

## **RESOLUTION**

**WHEREAS**, the Planning Board has reviewed a Minor Site Plan application from December 9, 2014 through November 27, 2018 for John Boulos, hereafter known as "the Applicant," said property located on a vacant lot on Piney Point, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.13 Block 4 Lot 44; and

**WHEREAS**, the proposal is for a new single-family dwelling; and

**WHEREAS**, this proposal is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), therefore, no Negative Declaration is required.

**WHEREAS**, on July 2, 2018, The Chazen Companies, an independent consulting engineering firm, submitted review comments on the site plans to be addressed by the applicant, and subsequently, submitted a letter dated August 23, 2018 which confirmed that all of its review comments had been adequately addressed by the applicant; and

**WHEREAS**, on October 10, 2018, the Zoning Board of Appeals granted variances (see attached resolution) to permit the construction of a retaining wall that exceeds the allowable height for an accessory structure and that will be constructed closer to Piney Point Avenue than the principal structure; and

**WHEREAS**, on October 27, 2018, the Planning Board conducted a site visit to the proposed location; and

**WHEREAS**, under section 120-4 of the Village Code the Planning Board is the approving authority for the issuance of an Excavation and Filling Permit and in accordance with section 120-3(C) of the Village Code, the approval of the Minor Site Plan incorporates the excavation and filling permit, subject to the conditions specified below.

**WHEREAS**, under section 208-16(C) of the Village Code the Planning Board is the approving authority for the issuance of a Tree Removal Permit and in accordance with section 208-16(F) of the Village Code the approval of the Minor Site Plan includes the approval to remove two trees noted on the site plan to be removed, subject to the conditions specified below.

**WHEREAS**, the proposed development plan proposes a total steep slope weighted area disturbance of 10,433 square feet, which is under the thresholds of disturbance for steep slopes and individual steep slope disturbances are also under the thresholds of disturbance for steep slopes and therefore, a steep slope permit is not required; and

**WHEREAS**, under Chapter 196 of the Village Code the Storm Water Management Officer is the approving authority for the stormwater management and erosion and sediment control plan.

**NOW, THEREFORE BE IT RESOLVED**, that the Minor Site Plan application, as shown on the documents listed as Attachment "A" be approved subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That three sets of approved site plans be submitted with the building permit application.
3. That the architectural plans for the house submitted for the building permit application substantially comply with the architectural plans for the house approved by the Planning Board.

4. That, the final construction sequencing plan, covering as a minimum the items included on the construction sequencing plan listed in appendix A, be submitted to and be approved by the Village Engineer prior to the issuance of a building permit.
  - a. The construction sequencing plan shall include a note requiring prior approval from the Village and 24 hour prior notification to owners and/or tenants of impacted properties of any proposed street closures.
5. That, the stormwater management and erosion and sediment control plan be submitted to and be approved by the Storm Water Management Officer prior to the issuance of a building permit.
6. That, a final slope stabilization and wall plan signed and sealed by a New York State Professional Engineer shall be submitted to and approved by the Village Engineer prior to the issuance of a building permit.
  - a. After the construction of the mesh safety fence, and prior to any additional work including tree removal, a certificate of construction compliance from a NYS Professional Engineer shall be submitted to and accepted by the Village Engineer.
  - b. A certification of construction compliance by a New York State Professional Engineer shall be submitted to the Village Engineer covering the improvements on the slope stabilization and wall prior to the issuance of a certificate of occupancy.
7. Documentation satisfactory to the Village Engineer shall be submitted, prior to the issuance of a building permit, indicating that the owner of the utility pole to be relocated has or will agree to relocate the pole.
8. That, the final location, details, and specifications for the proposed guide rail along Piney Point Avenue shall be submitted to and approved by the Village Engineer prior to its ordering or installation.
9. That, the final construction plans for the offsite drainage improvements, signed and sealed by a NYS Licensed Professional Engineer, be submitted to the Village Engineer for approval prior to the issuance of a building permit.
  - a. That, the estimated cost of construction, prepared by a NYS Licensed Professional Engineer, for the off-site drainage improvements be submitted to and be approved by the Village Engineer.
  - b. That, a performance bond in an amount equal to 100% of the estimated cost of construction for the off-site drainage improvements guaranteeing the completion of the improvements be submitted to the Village Engineer and be accepted by the Village prior to a building permit being issued.
  - c. That, after completion of construction of the off-site drainage improvements a certificate of construction compliance from a NYS Licensed Professional Engineer and as-built plans shall be submitted to and accepted by the Village Engineer prior to the issuance of a certificate of occupancy.
  - d. That, a maintenance bond in the amount of 100% of the estimate cost of construction of the off-site drainage improvements, covering the period of one year from final acceptance of the off-site drainage improvements by the Village shall be submitted to the Village Engineer and accepted by the Village prior to the issuance of a certificate of occupancy.
  - e. That, after final acceptance of the off-site drainage improvements by the Village an offer of dedication for the improvements shall be submitted to the Village for acceptance. A certificate of occupancy shall not be issued until the Village accepts the offer of dedication of the off-site drainage improvements.
10. That, as built surveys be submitted to the Village Engineer of the completed foundation and of the entire site prior to a certificate of occupancy being issued.
11. That, the applicant shall use good faith efforts to enter into a mutual agreement with the owner of Lot 43 to safely divert the roof run-off from the pipe that is proposed to

be capped. The outcome of the good faith effort shall be submitted to the Village Engineer prior to a certificate of occupancy being issued.

12. That, in accordance with sections 208-18 and 208-19 of the Village Code the following conditions are established for the approval to remove trees:
  - a. That the landscaping plan submitted is hereby approved by the Planning Board. The landscaping shown on the plan shall be installed prior to issuance of a certificate of occupancy.
  - b. That, if any of the trees noted on the plan to be saved are unintentionally damaged during construction, the applicant will replace such trees with a tree of 2.5" minimum caliber with the species to be approved by the Village Engineer.
  - c. That, the trees to remain shall be protected with tree trunk armor and/or root zone protection as shown on the site plans listed above or as required by the Village Engineer.
  - d. That, in accordance with section 208-19(A) of the Village Code the applicant shall file with the Village a suitable bond or other security payable to the Village to cover the completion of conditions (a) through (c) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village Planning Board in accordance with the requirements of the Village Code.
  - e. That, tree removal operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through Friday and between the hours of 8:00 p.m. and 10:00 a.m. Friday through Sunday.
  - f. That, any stumps remaining above grade shall be removed to less than two feet.
  - g. That, no tree removal shall occur unless a building permit has been issued by the Village Engineer.
  - h. That, within 30 days after the completion of all tree removals the Village Engineer shall be notified of such completion.
  - i. That, the approval to remove trees shall be valid for the term of minor site plan approval and shall terminate upon the issuance of a certificate of occupancy.
  
13. That, in accordance with sections 120-7 and 120-8 of the Village Code the following conditions are established for the approval of the excavation and fill work:
  - a. That, suitable fencing, with a minimum height of 48", be provided to guard any excavation greater than four feet in depth. All gates shall be locked at all times when work is not being performed on the property.
  - b. That, excavation and/or filling work shall not commence until a building permit has been issued and erosion and sediment control devices have been installed and inspected by the Village Engineer in order to prevent potential impacts to stormwater drainage, water bodies and/or wetlands.
  - c. That, during construction all excavations shall be drained so that any standing water at the bottom not be greater than one foot.
  - d. That, any fill from off-site shall be clean, containing no garbage, refuse or deleterious matter, the Village Engineer shall inspect all

fill from off-site sources and may require testing, by an approved laboratory, to determine the cleanliness of the fill.

- e. That, appropriate dust-control measures shall be implemented on-site and on access roads and any traveled areas used in connection with any excavation and/or filling work to protect the public and surrounding area against windblown soil and dust.
- f. That, removal of soil or other material from the ground and/or placement of fill on the ground shall not prevent or interfere with the orderly development of land in the vicinity, shall not unreasonably impede traffic flow, or parking.
- g. That, to prevent the earth of adjoining property from caving in before permanent supports have been provided for the sides of such excavation, any person causing any excavation to be made shall provide such sheet piling, bracing or other methods as may be necessary, plans for which are to be submitted to and approved by the Village Engineer prior to any such excavation being undertaken.
- h. That, provisions shall be made for the temporary drainage of the property during excavations or filling operations and for the permanent drainage to be effective upon the completion of the operations.
- i. That, any excess soil from the excavation shall be removed from the site immediately but in no event more than 20 days from excavation.
- j. That, all disturbed areas not hardsurfaced or mulched shall be covered with 3" of top soil, perennial rye grass and mulch, and be reseeded and remulched as necessary to achieve a minimum 85% grass coverage or covered with other ground cover as shown on the approved landscaping plan.
- k. That, the Village Engineer shall be notified by the next business day if bedrock is encountered in the excavation. If hammering is required, a rock excavation plan shall be submitted to the Village Engineer for review and approval and shall not include any blasting operations. The rock excavation plan shall provide for the shortest possible timeframe for the removal of bedrock with the goal that all bedrock removal operations be conducted in a two week period. The Village Engineer may extend this period on a day by day basis due to weather events that would not allow reasonable working conditions.
- l. That, in accordance with section 120-7 of the Village Code the applicant shall file with the Village a suitable bond or other security to cover the completion of conditions (a) through (k) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved in accordance with section 120-7 of the Village Code; furthermore, the applicant shall also file with the Village a suitable bond or other security to cover the completion of the parking area, the steel stabilizing mesh, all piers for the foundation, the safety impact fencing, and the sewage pumping station, said bond may be separate or combined with the above bond and is to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village Engineer.
- m. That, excavation and/or filling operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through

Friday and between the hours of 8:00 p.m. and 10:00 a.m. Friday through Sunday.

- n. That, there shall be no on-site processing of fill or excavated soil or the erection or use of any structure for such processing however, power equipment for the purpose of filling and excavation is permitted.
- o. That, the Planning Board reserves the right to impose additional reasonable conditions related to the excavation and filling operations during the terms of this approval if in its opinion such additional reasonable conditions are necessary.
- p. That, the approval for excavation and/or filling operations shall be valid for a period of one year starting on the date of issuance of the building permit and subject to termination or renewal as specified in section 120-10(A) of the Village Code.
- q. That, any revision to the work covered by the approval of the excavation and or filling work shall be reviewed by the Village Engineer and if determined to be a substantial revision a submission of a new application to the Planning Board shall be required.
- r. That, following the completion of the work the applicant shall submit a certification of completion by a NYS licensed design professional to the Village Engineer. The Village Engineer may require the submission of an as-built survey.
- s. The approval for excavation and filling operations may be suspended or revoked and stop work orders issued as set forth in section 120-10(E)-(G) of the Village Code.

In the event that this Minor Site Plan is not implemented within three (3) years of this date, this approval shall expire.

The Planning Board of the Village of  
Croton-on-Hudson, New York

Robert Luntz, Chairperson  
Bruce Kauderer  
Steven Krisky  
Edward Doherty  
Richard Zumbach

Motion to approve by Mr. Doherty, seconded by Mr. Krisky, and carried all in favor by a vote of 5-0.

Resolution accepted with the minutes of the meeting held on Tuesday, November 27, 2018.



**APPENDIX "A"**  
**Boulos parcel**  
**Lot #44**  
**Piney Point Avenue**

- Proposed Piney Point Ave Residence for John Boulos, Sheet SP-1.0, Proposed Site Layout, Dated June 5, 2017, last revised August 22, 2018 by Cronin Engineering.
- Proposed Piney Point Ave Residence for John Boulos, Sheet UD-2.0, Details, Dated June 5, 2017, last revised August 22, 2018 by Cronin Engineering.
- Proposed Residence – Lot 44 Piney Point Avenue, Croton-on-Hudson, New York, Drawing No. GT-1, Slope Stabilization and Wall Plan, Dated January 31, 2017 by Carlin-Simpson and Associates.
- Proposed Residence – Lot 44 Piney Point Avenue, Croton-on-Hudson, New York, Drawing No. GT-2, Retaining Wall details, Dated January 31, 2017 by Carlin-Simpson and Associates.
- Proposed Residence – Lot 44 Piney Point Avenue, Croton-on-Hudson, New York, Drawing No. GT-3, Retaining Wall Specifications, Dated January 31, 2017 by Carlin-Simpson and Associates.
- Proposed Residence – Lot 44 Piney Point Avenue, Croton-on-Hudson, New York, Drawing No. GT-4, Steel Wire Mesh Details, Dated January 31, 2017 by Carlin-Simpson and Associates.
- Proposed Residence – Lot 44 Piney Point Avenue, Croton-on-Hudson, New York, Drawing No. GT-5, Impact Fence Notes and Details, Dated January 31, 2017 by Carlin-Simpson and Associates.
- Proposed Residence – Lot 44 Piney Point Avenue, Croton-on-Hudson, New York, Drawing No. GT-6, Steel wire Mesh & Ground Anchor Specifications, Dated January 31, 2017 by Carlin-Simpson and Associates.
- Carlin-Simpson also submitted responses on April 11, 2018 to the technical review by Chazen Engineering including Test Boring Data, a Boring Location Plan and slope analyses.

Prepared by Ed Gemmola & Associates (Boulos Parcel Lot #44):

- A-101 "Proposed floor plans" dated 6/15/2010, last revised 7/19/18
- A-102 "Proposed Floor and Roof Plans" dated 9/14/16, last revised 7/19/18
- A-201 "Proposed exterior elevation" dated 4/17/14, last revised 7/19/18
- A-202 "Proposed exterior elevation" dated 10/3/16, last revised 8/23/18
- A-203 "Proposed exterior elevation" dated 10/3/16, last revised 8/23/18
- A-204 "Proposed exterior elevation" dated 10/3/16, last revised 8/23/18
- A-301 "Proposed section and details" dated 5/8/18
- SY 101 "Proposed site plan" dated 6/01/10, last revised 8/23/18
- SY 102 "Proposed site sections" dated 6/15/10, last revised 7/19/18
- SY 103 "Proposed site details" dated 3/02/11, last revised 8/23/18
- SY 104 "Tentative boring location plan" dated 5/16/11, last revised 8/23/18

**Combined Boulos and Franzoso Parcels  
Lots #44 and #45  
Piney Point Avenue**

- Preliminary Geotechnical Subsurface Exploration dated October 7, 2011, Carlin Simpson & Associates
- A-201.1 "Proposed exterior elevations [Franzoso and Boulos] dated 8/25/14
- Proposed Piney Point Ave Drainage Improvements for John Boulos / Mark Franzoso, Sheet SP-1.0, Sketch Drainage Layout, Dated December 16, 2017, last revised May 17, 2018 by Cronin Engineering.
- Letter from The Chazen Companies dated 8/23/18 "Technical Review of Site Plans for #44 and #45 Piney Point Avenue—Third Submission Chazen Project Number 81738.00"
- Letter from Jody T. Cross, Esq. "Piney Point Avenue- Minor Site Plan Applications" dated 10/19/18
- Proposed Piney Point Ave Residences for John Boulos / Mark Franzoso, Sheet SP-1.0, Construction Sequencing, Dated November 20, 2018 by Cronin Engineering.
- Photo Renderings
- SY-105 "Proposed landscape for Piney Point Lots #44 and #45" dated 11/09/18

## RESOLUTION

**John Boulos** has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for variances from Village Zoning Code Section 230-40(B) and Sections 230-40 H (1) and 230-40H(2) for a proposed retaining wall in the front yard which exceeds the allowable height requirement, and from Section 230-40(A)(1)(a), if required, to construct a retaining wall greater than 4 feet high nearer to the street than the primary structure.

The property, at **Piney Point Drive**, is located in a RA-9 District and is designated on the Tax Maps of the Village as Section 79.13 Block 4 Lot 44.

This proposed action is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), therefore, no Negative Declaration is required.

A public hearing having been held after due notice, this Board, after reviewing the application and viewing the premises and neighborhood concerned, finds:

A variance for the retaining wall from Section 230-40(A) (1) (a) is not required.

**Determination for variances from Village Zoning Code Section 230-40(B) and Sections 230-40H(1) and 230-40H(2) for a proposed retaining wall in the front yard which exceeds the allowable height requirement and is nearer to the street than the primary structure.**

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the granting of the variances.
2. The benefit sought by the applicant cannot be achieved by a method other than the requested variances;
3. The requested variances are substantial;
4. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
5. The difficulty alleged by the applicant was self-created.

**NOW, THEREFORE, BE IT RESOLVED**, that the application is hereby **GRANTED** for 16.5-foot variance, to permit the construction of an up to 17 foot retaining wall with a 3.5 foot guardrail (for a total height of up to 20.5 feet), to be constructed closer to Piney Point Avenue than the principal structure, subject to the following conditions, and further finds the variances granted herein are the minimum variances necessary and adequate.

Motion: Chairman Wagner

Second: Mr. Tuman

Vote: AYES 3 NAYS 1 (Mr. Macdonald) ABSENT 1 (Mr. Aarons)  
Condition(s):

1. That, according to Section 230-164(E), "Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void".
2. That, the variances are granted based on the plans and other documents submitted in support of the application.

10/10/2018

