

**Minutes of the Planning Board  
June 28, 2016**

Present: Bruce Kauderer, Acting Chairman  
Edward Doherty  
Steve Krisky  
Janet Mainiero

Absent: Robert Luntz, Chairman

Also Present: Daniel O'Connor  
Village Board Liaison: Bob Anderson

1. Call to order: Acting Chairman Kauderer called the meeting to order at 8:00 p.m.

**2. PUBLIC HEARING**

- a) *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:** Mr. Wegner, P.E.

Mr. Wegner gave a summary of the proposed application and reiterated that the applicant's "express intent" is to minimize the disturbance of the site. The proposed application is for a subdivision for three lots, two of the lots have existing structures on them. If subdivision approval is granted, a Minor Site Plan application will be submitted with detailed architectural and landscaping plans. The public sewer is no longer being considered, and instead the installation of a 4" lateral sewer pipe is being proposed. As had been discussed previously, there will be no tree removal along the driveway.

**MOTION TO OPEN PUBLIC HEARING:** Mr. Krisky made a motion to open the public hearing, seconded by Ms. Mainiero, and the motion carried by a vote of 4-0 (Chairman Luntz absent).

**PUBLIC HEARING:**

Mr. Clifford Davis, of White Plains, attorney for Mr. Michael Eisenkraft and Ms. Kimberly Ragazzo of 30 Finney Farm Road, spoke in opposition to the proposed subdivision. He stated that his clients were against the proposed common driveway and questioned whether the proposed driveway emergency egress was safe. He pointed out that the applicant did not have the variances from the Zoning Board for the frontage requirements and in addition he believed that the proposed plan was impossible from a "wetlands point of view."

Mr. Kauderer asked Mr. Davis if he was suggesting that one could never have a flag lot with a common driveway situation in Croton. Mr. Davis stated that he believed that one could not have such a situation with a common driveway. The Planning Board members stated that common driveways were found throughout the village.

Mr. Davis stated that he believed that the subdivision application was premature given that the application did not have the variances granted from the ZBA. He stated that the Planning Board should suspend the review until the Zoning Board makes a determination about the frontage of each lot. Mr. Kauderer affirmed that an approval of the subdivision cannot be granted until the ZBA grants approval, however, this did not preclude the applicant from proceeding with the Planning Board process at the same time.

Mr. Davis noted that it was a matter of safety with respect to the ingress and egress of the driveway given there was no turnaround early in the driveway. Mr. Kauderer responded that the Planning Board would be getting the opinion from the Fire Chief.

Mr. Davis stated that there had been clear-cutting of trees on the property and his applicants were concerned about how this would affect the water drainage to their property. His clients were also concerned about car lights coming up the driveway and shining into their house.

Eliot Senor, P.E. Engineer/Land Surveyor, of White Plains, stated he had reviewed the site plan and from his point of view, there were safety concerns about the driveway slopes (it appeared to him that the slopes were over 25%) and that there was limited visibility on the road. He stated that there were a lot details lacking on the subdivision plan making it difficult to determine whether or not it would have an impact on his client.

Mr. Doherty asked how the frontage or slope issue affected his client; did the road access their property? Mr. Senor responded that there was the potential or a possible scenario to cause damage.

Mr. Doherty asked what the vegetative coverage was in between the properties. Mr. Senior stated that there were grassy and wooded areas. Mr. Doherty stated that it seemed to him that there was sufficient buffer between the proposed house site as drawn on the plan and the neighbors' house.

Mr. Senor stated that the driveway is going through steep slopes and the concern was that water drainage would cause property damage to his client. The Village Engineer noted that drainage goes through the stream. Mr. Senor stated that additional drainage might be a problem. Mr. Kauderer stated that he believed some of these questions were more appropriate to discuss during a Minor Site Plan application.

Ms. Kimberly Ragazzo, 30 Finney Farm Road, stated that the cottage on Lot 1 had been built without any proper building permits. In addition, she asserted that at least 15 trees had been removed from the property without any permits. She stated that water from the Bell property goes straight to their property and water is a big concern for her and her husband and they have spent a lot of money trying to mitigate the water issues. She stated that there was rot caused by water in their house and they had installed a water drain in their yard to fix it.

The Village Engineer stated that the cottage at present was a legal accessory structure on the property by the zoning code. Although it was not being used as a dwelling it still was considered an accessory structure and accessory structures can have driveways.

Mr. Krisky stated that the questions of stormwater mitigation had been asked by the Planning Board; Ms. Ragazzo stated that the plans should have shown the details of this mitigation.

Mr. Kauderer stated the public hearing will remain open. Mr. Wegner is still waiting to hear back from New York State about the archaeological sensitivity of the site. The Zoning Board had requested certain documents from the applicant regarding the trail easement and the applicant is doing the research to answer the Zoning Board's questions.

### **3. NEW BUSINESS**

- a) *Custom Landscaping Designs Inc.-- 57 Old Post Road North (Sec. 67.20 Block 2 Lot 27)--Request for approval for revision to site plan from modular precast to natural stone boulders on the retaining wall.*

**Present:** Mr. Ralph Adorno, Custom Landscaping Designs

#### **DISCUSSION:**

Mr. Adorno stated that the reason he wanted to change from the modular retaining wall to natural stone boulders is that that the concrete block looked very commercial and he preferred the look of the natural boulder wall. He believes that the natural stone wall is a better built wall and is better for drainage. There was a brief discussion about the construction of the natural stone boulders.

**MOTION:** Mr. Krisky made a motion to approve the resolution, as amended, to revise the site plan to include natural stone boulders, seconded by Ms. Mainiero, and the motion carried by a vote of 4-0 (Chairman Luntz, absent)

- b) *Napolitani, Ronald -- 22 Hastings Avenue (Sec. 79.13 Block 2 Lot 78)--Application for Minor Site Plan approval for new single-family dwelling.*

**Present:** Mr. Ronald Napolitani, owner

#### **DISCUSSION:**

Mr. Napolitani stated that the proposed two story house will be situated on the corner of Devon and Hastings Avenues. The proposed house meets all zoning setbacks. He stated that he believes the proposed house fits in with the character of the neighborhood. The lot is a 50 x 125 ft lot, with the driveway sloping down to a garage from the Devon Avenue side. He noted that a patio would be built instead of a deck (as shown).

In a review of the site plan, the Planning Board expressed some concerns about the tree removal and pruning of trees from the neighbor's property. They requested that there be a

more specific landscaping plan which would show what exists on the property, which trees are being removed and what is being proposed to be planted.

The Planning Board amended the draft resolution to include the following conditions:

- That, a revised SWPPP shall be submitted and approved by the Village Engineer prior to a building permit being issued. The revised SWPPP shall include the patio area and address any other comments by the Village Engineer.
- That, a landscaping plan prepared by a landscape architect be submitted to the Planning Board for approval and the plan be implemented prior to a Certificate of Occupancy being issued.
- That, no trees along the side or northeasterly property line be removed and only the minimum pruning necessary to install the house be conducted on these trees. Pruning shall be performed by a certified arborist or supervised by a certified arborist to minimize damage to the trees.

**MOTION:** Ms. Maniero made a motion to approve the Minor Site Plan, as amended, seconded by Mr. Doherty, and the vote carried, all in favor, by a vote of 4 - 0 (Chairman Luntz absent).

#### **4. REFERRALS**

- a) Referral from Village Board for an opinion on the rezoning of 139 Grand Street (Acker House) from C-1 Commercial District to a Residential district.*

Ms. Liz Ingalls, owner of the Acker House (139 Grand) explained her business situation and why her property is now for sale. She had come before the Village Board to inquire whether or not it was feasible to change the zoning of her property from C-1 zoning district to a residential zoning district. Her property is the last lot in the C-1 Commercial district adjacent to a RB district.

Mr. Kauderer noted that this building had not been a residence for a long time; it had been an office/professional use for many years.

Ms. Gallelli, Village Board member, spoke on behalf of the Comprehensive Plan/Economic Development Committee and stated that the comprehensive plan includes the upper village as a commercial area --one in which the village hopes to maximize its economic development potential. She explained to Ms. Ingalls that a zoning change amendment is a lengthy and expensive process.

The Planning Board members agreed that residential zoning did not seem the best use of this property and that given the property was in a C-1 district, a potential buyer could apply for a Special Permit for mixed-use if so desired. In a C-1 district, multiple types of commercial business can go in a building, in addition to a mixed use of residential and commercial. The Planning board noted that most of the buildings in the C-1 district are mixed use buildings. The Village Engineer stated that for 139 Grand, SEQR review would not be necessary (less than 4000 sq. ft).

The Planning Board agreed that the building would be more difficult to sell as a residence and the recommendation was to keep the property zoned as C-1 Commercial or consider a special permit for mixed use occupancy. Ms. Ingalls mentioned that she is the process of a potential commercial sale and depending on what happens in the next couple of months would consider a more formal application. The Planning Board also recommended that the property owner consult with an architect to get a conceptual plan for a mixed use building and obtain an estimate of the construction costs involved.

## **5. ADDITIONAL BUSINESS**

- a) *Request to change the plan of River Landing Subdivision (Section 1, FM#24524) to transfer a narrow strip of land being used as a common driveway for 149 and 151 Grand Street to these properties.*

### **DISCUSSION:**

The Village Engineer explained that there is a narrow strip of land (approximately 15 ft wide and 167 feet long) that extends to Grand Street which was and has been used for many decades as the common driveway for 149 and 151 Grand Street. He further explained that the Planning Board had approved a subdivision called River Landing, in which there was a parcel labeled “to be donated for affordable housing purposes” and that this parcel includes the Mt. Airy Affordable Housing and the Symphony Knoll Affordable Senior Housing complexes. As part of the development of the Symphony Knoll Affordable Housing, the Village was granted easements for trail and utilities over certain areas of the parcel with the easement agreement being filed with the County. There is however no easement of record for the common driveway for 149 and 151 Grand Street. The Croton Housing Network and the owner’s attorney of 151 Grand have requested that the Planning Board approve a change in the River Landing Subdivision (Section 1 under section 230-129 of the Village Zoning code) to permit the transfer of the narrow strip of land to the owners of the adjacent lots (149 and 151 Grand).

The Planning Board expressed concerned about the village being held liable for any incident on the pedestrian trail (it was noted by the Village Engineer that the easement trail does not link to any other trail at present).

The Planning Board approved a change in the River Landing Subdivision subject to the following conditions:

- That, the deeds for the land transfer include a reference to the Village’s trail easement that runs with the land.
- That, mutual easements between the owners of 149 and 151 Grand Street be recorded for access over and maintenance of the common driveway and the easement agreements include a reference to the Village’s trail easement that runs with the land.
- That simultaneous with the filing of the deeds, an amendment to the Village’s Trail and Utilities Easement be provided to the Village, from the owners of 149 and 151 Grand Street, that modifies the language in paragraph #9 from “gross

negligence or willful misconduct of the grantor,” to “negligence or willful misconduct of the grantor or its invitees.” And that properly executed and notarized easement agreement amendments be provided to the Village along with any other signed documents required for the proper recording in the Westchester County Clerk’s Office.

- That, the recording of all documents associated with the above land transfer to recorded i the Westchester County Clerk’s Office within a year of this approval.

A motion was made by Mr. Krisky, to approve the resolution, as amended, seconded by Mr. Doherty, and the motion carried by a vote of 4-0 (Chairman Luntz absent).

## **6. APPROVAL OF MINUTES**

Mr. Krisky made a motion to approve the minutes of June 14, 2016, seconded by Mr. Doherty, and the motion carried by a vote of 3-0 (Chairman Luntz absent, Ms. Mainiero abstained).

## **7. ADJOURNMENT**

There being no further business to come before the board, the meeting was duly adjourned at 10:45 p.m.

Respectfully submitted by,

Ronnie L. Rose

Ronnie L. Rose  
Secretary to the Planning Board