

Village of Croton-on-Hudson
Water Control Commission Meeting of
March 16, 2011

PRESENT: Mark Goldfarb, Acting Chairperson
Charles Kane
Vita Rhodes

ALSO PRESENT: Daniel O'Connor, Village Engineer

ABSENT: Stuart Greenbaum, Chairperson
Al Mazza

1. Call to Order.

The Water Control Commission Meeting of March 16, 2011 was called to order at 7:30P.M.

2. Old Business.

- a) **Tom Donofrio and Sara Langbert** – 37 Park Trail (Sec. 68.13 Blk 3 Lot 8) – WAC memorandum regarding application for a Wetlands Activity Permit for an addition to an existing residence within a stream buffer.

Ronald Wegner, Cronin Engineering, Engineer for 37 Park Trail stepped forward to answer questions about the application.

Mr. O'Connor recapped Chairman of the Waterfront Advisory Committee Fran Allen's March 10, 2011 memo to the WCC regarding the Preliminary Consistency Review. He also recapped a letter from the Architect, Julie Evans, which proposed upgrading the septic tank, installing water saving fixtures and diverting gutters and surface water away from the septic field. He also stated that it has been recommended that a dye test be done and more information be developed regarding the tile field.

Mr. Kane stated that he thought the WAC made good recommendations, and that the engineer was doing a good job protecting the Croton River.

Mr. O'Connor further summarized that the outstanding issue is whether or not the Board is comfortable with issuing a negative declaration, and turning it back over to the WAC for final determination of consistency, while not knowing whether the septic system holds any potential for any adverse environmental impact.

Acting Chairman Goldfarb asked whether Cronin Engineering had any such information, to which Mr. Wegner replied negatively.

After some discussion by the board members, Mr. O'Connor and Mr. Wegner, it was determined that a preliminary dye test would need to be done, (preliminary because the

home was currently vacant) and a percolation test. Since the owners had engaged a septic contractor, that contractor should probably be contacted.

Determination: The Board determined that the applicants needed to return to the WCC with the results of the dye and percolation tests and the septic contractor's report on the septic system. At that time if the WCC is satisfied and issue a negative declaration, the application would then need to return to the WAC for a final determination of consistency.

[WCC Secretary's Note: Ms. Julie Evans, Architect for 37 Park Trail, arrived after the Referrals from Planning Board portion of the meeting had begun, prompting additional discussion]:

Ms. Evans was asked by Chairman Goldfarb if she would like to make any comments. After she introduced herself, Mr. O'Connor recapped the Board's determination that a dye test simulating normal usage would need to be performed and more information regarding the quality of the septic was needed, resulting in the Board having insufficient information presently to issue a negative declaration on environmental impact.

Ms. Evans said the water is metered village water. Her clients live next door to the property and would be ready to do the test which would be beneficial to them as well.

Since the water is metered, Ms. Rhodes wanted to know if that could be used to indicate water usage. Mr. O'Connor replied that would give an average usage, and doesn't tell anything about peaks, providing no critical information. He further added that there is no history of sewage failure in the last eight years, and explained that we just need to know if the system will be operating properly over a long period of time.

Mr. Goldfarb asked Ms. Evans when someone last lived there, to which she replied that someone had definitely lived there within the last eight years; she could not definitely say if someone had lived there within the last year on a full time or part time basis, but said she could find out. Although the house is currently for guest/home office use, the design is for a full time use dwelling.

Mr. O'Connor stated that water saving fixtures had been proposed. Also, a dye test should be easy to perform and would simulate daily use of the septic. Providing more information on the quality of the septic would help indicate its long term viability to function and not fail.

Ms. Evans said she and her client would figure out how to perform the test, attain the additional information on the septic, and provide the findings at the next meeting.

3. Referrals from Planning Board:

- a) **Croton Community Nursery School** – Lower North Highland Place (Sec. 67.20 Blk. 2 Lots 5, 6, 9 and 25 – Proposed 3 Lot Subdivision with open space parcel – Wetland buffer disturbance (Lot 1).

Mr. Wegner presented himself as the representative for the Croton Community Nursery School, and a Mr. Gary Kogan of 42 Old Post Road North introduced himself as a neighbor with concerns.

Mr. Wegner then gave a brief history of the proposed development which had been adjusted from a proposed 4 lot subdivision to a 3 lot one, and added that a tree survey had been performed.

Mr. O'Connor asked for an overview of all the water courses and wetland determinations.

Mr. Wegner (indicating on his drawings), that the main water course that crosses under the bridge at Old Post Road was originally flagged as a wetland and that a small area had been added on as a wetland. The wetland has a 120' buffer. He also indicated a rainfall drainage course which has a 20' buffer. He explained the changes to Lots 1 and 2 and said that 5.98 acres, which was more than half of the total site, would be a dedication parcel for conservation. The development would disturb less than an acre. A storm water management system had been developed to capture, store, and infiltrate the first 1.3" of rainfall and to hold back the peak flows to the current flow rates. The method of interception was discussed, as well as soil data tests, and the drainage course. Mr. O'Connor felt that the proposed drainage system would be able to handle the drainage flow.

Mr. O'Connor felt that the disturbance of the wetland buffer needed to be pointed out and that the area involved was almost in a different drainage divide than the wetland itself. Mr. Wegner stated that the impacted area does not drain towards the regulated wetland. Mr. O'Connor also added that although it would require a Zoning Board variance, the proposed house on Lot 1 had been pulled closer to the road to mitigate the disturbance. Placing the house closer to the road would not be inconsistent with other homes on that part of Lower North Highland Place. Retaining walls behind the homes are also planned to also help mitigate the disturbance. Mr. O'Connor pointed out that he had asked if the disturbance could possibly be totally eliminated, to which Mr. Wegner replied that the retaining walls were already 6 feet in height and could not feasibly go any higher. He also added that the nearest point of disturbance is 108' from the edge of the wetland. Mr. O'Connor also felt it was important to point out that there was a significant amount of debris scattered in the wetland as a result of past use as a contractor yard. Mr. Wegner stated that clearing away the debris is part of the development plan.

Ms. Rhodes expressed concern regarding the size of the houses with respect to the lot sizes. It was determined that the Planning Board would be responsible for the approval of that aspect of the development.

Mr. Kogan was asked to speak. He then expressed his concerns about the water course, which he feels has not adequately handled past storms. He said there were constant floods, the brook turns into a raging river, and the culvert has been obstructed with debris. He wanted to know who would pay for repairs if the retaining wall beneath his

house were to be undermined. When he asked for a moratorium on more construction in the area until these issues were resolved, Mr. Kane explained that it was not in the WCC's domain to ask for such a moratorium, but that the water issues would be considered.

Ms. Slippen then identified herself as Maria Slippen, a member of the Croton Community Nursery School Board, who has been on the board for 4 or 5 years and had inherited the CCNS Subdivision Plan. She also resides on Michaels Lane, a neighboring street.

Mr. Kane asked Mr. Wegner to address Mr. Kogan's concerns. Mr. Wegner stated that the Planning Board had asked an outside consultant to review the drainage analysis. He further stated that the proposed drainage system for the development is five times the New York State standard for such developments.

Using his diagrams, Mr. Wegner then described the storm drainage system to Mr. Kogan, including backup and overflow aspects, and which ultimately connects to the municipal system. Each dead storage chamber can hold a ballpark figure of 3,000 gallons. The analysis also shows that the post-development flow is at or slightly below pre-development flow.

Ms. Rhodes then asked Mr. Wegner if the chambers eventually silt up, to which he answered that the chambers were quite large, pre-treated, would require infrequent cleaning, but maintenance could be part of the Planning Board's condition of approval.

Mr. O'Connor summarized that the homeowner(s) would be required to maintain the system. Should a complaint arise, the village would follow enforcement processes to have the homeowner comply. Failure to do so would result in the Village taking over the maintenance.

Ms. Rhodes asked if there were any underground streams. After Mr. Wegner answered that he had not witnessed any, Mr. O'Connor added that "underground stream" was a loose term, and was very hard to determine. Ms. Rhodes said that as demonstrated by the last two storms, there was still ground water flowing, and that this could be a concern. Mr. O'Connor explained that houses on Lots 1 and 2, being located in the small watershed that is available are probably not going to have any ground water problem. Lot 3 gets closer to the swale where the ground water is probably shallower resulting in the house being set up higher.

Mr. O'Connor suggested that the Board require a plan to clean up the debris, located on the wetland (the open space parcel as well as some of Lot 1) in the least disruptive manner. Mr. Wegner agreed, hoping he can do so during dry time and accessing the area through the neighboring "L" shaped lot. He then indicated the debris area on the drawings for Mr. Kogan.

Mr. Kane asked Mr. Wegner if any trees are going to be removed in the buffer, to which he replied two – an 18” Sweet Birch and a 5” American Beech, both in the 120’ wetland buffer.

Mr. Kogan asked whether the land trust would be open for public access and use. Mr. Kane explained that it is an unknown currently, and would be determined by the Village Board. Mr. O’Connor added that the Trails Committee has walked the property and had made a recommendation on the location of the trails and that they should link out to Lower North Highland Place, creating a passive recreational use (trail use) at a minimum. Ms. Slippen asked for clarification as to who currently owns the land on which these trails would be located, and Mr. Wegner explained that currently the school still owns it with intent to dedicate it as a conservation parcel. Ms. Slippen added that the school is not connected to the property, is not involved in any building, and intends to sell the 3 Lots. As a result of further discussion, Mr. Kane declared that the site is not connected directly to the Arboretum.

Preliminary recommendations were proposed as follows: 1. A recommendation to the Planning Board for use of best practices for the debris removal from the wetland area during dry time. 2. A recommendation to the Planning Board to place a condition that the storm water systems be inspected and maintained, with the Village having the ability to step in if not adhered to, and possibly adding this condition to the deed. 3. Any difference in the disturbance in the buffer not already approved by the Planning Board would need to return to the WCC Board.

Mr. Wegner then indicated the drainage containment areas on the drawings in the wetland as well as the entire site for Mr. Kogan.

Determination: Based on the meeting, the Board will send a memorandum outlining its recommendations to the Planning Board regarding issuance of the Wetlands Activity Permit.

4. APPROVAL OF MINUTES:

After ascertaining that requested changes had been incorporated, Mr. Kane made a motion to approve the minutes of the February 16, 2011 Water Control Commission Meeting. The motion was seconded by Ms. Rhodes. The minutes were unanimously approved.

5. ADJOURNMENT:

Mr. Kane made a motion to adjourn which was seconded by Ms Rhodes. The meeting was adjourned at 9:00P.M.

Respectfully submitted,
Toni Cruz
Water Control Commission Secretary