

Village of Croton-on-Hudson, New York
Meeting of the Planning Board
Tuesday, June 25, 2013

Present: Robert Luntz, Chairman
Mark Aarons
Bruce Kauderer
Steven Krisky
Richard Olver

Also Present: Daniel O'Connor, Village Engineer
Ann Gallelli, Village Board Liaison

1. Call to order at 8:06 p.m.

2. New Business

a) Neave Group Outdoor Solutions on behalf of Kevin Cofsky--7 O'Riley Court (Sec. 67.20 Block 3 Lot 35.15)--Application for Expansion of Building Envelope for new swimming pool /spa construction.

Lee Kind, of Neave Landscaping, presented the application on behalf of the homeowner, Mr. Cofsky. Mr. Kind stated that the new swimming pool/spa will replace an existing above-ground pool with deck.

Mr. Krisky asked why the homeowner wanted to build beyond the building envelope. Mr. Kind responded that the topography is such that to build within the envelope would necessitate the building of a retaining wall which would create a financial burden for the homeowner. The house is on a high spot, there is a long driveway, and 90% of the proposed swimming pool is within the building envelope; the proposed spa is just beyond the building envelope. The new pool will be screened appropriately and will not be visible to neighbors.

Chairman Luntz commented that it looked like the swimming pool/spa would not affect the neighbors and the location of the swimming pool/spa looked like a smart solution. The Planning Board members all agreed.

Mr. Aarons made a motion that the resolution to expand the building envelope for a new swimming pool/spa construction be approved, seconded by Mr. Kauderer, and carried all in favor by 5-0.

b) Bruce Laemmel--57 Sunset Drive (Sec. 79.05 Block 3 Lot 18.01)--Application for Minor Site Plan Approval for a new single-family dwelling.

Tim Lener, architect for the applicant, explained that the Laemmels had appeared before the Zoning Board on April 10, 2013 to request a lot width variance for the lot that was part of their property at 59 Sunset Drive and the ZBA had granted the variance. Mr. Lener showed a rendering of the house and

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provided some photos of the other houses in the neighborhood in order to show how the house fit into the neighborhood. Mr. Lener described some of the details of the proposed house: it is in the craftsman style with wood shingles, the eave lines have been kept low, the house is deeper because of the narrow lot, the roof is shingle style, and there is a deck off the back of the house.

Mr. Kauderer stated that the presentation did a nice job of showing how well the house fit into the neighborhood.

The Village Engineer stated that he had given some minor comments to the applicant and these issues were addressed. Steep slopes were not relevant in this minor site plan.

At the request of Chairman Luntz, Mr. Laemmel described the landscape plan for the proposed house. The plan includes border plantings, foundation plantings in front, various existing trees on the property in addition to new trees, and privacy shrubs.

Chairman Luntz stated that the floor plan looked good and the architectural cottage style fit in well with the neighborhood. There was support from the neighbors and the lot width variance had been granted by the ZBA. Chairman Luntz stated that it appeared that there had been a lot of work done to mitigate any impact on the neighbors.

Mr. Kauderer made a motion to approve the resolution, seconded by Mr. Olver, and carried all in favor 4-0. (Mr. Krisky recused himself.)

c) Edgewater Group Architects on behalf of 420 S. Riverside LLC--420 S. Riverside Avenue (Sec. 79.17 Block 2 Lot 1)--Application for Amended Site Plan Approval for facade modification at shopping center.

Michiel Boender, architect for the applicant, described the proposed project to completely renovate the facade and covered walkway for the shopping center at 420 S. Riverside Avenue. He described the facade as being in great need of enhancement. The renovation will consist of replacing the existing standing seam roof and steel frame with a new vertical facade with EIFS (exterior and insulation finishing surface) and stone veneer finish. The roof leaders are pitched back so the that the drainage will go towards the back. If the budget allows, the side and back of the building will be treated with EIFS. At the minimum, the side and back will be painted.

The ATM machines from a former tenant will be removed and the openings will be closed up. There will be a two inch cultured stone veneer on the front of the storefronts. If a new tenant wants glass instead of stone veneer, a change can be made.

Chairman Luntz stated that he would like to see a sample of the actual stone veneer being proposed to see what it looks like.

Mr. Krisky asked if there was a plan for installation of garbage cans, seating, and recycling containers. Mr. Boender responded that he can discuss it with the owner.

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Chairman Luntz stated he would like to see some trees in the parking lot which would improve the overall appearance of the parking lot. He also stated that a parking analysis must be completed which includes what parking is required, what is available now, and what would be lost if more trees are added. In addition, the Planning Board would like to see samples of the cultured stone veneer, and street furniture such as benches, garbage receptacles, and recycling containers. Chairman Luntz recommended that if the applicant can include the signage in the discussion with the VEB, it can be part of the Planning Board application at the public hearing.

Mr. Aarons made a motion to refer this amended site plan application to the VEB (Advisory Board on the Visual Environment) for their recommendation and to call for a public hearing to be held on said application on July 23, 2013, seconded by Mr. Krisky, and carried, all in favor, by a vote of 5-0.

3. Referrals

a) Happy Hearts Daycare--10 Old Post Road South (Sec. 78.8 Blk 7 Lot 5)--Referral from Village Board for recommendation for Special Permit to expand daycare facility to include lower level.

This application was not placed on the Village Board agenda and, therefore, could not be referred to the Planning Board for this meeting.

4. Old Business

a) Rui Jorge--27 Harrison Street (Sec. 68.17 Block 2 Lot 26)--Application for Preliminary Subdivision Approval (consolidation subdivision) for two lots and Minor Site Plan Approval for two new two-family dwellings.

Ed Gemmola, architect and Rui Jorge, applicant were present.

Mr. Jorge explained some of the changes made to the architectural plans based on the Planning Board's recommendation to make the two structures differentiated from each other.

There was a discussion about the bay windows and possible alternatives which would create different identities. Chairman Luntz stated that the Board was pleased with the direction the applicant was taking regarding the architecturals.

The Village Engineer explained that according to the Zoning Code, the roof cannot project more than two feet into a required yard (side yard) and the landing should be the minimum necessary (or 3.5' x 4') to access the building. The Village Engineer explained that the zoning code allows side steps but the covering would need a variance from the ZBA. The Board agreed that the steps and landing do not work visually on the front of the house; however, on the side will add safety and convenience for occupants. Chairman Luntz stated that the Planning Board will give a favorable recommendation to the Zoning Board since the side stairs and covered landing add a positive design element in addition to safety and

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convenience. Chairman Luntz stated that a memo will be written which recommends that the ZBA grant a variance to build the side steps and covered landing.

The Village Engineer also explained the section of the zoning code that states that the front yard setback can be changed if one averages the setbacks of the other houses within a 300 ft radius on the same side of the street, and it amounts to less than what the applicant's setback is.

Mr. Jorge asked the Planning Board if he could move the house back two to three feet if it were discovered that rock removal was easier than anticipated . Chairman Luntz answered that this would be fine. The Village Engineer stated that it can be indicated on the plans as an optional setback. The Planning Board had no objections.

Mr. Jorge also discussed moving the two units closer to get more side yards, but the Planning Board members agreed that in the context of the whole streetscape, they preferred the structures farther apart, as already shown.

The Planning Board noted that the WAC issued a preliminary recommendation of consistency.

Chairman Luntz stated that at the next meeting the applicant should bring the updated architectural plan, an updated site plan, a landscape plan, and the Planning Board will have a written recommendation to the Zoning Board regarding the side steps and landing. The Planning Board can then refer the application to the VEB, and call for a public hearing.

5. Discussion

The Planning Board stated, for the record, that they are unhappy with the fact that the Village Attorney has not yet reviewed the letter sent to him by the Village Engineer regarding the Fallacaro issue.

6. Approval of Minutes

The minutes of the Planning Board meeting held on June 11, 2013 were approved on a motion by Mr. Aarons, seconded by Mr. Krisky, and carried by a vote of 4- 0 (Mr. Kauderer abstained).

7. Adjournment

There being no more business to come before the board, the meeting was duly adjourned at 9:32 p.m.

Respectfully submitted,

Ronnie L. Rose
Planning Board Secretary

RESOLUTION

WHEREAS, the Planning Board approved the River Landing Subdivision on June 9, 1990; and

WHEREAS, the Planning Board resolution of approval (6/9/90, Section 10 (a) (i) for the River Landing Subdivision required that all houses and other structures be limited to the designated building envelope; and

WHEREAS, Kevin Cofsky, owner of Lot #15 in the River Landing Subdivision—7 O'Reilly Court - (Tax Map # Sec. 67.20 Blk. 003 Lot 35.15) has requested approval to construct a portion of a proposed swimming pool/spa outside of the approved building envelope; and

WHEREAS, Section 10 (a) (ii) of the Resolution of approval of the River Landing Subdivision allows the construction of accessory facilities (e.g., tennis courts, swimming pools) outside of the building envelope if such facilities cannot be reasonably located in the building envelope provided that the Planning Board grants approval of such construction based on a finding of no adverse environmental impact; and

WHEREAS, under the requirements of the State Environmental Quality Review Act (SEQRA), the Planning Board has determined that this project is a Type II Action, that there will be no adverse environmental impact and no Negative Declaration is required; and

WHEREAS, a plot plan, photographs, and a site plan dated June 1, 2013 titled "Pool Layout Plan," drawn by Lee Kind of Neave Group Outdoor Solutions; and a drawing entitled "Layout Plan, Pool-1" drawn by Russell & Dawson Architecture & Engineering dated 6/6/2013, were submitted showing the proposed location of the swimming pool/spa.

NOW, THEREFORE BE IT RESOLVED, that upon a review of the proposed location of the swimming pool/spa, the Planning Board finds that there will be no adverse environmental impact and hereby approves the construction of a portion of the swimming pool/spa, as shown on the plans submitted, outside the building envelope.

Failure to implement this approval in three years will result in the expiration of this approval.

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

Robert Luntz, Chairman
Mark Aarons
Bruce Kauderer
Steve Krisky
Richard Olver

Motion to approve by Mark Aarons, seconded by Bruce Kauderer, and carried in favor by a vote of 5 to 0.
Resolution accepted with the minutes of the meeting held on June 25, 2013.

RESOLUTION

WHEREAS, the Planning Board reviewed a Minor Site Plan application on Tuesday, June 25, 2013, for David Bruce Laemmel, hereafter known as “the Applicant,” said property located at 57 Sunset Drive, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.05 Block 3 Lot 18; and

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

WHEREAS, on April 10, 2013, the Zoning Board of Appeals approved a lot width variance for the existing 45 foot wide lot originally created with the filing of the Harmon subdivision, Filed Map #1776; 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, 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 trees noted on the site plan to be removed, subject to the conditions specified below.

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.

NOW, THEREFORE BE IT RESOLVED, that the Minor Site Plan application as shown on Drawings entitled “Proposed Site Plan” Sheet 1: “Existing Conditions,” Sheet 2: “Steep Slope Analysis,” Sheet 3: “Demolition and Removals Plan,” Sheet 4: “Site Plan of proposed improvements,” Sheet 5: “Site Grading Plan,” Sheet 6: “Sediment & Erosion Control Plan,” and Sheet 7: “Tree Removal Plan,” dated June 3, 2013, and “Project Report” last revised June 14, 2013, and “Peak net runoff report” dated June 15, 2013, prepared by Vincent A. Massaro, P.E.; and Drawings entitled “Proposed new residence for Jennifer and Bruce Laemmel, Sheet 1 and 2: PB-1 and PB-2, dated 6/14/13 prepared by Timothy P. Lener, Architect, P.C.; and “Landscape Plan” prepared by Laemmel’s Lawns to Landscapes, Inc. dated 4/29/13, be approved under Section 230-67 (B) of the Village Zoning Code subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That, the wood gym, frame shed and patio be removed or relocated back to the property line or further in compliance with zoning setbacks, prior to the issuance of a building permit.
3. That, since the existing masonry stone retaining wall is slightly over the property line an agreement will be filed which establishes that the entire wall is owned by 57 Sunset Drive owners and that an easement for the wall encroachment is established along with any easement for maintenance, repair, replacement, etc.

4. That, a replacement street tree ((2.5"-3") will be provided to replace the Village street tree being removed with the location and type of tree to be approved by the Superintendent of the Department of Public Works.
5. 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 applicable stormwater facility maintenance, inspection and repair requirements in section 196-9 of the Village Code be complied with, the stormwater infiltration chamber shall be inspected annually within 48 to 72 hours after a heavy rainfall (1" or more) to determine that the chambers have drained. If the chambers have not drained remedial action shall be taken to rebuild the storm water management system and restore the infiltrative capacity of the soil. An inspection port shall be provided.
 - e. That, deep and percolation tests be conducted in the area of the storm water infiltration chambers and that an engineer's report on the soil testing, and redesign if the percolation rate is greater than 6 minutes/inch, be submitted to and approved by the Village Engineer prior to installation of the chambers.
 - f. 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.
 - g. That, in accordance with section 196-10(C) an as-built plan of the stormwater management practices shall be submitted to the Village Engineer.

- h. 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.
 - i. That, in accordance with section 196-11(A) of the Village Code the applicant shall file with the Village a suitable bond or other security, naming the Village as the beneficiary, to cover the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village in its approval of the stormwater pollution prevention plan. Said bond 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.
 - j. That, the performance guarantee shall remain in force until the surety is released from liability by the Village, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Village.
6. 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, landscaping, shown on approved landscaping plan, be installed prior to a certificate of occupancy being issued.
 - b. That, if any of the trees noted on the plan to be saved are 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.
 - 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.

7. 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 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 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

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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.

- 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 by the Village.
- 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 and all other associated approvals shall expire.

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

Robert Luntz, Chairperson
Mark Aarons
Bruce Kauderer
Steven Krisky
Richard Olver

Motion to approve by Bruce Kauderer, seconded by Richard Olver, and carried by a vote of 4 to 0. (Mr. Krisky recused himself)

Resolution accepted with the minutes of the meeting held on Tuesday, June 25, 2013.