

RESOLUTION

WHEREAS, the Planning Board held a public hearing on a Site Plan application on Tuesday, September 28, 2021, submitted by SCS Van Wyck 012823 (aka “Sol Systems”), hereafter known as “the Applicant,” for property located at Veterans’ Plaza (Croton Harmon Train Station Parking Lot) in the LI-Light Industrial Zoning District and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.17 Block 2 Lots 10 and p/o 5; and

WHEREAS, this is a Site Plan application for the approval of the installation of solar canopies and battery energy storage system at the Croton Harmon Train Station Parking Lot; and

WHEREAS, this proposal is considered a Type II action under the State Environmental Quality Review Act (SEQRA) and therefore no environmental review was required; and

WHEREAS, on August 30, 2021, the Village Board of Trustees approved the request for a special permit subject to certain conditions as stated on the special permit approval; and

WHEREAS, on September 8, 2021, the Zoning Board of Appeals granted a side yard and total side yard variance from Section 230-37 of the Village code; 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 Site Plan incorporates the excavation and filling permit, subject to the conditions specified below; and

WHEREAS, under section 196-3(C) of the Village Code the Planning Board is the approving authority for the Stormwater Pollution Prevention Plan (SWPPP) and hereby approves the Stormwater Pollution Prevention Plan, subject to the conditions specified below; and

WHEREAS, the Planning Board referred the Wetlands Activity permit application to the Water Control Commission for their review and recommendation, and on September 22, 2021, the Water Control Commission made a recommendation to the Planning Board for issuance of a Wetland Activity permit; and

WHEREAS, under section 227-7 of the Village Code the Planning Board is the approving authority for a Wetland permit, and hereby approves the Wetland Activity permit, subject to the conditions specified below;

NOW, THEREFORE BE IT RESOLVED, that the Site Plan application, as shown on Drawings entitled “Site Plan Drawings Contract #426349” prepared by TRC Engineers P.C., and dated September 2021, and Stormwater Pollution Prevention Plan (SWPPP) prepared by TRC dated September 2021; be approved subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That, all conditions specified in the Special Permit issued by the Village Board on August 30, 2021 are incorporated herein as if set forth at length.
3. That, the landscape plan for screening the battery energy storage system shall be revised to show an extension of the emerald green arborvitae to the end of the bollards with permission obtained to plant on village property. All emerald green arborvitaes shall be 6-8 feet high at planting.

4. That, the design and placement of two transformers depicted on the site plan be approved by the Village Engineer.
5. That, the applicant obtains a Wetland permit from the NYS DEC or letter indicating that one is not required.
6. That, any required permits from Metro North be obtained prior to construction commencing.
7. That, the site plans be revised to the satisfaction of the Village Engineer and Superintendent of DPW to address drainage issues related to the accumulation of water, snow and ice on the proposed canopy. If required, in the opinion of the Village Engineer, the applicant shall submit the revised site plans to the Planning Board for approval.
8. That a detailed construction phasing plan be submitted to the Village Engineer prior to the approval of a building permit,
9. That, the following conditions are established as part of the approval of the Stormwater Pollution Prevention Plan under Chapter 196 of the Village Code:
 - a. That, a copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.
 - b. That, no land disturbance work shall commence until the installation of the sediment and erosion control devices has been completed and found acceptable by the Village Engineer or his authorized agent.
 - c. That, each contractor and subcontractor who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards." Copies of these statements shall be delivered to the Village Engineer prior to the issuance of a building permit.
 - i. That, the certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - ii. That, the certification shall contain proof that each contractor who will be involved in a land development activity has obtained training and/or certification in proper erosion and sedimentation control practices. Such certification shall become part of the SWPPP for the land development activity and shall be retained on-site.
 - d. That, the applicant shall contact the Village Engineer at least 48 hours before any of the work inspections listed in section 196-10(A)(1) of the Village Code are required.
 - e. That, in accordance with section 196-10(C) an as-built plan of the stormwater management practices shall be submitted to the Village Engineer.
 - f. That, in accordance with section 196-10(F) the landowner shall grant to the Village the right to enter the property at reasonable times and in a reasonable manner for the inspection of the stormwater management facilities.

- g. That, in accordance with section 196-11 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 (g) 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.

10. That, in accordance with sections 227-7 and 227-8 of the Village Code, subject to the following conditions which are established for the approval of the Wetland Permit:

- a. Work conducted under a permit shall be open to inspection during daylight hours, including weekends and holidays, by the approving authority or its designated representative or the Village Engineer.
- b. The permit expiration date shall be September 28, 2022 or upon completion of the work specified therein. The validity of any work duly completed pursuant to an existing permit shall not be affected by the expiration of the permit, but such work shall be continued beyond the expiration date. Permits may be renewed by the approving authority upon application submitted at least 60 days before the expiration of the permit. Standards for issuance of renewals shall be the same as for the issuance of permits.
- c. The permit holder shall notify the Village Engineer of the date on which the work is to begin at least five days in advance of such commencement date.
- d. The approving authority's permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
- e. That, any required permits from the NYSDEC and ACOE shall be obtained.
- f. Soil erosion and sediment control devices shall be installed using Best Management Practices prior to any disturbance.
- g. Prior to the commencement of work authorized under this permit issued pursuant to Chapter 227 of the Village Code the applicant shall post a bond or other security acceptable to the Board of Trustees in an amount and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in this permit. The amount and the conditions of the bond or other security shall be consistent with the purposes of this chapter and be reviewed and be found acceptable by the Village Engineer and Village Attorney. The bond or other security shall remain in effect until the issuance of a certificate of completion as described in § [227-12](#) of the Village Code and until the bond or other security is released by the Planning Board or a substitute bond or other security is provided.

11. 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, inspected, and accepted 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 is not 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, all disturbed areas not hardsurfaced or mulched shall be covered with 3" of topsoil, 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.
- j. 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 to three week period as approved by the Village Engineer. The Village Engineer may extend this period on a day by day basis due to weather events that would not allow reasonable working conditions. The rock excavation plan shall also include an analysis of leaving part of the basement a crawl space to reduce the quantity of bedrock required to be excavated.
- k. 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 by the Village.

- l. 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.
- m. 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.
- n. 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.
- o. 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.
- p. 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.
- q. 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.
- r. 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.

Unless a building permit is issued and work is commenced and diligently prosecuted within three years of the date of the resolution approving the site plan, such site plan shall become null and void. Any application for an extension of site plan approval shall be made six months prior to the expiration date.

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

Robert Luntz, Chairman
Bruce Kauderer
Steve Krisky
Geoffrey Haynes
John Ghegan (ABSENT)

Motion to approve by Mr. Kauderer, seconded by Mr. Krisky, and the motion carried, in favor, by a vote of 4-0 (Mr. Ghegan absent).

Resolution accepted at the meeting held on September 28, 2021.