

**VILLAGE OF CROTON-ON-HUDSON
MINUTES OF THE PLANNING BOARD MEETING
FOR TUESDAY, SEPTEMBER 11, 2012**

PRESENT: Rob Luntz, Chairperson
Mark Aarons
Fran Allen
Bruce Kauderer
Steve Krisky

Also Present: Daniel O'Connor, Village Engineer
Norman Sheer, Esq.
Ron Wegner, P.E.

1. Call to Order at 8:09 p.m.

2.. OLD BUSINESS

a) Croton Community Nursery School -- Lower North Highland Place (Sec. 67.20 Blk. 2 Lot 5, 6, 9 & 25) -- Application for final subdivision approval for three-lot subdivision, one conservation and five other small parcels (not building lots) to be combined with adjacent lots.

The resolution to grant final subdivision approval for the application for Croton Community Nursery School was reviewed. Mr. Sheer and Mr. Wegner discussed the work that has been completed to meet the conditions stipulated in the preliminary subdivision approval. The neighbor encroachments onto the property have also been resolved. The Plat had been submitted to the WC Health Department for their signature.

Mr. Sheer requested that conditions #2, #8, #9 and #10 of the draft resolution be modified so that the Chairman of the Planning Board could sign the plat at this evening's meeting; the offer of dedication of the easements could then be presented to the Village Board at the September 18, 2012 meeting. Mr. Sheer stated that he was concerned that the draft resolution as presented would delay the conveyance process. The Planning Board discussed conditions #2, #8, #9, and #10 of the draft resolution, and the resolution was amended to reflect this modification. It was agreed that no lots are to be conveyed until the conditions #2, #8, 9, and 10, as amended, are met.

Mr. Kauderer made a motion to approve the resolution, as amended, seconded by Mr. Aarons, and carried by a vote of 5-0, all in favor.

Chairman Luntz signed the final subdivision plat. The applicant will submit the offers of dedication to the Village Board on September 18, 2012.

3. APPROVAL OF MINUTES

The minutes of the July 24, 2012 Planning Board meeting were approved, as amended, on a motion by Ms. Allen, seconded by Mr. Krisky, and carried by a vote of 4-0 (Mr. Kauderer abstained since he had been absent)

There was a brief follow-up discussion about Mr. Fallacaro --the Village Engineer drafted a letter to the Village Attorney and the Village Attorney will review the letter. The Planning Board Secretary will send the minutes of the last Planning Board meeting (July 24, 2012) to the Chairman of the Zoning Board.

4. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,
Ronnie Rose

**RESOLUTION GRANTING FINAL SUBDIVISION APPROVAL TO CROTON COMMUNITY
NURSERY SCHOOL**

WHEREAS, the Planning Board adopted a Resolution at its regular public meeting held on Tuesday, May 10, 2011 on the application of Croton Community Nursery School which granted Preliminary Subdivision Plat Approval of property which is located at Lower North Highland Place, in a Residential RA-40 District, and is designated on the Tax Map of the Village as Section 67.20 Block 2 Lots 5, 6, 9, and 25.

WHEREAS, this property, consisting of 10.45 acres, is proposed to be subdivided into three lots and one 5.6 acre conservation parcel; and six other small parcels (not building lots) to be combined with adjacent lots; and

WHEREAS, under the requirements of the State Environmental Quality Review Act (SEQRA), the Planning Board has determined that this project is an Unlisted Action; and

WHEREAS, the Applicant has submitted to the Planning Board an Environmental Assessment Form (EAF) dated March 2, 2011, last revised March 23, 2011; and a Coastal Assessment Form (CAF) dated March 2, 2011, last revised March 23, 2011; and

WHEREAS, the Planning Board referred this application to the Water Control Commission (WCC) for a recommendation on the issuance of a wetland permit and the applicant appeared before the WCC on March 16, 2011; the WCC, in their memorandum to the Planning Board dated March 30, 2011, recommended that a wetland permit be granted subject to meeting those conditions stipulated in said memorandum; and

WHEREAS, the Planning Board referred this application to the Waterfront Advisory Committee (WAC) on March 22, 2011 for a preliminary recommendation of consistency with the policies of the Village's Local Waterfront Revitalization Program (LWRP) and the WAC, in their memorandum to the Planning Board dated April 8, 2011, recommended to the Planning Board that the Proposed Action be found consistent (preliminary review) with the LWRP; and

WHEREAS, based on the WAC's preliminary recommendation of consistency with the LWRP, the WCC's positive recommendation on the issuance of the wetland permit, and the Planning Board's review, the Planning Board determined that there will be no adverse impacts resulting from the Proposed Action and issued a Negative Declaration; and

WHEREAS, a negative declaration has been issued and the Planning Board referred this application to the WAC for a final recommendation of consistency with the Village's LWRP, and

on April 27, 2011 the WAC, in their memorandum to the Planning Board dated May 1, 2011, recommended that the Proposed Action be found consistent with the LWRP; and

WHEREAS, the Planning Board hereby determines that the Proposed Action complies with and is consistent with the policies, standards and conditions set forth in the Village's LWRP for the reasons set forth in the Environmental Assessment Form and Negative Declaration which have been issued in connection with the Proposed Action all of which are incorporated herein by reference, and in accordance with the recommendation of the Village's Waterfront Advisory Committee; and

WHEREAS, under section 227-7(F) of the Village Code the Planning Board is the approving authority for the issuance of a Wetland Activity Permit and hereby issues a Wetland Activity Permit, subject to the conditions specified below;

WHEREAS, under section 195-5(F) of the Village Code the Planning Board is the approving authority for the issuance of a Steep Slope Permit and hereby issues a Steep Slope Permit, subject to the conditions specified below, these conditions being necessary to prevent erosion and sediment impacts to on-site and off-site water courses;

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

WHEREAS, an open space parcel of 5.6 acres is proposed for dedication to the Village and that the Village Trail Committee has reviewed this parcel and has recommended the Village accept the dedication of this open space parcel since it will provide for the looping and extension of the existing Village trail system; and based on this and other recreation uses provided by the open space parcel the Planning Board finds that the dedication of this parcel satisfies the requirement for land for recreational purposes and that no money in lieu of recreation land shall be required; and

WHEREAS, the Planning Board reviewed the transfer of four small parcels (totaling 12,391 sq. ft.) which had been encroaching on the open space parcel and the Planning Board reviewed this minor revision and concluded that with transfer of said parcels to adjoining neighbors the plan remains consistent with the preliminary subdivision approval; and

WHEREAS, the applicant applied to the Zoning Board of Appeals for a 15 foot front yard variance with respect to Lot 1 and was granted said variance on June 8, 2011; and

WHEREAS, on September 7, 2012, the Applicant submitted a proposed Final Subdivision Plat to be considered by the Planning Board at its regular meeting to be held on Tuesday, September 11, 2012;

WHEREAS, the Planning Board reviewed the proposed Final Subdivision Plat at its September 11, 2012 meeting and deemed same to be officially submitted; and

WHEREAS, the Planning Board, at its September 11, 2012 meeting, determined that the proposed Final Subdivision Plat was in substantial agreement with the approved Preliminary Subdivision Plat, and that no public hearing was required pursuant to Village Law Section 7-728 6.(b); and

WHEREAS, the Planning Board carefully considered all comments received during the course of the Planning Board's consideration of the application up to and including the date hereof, including those received during the public hearing held on Tuesday, January 12, 2010; and

WHEREAS, the Final Subdivision Plan which is the subject of the following conditions consist of the following sheets entitled "Final Subdivision for Croton Community Nursery School" dated 8/15/11 last revised 8/23/12, sheet SP-1.0, "Integrated Plot Plan" dated 9/6/12, sheet SP-1.1, "Environmental Constraints Plan" dated 9/6/12, sheet SP-1.2, "Erosion Control Plan" dated 9/6/12, sheet UD-2.0, "Profiles and Details" dated 9/6/12, sheet UD-2.1, "Details" dated 9/6/12 and sheet TS-3.1, "Tree Survey Plan" dated 9/6/12; and

NOW, THEREFORE, be it resolved: (i) That the foregoing recitals are incorporated in the resolution of approval, (ii) That the Final Subdivision Plan herein before referred to is approved subject to the following conditions:

- 1) That the Applicant shall abide by all of the conditions set forth in the preliminary subdivision resolution of approval dated May 10, 2011; and
- 2) That, the Applicant place monuments on the property lines and iron pins on the Trail easement at the locations shown on the final subdivision plat prior to the conveyance of any parcels, and that record drawings showing their installation shall be submitted to the Village Engineer; and
- 3) (A) That, the property deeds for lots 1, 2 and 3 include language approved by the Village Attorney and Village Engineer in which the deeds shall acknowledge the requirement for an onsite storm water management system and require that the property owners inspect and maintain the storm water management systems. All wording regarding the above shall be expressly set forth in all subsequent deeds for lots 1, 2 and 3. A reference to any easement or other agreement between the property owner and the Village shall also be referenced in the deeds. (B) That an easement agreement be developed and include provisions that require the property owner to inspect and maintain the storm water management system and also give the Village the ability to inspect and maintain the storm water management systems if not performed by the property owner with all Village costs for such inspection and maintenance being billed to the property owner. The agreement shall also include a statement that binds the Grantee's, their successors and assigns to the above requirement.
- 4) That, in accordance with sections 227-8(F) and 227-8(G) of the Village Code the following conditions are established as part of the Wetland Activity Permit:

- a. That the work conducted under the Wetland Activity Permit shall be open to inspection during daylight hours, including weekends and holidays, by the approving authority or its designated representative or the Village Engineer.
 - b. That, no work shall commence until the installation of the sediment and erosion control devices has been completed and found acceptable by the Village Engineer.
 - c. That the Wetland Activity Permit expiration date shall be 9/11/2015 or upon completion of the work specified therein.
 - d. That the Wetland Activity Permit holder shall notify the Village Engineer of the date on which the work is to begin at least five days in advance of such commencement date.
 - e. That the Wetland Activity Permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
 - f. Within 30 days after completion of all work authorized under a permit issued in accordance with this chapter, the applicant shall notify the Village Engineer of such completion.
 - g. That, any disturbance to the wetland buffer outside the approved limit of disturbance would require an amended Wetland Permit and referral back to the Water Control Commission.
- 5) That, in accordance with sections 195-8(C) of the Village Code the following conditions are established as part of the Steep Slope Permit:
- a. The use of explosives shall be avoided to the maximum extent practicable. Generally, disturbance of rock outcrops shall be by means of explosives only if manual labor and machines are not effective and only if rock blasting is conducted in accordance with the Code of the Village of Croton-on-Hudson and all other applicable regulations by a person holding a current Class A or Class B certificate of competence from the New York State Department of Labor.
 - b. Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods.
 - c. The disturbance of existing vegetative ground cover shall not take place more than 15 days prior to commencing grading and construction.
 - d. Temporary soil stabilization shall be applied to all areas of disturbance and all adjoining areas within 50 feet thereof within two days after establishing of the final grade, and permanent stabilization and revegetation shall be undertaken within 15 days thereafter. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.
 - e. Temporary soil stabilization shall be applied within two days after the disturbance is completed or when no additional disturbance is to be performed for a period of seven days. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.
 - f. Topsoil that will be stripped from all areas of disturbance shall be stockpiled in a manner so as to minimize erosion and sedimentation, and shall be replaced on the site at the time of final grading.
 - g. Fill material shall be composed only of nonorganic material, including rock with a diameter that will allow for appropriate compaction and cover by topsoil.

- 8) That, an offer of dedication of the open space parcel be made to the Village Board and if accepted a written copy of the acceptance resolution shall be provided to the Planning Board. The executed deed for the conveyance of the conservation parcel to the Village shall be delivered to the Village within five business days of the approval of the Supreme Court of the conveyance. If the Village Board declines the offer of the open space parcel the same offer shall be made to the Westchester Land Trust or similar land trust organization with a reservation of a ROW easement for a trail over open space parcel in a location to be approved by the Planning Board with the input of the Village Trail Committee.
- 9) That, an offer of dedication of the Trail Easement over Lot 1 be made to the Village Board and if accepted a written copy of the acceptance resolution shall be provided to the Planning Board. The executed easement agreement for the conveyance of the Trail Easement to the Village shall be delivered to the Village within five business days of the approval of the Supreme Court of the conveyance. If the Village Board declines the offer of dedication of the Trail Easement the same offer shall be made to the Westchester Land Trust or similar land trust organization. A notification statement shall be included in the deed for Lot 1 which references the existence of the Trail Easement and that this notification shall be expressly set forth in all subsequent deeds to this property.
- 10) That, an offer of dedication of the Storm Water Easement over Lots 1, 2 and 3 be made to the Village Board and if accepted a written copy of the acceptance resolution shall be provided to the Planning Board. The executed easement agreement for the conveyance of the Storm Water Easement to the Village shall be delivered to the Village within five business days of the approval of the Supreme Court of the conveyance.
- 11) That as part of the Final Subdivision Plat approval process, the Applicant shall seek the necessary approval from the Westchester County Department of Health. Evidence of approval by the Westchester County Department of Health shall be in the form of the Department of Health's endorsement of the Final Subdivision Plat.

BE IT FURTHER RESOLVED, that approval of the Final Subdivision Plat be rendered void if the Applicant shall fail to file, in the Westchester County Clerk's Office, Division of Land Records, the approved Final Subdivision Plat within 62 days from the date of final approval, as final approval is defined in Village Law Section 230-134 (A).

IN WITNESS WHEREOF, the foregoing Resolution was adopted at a public meeting of the Planning Board in the Village of Croton-on-Hudson held on the 11th of September, 2012.

The Planning Board of the Village of
Croton-on-Hudson, New York

Robert Luntz, Chairperson

Mark Aarons

Fran Allen

Bruce Kauderer
Steve Krisky

The motion to approve was made by Mr. Kauderer, seconded by Mr. Aarons, and carried by a vote of 5 – 0, all in favor.

The resolution was approved at the Planning Board meeting held on September 11, 2012.