

**VILLAGE OF CROTON-ON-HUDSON
MINUTES OF THE PLANNING BOARD MEETING HELD ON
TUESDAY, JANUARY 22, 2012**

Present: Robert Luntz, Chairman
Mark Aarons
Fran Allen
Bruce Kauderer
Steve Krisky

Also present: Daniel O'Connor, Village Engineer

1. Call to order 8:04 P.M. by Chairman Luntz,

Chairman Luntz announced that there would be a short executive session with Village Attorney, Jim Staudt. The Planning Board meeting resumed at 8:40 p.m.

2. Old Business

a) Steel Style Properties 50 Half Moon Bay Drive—Application for determination regarding revised architectural plans as indicated in condition #2 of the Amended Site Plan resolution dated May 9, 2012.

Chairman Luntz explained that the Board was reviewing the architectural plans for their substantial similarity to what was approved in the previous resolution, condition #2, of May 9, 2012; that these plans had come before the Planning Board once before and had been outside of what was approved and now there have been changes made.

Mr. Ralph Mastromonaco, Consulting Engineer, described the changes that were made at the request of the Planning Board. He stated that the Planning Board had wanted the house to be farther from the conservation easement. The applicant's architect redesigned that part of the house and now the footprint of the house does not go over the approved line. Although the shape of the house is changed, Mr. Mastromonaco stated that he believes the house is in keeping with the spirit and technical aspects of the original approval. The height of the house in the current plans is higher than 50.25 " than had been approved, and having had a discussion with the Village Engineer, Mr. Mastromonaco stated that the architect would repitch the roof to meet the 50.25" height requirement.

Chairman Luntz reviewed the revised plans and described some of the architectural changes: the 6 ft high hedge is shown on the plan; the pump station is underground and won't be visible (moved to lowest level formerly in the parking lot); the area is less than what was approved –it has been moved back and the overall area meets the criteria; the chimney stacks were reduced in size.

Planning Board Meeting
January 22, 2013

There was a discussion about underwater lands. Mr. Mastromanoco stated that 3.9 acres were joined with the lot and the village will have 39 and ½ acres dedicated to it.

Mr. Kauderer made a motion that the architectural plans substantially comply with the approved plans. Mr. Aarons asked the Village Engineer if the Board had reviewed all the elements, to which the Village Engineer responded yes, and that one item specified to be changed is that the ridge is to be 50.25 inches (3" lower than what is currently on plan). Chairman Luntz pointed out that the total square footage was smaller than the approved square footage. The Village Engineer asked if there was a new rendering, and the architect answered no.

Mr. Aarons stated that he would like to see the exterior materials and color so that he can be assured that the house fits into the community as the Board had discussed.

The architect, Mr. Gallea, stated that the house was designed to blend in with the clubhouse. It will have architectural stone, wood shingles and an asphalt roof. The shingle color is slate gray, but not an exact match with the clubhouse because he wanted to give the house more of a private residence feeling.

Chairman Luntz noted that there is a difference between blending in and exact replication, and the house can fit into the community without being an exact replication.

Mr. Aarons stated that he wants to see a materials board and Mr. Krisky agreed. Chairman Luntz agreed as well and stated that the Board was not going to vote on this tonight but the Board was otherwise fine with the architectural details. Mr. Plotkin stated he would return with the materials board for the next meeting.

b) JF WF Cortlandt LLC – 57 Old Post Road North (Sec. 67.20 Blk 2 Lot 27) – Application (Revised) for Minor Site Plan Approval, Excavation and Fill Permit, and Tree Removal Permit for the construction of a single-family residence.

Mr. Bob Davis, attorney for the applicant, stated that this was the final attempt to request the Planning Board's approval for this revised application for minor site plan of a single-family residence. Mr. Davis stated that the application had been voted on, and now he and Mr. Wegner have returned to address some of the Board's comments made at the January 8th meeting. Mr. Davis stated that as far as he could discern, and to the extent within the Board's legal authority, the discomfort of the Board was based on concerns about the stability of the uphill neighbor's property and compliance with the disturbance limits. Mr. Davis pointed out that he was not addressing the legality of the lot that was bound by the Building Inspector's determination.

Mr. Davis further stated that if there are any members of the Board who still feel “uncomfortable” after Mr. Wegner explains in detail the modifications made, he would insist on their giving their specific reasons why, including the basis on which they disagree with the Applicant’s Engineer and the Village Engineer. He pointed out that it is a Board Member’s legal obligation to state the reason for their determination and an Applicant’s right to know that reason and to respond to or rectify it.

Mr. Davis described the modifications made to the project as follows:

Although a steep slopes permit is not needed, the applicant has voluntarily submitted an enumeration of their compliance with the 16 conditions of the steep slopes permit as if one were required. Mr. Davis read from the Steep Slopes Ordinance that states where the “total avoidance of steep slopes is not practicable, such disturbance should constitute the minimum disturbance necessary to ensure the property owner a reasonable use of his property...”

Mr. Davis maintained that “far from evading the Steep Slopes Ordinance” as some had accused the applicant of doing, the applicant has gone to extensive and expensive lengths to comply with it even though no steep slopes permit is required. Mr. Davis asserted that it is false and insulting to both the applicant and its professional consultants to say that the Applicant has evaded the ordinance.

Mr. Davis stated that the Applicant has offered, at his own expense, and provided by Chapter 115 of the Village Code, to deposit at the time of a building permit application, a sum to be determined to cover an independent environmental compliance consultant to monitor the construction work. This monitoring would occur at crucial intervals, to be determined by the Village Engineer, including the excavation for retaining walls and the foundation of the house, and compliance with the conditions of approval, including site disturbance limits. This protection is in addition to the three sets of bond requirements and the Board’s right to impose additional, reasonable post-approval conditions related to excavation and filing as contained in the draft resolution.

The applicant has replaced the previously proposed reinforced poured concrete walls with modular gravity block wall construction. This reduces the depth of the necessary excavation from 3½ ft to 1 (one) ft. This will enhance the stability although some yard area will be lost. However, using the gravity block walls will enable the contractor to construct a wall with a shallower and shorter excavation rather than a long deep excavation. The shoring is now shown on the erosion control plan. Mr. Davis mentioned that a much taller wall was recently constructed on Beekman Avenue (photos had been provided by the Village Engineer) and there have been no problems with this wall.

The wall has been made shorter on both ends and located further from the Regis property; 52% of property is undisturbed; drainage is further from maple tree; this

wall eliminates the necessity of her retaining wall on her property (which is on the applicant's property) and therefore renders moot the issue of any effect of the applicant's walls on her walls. The walls will be certified by licensed professional and inspected by Engineer and Environmental consultant.

Mr. Davis stated that what the applicant has done is beyond what is reasonable to allow his client its legal use of its property for this one small house.

Mr. Wegner discussed the more technical aspects of the modular gravity wall. Mr. Kauderer asked if there was drainage, and Mr. Wegner stated that there is a drain and there will be gravel fill behind the wall. Mr. Wegner stated that a perforated pipe will run out at the low point and the water should just seep through. There is a swale, previously proposed, for stormwater drainage. The wall can be put up in a day—there is no lengthy construction. Mr. Krisky asked why this wasn't proposed before. Mr. Wegner stated that although the other design had not concerned him, since there had been a concern, he used it. He also hadn't used this design because it reduces the side yard. However, with this type of wall, there will be less excavation, less disturbance, and the retaining wall will be quicker to build. Because the wall can be "built as you go", if for some reason work has to stop for a day, there is no deep open trench. In addition, a yard drain was eliminated with shortening the wall.

There are a variety of blocks to choose from the Redi-Rock manufacturer. The Planning Board members all agreed with the consulting engineer that they preferred the cobblestone textured blocks and did not like the limestone textured blocks. The preference for the cobblestone blocks will be included in the revised resolution. Mr. Kauderer asked if this wall was visible to anyone. Mr. Wegner responded that the wall was built into the hillside so it would not be visible with screening. Also the stones can be colored and can be ordered from a wide range of colors shown on a palette.

With the new retaining wall, the impact on the tree root zone of the 16' maple is reduced to 9 sq. ft (3%), a reduction from 48 sq. ft (15%). Mr. Kauderer asked if there was any way that the 20' maple could be saved. Mr. Wegner stated that the tree is near the house and should be removed.

Mr. Wegner stated that during the wall construction, sheet piling is added during construction to shore up other side; the sheet pile is adjacent to the stonewall and will provide protection without having an open trench. The Village Engineer added that once the sheet piling is pulled out, gravel backfill is poured in. Chairman Luntz stated that one of the reasons you don't permanently keep the sheet piling is that you want water to percolate through.

Chairman Luntz requested that the site plans with all the CAD layers be part of the record since they were not included in the packets previously given to the Board.

Planning Board Meeting
January 22, 2013

Mr. Wegner apologized and stated that they are part of the plan and are part of the revised application.

The landscape plan was shown to the neighbors (Lipton and Regis). Mr. Davis stated that the intent of the blue spruce and red spruce trees was to address concerns about screening in the rear of the property (the Lipton house). Mrs. Regis stated that “new trees are better than old trees.”

Mr. Krisky mentioned that one concern had been about staying in the building area of the limits of disturbance. Mr. Aarons stated that he believes the applicant has now addressed this concern. Mr. Davis stated that the bonding and the environmental consultant addressed this, and it was added to the resolution, p. 4 (m). Chairman Luntz added that there is also an orange construction fence.

Mr. Krisky asked how the Environmental Monitor works, and the Village Engineer explained that the amount of time the monitor is at the site depends on what work is being done—for example, he can be at the site multiple times or all day.

Mr. Aarons asked a question about foundation crack monitors and the Village Engineer stated that they were not necessary since there is no blasting allowed. The bonds and the escrow for the environmental monitor would be sufficient. Mr. Aarons asked about the amount of escrow, and the Village Engineer stated he could bring these figures to the Board.

Mr. Lipton asked if they knew there was no rock. There was a discussion about excavation and what happens when construction workers come across large boulders at the site. The Village Engineer stated that there would likely not be any bedrock encountered. The Village Engineer and Chairman Luntz both stated that because there is no blasting allowed, so if boulders were encountered, the contractor would have to hammer and crack the boulder in small pieces.

Mr. Kauderer stated that despite what personal opinions the Planning Board members’ held on this application, and he personally didn’t think it was the best place to build a house-- that did not matter, “we are planning board not legislative body, that legislative body being the Village Board, which under the Village Zoning Coded has stated a house can be built on this lot. Our job is to limit the impact as little as possible on the neighbors.” He stated that issues regarding stabilization, drainage and screening have all been addressed. He did not think the Planning Board should deny this application.

Mr. Kauderer moved that the Planning Board accept the minor site plan application as so amended based on the new revised resolution, and Chairman Luntz seconded the motion.

Mr. Kauderer voted Aye.

Planning Board Meeting
January 22, 2013

Mr. Krisky voted Aye. He agreed with Mr. Kauderer that this is an inappropriate place for the house but the Board has done their utmost to protect the neighbors.

Chairman Luntz voted Aye.

Ms. Allen voted No.

Mr. Aarons stated that he concurred with Mr. Krisky and Mr. Kauderer that this is not a good spot for a house but it is not for the Board to determine. He is going to abstain because he still is not sure of the parcel itself --whether or not it is a legal building lot.

The motion carried in favor by a vote of 3-1 (Opposed)-1 (Abstain).

3. Adjournment

There being no further business to come before the board, the meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Ronnie Rose
Planning Board Secretary

RESOLUTION

WHEREAS, the Planning Board reviewed a REVISED Minor Site Plan application on Tuesday, January 22, 2013, for JF WF Cortlandt LLC, hereafter known as “the Applicant,” said property located at 57 Old Post Road North, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 67.20 Block 2 Lot 27; 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; and

WHEREAS, the original application was submitted to the Planning Board for review on October 5, 2012 and was reviewed by the Planning Board at its meeting of October 9, 2012; and

WHEREAS, revised plans were received on October 31, 2012 which showed a reduction in the overall site disturbance bringing the application below the threshold of requiring a steep slope permit, and therefore, neither steep slope permit nor public hearing are required; and

WHEREAS, a site visit was conducted by members of the Planning Board on November 3, 2012; and

WHEREAS, on November 21, 2012, the consulting engineer submitted, for the Planning Board’s review at the 11/27/12 meeting, revised Architectural plans, revised landscaping plans, and revised Stormwater Pollution Prevention Plan; and

WHEREAS, on November 27, 2012, the Planning Board reviewed and discussed in detail the 11/19/12 letter submitted by the neighbor’s engineer, The Chazen Companies; and

WHEREAS, on December 21, 2012 the applicant’s consulting engineer submitted his written comments and revised plans as a follow-up to the discussion of the Chazen letter at the 12/11/12 Planning Board meeting; and

WHEREAS, on January 8, 2013 the Planning discussed the original application and voted 3 to 2 to deny approval of the original application; and

WHEREAS, on January 16, 2013 the Village Engineer sent an email to the applicant’s engineer providing some feedback regarding items that the Planning Board indicated were still potential issues; and

WHEREAS, on January 18, 2013 a revised application was submitted that included changes to the retaining walls and other site features, provided for an Environmental Compliance Consultant at the applicant’s expense, provided additional mitigation measures, and by reference included all previously submitted application documents, and included an

Planning Board Meeting
January 22, 2013

analysis of how the project met the standards in the steep slope regulations even though no steep slope permit is required; 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; and

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 has determined that one or more of the standards for approving the removal of trees has been met, and in accordance with section 208-16(E) of the Village Code the approval of the Minor Site Plan includes the approval to remove those trees noted on the site plan to be removed, 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

NOW, THEREFORE BE IT RESOLVED, that the revised Minor Site Plan application for the project known as "Site Development for JFWF Cortlandt LLC" shown on Sheet SP-1.1 entitled "Site Development and Site Constraints Plan"; Sheet SP-1.2 "Erosion Control and Tree Plan"; and Sheets UD-2.1 and UD-2.2, "Details" prepared by Cronin Engineering P.E., P.C. last revised January 18, 2013 and last received on January 24, 2013; and Plans prepared by Gemmola & Associates for the project entitled "Proposed Residence for JFWF Cortlandt LLC; sheet A-101, "Proposed Floor Plans", sheet A-201, "Proposed Exterior Elevations" and sheet A-202, "Proposed Exterior Elevations" dated October 1, 2012, last revised November 15, 2012; and plans prepared by Stephen Lopez Landscape Architect entitled "Landscape Plan-Francy property, Old Albany Post Road" dated October 4, 2012, last revised December 18, 2012; and the "Old Post Road North Stormwater Pollution Prevention Plan" prepared for JFWF Cortlandt LLC: prepared by Cronin Engineering P.E., P.C. dated October 4, 2012, last revised November 20, 2012; and a "Routing Diagram for Francy" prepared by Cronin Engineering, on December 21, 2012; and Tree Impact Comparison dated January 22, 2013 and Wall Comparison dated January 22, 2013, prepared by Cronin Engineering, be approved subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That, the single-family use is an allowable use in the RA-9 zoning district and proposal meets all bulk zoning districts requirements. The main floor of the proposed single-family house is 910 square feet which is nominally above the 880 square feet minimum required by the zoning code.
3. That, the scale, proportion, placement and architectural features of the proposed single-family residence are judged to be appropriate for the neighborhood context.
4. That, the architectural plans submitted for the building permit application substantially comply with the architectural plans, listed above and the building elevations and footprint shown on the site plans, including modular construction.
5. That, thirteen evergreen trees 8'-12' in height be planted as shown on the landscaping plan to provide reasonable screening between adjacent properties.

Planning Board Meeting
January 22, 2013

6. That, the proposed single-family house be connected to Village water supply and sewage collection systems as shown on the site plans.
7. That, the existing sidewalk at the driveway entrance be maintained for as long as possible prior to the new curb cut and sidewalk being installed at this location. The Village Engineer may require a temporary asphalt sidewalk at the driveway entrance to provide safe passage for pedestrians.
8. That, vegetation shall be cleared and/or trimmed in or near the street ROW as directed by the Village Engineer for the minimum stopping sight distances noted on the site plan and that the property owner shall continue to maintain this area as required to maintain sight distances with notification to the Village prior to any work being performed.
9. That, the stormwater drainage system shown on the site plans be installed, this system being designed to handle in excess of the 100 year storm event thereby reducing stormwater runoff to adjacent downstream properties.
10. That, as noted in the response to the Chazen Engineering letter on 12/21/2012, an additional percolation test shall be performed at the base of the infiltrator bed elevation prior to the installation of the infiltrator and the infiltrator system will be redesigned if a slower percolation rate is found at this elevation. A report on the soil test and if necessary redesign shall be submitted to the Village Engineer for acceptance, prior to the construction of the infiltration system.
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 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, the retaining walls shown on the site plan be made part of the building permit application to the Building Inspector and that the retaining walls be a gravity wall type design using modular precast concrete blocks as shown on the site plan and that the blocks to be chosen be stained and be substantially the same as one of the options, but not the limestone, specified in the brochure from manufacturer Redi-Rock.
 - j. That, any excess soil from the excavation shall be removed from the site immediately but in no event more than 20 days from excavation.
 - k. 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.
 - l. That, the Village Engineer shall be notified by the next business day if bedrock is encountered in the excavation. A rock excavation plan shall be submitted to the Village Engineer for review and approval and shall not include any blasting operations.
 - m. That, under Chapter 115 of the Village Code the applicant shall provide escrow funds for the Village to hire an Environmental Compliance Consultant to monitor the construction work at crucial intervals including the excavation and construction of the retaining walls and foundations and other aspects as determined by the Village Engineer. Escrow funds as determined by the Village Engineer shall be deposited with the Village prior to the issuance of a building permit, additional funds shall be deposited if required by the Village Engineer to cover the necessary site monitoring.
 - n. 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 (m) 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.
 - o. 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.
 - p. 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.
 - q. 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.
 - r. 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.
 - s. 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.

- t. 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.
- u. 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.

12. 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.
 - d. 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.
 - e. 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.
 - f. That, the applicable stormwater facility maintenance, inspection and repair requirements in section 196-9 of the Village Code be complied with. All yard drains shall be cleaned, at a minimum annually.
 - g. 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.
 - h. That, in accordance with section 196-10(C) an as-built plan of the stormwater management practices shall be submitted to the Village Engineer.
 - i. 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.

Planning Board Meeting
January 22, 2013

- j. 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.
 - k. 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.
13. 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 proposed landscaping, which includes replacement trees, shown on the landscaping plan prepared by a NYS Registered Landscape Architect, be installed.
 - 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.
 - 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.

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

Planning Board Meeting
January 22, 2013

Croton-on-Hudson, New York

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

Motion to approve by Mr. Kauderer, seconded by Chairman Luntz, and carried by a vote of 3 in favor, 1 opposed (Ms. Allen), and 1 abstained (Mr. Aarons).

Resolution accepted with the minutes of the meeting held on Tuesday, January 22, 2013.