

**Minutes of the
Village of Croton-on-Hudson
Planning Board Meeting of
Tuesday, April 23, 2013**

Present: Rob Luntz, Chairman
Mark Aarons
Bruce Kauderer

Absent: Steve Krisky

Also Present: Daniel O'Connor, P.E.
Ann Gallelli, Trustee Liaison

1. Meeting called to order at 8:05 p.m.

2. Public Meeting

a) Thomas Donofrio—37 Park Trail (Sec. 68.13 Block 3 Lot 8) for Minor Site Plan approval and Wetlands Permit for a single-family dwelling.

Julie Evans, architect for the applicant, was present to discuss the application.

Mr. Kauderer made a motion to open the public hearing, seconded by Mr. Aarons, carried all in favor 3-0.

Ms. Evans explained that the house is the same design as it was before when the applicants thought the house could be built on the original foundation but now it will have a new foundation and a more functional basement. It is identical to the original house in terms of how it sits on the land.

Chairman Luntz noted that the application had been referred to the Water Control Commission and the WCC wrote a memorandum in which they unanimously voted to recommend this application. The WCC stated that two additional conditions should be added to the original conditions stipulated in the May 18, 2011 memorandum. These two conditions are: 1) a track mat be installed at the beginning of the driveway to prevent debris from going into the street, and 2) the portion of the driveway going to the house and the portion of the driveway going to the garage, as shown on Drawing L-101, be made a gravel drive.

Mr. Aarons asked if the water near the recharge area for the aquifer is affected by the septic system near the house. The Village Engineer explained that all the houses in the area, and specifically Park Trail, are on a septic system and they are very far from the water. The Department of Health has given approval for the septic system for this house.

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Chairman Luntz noted that a lot of time had been spent on this application a couple of years ago. Mr. Kauderer expressed concern about blasting, and the Village Engineer noted that no blasting was allowed as written in the resolution.

There were no comments from the public. Mr. Kauderer made a motion to close the public hearing, seconded by Mr. Aarons, and the vote carried all in favor 3 to 0.

Mr. Aarons made a motion to accept the resolution to issue a Minor Site Plan and Wetlands permit approval for 37 Park Trail, seconded by Mr. Kauderer, and the vote carried all in favor 3-0.

3. New Business

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

The applicant did not attend the meeting to present his application. The Planning Board agreed to postpone the discussion of this application until the next meeting in May. A site visit will be arranged to view the property.

4. Old Business

a) Mazen Safieh--11 Prospect Place (Sec. 67.20 Block 4 Lot13)—Application for Minor Site Plan approval for new single family dwelling.

The architect, Mr. Lener, stated that they had completed requirements from the previous meeting: 1) the house has been moved back three feet, 2) the safety issue between the proposed driveway and neighbor's house has been addressed by using boulders, 3) a rendering of the proposed house has been provided and 4) landscaping on the rendering has been included.

The Planning Board reviewed the additional questions and ongoing concerns submitted most recently by the neighbors at 111 N. Riverside Avenue:

Regarding steep slopes: The Village Engineer explained how steep slopes are calculated for small lots. Some of the calculations on p. 2 of 8 (engineering plans) are wrong but it does not change the fact that the proposed house is well under the threshold for steep slopes disturbance level. Chairman Luntz stated that Mr. Massero should do the recalculations on p. 2 so they are correct for the record. The Village Engineer stated that the recalculations should be a condition added to the resolution.

Driveway safety: Mr. Lener stated that he believes the boulders will be very effective in stopping cars from rolling into a neighbor's property.

Shrubs in the landscape plan: There was a discussion about the arborvitae trees which are shown on the landscape plan and which are intended to provide

screening between the properties. Mr. Kauderer stated that from his experience deer and snow devastate these types of trees. Mr. Kauderer pointed out that the plan did not indicate that there was grass in the backyard. Mr. Lener stated that there would be lawn in the front and the backyard. He believes it is very valuable for a house to have a backyard. Mr. Kauderer agreed and stated that the lawn (front and back) should be noted on the plans. The Planning Board agreed that a condition should be added to the resolution that states that the screening must be permanently maintained.

Moving the house location back from the street: Mr. Lener stated that they have moved the house 23.8 feet away from the property line. This number is around the same number as neighboring properties (the average is 24-25 feet).

Services lines and integrity of driveway apron: Chairman Luntz asked Mr. Massero if the applicant would be amendable to replacing the disturbed area of the driveway apron to preconstruction condition. Mr. Massero agreed. A condition will be included in the resolution that states the integrity of the driveway apron will be maintained.

Hydrological analysis: The Village Engineer explained that Prospect Place road has had an icing problem during snow and ice storms. The village had tried to address this problem by placing underdrains in order to capture shallow ground water. It was a moderate cost solution to addressing the icing issues. The Village Engineer added that the Department of Public Works places half an inch layer of salt on the street when there are icy conditions.

The Village Engineer stated that he also had requested and the applicant's engineer had complied with his request, to maximize infiltration and increase the storage capacity in the infiltration system. The discharge on the front lawn is now tied into the catch basin system and the footing drains are tied into that. Any seepage will not be discharged onto street or the sidewalk and this will hopefully eliminate any icing conditions.

Chairman Luntz asked about the applicant's solution to any potential icy conditions. Mr. Lener stated that he believed that the boulders would stop any vehicle that might slide and cause harm to anyone. Chairman Luntz mentioned that the boulders in a landscape plan could be made to look very nice.

Unweeped sections of retaining wall: Chairman Luntz asked the Village Engineer about the neighbor's question regarding the retaining wall's "unweeped" sections. The Village engineer stated that the house footing drains would remove a lot of the water. The modular block wall is less problematic in that water can seep out and this helps remove water from behind the wall. The relatively small retaining wall will be included on the building permit too.

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Chairman Luntz reviewed the color rendering that the architect had provided. He noted that there is stone veneer on the foundation but it appeared different from the retaining wall block. Mr. Lener stated that they had kept the grayish color scheme and if the budget worked, they can make it all stone. The architect and the applicant however are trying to keep in context with the neighborhood.

Chairman Luntz asked about the height of the building. Mr. Lener explained how he had determined the overall height. The zoning code height is a maximum height of 35 feet, and the proposed house is at 27 feet. Chairman Luntz stated that the house complies with the zoning code with respect to height. Chairman Luntz asked the Village Engineer if the lot was compliant in every other aspect, and the Village Engineer stated that yes, this was a single family RB district established in 1979 and the lot was compliant with the zoning code.

The Board reviewed the draft resolution and added the following conditions:

1. That the steep slopes calculations on the plans be corrected
2. That the integrity of driveway's apron be maintained
3. That the westerly portion of the property be maintained.

Mr. Kauderer moved to accept the resolution with additional conditions and grant approval for the Minor Site Plan application for a single family dwelling at 11 Prospect Place, seconded by Mr. Aarons, and carried all in favor by a vote of 3-0.

5. Approval of Minutes

Minutes held over until next meeting.

6. Adjournment

There being no more business to come before the board, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Ronnie Rose
Planning Board Secretary

RESOLUTION

WHEREAS, the Planning Board reviewed a Minor Site Plan application on Tuesday, April 9, 2013, for Mazen Safieh, hereafter known as “the Applicant,” said property located at 11 Prospect Place, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 67.20 Block 4 Lot 13; 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, 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 Proposed Site Plan, Sheet 1, entitled “Existing Conditions”; Sheet 2, entitled “Steep Slope Analysis”; Sheet 3, entitled “Demolition and Removals Plan”; Sheet 4, entitled “Site Plan of Proposed Improvements”; Sheet 5, entitled “Site Grading Plan”; Sheet 6, entitled “Wall Plan”; Sheet 7, entitled “Sediment & Erosion Control Plan”; dated 3/06/13, last revised 4/17/13, and Sheet 8, entitled “Tree Removal Plan”, dated 4/17/13; prepared by Vincent A. Massaro, P.E; as shown on Sheet PL-1 entitled “Planting Plan, Planting Details, and Plant List” dated April 2013, prepared by Eberlin and Eberlin, P.C. Consulting Engineers, Planners, Landscape Architects; and as shown on architectural plans entitled “Proposed New Residence at Prospect Place” Sheet A1: house location plan, wall section; Sheet A2: foundation, first floor and second floor plans, dated 2/11/2013, last revised 4/03/13; Sheet A3: Elevations, dated 2/11/13, last revised 4/19/13; and proposed house rendering submitted on 4/23/2013, prepared by Timothy P. Lener, Architect, P.C., and as described in “Project Report” prepared by Vincent A. Massaro, P.E., last revised 4/18/13; be approved subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That the front yard setback is a minimum of 23.66 ft as shown on sheet 4 of 8 of the site plan.
3. That the property owner maintains the landscaping in perpetuity along the southwest property line so that there is screening between the properties.

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4. That the entire driveway apron (sidewalk and portion to curb) be replaced after the utilities are installed to maintain the monolithic nature of the apron.
5. That the steep slope calculations on sheet 2 of 8 (steep slope analysis) and in the engineer's report be revised to show the corrected clarification of steep slope disturbance areas in regards to an individual lot.
6. 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, the stormwater infiltration chamber shall be inspected annually within 48 hours after a heavy rainfall (1" or more) to determine that they have drained. If the chambers have not drained remedial action shall be taken to rebuild the chambers and restore the infiltrative capacity of the soil.
 - g. 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.
 - h. That, the footing drain and overflow drain from the stormwater chambers be connected to the Village's 6" drain line in the cleanout

- manhole located behind the curb about 25 feet west of the west property line.
- i. 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.
 - j. That, in accordance with section 196-10(C) an as-built plan of the stormwater management practices shall be submitted to the Village Engineer.
 - k. 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.
 - l. 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.
 - m. 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.
7. 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.
 - 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.
8. 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.

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- 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. 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.
- 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.
- 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.

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- 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.
9. That, the electric, cable and telephone service be installed underground from the existing utility pole, about 20 feet west of the lot, to the house unless a letter is provided from each utility company stating that this will not be allowed.

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
Mark Aarons
Bruce Kauderer
Steven Krisky (ABSENT)

Motion to approve by Mr. Kauderer, seconded by Mr. Aarons, and carried by a vote of 3 to 0.

Resolution accepted with the minutes of the meeting held on Tuesday, April 23, 2013.