

On motion of TRUSTEE SIMON, seconded by TRUSTEE HOROWITZ the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York, with a 4-0 vote.

Resolution #204-2023

WHEREAS the Village Board of Trustees has received a special permit application from Ameriland Brook LLC, to add a three-story mixed-use building next to the existing one-story commercial building located at 352 South Riverside Avenue, and

WHEREAS on July 24, 2023, the Village Board of Trustees declared its intent to serve as Lead Agency for SEQRA purposes and directed the staff to circulate its intent to all involved agencies, and

WHEREAS on August 28, 2023, the Village Board declared itself Lead Agency for SEQRA purposes in connection with the proposed action, and

WHEREAS the Village Board has received memoranda of support from the Village Planning Board, the County Planning Board, and the Waterfront Advisory Committee regarding the Proposed Action, and

WHEREAS at its meeting on September 12, 2023, the Village Board reviewed Part 2 of the Short Environmental Assessment Form for this special permit application and verbally answered the questions set forth therein based upon the entire record, and determined that no potential impacts were identified as moderate to large, and therefore no additional analysis was required in a Part 3, and directed the preparation of the Part 2 and Part 3 forms and a negative declaration under SEQRA for adoption, and

WHEREAS the Village Board desires to memorialize its discussion and findings with respect to its SEQRA determination of significance as set forth at the September 12, 2023, meeting in written form, and

WHEREAS at its meeting on September 12, 2023, the Village Board reviewed each of the 44 policies and sub-policies thereunder set forth in the LWRP and the explanation of each policy as set forth in the LWRP, and

WHEREAS the Village Board desires to memorialize its discussion and findings with respect to its determination of consistency as set forth at the September 12, 2023, meeting in written form, and

WHEREAS a public hearing on the special permit application was opened and closed on September 26, 2023,

NOW THEREFORE BE IT RESOLVED that based upon the entire record on the Proposed Action and the above, the Village Board of Trustees hereby issues and adopts the EAF Parts 2 and 3 Determination of Significance attached hereto, and adopts a Negative Declaration under SEQRA in connection with this action, and

BE IT FURTHER RESOLVED, that the Village Board of Trustees makes the following findings regarding the applicability of the LWRP policies and the consistency of the Proposed Action with those policies and conditions of the LWRP which it found applicable:

*POLICY 1: Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.*

*POLICY 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.*

*POLICY 5A: When feasible, development within the Village should be directed within the current service area of existing water and sewer facilities or in close proximity to areas where distribution lines currently exist.*

*POLICY 7E: Runoff from public and private parking lots and from storm sewer overflows shall be effectively channeled so as to prevent oil, grease, and other contaminants from polluting surface and ground water and impact the significant fish and wildlife habitats.*

*POLICY 11A: Erosion and sediment control measures shall be undertaken in order to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or results in earth movement.*

*POLICY 25: Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.*

*POLICY 33: Best Management Practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.*

*POLICY 33A: Encourage new developments to retain stormwater runoff on site so as*

*to not increase flows within the existing system or to improve existing stormwater runoff systems to that runoff from such developments does not adversely impact coastal waters.*

*POLICY 33B: Improve existing Village stormwater discharge to control flow of pollutants from street and parking areas, etc. directly in the rivers.*

*POLICY 37: Best Management Practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.*

*POLICY 37A: Standards and specifications for the control of non-point source discharge as set forth in Westchester County's Best Management Practice Manual or other recognized reference shall be utilized during development of any site.*

The remaining policies and conditions of the LWRP not specifically discussed above were reviewed and found not to be applicable; and

BE IT FURTHER RESOLVED based upon the entire record on the Proposed Action and the above, the Village Board of Trustees confirms its determination that the Proposed Action, a special permit to add a three-story mixed-use building next to the existing one-story commercial building located at 352 South Riverside Avenue, complies with the policy standards and conditions set forth in the Village's LWRP, and

BE IT FURTHER RESOLVED that the Village Board, after studying the issues and listening to public comment at the aforesaid Public Hearing, hereby issues a special permit to Ameriland Brook LLC to add a three-story mixed-use building next to the existing one-story commercial building located at 352 South Riverside Avenue, subject to the following conditions:

1. That, an application shall be submitted to the Village Engineer's Office for Site Plan Approval and any associated approvals, and any waiver of off-street parking spaces from the Planning Board.
2. That, no street trees shall be removed without first obtaining the approval of the Superintendent of the Department of Public Works, as per section 208-12 of the Village Code.
3. That, any determination approving the removal of street trees shall be conditioned on the planting of additional trees or providing funds for such.
4. That, the applicant shall submit site plans to the Planning Board showing two or more parking lot designs with the street trees on Clinton Street and Wayne Street remaining and also proposed for removal with a request to waive off-

street parking requirements in order to preserve the street trees.

5. That, if during the Planning Board's review of the site plan the board determines that a waiver of off-street parking spaces cannot be granted under Section 230-35 of the Village Code and that street trees need to be removed to allow extra parking spaces to be developed, the Planning Board shall submit their reasoning for the removal to the Superintendent of the Department of Public Works for a determination on their removal.
6. That, an application shall be submitted to the Village Engineer's Office for side and rear yard variances and any other needed variances from the Zoning Board of Appeals.

Dated: September 26, 2023