate anything aesthetically.

Mr. Aarons stated that he had problems with the sign hanging on the fascia board. He did not want to concern himself with the sign next door, only the current application. He, too, is concerned about the applicant having to spend money when she has just started a new business, but would prefer to table the application for about six months, see if the business thrives, and then revisit the application. He stated that he was concerned that the sign will deteriorate since it was installed on the drip line, and that the placement of the sign on the fascia board sets a precedent for other stores to do the same.

The Village Engineer stated that since there wasn't a great expense in relocating the sign, he believed the applicant wanted it where it was for better exposure.

Mr. Luntz stated that he believed it was appropriate where the sign has been placed given other signs' locations in the area.

Mr. Aarons reiterated that he would like to see the sign hang below the fascia line, not right at the drip line.

Mr. Luntz and Ms. Allen both agreed that the resolution granting approval for the sign should be passed.

Mr. Krisky stated he wanted to the business to be successful and did not want to impose more expenses on the owner to lower the sign.

Mr. Aarons believed the sign placement was both an aesthetic issue and set a precedent for other storeowners to hang signs on the fascia board.

Ms. Allen stated that, in her opinion, the sign looked fine where it was and it seemed to be consistent with the neighborhood.

Mr. Luntz also stated that he approved of the sign, and Mr. Krisky agreed. Mr. Aarons stated that the resolution should include that the sign was installed before the Planning Board had reviewed the sign application and had given their approval. All committee members agreed.

Ms. Allen made a motion to approve the resolution for the sign application, seconded by Mr. Krisky, and carried by a vote of 3 to 0 with one abstention (Mr. Aarons). Resolution attached.

#### **4. APPROVAL OF MINUTES**

Minutes of August 23, 2011 will be resubmitted at the next meeting with corrections.

#### **6. ADJOURNMENT**

There being no further business to come before the board, the meeting was duly adjourned at 10:10 p.m.

Respectfully submitted,

Ronnie L. Rose  
Planning Board Secretary

**RESOLUTION**

**WHEREAS**, the Planning Board had issued a Change of Use permit 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**, one of the conditions for said Change of Use permit was the submission of a sign application to the Planning Board for its review and approval, and as part of said application, a referral made to the Advisory Board on the Visual Environment (VEB); and

**WHEREAS**, the Advisory Board on the Visual Environment provided recommendations and suggestions to the applicant on Wednesday, July 20, 2011; and

**WHEREAS**, the sign was installed prior to the approval of the Planning Board; and

**NOW, THEREFORE BE IT RESOLVED**, that the sign application, as described in the sign permit application completed by Seana O’Callaghan, Applicant and dated July 19, 2011, be approved.

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 Ms. Allen, seconded by Mr. Krisky and carried by a vote of 3 to 0 with 1 abstention (Mark Aarons). Planning Board member, Bruce Kauderer, was absent.

Resolution accepted at the meeting held on Tuesday, September 13, 2011.