

VILLAGE OF CROTON ON HUDSON, NEW YORK
MINUTES OF THE WATERFRONT ADVISORY COMMITTEE MEETING
Tuesday, March 22, 2011

A meeting of the Waterfront Advisory Committee of the Village of Croton-on-Hudson, New York was held on Tuesday, March 22, 2011 in the Municipal Building.

MEMBERS PRESENT: Fran Allen, Chairperson
Rob Luntz
Ian Murtaugh

ABSENT: Stuart Greenbaum
Richard Olver

ALSO PRESENT: Daniel O'Connor, Village Engineer

1. Call to Order

The meeting was called to order at 8:15 p.m. by Chairman Allen.

2. NEW BUSINESS

- a) *Referral from Village Board regarding Special Permit Use for Motor Vehicle Service Station (with Sale of Used Cars) –365 South Riverside Avenue (Sec. 79.13 Blk 1 Lot 66) – Preliminary Consistency Review*

Ms. Allen referred to the letter from the Village engineer dated 2/10/11 that stating that the application meets the requirements for a Motor Vehicle Service Station Special Permit Use.

The Village Engineer cited three concerns about possible contaminants: 1) stormwater runoff system, 2) disposal of waste fluids and solid waste as a byproduct of auto repair, and 3) floor drains in the building.

In reviewing the CAF, Mr. Murtaugh referred to p. 4, #4, (j) "*Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?*" and (k) "*Does the project involve shipment or storage of petroleum products?*" and believed that the response should be YES, not NO since chemicals, petroleum products, etc are used in a motor vehicle service station. Mr. Palladino responded that all of the waste was stored in environmentally approved tanks. The Village Engineer stated that discarded auto parts were considered solid waste and the tanks although preventing the parts from becoming hazardous, still stored solid waste. Ms. Allen recommended that the response should be YES, and that under remarks (Section D, p. 5) he could include that he stores the waste in environmentally approved tanks. The WAC members agreed that these adjustments were to be made on the CAF.

Mr. Murtaugh also referred to the EAF, p. 1, #9: *What is present land use in vicinity of the project?* stating that “Residential” should be marked since the neighborhood in which this service station is located is residential. In addition to being adjacent to a three family home, the applicant can also check “Other” since the service station is also adjacent to a church.

Ms. Allen referred to the EAF, p. 1 #10: *“Does Action involve a permit approval, or funding, now or ultimately from any other governmental agency (federal, state or local)”* and she stated that it should include the WAC’s recommendation as one of the agencies listed.

Mr. Murtaugh expressed concerns regarding the EAF, Part II, C1: *“Could action result in any adverse effects associated with the following: Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?”* with regard to existing traffic flow. In the past, Mr. Murtaugh felt that the previous dealership had not been good neighbors as there was noise from auto testing and parking in front of houses. Regarding C2 *“Could the action result in... Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?”* Mr. Murtaugh asked if there would be any adverse impacts on the nail salon building considered the oldest house in Harmon.

Mr. Palladino responded that he planned to paint the building and have it cleaned up.

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

Policy 7E: Runoff from public and private parking lots and from storm sewer overflows shall be effectively channeled so as to prevent oil, grease, and other contaminants from polluting surface and ground water and impact the significant fish and wildlife habitats.

The WAC discussed the need for a catch basin system in which stormwater runoff is effectively contained on-site. Mr. Luntz stated that because there is no retention on-site, all running water goes directly into the storm water sewer system and therefore contaminants would go directly into the water. Mr. Luntz stated that the WAC needed assurances that nothing will impact the habitats.

Policy 30B: Storage and disposal of all materials shall be monitored by the state to assure there will be no discharge or leaching of materials into coastal waters.

The WAC believes this policy has similar issues to Policy 7E in which the WAC will need assurances that the storage and disposal of materials shall not be discharge into the stormwater system. The Village Engineer asked if there are any floor drains which would allow contaminants to go into the stormwater system, and Mr. Palladino replied that he did not know, but he will cover them with cement if they exist. The Village Engineer also asked about the size of the storage tanks (one for waste oil, and one for diesel fuel for heating). Mr. Palladino responded that he would find out the size of the tanks.

Mr. Luntz stated that although the project may not be ideal, the real issue is to get something started, and in terms of consistency with the LWRP, the project seemed acceptable. Mr. Murtaugh expressed his disappointment about the intended use, but agreed that it was consistent with the LWRP.

Mr. Luntz made a motion to find a preliminary determination of consistency subject to the changes made in the CAF and EAF, in addition to a determination of the size of the storage tanks and a detailed accounting of floor drains, seconded by Mr. Murtaugh and carried by a vote of 3-0 in favor.

b) *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 – Preliminary Consistency Review*

After a detailed discussion initiated by Chairman Allen regarding the protocol for Planning Board referrals to the WAC, specifically with respect to whether a vote should be taken and/or a resolution made regarding such referrals, Mr. Murtaugh made a motion to discuss the preliminary consistency review of this referral, seconded by Mr. Luntz and carried by a vote of 2-1.

The WAC proceeded to review the EAF, p. 3 #11 “*Does project site contain any species of plant or animal life that is identified as threatened or endangered?*” where the applicant had not checked “NO” and needed to do so.

On p. 3, #12 (EAF) “*Are there any unique or unusual landforms on the project site? (i.e., cliffs, dunes, other geological formations)*” Mr. Luntz cited the unusual rock wall and ridge and knobs of the topography to which the Planning Board and the applicant have tried to make adjustments in the plans to accommodate. He stated that it would be desirable if there were a way the rock wall could be worked into the overall plan—the unique landforms could be made into a unique and desirable feature. The Village Engineer suggested that the Planning Board could take a look at this especially regarding the placement of homes. Mr. Luntz stated that he was not suggesting the homes are in the wrong place, but rather suggesting the rock walls be part of the landscaping. Therefore, in response to #12, the description should state that the rock wall is unusual and the construction and planning should work around it, and in response to B-3(a), p. 4, “*Will disturbed areas be reclaimed?, if yes, for what intended purpose is the site being reclaimed?*” state that the stone walls and rock walls could be incorporated into the landscaping.

In response to EAF, p. 4, B-2, “*How much natural material (i.e. rock, earth, etc.) will be removed from the site?*” the WAC members suggested giving an estimated number for the amount of rock to be moved.

In response to EAF, p. 4, B-6, “*If single phase project: Anticipated period of*

construction” the VE recommended $\pm 12-24$ months rather than ± 12 months.

In response to EAF, p. 5, B-25, “*Approvals Required*” it was pointed out that a steep slope permit would be required in addition to tree removal permits and a SPPP approval.

In reviewing the CAF, p. 2, #7: “*List and describe any unique land forms within or contiguous to the project site (i.e. bluffs, swales, ground depressions, other geological formations,*” WAC members recommended adding “stone outcroppings” as part of this list and further narrative about these stone outcroppings in Section D, “*remarks or additional information.*”

In reviewing the additional remarks, Mr. Luntz stated that the applicant presented an extensive approach to erosion and drainage control. The flooding issues that the downhill neighbors have are not being added to by the construction. The development will not contribute to water issues, nor will the prospective three houses contribute to on-street parking.

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

Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.

Because the conservation parcel will be owned by the Village and maintained by the Westchester Land Trust, debris will be removed from the watercourse and therefore the parcel will be restored and revitalized. This revitalization and restoration is consistent with Policy 1 of the LWRP.

Policy 5A: When feasible, development within the Village should be directed within the current service area of existing water and sewer facilities or in close proximity to areas where distribution lines currently exist.

The proposed residential parcels will be served by the municipal sewage disposal and water supply systems located in the road fronting the site. No new utilities are proposed. The use of existing utilities is consistent with this policy.

Policy 7E: Runoff from public and private parking lots and from storm sewer overflows shall be effectively channeled so as to prevent oil, grease, and other contaminants from polluting surface and ground water and impact the significant fish and wildlife habitats.

The stormwater water quality program will capture and infiltrate over 90% of the average annual stormwater runoff volume. This stormwater management policy will address the potential contaminants from polluting the ground water, and therefore, is consistent with this policy.

Policy 9B: Encourage passive recreational enjoyment of the wildlife in the designated significant fish and wildlife habitats, on the Audubon Society Sanctuaries, on other public

or private lands within the Village, where wildlife habitats are located. Encourage the recreational use of areas where such resources are found, as well as the protection of such resources.

By giving access to open space through the donation of public lands, in addition to the trails that already exist, trails could be created in the preserved parcel. The accessibility to new trails encourages the recreational use of this area, and therefore, is consistent with this policy.

Policy 11: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Houses will be built outside the flooding area and where there is no flooding, and therefore, is consistent with this policy.

Policy 11A: Erosion and sediment control measures shall be undertaken in order to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or results in earth movement.

The sedimentation and erosion control plan prepared for the subdivision site describes mitigating measures specified for the construction of the lots and related site work. Such measures are consistent with this policy.

Policy 17: Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; and (iv) the floodproofing of buildings or their elevation above the base flood level.

The WAC suggests that non-structural measures should be attempted, and details should be provided on the site plans for alternate methods.

Policy 19: Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority will be given to public beaches, boating facilities, fishing areas and waterfront parks.

Public access will be increased by the availability of trails, and therefore, is consistent with the LWRP.

Policy 25: Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic

quality of the coastal area.

The removal of debris will help restore the wetlands area, and therefore, is consistent with this policy.

Policy 33: Best Management Practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Policy 33A: Encourage new developments to retain stormwater runoff on site so as to not increase flows within the existing system or to improve existing stormwater runoff systems so that runoff from such developments does not adversely impact coastal waters.

Policy 37: Best Management Practices will be utilized to minimize the non-point discharge as set forth in Westchester County's Best Management Practice Manual or other recognized reference shall be utilized during development of any site.

Policy 37A: Standards and specifications for the control of non-point source discharge as set forth in Westchester County's Best Management Practice Manual or other recognized reference shall be utilized during development of any site.

Coastal Assessment Form states that "the proposed development will be constructed using the best management practices required for single family residence projects disturbing a minimum of five (5) acres in the State of New York." The Stormwater Pollution prevention plan details the plan to control runoff and pollutants from the site both during and after construction activities.

Policy 37B: Control of the development of hilltops, and steep slopes should be exerted in order to prevent erosion and minimize runoff and flooding from new construction.

There will be a steep slope disturbance but this will be minimized by the use of erosion control measures set forth in the CAF.

Policy 44A: Wetlands, water bodies and watercourses shall be protected by preventing damage from erosion or siltation, minimizing disturbance, preserving natural habitats and protecting flood and pollution.

By preserving the habitat and open space, and minimizing the disturbance to the wetlands buffer, this will be consistent with the LWRP.

3. Approval of Minutes

The minutes of the Thursday, February 3, 2011, WAC meeting were approved, as amended, on a motion by Mr. Luntz, seconded by Mr. Murtaugh and carried by a vote of 3-0.

The minutes of the Wednesday, March 2, 2011, WAC meeting were approved, as

amended, on a motion by Mr. Luntz, seconded by Mr. Murtaugh, and carried by a vote of 3-0.

4. Adjournment

There being no further business to come before the Committee, the meeting was duly adjourned at 11:00 p.m.

Respectfully submitted,

Ronnie Rose
Secretary