

VILLAGE OF CROTON ON HUDSON, NEW YORK
MINUTES OF THE WATERFRONT ADVISORY COMMITTEE MEETING
Wednesday, April 27, 2011

A meeting of the Waterfront Advisory Committee of the Village of Croton-on-Hudson, New York was held on Wednesday, April 27, 2011 in the Municipal Building.

MEMBERS PRESENT: Ann Gallelli
 Stuart Greenbaum
 Charlie Kane
 Bruce Kauderer
 Ian Murtaugh (arrived later)

ALSO PRESENT: Daniel O'Connor, Village Engineer

1. Election of WAC Chairman

Ann Gallelli nominated Stuart Greenbaum, who declined. Stuart Greenbaum nominated Charlie Kane. Ms. Gallelli made a motion to nominate Charlie Kane as Chair, Mr. Greenbaum seconded the motion, and the vote carried 4-0. Mr. Murtaugh had not yet arrived at the meeting.

2. Call to Order

Chairman Kane called the meeting to order.

3. Referral from Water Control Commission regarding Wetlands Activity Permit application—Thomas Donofrio and Sara Langbert—37 Park Trail (Sec. 68.13 Blk. 3 Lot 8)—Final Consistency Review

Mr. Ron Wegner, P.E. of Cronin Engineering, P.C., and Julie Evans, architect for the applicant, were present at the meeting. Based on the report, dated March 31, 2011, by Cronin Engineering, P.C., which contained the dye and percolation testing results of the existing septic system and the Water Control Commission's negative declaration, Ms. Gallelli stated she was satisfied with issuing a final determination of consistency. Mr. Kane concurred. Ms. Gallelli made a motion to make a final determination of consistency, Mr. Greenbaum seconded the motion, and the vote carried 4-0 in favor.

The memo regarding the final determination of consistency will be sent to the Water Control Commission.

4. Referral from Planning Board regarding application for Preliminary Subdivision Approval—Croton Community Nursery School—Lower North Highland Place (Sec. 67.20 Blk 2 Lots 5, 6, 9 and 25)

The WAC noted that the Planning Board discussed conditions for the subdivision approval. Ms. Gallelli, in a review of the preliminary consistency memorandum, asked

Mr. Wegner, Consulting Engineer for the applicant, if he would clarify some of the non-structural measures that might support policy 17 which discusses the use of such non-structural measures to minimize damage to natural resources and property from flooding and erosion. Several of the measures which support this policy were discussed: grass swales; no building in the flood plain; restoration of the wetlands; and a reduction of the number of houses from four to three.

Ms. Gallelli made a motion to make a positive finding of consistency, seconded by Mr. Kauderer. The vote carried in favor 4-0. This finding of a final determination of consistency will be sent to the Planning Board.

5. Referral from Village Board regarding Special Permit Use for Retail Business – 368 South Riverside Avenue (Sec. 79.13 Blk 1 Lot 71) – Preliminary Consistency Review

Based on the preliminary consistency review of the Green Growler Grocery, dated April 13, 2011, Ms. Gallelli noted that there was no new information. Mr. Kauderer stated that parking was discussed at the Planning Board meeting, and the Board had been satisfied. Mr. Kauderer made a motion to make a final determination of consistency, seconded by Mr. Greenbaum, and carried by a vote of 4-0 in favor.

6. Referral from Village Board regarding Special Permit Use for Motor Vehicle Service Station (with Sale of Used Cars) – John Palladino—365 South Riverside Avenue (Sec. 79.13 Blk 1 Lot 66) – Final consistency Review

The Village Engineer discussed the revised site plans submitted by the applicant. The two storage tanks that were encroaching on the neighbors' property have been moved inside the building. The existing floor drains are to be plugged up with concrete, and the Village Engineer will ask for an evaluation at the time of the building permit.

Mr. Kane stated it would be prudent to see secondary containment of the storage tanks in addition to vehicle protection or barriers that would protect the storage tanks from vehicle impacts. Mr. Kane suggested that a spill control kit be provided on-site to include, 55 and 85 gallon overpack drums which include several bags of absorbent material, booms, protective equipment for employees, brush and brooms, and other equipment which might address a potential spill. Furthermore, Mr. Kane suggested that a spill prevention plan be developed and implemented. Ms. Gallelli agreed that there should be a procedure in place to clean up a spill.

There was also a discussion on the storm water management system and the Village Engineer noted that, currently, the leaders to the dry well were not connected properly.

Ms. Gallelli made a motion to make a final determination of consistency with the following conditions to be included:

1. That a spill control kit be provided;
2. That a spill prevention plan be developed and implemented;

3. That secondary containment of tanks and vehicles be installed;
4. That the roof leaders and piping system to the existing dry well be inspected, cleaned and repaired to ensure the system is functioning properly

Mr. Greenbaum seconded the motion, and the vote carried by 4-0 in favor.

7. Referral from Planning Board regarding a Two-lot subdivision and Wetlands Activity Permit—Patrick Zanfardino—101 Brook Street (Sec. 78.08 Blk 5 Lot 3)— Final Consistency Review

The Village Engineer reviewed the recommendations made from the Water Control Commission and Mr. Greenbaum noted that the recommendations were fulfilled. Mr. Greenbaum made a motion to make a positive determination of consistency, seconded by Mr. Kauderer, and carried by a vote of 4-0 in favor.

8. Proposed adoption of Local Law Introductory No. 2 of 2011 which would amend Chapter 116 to supplement the list of Type II actions contained in the New York State Environmental Quality Review Act Regulations and proposed determinations of the Planning Board, Zoning Board of Appeals, Police Chief, and Village Engineer—Preliminary Consistency Review

Chairman Kane made a motion, seconded by Mr. Greenbaum that the WAC had no objection to the Village Board being designated as lead agency, and the vote carried by 4-0 in favor.

Mr. Kane noted that on p, 7 of the Coastal Assessment Form, “microware” should be corrected to “microwave.”

Regarding radio communication, the WAC would like to see the language related to “radio communication or microwave transmission facilities” broadened to be more inclusive so as to take into consideration future radio, television, telephone, or electronic communication developments.

The WAC found the following policies to be relevant regarding this application:

Policy 1A: Existing planning and zoning documents should be reviewed and amended where necessary to ensure development within the community is consistent with adopted goals and policies.

Policy 6A: To expedite permit procedures, the Village shall coordinate all relevant local laws into a development package for applicants and/or made all local laws available to applicants proposing development activities.

Ms. Gallelli stated that policies 1A and 6A are classified as *Development Policies* in the LWRP and were consistent with the New York State Department of Environmental Conservation’s goals to encourage streamlining the application process and reducing

procedural steps for activities where there are no significant environmental impacts. Mr. Kauderer stated that placing additional actions on the Type II list does not in any way limit any boards' authority to review the action or limit any boards' authority to establish conditions in any approval that is issued.

A motion was made by Mr. Kauderer for a preliminary determination of consistency subject to broadening the language regarding radio communication, and an explanation that this proposal does not limit any boards' authority to conduct an environmental review of an application. The motion was seconded by Mr. Murtaugh and the vote carried 5-0.

3. Approval of Minutes

The minutes of March 22, 2011 were amended, but held over for the next meeting for a vote.

The minutes of April 13, 2011 were approved, as amended, on a motion by Mr. Murtaugh, seconded by Mr. Greenbaum and carried by a vote of 3-0-1 (abstention).

4. Adjournment

There being no further business to come before the Committee, the meeting was duly adjourned at 9:20 p.m.

Respectfully submitted,

Ronnie Rose
WAC Secretary