

Draft Filed 5/6/16

DRAFT

**Planning Board Minutes for the
Meeting of the Planning Board
April 26, 2016**

Present: Bruce Kauderer
Steve Krisky
Janet Mainiero
Absent: Rob Luntz
Rocco Mastronardi
Also Present: Daniel O'Connor, Village Engineer

1. Call to order:

Deputy Chairman Kauderer called the meeting to order at 8:00 p.m.

2. PUBLIC HEARING

- a) *ShopRite -- 460 South Riverside Avenue (Sec. 79.17 Block 2 Lot 2)--Application for an Amended Site Plan for proposed expansion of supermarket.*

PRESENT: Mr. Dan Hollis, Attorney for ShopRite; Mr. Dan Peveraro, P.E., Lauro Group

OPEN PUBLIC HEARING: Ms. Mainiero made a motion to open the public hearing, seconded by Mr. Krisky, and the motion was carried in favor by a vote of 3-0.

DISCUSSION: Mr. Kauderer stated that the Planning Board believes that the proposed project is a good one, both as a shopping convenience and from a financial standpoint. The only remaining issue, with the exception of some technical matters which will be easily resolved with the Village Engineer, is whether there is going to be a sidewalk next to the northern driveway entrance in addition to the proposed ADA compliant sidewalk.

Mr. Kauderer stated that the Village Attorney was not yet able to review the correspondence regarding the additional sidewalk that had been submitted by Mr. Hollis; however, the Village Attorney, prior to his leaving for vacation, had spoken briefly with the Village Manager and the Village Engineer about this matter and the Village Attorney confirmed that a recommendation for such a sidewalk was in the purview of the Planning Board's site plan review and approval process.

Mr. Kauderer stated that although the Village did not want to take unreasonable risks, the Planning Board was in favor of creating a sidewalk alongside the northern driveway entrance, Mr. Kauderer stated that the Planning Board did not want to insist that there had to be an additional sidewalk, but at the next Planning Board meeting, the Planning Board would most likely give approval of the Amended Site Plan with one of the conditions being that the applicant apply for an advisory opinion with the Department of Justice on whether an additional sidewalk was consistent with the ADA law or in violation of that law.

Mr. Hollis asked whether his client could commence with the proposed work on the supermarket renovation while at the same time seeking such an advisory opinion about the additional sidewalk. He also asked if it would be possible for his client to be able to get a temporary certificate of occupancy should such an advisory opinion about the additional sidewalk take longer to receive than the other proposed construction work. He asked if the additional sidewalk could be completed at the very end of the project should the Department of Justice deem it not to be in violation of the ADA law.

Mr. Kauderer stated that the Planning Board did not want to cause unnecessary delay in the proposed project, and that if the Department of Justice stated the additional sidewalk was in violation of the ADA law, the client would not have to build the additional sidewalk. If the additional sidewalk was determined not to be in violation of the ADA law, then the applicant would be required to build it prior to receiving a Certificate of Occupancy.

Mr. Hollis stated that he was not in a position to respond to this condition but he will take it to the client and get back to the Planning Board. Mr. Kauderer stated that the Planning Board would be discussing this matter further with the Village Attorney.

Mr. Peveraro noted that the advisory opinion is an opinion and he maintained that there is still a great deal of risk from his point of view associated with the additional non-ADA compliant sidewalk even if the advisory opinion stated that the additional sidewalk was not in violation of the ADA compliance law. Mr. Hollis noted that there was reasonable disagreement between the Planning Board and ShopRite about whether the advisory opinion provides protection for the applicant and landlord regarding liability.

Mr. Kauderer stated that the Planning Board would not necessarily tell the applicant how to design the sidewalk (e.g. the applicant could add stairs to lessen the slope). Mr. Hollis stated that that he was not sure they agreed on the risk level, but he would take this condition back to the client for consideration.

The Village Engineer asked the Planning Board to consider who was going to have responsibility for maintenance of the bollard lighting on the new ADA compliant sidewalk (in the village Right of Way). The Village Engineer stated that the lighting on site was clearly the owner's responsibility but the Planning Board should consider who was responsible for the lighting on sidewalk.

Mr. Peveraro stated that if the sidewalk is in the village ROW, it might be difficult for ShopRite to maintain it (for example, if a village plow were to do damage to the sidewalk during snow removal). Mr. Hollis asked if it would be ShopRite's responsibility to fix the sidewalks if the village damaged the sidewalk. Mr. Peveraro stated he will talk with ShopRite about possible ways to address maintenance issues in the Village Right of Way.

The Village Engineer stated that since lighting is not in the code, the maintenance of the bollard lighting would need to be addressed in the resolution. Mr. Peveraro stated that since ShopRite

DRAFT

is doing a decorative treatment for the sidewalk, it would be onerous to ask ShopRite to be responsible for upkeep. The Village Engineer stated that damage usually gets addressed by insurances and the new bulbs can last a long time, however, if the village were to maintain the lighting, then maybe a separate electrical meter for the bollard lighting could be installed.

The Village Engineer also noted that the Village Manager wanted the numbered parking spots in front of the proposed sidewalk to be saved and Mr. Peveraro did not see any issue with this.

Mr. Kauderer mentioned that according to a recent ADA design workshop that the Village Engineer had attended, if the non-ADA sidewalk were to be installed, it was strongly recommended that there be adequate signage that clearly points to the ADA accessible route.

Mr. Krisky stated he would like the Public Hearing to remain open until the next meeting so that all Board members could be present for the vote. Mr. Kauderer stated that the Planning Board hopes to have a vote on the approval of the site plan at the next meeting and a draft resolution.

3. NEW BUSINESS

- a) *Bischoff, Meinhard -- 123 Grand Street (Sec. 67.20 Blk.3 Lot 22)--Application for Amended Site Plan Approval for existing one story rear addition to mixed-use occupancy building.*

PRESENT: Mr. Bischoff, owner

Mr. Kauderer explained that the reason this application was before the Planning Board was in order to legalize an existing additional room which requires Amended Site Plan approval since the first floor of the building is a commercial space. He explained to the Applicant that the Amended Site Plan application requires a public hearing even though the room is already existing, and that at the next meeting there would be a vote and a draft resolution.

Mr. Krisky made a motion to call for a public hearing at the next meeting, Ms. Mainiero seconded the motion, and the motion carried by a vote of 3-0.

- b) *Bell Family Trust -- 175 Old Post Road North (Sec. 67.15 Block 1 Lot 8)--Application for preliminary subdivision approval for a three lot subdivision.*

PRESENT: Ron Wegner, P.E., Mr. James Moorhead, owner

Mr. Wegner explained that this property had been before the Planning Board some years ago as a six-lot subdivision proposal but was never approved. The proposal before the board now is a three-lot subdivision in which two of the proposed lots are to contain the existing structures, one per lot and the third proposed lot will be for a new residence.

The access to the property is off of Old Post Road North, and there will be a need to go to the Zoning Board of Appeals for variances on frontages. The properties have access to municipal

DRAFT

water and sewer although currently the existing structures are on wells. Mr. Wegner stated that the plan is to place the homes on municipal water and sewer. One driveway will access all three houses. The Fire Department will be required to review the emergency access to the proposed homes. The Village Engineer explained the process going forward:

- The Planning Board declares intent to be Lead Agency and sends a memo to the Village Board, the Zoning Board of Appeals and the Westchester County Planning Department for their consent.
- Refer to Water Control Commission for their review and recommendation of Wetland Permit.
- After 30 days and with everyone's consent, the Planning Board declares itself lead agency, and refers the application to the WAC for its recommendation of consistency with the LWRP.
- The Planning Board reviews the application, along with the WAC's recommendation of consistency, for a determination of significance for consistency with the LWRP.
- If a Negative Declaration is given, the Planning Board can then refer the application to the ZBA, the Fire Department (for driveway emergency access review), and the Trails Committee (for a review of recreational land in lieu of fee).
- A public hearing will be required as well.

The Village Engineer offered the possibility of a site visit and the Planning Board expressed an interest in having this option. Staff will follow up with the arrangements.

4. OLD BUSINESS

- a) *Doyle, Lawrence--379 South Riverside (Sec.79.13 Blk.2 Lot 26)--Application for Amended Site Plan Approval for a mixed-use occupancy building.*

PRESENT: Mr. Ed Gemmola, Architect

Mr. Gemmola distributed the updated and revised landscaping plan and the photometric plan for the proposed application. He pointed out the new planters, benches, and sitting walls that had been designed in response to the VEB's comments on the landscape plan. The Planning Board commented that they thought this landscape plan was an improvement from the last plan and were supportive of the benches and sitting walls that had been included. Mr. Kauderer noted that he would like Chairman Luntz to be present for the photometrics plan description.

Mr. Gemmola explained that the engineering documents from the consulting engineer were delayed due to extenuating circumstances regarding the consulting engineer, and that he (Mr. Gemmola) is in the process of getting an updated survey completed and gathering some of the other required documents.

Mr. Gemmola showed the brick that will be used on the storefronts. The proposed brick closely matches the brick that is on the building next door (383 South Riverside Avenue) since the new building abuts this building. Mr. Gemmola explained that the materials being used are sustainable and are made of recyclable material as noted in the letter to the Planning Board in

DRAFT

response to Westchester County Planning Department's recommendations. A backflow prevention device will be installed. When asked about solar panels, Mr. Gemmola stated that the west-facing roof with dormers make solar panels a not very efficient and an expensive proposition.

Mr. Kauderer stated that as soon as the engineering documents (erosion and sediment control measures, stormwater management, base plans, etc.) were submitted, the resolution could be approved. The updated landscape plan will be sent to Chairman Luntz and Mr. Mastronardi for them to look at.

5. APPROVAL OF MINUTES

Ms. Mainiero made a motion to approve the minutes of April 10, 2016, seconded by Mr. Krisky, and the motion carried in favor by a vote of 3-0.

6. NON-AGENDA ITEMS

- 3 Arrowcrest Drive (Fallacaro): The Village Engineer will reach out to Ralph Mastromonaco, P.E., to inquire if he is able to attend the next meeting to discuss the requirements for reviewing the retaining wall.
- Rocco Mastronardi, Planning Board member, has resigned from the Planning Board effective at the close of the Planning Board meeting on May 24, 2016.
- 25 South Riverside Avenue: Mr. Krisky stated that he is concerned how the trailers look on the site. The Village Engineer asked if the trailers had license plates on them because there was a difference between a storage shed and a vehicle. If the trailer is a shed, then it is an accessory structure and would then be a site plan issue for the Planning Board to review. If the trailer has a license plate then it is a vehicle, and would not be a site plan issue.
- Croton Free Library: Ms. Mainiero asked about the bright blue library bins at the bottom of the library driveway. Mr. Anderson, Village Board Liaison, stated that these bins are for the library to recycle old books and are not for public use. The Planning Board asked why there needed to be promotional signage on them since these seemed unsightly. Mr. Anderson stated that he thought the signs could come down and he, as Liaison, would ask the Library Director to clean them up.

6. ADJOURNMENT

There being no more business to come before the board, the meeting was duly adjourned at 9:25 p.m.

Respectfully submitted,

Ronnie L. Rose
Secretary to the Planning Board

DRAFT