

VILLAGE OF CROTON ON HUDSON, NEW YORK
PLANNING BOARD MEETING MINUTES – TUESDAY, February 14, 2012

MEMBERS PRESENT: Fran Allen
Bruce Kauderer
Steven Krisky

ABSENT: Robert Luntz, Chairman
Mark Aarons

ALSO PRESENT: Daniel O'Connor, Village Engineer

1. Call to Order

Meeting called to order at 8:05 p.m. by Acting Chairman Kauderer.

2. PUBLIC HEARING

a) Steel Style Properties, LLC -- 50 Half Moon Bay Drive (Sec. 78.16 Blk. 1 Lot 3) -- Application for an Amended Site Plan, Wetlands Activity Permit, and Steep Slopes permit for new single-family dwelling.

Chairman Kauderer stated that the applicant had previously applied to the Zoning Board of Appeals on January 11, 2012 with regard to two issues—height and density, and it appeared that the proposed house is compliant with density and height zoning requirements. Mr. Kauderer stated that the submitted plan also appears to comply with lot, setback, wetland, and zoning regulations. The major issue outstanding is the impairment of the viewshed due to the height of the house.

It is Mr. Kauderer's belief that it is the viewshed issue that has the most people upset; the majority of the Planning Board is concerned with this issue. Mr. Kauderer asked Mr. Mastromonaco if it were possible to lower the roofline by four or five feet by lowering the garage level.

Mr. Mastromonaco stated that he has already lowered the height by 6.3 feet already and he could not compress it below site grade. If he were to lower it any further he believed that the garage would fill with water and this is unacceptable to his client. He asked the Planning Board what their responsibility is in terms of a dwelling's visual impact.

Mr. Kauderer stated that the Planning Board has to balance the rights of the public and the client. There was a provision in the LWRP which protected the viewshed, and neighbors seemed to feel that this view is critically important.

Mr. Mastromonaco maintained that since the last meeting, the roof had been lowered two more feet. Furthermore, Mr. Mastromonaco stated that he had brought

the house down two feet by making the floor to ceiling height 9 feet; he had lowered the roofline from the original version. Furthermore, he asserted that his client does not need Village Board approval for an easement through the parking lot.

Mr. Kauderer stated that Mr. Mastromonaco should have an attorney write up the parking easement, and he would subsequently like to hear from the Village Attorney that no requirement of consent from the Village Board is necessary.

Mr. Peter Massa, the HMB HOA attorney, stated that the views of the Hudson River were of prime importance and that the HOA requests with regard to the reversal of the Village Engineer's decision on requirement of a zoning variance, that the Village Attorney review all the documentation that the applicant's attorney submitted.

The Village Engineer stated, per his memorandum of February 8, 2012, that he had a discussion with the Village Attorney and the determination is the Village Engineer's to make. The Village Attorney indicated that the VE determination is reasonable.

Mr. Massa again requested that the Village Attorney go through all the materials and asked if the Planning Board can request that he do so. Mr. Kauderer stated the Planning Board would take this under advisement. Mr. Kauderer invited the public to comment since the public hearing is open.

Anna Lattanzi, Half Moon Bay resident, stated that the HMB residents did not get any new materials and this was a concern. She questioned Mr. Mastromonaco about the ceiling height of the garage, and urged him to take the trail into consideration. Mr. Kauderer stated that the trail could be addressed under site plan review. She expressed concerns about the impact of the proposed house on property values.

In response to Ms Lattanzi's question about ceiling height, the Village Engineer stated that based on the drawings, the garage is about nine feet high.

Mr. Kauderer asked if the garage could be dropped below grade. He also asked about the flooding that Mr. Mastromonaco had referred to and where it originated from.

Mr. Mastromonaco responded that the flooding would potentially come from the parking lot. He also asked for clarification about where and in what exact spot people were standing when they said the proposed house blocked the view.

Ms. Desamours Stenson, President of HOA, stated that the view was at the place where residents drive up to the entrance of HMB and identified the area on the map that was on display.

Mr. Mastromonaco asserted that the view therefore is from the car, or from walking on the sidewalk, and both spots are on the applicant's property.

Mr. Krisky disagreed with this assertion.

The Village Engineer stated that although the property line is in the middle of Half Moon Bay, an easement is granted and there are easement rights over the applicant's property.

Mr. Kauderer asserted that with the proposed dwelling there will be an impairment of the view and the main issue is what this impairment that will do to the neighbor's or applicant's rights.

Mr. Peter Massa, attorney for HOA stated that a map does not reflect the "real life" impact of the house on the view. He also requested that if there were new documents given to the Planning Board, the HOA would like a copy to review so that in the future they are prepared.

Pete Drexler, resident of Half Moon Bay, wanted to know why the applicant objected to building a two story house at the bottom of the hill. From his point of view, this is the only acceptable solution that would not impair the view of the Hudson River.

Andrea Moskowitz, resident of HMB, asked why it is not possible to have a full basement below ground with proper drainage and sump pump such as her dwelling has.

Doug Wehrle, Croton resident and chairman of VEB stated that the VEB had submitted written comments that paralleled Trails committee's comments. He also stated that he hoped the Planning Board would disallow the project.

Mr. Mastromonaco stated that the applicant's lot was part of Half Moon Bay, had gone through the SEQR process; an environmental analysis had been completed and a negative declaration had been issued in 1998. The allowable height of the restaurant was 50 feet, and the proposed house's height is 25 feet.

Mr. Krisky stated that a house is not the same as a restaurant. A restaurant is more public. Mr. Mastromonaco responded that the visual impact with a house however is much less than a restaurant's.

There was further discussion about lowering the basement level and options that might be available. Mr. Kauderer stated that if it were possible to lower the grade, the Planning Board would more amenable to approving the project. The Village Engineer stated that there is a catch basin system under the parking lot. There are ways to lessen the water from getting into the property such as putting a drain at the bottom of the driveway, but the deeper you get in the basement the more chances there will be that water will be in the basement.

Mr. Kauderer stated that if Mr. Mastromonaco is stating that lowering the garage cannot be done then the Board would have to make a decision based on this assertion.

Ms. Allen stated that the public hearing should remain open, and Mr. Krisky agreed. Mr. Mastromonaco referred to the 90 day rule on a completed minor site plan application which requires no public hearing. The Village Engineer stated he would review the file and make a determination whether the application is complete.

There was continued disagreement on how far Mr. Mastromonaco believed he could lower the roof line or the garage without compromising the integrity of the house. He also disagreed that the house impaired a scenic view.

Mr. Kauderer suggested that the applicant do the best he could to lower the house. The next steps were to prepare a negative declaration and refer the application to the WAC for final determination of consistency. The public hearing remains open.

4. APPROVAL OF MINUTES

Ms. Allen made a motion to approve the minutes of January 26, 2012, seconded by Mr. Krisky, and carried by a vote of 3 to 0, all in favor.

5. ADJOURMENT

There being no further business to come before the board, the meeting was duly adjourned at 9:17 p.m. Mr. Krisky made a motion to adjourn the meeting, seconded by Ms. Allen and carried by a vote of 3 to 0, all in favor.

Respectfully submitted,

Ronnie Rose
Planning Board Secretary