

VILLAGE OF CROTON ON HUDSON, NEW YORK
PLANNING BOARD MEETING MINUTES – TUESDAY, October 25, 2011

MEMBERS PRESENT: Robert Luntz, Chairman
 Mark Aarons
 Fran Allen
 Bruce Kauderer
 Steven Krisky

ALSO PRESENT: Daniel O'Connor, Village Engineer

1. Call to Order

Meeting called to order at 8:08 p.m. by Chairman Luntz.

2. PUBLIC HEARING

- a) Steel Style Properties, LLC -- 50 Half Moon Bay Drive (Sec. 78.16 Blk. 1 Lot 3) -- Application for an Amended Site Plan, Wetlands Activity Permit, and Steep Slopes permit for new single-family dwelling*

Mr. Ralph Mastromonaco, Consulting Engineer for the applicant, and Mr. Peter Massa, Esq. attorney for the Half Moon Bay Homeowners Association were present.

Chairman Luntz announced that there has been a late request (as per Mr. Mastromonaco's letter to the Planning Board of 10/25/2011 (on file at the Village Engineer's Office) by the applicant to adjourn the public hearing to a later date. Chairman Luntz asked the applicant to formally request such an adjournment at this meeting.

Ralph Mastromonaco stated that his client wanted an adjournment of the public hearing so that the applicant could have more discussion with the Homeowners' Association of Half Moon Bay. The applicant believed that since the architectural plans might change, the plan might not be the plan that is being presented at the public hearing today. The applicant would like to submit the potentially revised plan for a Planning Board meeting 28 days from today in which during this time the applicant would have the opportunity to talk with the HOA. Mr. Mastromonaco stated that if the applicant could deal with most of the concerns from Half Moon Bay before the public hearing, there would be a less contentious public hearing.

Chairman Luntz stated that it was this Board's feeling, having spoken with the Village Attorney, that since the Planning Board already legally noticed the public and the public has responded to this notice (given the number of people who are at the public hearing this evening), and that re-noticing the public and going through the process all over again would be onerous and costly, the Board would like to open the public hearing tonight, and leave the public hearing open. However, the

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28-day time frame that the applicant requested presents some difficulty because on November 22nd there is a substantial issue on which the Planning Board will be meeting. The Planning Board would like to offer the option of proceeding with the public hearing after the negotiations between HOA and Steel Style, in either 2 weeks (the November 8th meeting) or 7 weeks (December 13th meeting); the Planning Board would leave it up to the applicant and the HOA to decide which date is preferable. However, the consensus of the board is that having been pushed towards a public hearing from the applicant and having received comments from the various committees, the Planning Board would like to open the public hearing; and treat the applicant's request for adjournment as an extension of the public hearing when the Board meets on the revised plan.

Ms. Allen stated that she was not happy with the request for a delayed public hearing; that the applicant had pleaded with the Planning Board to have a public hearing and had plenty of time to talk with HOA. Ms. Allen stated that she felt the Planning board should open the public hearing as planned.

Mr. Aarons stated that from his point of view, an application has been made to the public; the public is here tonight for this plan; to reschedule another public hearing will require another notice. From his point of view, the Planning Board can have a public hearing on this plan or the applicant can rescind this application.

There was further discussion about whether the public hearing should be adjourned and if the public needed to be re-noticed.

The Village Engineer stated if the public hearing is open tonight, this satisfies the notice. The board would adjourn the hearing to a specific time and date. There would be no need to re-notice.

Mr. Krisky stated that he would like to hear what people have to say. Ms. Allen agreed and stated that the Planning Board should open the public hearing and proceed. Mr. Krisky stated that this would benefit both the Planning Board and the applicant about what some of the primary concerns are.

Mr. Peter Massa stated that he and the HOA thought that with more time, the HOA and the applicant could come up with a mutually agreeable plan instead of fighting about the plan in public.

Mr. Kauderer stated that he did not see the point of having the public hearing this evening since he didn't think it would be productive to discuss a plan that might not happen. Mr. Kauderer believes the Board understands that some of the public's main concerns are the impairment to the Hudson River view sheds and the height of the proposed dwelling.

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The Village Engineer stated that the Village Attorney made it clear that the decision is completely up to the Board—they can open the public hearing and adjourn, or the Board could hear limited or full comments.

Chairman Luntz stated that the Board has heard comments from the various committees; he would be in favor of opening the public hearing to limited comments. The Board does not have to hear exhaustive comments about the specific plans given that these plans might change, but the Board is willing to hear short comments. Mr. Krisky agreed.

There was discussion about when to adjourn the public hearing and it was decided that the public hearing would be adjourned to December 13th. Mr. Kauderer made a motion to open the public hearing, Mr. Krisky seconded, and the motion carried, all in favor, 5-0.

Chairman Luntz stated that he was going to allow relatively limited comments (approximately two to three minutes) and the Board did not need to hear the same comments repeatedly. Also, the Board was not in a position to hear about those items that are between the private parties. The Board would not entertain any discussion about architectural reviews of the plans.

Ms. Anna Lattazni, 906 Half Moon Bay, stated that she has read all the minutes and correspondence and it is baffling to her why the applicant would request a postponement of the public hearing. She believes there has been a lack of transparency of information both from the applicant and the HOA. She also believes that the public hearing was prematurely arranged. She requests that there be resident input in order to preserve access of the RiverWalk and preserve the Hudson view.

Lisa Stenson-Desamours, 1400 Half Moon Bay, President of HMB Board—agreed with Mr. Mastromonaco's postponement of the public hearing. She stated that HMB HOA seeks to discuss the issues of concern directly with the applicant and thereby possibly resulting in a revised plan. She stated that the HMB HOA Board hoped that Steel Style and the HOA could discuss the plan.

Pete Drexler, 215 Half Moon Bay, stated that many of the HMB residents believe that the proposed dwelling compromises the views of the Hudson River as one drives into the complex and questioned how the application would be approved by the various committees (WAC, Trails, VEB, etc.) or by the residents of Half Moon Bay. The proposed plans would have to change so that it would not affect Half Moon Bay Drive.

Jan Bohren, 1100 Half Moon Bay, stated that he finds it an insult to management and to the residents that the public hearing was asked to be postponed.

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Jan Wines, 107 Radnor Avenue, Trails Committee Chair, expressed his concern with the proposal in general and read the memorandum that the Trails Committee sent to the Planning Board (on file in the Village Engineer's Office).

Ann Lindau, 417 Half Moon Bay, stated that she was concerned about the driveway exit onto HMB drive. She also believed that the house was too big for the site; she was concerned about the environment; and she believed that an independent engineering study should be completed to determine if a structure could be built on the site.

Mr. Aarons asked the Village Engineer if the new path goes through a Right of Way or an easement. The Village Engineer stated that the relocated path goes through a conservation easement but the current path is not in an easement area.

Jim Park, 1402 Half Moon Bay, stated that he walks by the area almost daily. He wanted to know if a path used by the public for years could be considered in the public domain?

Chairman Luntz stated that the Planning board would be happy to take a legal question to the Village Attorney.

Doug Wehrle, Old Post Road South, stated that he was not speaking as the Chair of the VEB, but as a resident and he had concerns about the width of the trail easement.

Mr. Aarons stated that he wanted to make a full disclosure in that he does some legal work with an attorney, Mr. David Douglas, in the law firm in which Mr. Massa's works. He requested that Mr. Massa not discuss this application with Mr. Douglas otherwise Mr. Aarons stated he would have to recuse himself. Mr. Massa agreed not to discuss this application with Mr. Douglas.

Mr. Mastromonaco stated that he had been advised by his client's attorney not to extend the public hearing for more than 28 days. The Planning Board, Mr. Mastromonaco, and Mr. Massa discussed at length the revised date of the public hearing.

Mr. Mastromonaco stated that his applicant was not willing to set a public hearing beyond the 28 days. Mr. Kauderer believed the public hearing should be continued on the following meeting in two weeks (November 8, 2011), however the rest of the Planning Board believed that the Public hearing should be continued on the December 13th meeting.

Mr. Krisky made a motion to adjourn the public hearing and to reconvene December 13 at 8 p.m. Mr. Aarons seconded the motion, the motion carried 4 - 1 in favor with Mr Kauderer opposing.

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Public hearing adjourned until the Planning Board meeting on December 13th.

3. ADJOURMENT

There being no further business to come before the board, the meeting was duly adjourned at 10:00 p.m.

Respectfully submitted,

Ronnie Rose
Planning Board Secretary