

Meeting of the Board of Trustees of the Village of Croton-on-Hudson, NY, held on Wednesday, June 26, 2024, in the Georgianna Grant Meeting Room at the Stanley Kellerhouse Municipal Building, Van Wyck Street, Croton-on-Hudson, NY 10520.

The following officials were present:

Mayor Pugh	Trustee Murtaugh
Village Manager Bryan Healy	Trustee Nicholson
Village Attorney Linda Whitehead	Trustee Simon
Assistant to the Village Manager Emily Mancini	Trustee

The following officials were absent:

Trustee Politi
Village Treasurer Daniel Tucker

1. Mayor Pugh called the meeting to order at 7:00pm and led everyone in the pledge of allegiance.

2. APPROVAL OF VOUCHERS

Trustee Simon made a motion to approve the following *Fiscal Year Vouchers, claims numbered 23246515 through 23246717 (Post Audit 24000005-24000030)*. The Motion was seconded by Trustee Nicholson and approved with a 4-0 Vote.

General Fund	\$275,012.46
Water Fund	\$28,232.36
Sewer Fund	\$1,513.65
Capital Fund	\$83,286.08
Trust Fund	\$11,850.00
Post Audit Warrant	\$1,253.31
TOTAL	\$399,894.55

3. PUBLIC HEARINGS:

A motion to open a Public Hearing on Local Law Introductory No. 5 of 2024 to amend **Chapter 206, Telecommunications Towers**, of the Village Code to provide for the regulation of wireless facilities, was made by Trustee Simon. Motion was seconded by Trustee Murtaugh and approved with a 4-0 vote.

Village Manager Healy advised that, if adopted, Local Law #5 of 2024 will repeal the existing Chapter 206 of the Village Code which was first enacted in 1998 and replace it with this new Chapter which has been developed with

1 the assistance of our Telecommunications Consultant, Televate, our Village
2 Attorney and our Telecommunications Advisory Committee.

3 To view the proposed Local Law, you may log onto the following:

4 [https://play.champds.com/ATT/crotononhudsonny/2024-](https://play.champds.com/ATT/crotononhudsonny/2024-06/f5401e0e7ba734eb9f090f441eb069c5e74436b1.pdf)
5 [06/f5401e0e7ba734eb9f090f441eb069c5e74436b1.pdf](https://play.champds.com/ATT/crotononhudsonny/2024-06/f5401e0e7ba734eb9f090f441eb069c5e74436b1.pdf)

6 Mayor Pugh asked Village Attorney Whitehead to explain the difference
7 between the current code and the proposed law with respect to where these
8 towers could be located.

9 Village Attorney Whitehead stated that under the current code
10 telecommunications towers are permitted anywhere in the Village subject to
11 approval by the Board of Trustees, under the proposed Local Law it is
12 limited to certain Districts.

13 Village Manager Healy indicated the following Districts where
14 telecommunications towers would be permitted if this Local Law was
15 adopted: Light Industrial (LI), Parks, Recreation and Education (PRE-1 and
16 PRE-3), Limited Office (O-1), General Commercial (C-2), One-Family
17 Residence (RA-40), and One-Family Residence (RA-60).

18 COMMENTS:

19 Renee Curci Ivanoff, 233 Hessian Hills Road, Croton on Hudson, stated that
20 she supports improving cell service in Croton, but objects to allowing cell
21 towers to be built in her neighborhood, we already have two cell towers in
22 the Village, one at the train Station and one on top of Village Hall, yet the
23 study conducted by Televate showed that within one-thousand feet of the
24 Village Hall cell tower, cell strength is poor, and that on Young Avenue which
25 is two-thousand feet from the train station tower, cell strength is also poor
26 and attributed this to Croton's hilly terrain and urged the Board to invest in
27 small cell technology.

28 Bruce Kauderer, 6 Georgia Lane, Croton on Hudson, stated that he is well
29 aware that cell phone service in parts of the Village is spotty, but this law is
30 a very bad idea, we should not resolve inconveniences by harming other
31 property owners and is concerned that allowing a cell tower to be built in a
32 residential neighborhood will bring down property values, there is a better
33 solution to this problem and urged the Board to look at small cell
34 technology.

1 Michael Lanzillotto, 3 Birch Court, Croton on Hudson, stated that he is
2 concerned that allowing a cell tower in his residential area would reduce his
3 property value. Mr. Lanzillotto stated that when he was building his home
4 he had to jump through hoops because the Village insisted that they keep
5 the tree canopy, yet if you build a big tower you would not be protecting the
6 tree canopy and urged the Board to put it on the golf course, it is the
7 highest point in the Village and would not interfere with residential
8 neighborhoods.

9 Kathleen Lamar, Giglio Court, Croton on Hudson, stated that cell phone
10 towers do not belong in any residential neighborhood and read a letter from
11 Liisa McCloy-Kelley, 220 Hessian Hills Road, Croton on Hudson, objecting to
12 the proposed Local Law. (a copy of Liisa McCloy-Kelley's letter can be
13 obtained by reaching out to the Village Manager's Office).

14 Gunnar Anderson, 36 Sunset Drive, Croton on Hudson, stated that he uses
15 Verizon and does not seem to have an issue with his cell service, and asked
16 if the existing cell towers have all the different vendors using them.

17 James Curran, 159 Mount Airy Road, Croton on Hudson, stated that a study
18 from the "National Institute of Science Law and Public Policy" reported that
19 property values decrease up to twenty percent for homes when cell phone
20 towers are built in residential neighborhoods and since we invest heavily in
21 our homes, he is extremely concerned.

22 Ethan Lewis, 38 Glengary Road, Croton on Hudson, said that he had to drive
23 down to Village Hall and conduct an hour and half of work from the
24 municipal parking lot because he has poor service, a lot of people are not on
25 land lines any longer and he is concerned of what could happen in the event
26 of an emergency and encouraged the Village to explore the small cell option.

27 Sherry Horowitz, 119 Maple Street, Croton on Hudson stated that there are
28 more appropriate places to consider and mentioned a recent letter written
29 by a local resident in the Gazette that talked about reduction in property
30 values. Ms. Horowitz added that Televate, who performed the
31 telecommunications study, indicated that multiple cell towers would be
32 necessary to solve the Village's gaps in cell phone coverage and asked that
33 the Village explore small cell technology.

34 Daniel Oppenheim, 17 Mount Green Road, believes this is a pure business
35 decision and does not understand why the Board would consider placing a

1 tower in a residential neighborhood. Mr. Oppenheim addressed health risks
2 that were highlighted through a study by a non-profit "Think Tank" called
3 the "Environmental Health Trust" that indicated health risks from being
4 exposed to cell towers.

5 Signe Bergstrom, 228 Hessian Hills Road, Croton on Hudson, advised that in
6 2021 the U.S. Court of Appeals of the District of Columbia ruled that the
7 December 2019 decision by the FCC regarding its safety limits for human
8 exposure to wireless radiation was arbitrary and capricious, The court held
9 that the FCC failed to respond to evidence that exposure to RF radiation at
10 levels below the Commission's current limits may cause negative health
11 effects. Ms. Bergstrom stated that more and more communities are taking a
12 hard look at safety concerns around 5G and cell towers and urged the Board
13 to take care of its residents and adopt a law that will maximize everyone's
14 safety. To view the entire article, you may log onto the following:

15 [https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-](https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/)
16 [explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-](https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/)
17 [radiation/](https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/)

18 Joe Gonzales, Arrowcrest Drive, Croton on Hudson, encouraged the Board to
19 find some common ground and asked that the Board compromise and look
20 into small cell technology.

21 Kurt Carlson, 231 Hessian Hills Road, Croton on Hudson, stated that he had
22 served on the Planning Board and the last Master Plan Committee and
23 believes that the Master Plan Committee would have rejected this.

24 Paul Leis, 92 Old Post Road South, Croton on Hudson stated that his office is
25 located about a quarter mile away from the cell tower at the train station
26 parking lot and his cell service is terrible and believes that large cell towers
27 do not necessarily provide adequate cell service and it sounds like the small
28 cell technology might be a better solution.

29 Aaron Lamar, 228 Hessian Hills Road, Croton on Hudson, stated that
30 allowing cell towers in residential zoning districts creates a risk for residents
31 and believes that the RFP process will not protect them. Mr. Lamar stated
32 that small cell antennas can provide coverage for up to a mile and half and
33 because they are so small and unobtrusive, they can go just about
34 anywhere, we do not want cell towers in any of our neighborhoods and

1 asked that residential districts be removed from the code and implored the
2 Board to invest in small cell solutions.

3 Tony Granger, Half Moon Bay, stated that the FCC who set the limits for
4 exposure to this type of radiation is based on aging studies from the 1980's,
5 and safety standards need to keep pace with these new technologies. Mr.
6 Granger stated that the "International Commission" on "Non-Ionizing
7 Radiation" published guidelines regarding exposure to this technology. To
8 review the report, you may log onto the following:

9 <https://www.icnirp.org/cms/upload/publications/ICNIRPemfgdl.pdf>

10 Rolf Lamar, 1 Giglio Court, Croton on Hudson, stated that cell towers in
11 residential neighborhoods are not in the best interest of the community and
12 asked what the driving force is to do this.

13 There being no further comments to come before the Board, a motion to
14 close the Public Hearing was made by Trustee Simon. Motion was seconded
15 by Trustee Nicholson and approved with a 4-0 vote.

16 *DISCUSSION:*

17 Trustee Simon thanked everyone for coming out this evening and
18 emphasized that the Board supports small cell technology and does not
19 know where the idea came from that the Board is not in favor of this
20 technology and added that the RFP (Request for Proposal) will also have a
21 very strong urging to telecommunications companies that they include
22 small cell technology in their proposals. Trustee Simon stated that there is a
23 health section in the Law, and the Board has been advised by legal counsel
24 that we follow the FCC regulations and while he understands there are views
25 that FCC standards could be strengthened, we are going to put the strongest
26 possible health language in the RFP that is legal. Trustee Simon stated that
27 some of the changes that we made were based on the recommendations of
28 the Telecommunications Advisory Committee which was not to specify
29 Village owned properties as potential sites because there was a concern that
30 this would drive potential vendors directly to Village sites, they also asked
31 that all projects be required to go before the Planning Board, increase the
32 alternative analysis scope where a company would need to prove that they
33 looked at places throughout the Village, and limit the ability of the Board to
34 waive application requirements. Trustee Simon stated that our first draft
35 did not include the RA40 and RA60 Zoning Districts, but specified municipal

1 owned properties and there was a strong feeling within the
2 Telecommunications Advisory Committee that by doing that we would be
3 driving the vendors directly to those public sites and they requested that we
4 broaden that to include RA40 and RA60 and believes that the Board met all
5 of the requests from our Telecommunications Advisory Committee.

6 Trustee Murtaugh stated that several people have commented that we
7 should leave well enough alone and stick with the status-quo, but the
8 status-quo would allow a tower to be built anywhere in the Village, the new
9 law would prevent that, and we also have an outdated code which needs to
10 be brought into the twenty-first century. Trustee Murtaugh emphasized that
11 the Village cannot unilaterally block cell towers and thanked everyone for
12 their comments.

13 Trustee Nicholson thanked everyone for speaking this evening, her
14 colleagues on the Board have worked hard in trying to listen to the
15 Telecommunications Advisory Committee, the reason why RA40 and RA60 is
16 in this current draft is because the TAC requested it. Trustee Nicholson
17 stated that the number one recommendation from TeleVate was to update a
18 1988 statute and emphasized that we are not protected right now, the
19 Federal Government has things called "Shot-Clocks" that are on the side of
20 the telecommunications companies, and this is why we need to update our
21 code as soon as possible.

22 Village Manager Healy stated that one of the reasons the Hessian Hills Road
23 property came up for discussion is because an 80-foot-tall radio tower
24 primarily for emergency services currently exists in that location, we have
25 also heard from our Police Chief and Fire Chief that adding a tower in that
26 same location heard would greatly improve their communication services.

27 Mayor Pugh stated that our objective is to improve service since service
28 quality is an issue, and residents, through a recent study, indicated that
29 they need and want it improved and the Board is certainly open to these
30 new technologies. Mayor Pugh stated that we would all be better served if
31 we avoided speculation or accusations, if money was the primary objective,
32 we could have allowed a cell tower in the Hessian Hills neighborhood
33 already. .

34 Public Hearing on Local Law Introductory No. 9 of 2024 to amend **Chapter**
35 **204, Taxation of the Village Code to add tax exemptions for the**
36 **construction of accessory dwelling units and living quarters for**

parents/grandparents was made by Trustee Murtaugh. Motion was seconded by Trustee Simon and approved with a 4-0 vote.

<https://play.champds.com/ATT/crotononhudsonny/2024-06/c765d1f9e9267003973254c387e3a3db54034af0.pdf>

Ethan Lewis, 38 Glengary Road, Croton on Hudson, stated that he is in favor of this proposal that encourages members of a family to continue to live in Croton.

There being no further comments to come before the Board, a motion to close the Public Hearing was made by Trustee Murtaugh. Motion was seconded by Trustee Nicholson and approved with a 4-0 vote.

Resolution #133-2024

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

WHEREAS the Village would like to amend Chapter 204, Taxation, of the Village Code to add tax exemptions for the construction of accessory dwelling units and living quarters for parents/grandparents, and

WHEREAS Local Law Introductory No. 9 of 2024 was drafted for such purposes, and

WHEREAS a public hearing on Local Law Introductory No. 9 of 2024 was opened and closed on June 26, 2024,

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby adopts Local Law Introductory No. 9 of 2024, to amend Chapter 204, Taxation, of the Village Code to add tax exemptions for the construction of accessory dwelling units and living quarters for parents/grandparents, which upon adoption becomes Local Law No. 10 of 2024.

DISCUSSION:

Trustee Murtaugh stated that he believes this is a good bill that strengthens our community by keeping families together.

Trustee Simon stated that we did a positive thing for the community when we adopted the ADU Law and believes this is a good addition to the tools we have to make ADU successful.

1 Mayor Pugh emphasized that this is not a tax credit or a tax deduction, but rather an
2 exemption from an increase due to the addition of an ADU on the property, in one case it
3 is temporary for new construction where the exemption phases out over time, and in the
4 other situations, it is special consideration for the purposes of a family unity.

5 Trustee Nicholson stated that the Town has the option to also pass this as well as the
6 school district.

7 Mayor Pugh stated that the Town has a law that was adopted in 1998 which was similar
8 to the grandparent exemption but also included provisions for an accessory dwelling unit
9 for a disabled individual and/or caretaker.

10 **Resolution:**

11 A motion to re-open the Public Hearing regarding Local Law Introductory No. 5 of 2024 to
12 amend **Chapter 206, Telecommunications Towers**, was made by Trustee Simon.
13 Motion was seconded by Trustee Nicholson and approved with a 4-0 vote.

14 **WRITTEN COMMENTS:**

15 Domna Candido, 1299 Albany Post Road, Croton on Hudson, states that she is not in
16 favor of the proposed telecommunications law as written and believes the treatment of
17 the RA40 and RA60 segment is not acceptable and has some legal concerns about the
18 approach that is being taken and finds it generally unacceptable and believes that
19 monopole cell towers are not the solution for Croton.

20 Carl Folta and Molly Lemeris, 22 Sunset Drive, Croton on Hudson, states that they are
21 strongly opposed to the law as written, they believe this is not progress and is bad public
22 policy that will harm the aesthetics of the Village, reduce property values and potential
23 health hazards.

24 Connie DePinho, 7 Hixxon Road, Croton on Hudson, states that she is concerned about
25 the health of residents and wildlife in, as well as aesthetics, noise pollution and home
26 values.

27 Kenna and Joe Weiner, 94 Mount Airy Road South, Croton on Hudson, states that they
28 are in strong opposition for cell towers in residential and education areas especially the
29 PRE, RA40 and RA60 zones, they are also concerned about health risks, wildlife and
30 would like to see some solution for the lack of cell reception and believes this can be
31 done by using small cell technology.

Paula Chabrowe, 26 Mt. Green Road, Croton on Hudson states that residents would benefit from improved cell service, but she does not think it should come at the expense of the natural environment nor the well-being of our residents and encouraged the Board to look at Cortlandt's law.

There being no further written comments a motion to close the public hearing was made by Trustee Murtaugh. Motion was seconded by Trustee Simon and approved with a 4-0 vote.

4. RESPONSE TO QUESTIONS SUBMITTED BY EMAIL - None

5. CORRESPONDENCE

- a. Notice from the Ossining Town Board declaring its intent to assume the role of Lead Agency for the proposed action to amend the Town's Zoning Ordinance to facilitate the planned re-purposing of the former General Electric facility situated at 1 Old Albany Post Road in Ossining.

<https://play.champds.com/ATT/crotononhudsonny/2024-06/e786e799af648773cb13c36254feb439c9e44d4a.pdf>

- b. Letter from Lance MacMillian, Regional Director at the New York State Department of Transportation, in response to correspondence dated May 14, 2024, concerning NYSDOT matters in the Village.

<https://play.champds.com/ATT/crotononhudsonny/2024-06/d0b6b8d3013f4cddf2bcf9234e9b4571dbd98dc2.pdf>

<https://play.champds.com/ATT/crotononhudsonny/2024-06/b7a8a20248cc0550270696da6108fec3bf5bdb13.pdf>

6. PUBLIC COMMENTS ON AGENDA ITEMS:

Ed Riely, 110 Truesdale Drive, Croton on Hudson, expressed his concern over the new Watershed Plan and referred to the 2008 plan that included wildlife, flora, rocks, the diversity and mix of beautiful areas along the Croton River Gorge and the Indian Brook Reservoir, and believes that the new law is aimed at individual landowners as opposed to the five major polluters in Croton.

Tony Granger, Half Moon Bay, Croton on Hudson, questioned how small towers mitigate the issue of radiation, advised that the "Children's Health Defense" successfully sued the FCC in August of 2021, the U.S. Court of

1 Appeals for the DC Circuit ruled that their decision was based on the FCC's
2 failure to provide a reasonable explanation for the determination that its
3 1996 Radio Frequency Emission Guidelines adequately protected the public.
4 To view the document, log onto the following:
5 <https://childrenshealthdefense.org/wp-content/uploads/chd-v-fcc-we-won->
6 [decision.pdf](https://childrenshealthdefense.org/wp-content/uploads/chd-v-fcc-we-won-). Mr. Granger asked that cellular companies be bonded in the
7 event of any physical harm to residents.

8 Village Attorney Whitehead stated that there are provisions in the law
9 regarding Indemnifications and Insurance requirements that would have to
10 be provided to the Village.

11 7. PROPOSED RESOLUTIONS:

12 **Resolution #134 of 2024**

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

16 WHEREAS the Maple Commons development has been constructed at 43-45 Maple
17 Street, and

18 WHEREAS as part of the construction project, a new water main was required to be
19 installed on the property, and

20 WHEREAS the Village has taken ownership of the water main in accordance with
21 Westchester County Dept. of Health guidelines, and

22 WHEREAS an Easement Agreement has been drafted to grant an easement to the Village
23 of Croton-on-Hudson for the installation, replacement, maintenance, operation, and
24 repair of the ductile iron water main and associated appurtenances within the designated
25 Easement Area, as more particularly described in Schedule B attached to the Agreement,
26 and

27 WHEREAS the terms of the Agreement require the Village of Croton-on-Hudson to
28 maintain the Easement Area and restore any surface disturbances caused by
29 maintenance activities,

30 NOW THEREFORE BE IT RESOLVED that the Village Manager is hereby authorized to
31 execute the Easement Agreement with 41-51 Maple Housing Development Fund
32 Corporation and 41-51 Maple LLC, subject to the final approval of the Village Attorney.

1 **Resolution #135 of 2024**

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

5 WHEREAS the Village of Croton-on-Hudson has been awarded a grant by the New York
6 State Energy Research and Development Authority (NYSERDA) under the Clean Energy
7 Communities (CEC) program, and

8 WHEREAS the NYSERDA Clean Energy Communities program provides grants and
9 recognition to local governments that demonstrate leadership in clean energy initiatives
10 by completing NYSERDA-selected high-impact actions, and

11 WHEREAS the Village of Croton-on-Hudson has met the requirements for grant funding
12 under the Clean Energy Communities program and has been awarded a total amount of
13 \$425,000.00 for the implementation of specified clean energy projects and

14 WHEREAS the agreement between the Village of Croton-on-Hudson and NYSERDA
15 consists of the following components:

16 Installation of a 50kW carport solar array at 435 Yorktown Rd., Croton-on-Hudson,
17 NY 10520

18 Installation of a 35kW rooftop solar array at 30 Wayne St., Croton-on-Hudson, NY
19 10520

20 Installation of a 10kW rooftop solar array at 30 Wayne St., Croton-on-Hudson, NY
21 10520

22 Implementation of various building upgrades at the aforementioned locations

23 WHEREAS the agreement outlines the terms and conditions, deliverables, and minimum
24 performance requirements for the awarded grant projects, including planning and
25 completion phases, submission of deliverables, site inspections, and milestone payments,

26 NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Croton-
27 on-Hudson hereby authorizes the Village Manager to sign the NYSERDA Agreement
28 Number 231711, with an effective date of June 11, 2024, and an expiration date of
29 December 31, 2027.

30 DISCUSSION:

The Board of Trustees thanked Lindsay Audin for all his hard work in successfully getting these grants for the Village.

Resolution #136 of 2024

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

WHEREAS the Village of Croton-on-Hudson seeks certification as a Climate Smart Community under the New York State Department of Environmental Conservation (DEC) program of that name, and

WHEREAS the DEC certifiers requested revision and re-submission of documents and information that, if accepted, could secure that certification, and

WHEREAS some of that information involved acceptance and affirmation of various studies and actions already received, accepted, and posted on the Village's website but lacking official resolutions to that effect,

NOW THEREFORE BE IT RESOLVED that the following documents developed at the behest of the Village and posted on the Village website are hereby formally accepted,

Community Greenhouse Gas (GHG) Emissions Inventory of January 2024

June 2024 Community and Government Operations Climate Action Plans (CAPs)

AND BE IT FURTHER RESOLVED that the Village adopts and has already pursued recommendations for GHG reduction actions set forth in the June 2024 documents, and

BE IT FURTHER RESOLVED that the Village will seek to reduce its municipal GHG emissions by 20% between 2010 and the end of 2025, and its community GHG by 10% between 2010 and 2030.

Resolution #137 of 2024

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

WHEREAS the Indian Brook – Croton Gorge Conservation Action Plan was completed in 2007 to help preserve this natural area in Westchester County, and

1 WHEREAS since that time, the Town of Cortlandt, Town of New Castle, Town of Ossining,
2 Village of Ossining and Village of Croton-on-Hudson have worked together to implement
3 various aspects of the plan, and

4 WHEREAS the five municipalities received grant funding from New York State to
5 implement an overlay zoning district for areas of the watershed, and

6 WHEREAS Local Law Introductory No. 7 of 2024 has been drafted for such purposes, and

7 WHEREAS on May 15, 2024, the Village Board of Trustees declared itself Lead Agency for
8 SEQRA purposes, and

9 WHEREAS on June 12, 2024, the Village Board of Trustees undertook the process and
10 review described in detail in Parts 2 and 3 of the Full EAF "Determination of Significance"
11 attached hereto, and

12 WHEREAS the Village Board held a public hearing to consider Local Law Introductory No.
13 7 of 2024, which was opened and closed on June 12, 2024, and

14 WHEREAS the Village Board has received a recommendation of consistency from the
15 Waterfront Advisory Committee with the Village's Local Waterfront Revitalization
16 Program, and

17 WHEREAS the Village Board must make its own determination of consistency with the
18 LWRP policy standards and conditions, and

19 WHEREAS on June 12, 2024, the Village Board reviewed the LWRP policy standards and
20 conditions,

21 NOW THEREFORE BE IT RESOLVED as follows:

22 The Village Board of Trustees makes the following findings regarding the applicability of
23 the LWRP policies and the consistency of the Proposed Action with those policies and
24 conditions of the LWRP which it found applicable:

25 *POLICY 5: Encourage the location of development in areas where public services and facilities*
26 *essential to such development are adequate.*
27

28 *POLICY 5A: When feasible, development within the Village should be directed within the*
29 *current service area of existing water and sewer facilities or in close proximity to areas where*
30 *distribution lines currently exist.*
31

32 *POLICY 7: Significant coastal fish and wildlife habitats will be protected, preserved, and,*
33 *where practical, restored so as to maintain their viability as habitats.*

POLICY 7A The quality of the Croton River and Bay Significant Coastal Fish and Wildlife Habitat and Haverstraw Bay Significant Fish and Wildlife Habitat shall be protected and improved for conservation, economic, aesthetic, recreational, and other public uses and values. Its resources shall be protected from the threat of pollution, misuse, and mismanagement.

POLICY 7B: Materials that can degrade water quality and degrade or destroy the ecological system of the Croton River and Bay Significant Fish and Wildlife Habitat and the Haverstraw Bay Significant Fish and Wildlife Habitat shall not be disposed of or allowed to drain in, or on land within, the area of influence in the significant fish and wildlife habitats.

POLICY 7C: Storage of materials that can degrade water quality and degrade or destroy the ecological system of the Croton River and Bay Significant Fish and Wildlife Habitat or Haverstraw Bay Significant Fish and Wildlife Habitat shall not be permitted within the area of influence of the habitat unless best available technology is used to prevent adverse impacts to the habitat.

POLICY 7D: Restoration of degraded ecological elements of the Croton River and Bay and Haverstraw Bay Significant Fish and Wildlife Habitats and shore/ands shall be included in any programs for cleanup of any adjacent toxic and hazardous waste sites.

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

POLICY 7F: Construction activity of any kind must not cause a measurable increase in erosion or flooding at the site of such activity, or impact other locations. Construction activity in the Croton River and Hudson River spawning areas shall be timed so that spawning of anadromous fish species and shellfish will not be adversely affected.

POLICY 7G: Construction activity of any kind must not cause significant degradation of water quality or impact identified significant fish and wildlife habitats.

POLICY 7H: Habitat-related policies identified in the Indian Brook-Croton Gorge Watershed Conservation Action Plan will be considered in actions proposed for these areas (see Appendix C).

POLICY 8: Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub-lethal or lethal effect on those resources.

POLICY 9A: Ensure continued recreational use and public access to the rivers through Village-owned land adjacent to the railroad parking lot, at Croton Point Park, at Senasqua and Croton

1 *Landing Parks, along the Croton River, and at the Croton Yacht Club. Efforts should be made*
2 *to increase opportunities for public access and enjoyment in these areas.*

3
4 *POLICY 9B: Encourage passive recreational enjoyment of the wildlife in the designated*
5 *significant fish and wildlife habitats, on the Audubon Society sanctuaries, Jane Lytle*
6 *Arboretum, Gouveia Park and on other public or private lands within the Village where wildlife*
7 *habitats are located, as well as the protection of such resources.*

8
9 *POLICY 19: Protect, maintain, and increase the level and types of access to public water*
10 *related recreation resources and facilities.*

11
12 *POLICY 19A: Encourage the linkage of open space from upland areas to and along the Hudson*
13 *and Croton Rivers in the form of a trail or walkway system.*

14
15 *POLICY 19B: Increase public access to areas that offer physical and visual connection to the*
16 *Hudson River or Croton River and Bay.*

17
18 *POLICY 19D: Improve and maintain access to Croton River and Bay at the Village owned*
19 *Echo Canoe Launch south of the Village parking lots at the Croton Harmon Station.*

20
21 *POLICY 21A: Boating and fishing activities should be encouraged provided that they do not*
22 *restrict other water-related recreational opportunities and are undertaken in a manner*
23 *compatible with existing water-dependent uses.*

24
25 *POLICY 25A: Establish and protect identified public viewsheds of the Hudson River, including,*
26 *but not limited to the public views of the Hudson River from the western shoreline of the*
27 *Village, and of the Croton River and Gorge.*

28
29 *POLICY 32: Encourage the use of alternative or innovative sanitary waste systems in small*
30 *communities where the costs of conventional facilities are unreasonably high, given the size of*
31 *the existing tax base of these communities.*

32
33 *POLICY 33: Best Management Practices will be used to ensure the control of stormwater*
34 *runoff and combined sewer overflows draining into coastal waters.*

35
36 *POLICY 33A: The flow of stormwater discharge shall be controlled to limit the flow of*
37 *pollutants from street and parking areas, etc. directly into the rivers and water bodies.*

38
39 *POLICY 37A: Control of the development of hilltops, and steep slopes should*
40 *be exerted in order to prevent erosion and minimize runoff and flooding from new construction.*
41

POLICY 38: The quality and quantity of surface water and ground water supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

POLICY 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.

POLICY 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

POLICY 44A: Wetlands, water bodies and watercourses shall be protected by preventing damage from erosion or siltation, minimizing disturbance, preserving natural habitats and protecting against flood and pollution.

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 that based upon the above, the Village Board of Trustees confirms its determination that the Proposed Action, the adoption of a local law amending Chapter 230, of the Code of the Village of Croton-on-Hudson to add new Article IVB, Indian Brook -Croton Gorge Inter-Municipal Watershed Protection Overlay District (WPOD), and

BE IT FURTHER RESOLVED that 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 in connection with this action, and

BE IT FURTHER RESOLVED that the Village Board of Trustees hereby adopts Local Law Introductory No. 7 of 2024, to amend Chapter 230, of the Code of the Village of Croton-on-Hudson to add new Article IVB, Indian Brook -Croton Gorge Inter-Municipal Watershed Protection Overlay District (WPOD), which upon adoption becomes Local Law No. 11 of 2024.

DISCUSSION:

Trustee Simon stated that our Waterfront Advisory Committee spent a good deal of time on this, and these policies came out of their excellent work.

Resolution #138 of 2024

1 On motion of TRUSTEE MURTAUGH, seconded by TRUSTEE NICHOLSON, the following
2 resolution was adopted by the Board of Trustees of the Village of Croton- on- Hudson, New
3 York with a 4-0 vote.

4 WHEREAS the Village of Croton-on-Hudson desires to provide preventive, rehabilitative,
5 and treatment services to its employees through an Employee Assistance Program (EAP),
6 and

7 WHEREAS Westchester County, through its Department of Community Mental Health,
8 offers an EAP under the provisions of Articles 25 and 41 of the New York State Mental
9 Hygiene Law, which includes various support services such as program consultation, staff
10 development, program administration, maintenance, and client evaluation and referral,
11 and

12 WHEREAS the total cost of these services is calculated based on the number of
13 employees, resulting in a fee of \$45 per employee per year, prorated for the period from
14 June 2024 to December 2024 to \$26.25 per employee, totaling \$1,890 for the year 2024,

15 NOW THEREFORE BE IT RESOLVED that the Village Manager is hereby authorized to sign
16 the intermunicipal agreement with Westchester County for the provision of Employee
17 Assistance Program services for the period starting June 1, 2024, and ending on
18 December 31, 2024.

19 **Resolution #139 of 2024**

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

23 WHEREAS Metro-North Railroad has requested permission to enter Village property for
24 the advancement of test borings, and

25 WHEREAS the borings are necessary as part of Metro-North's continuing cleanup of the
26 Harmon Yards property, and

27 WHEREAS access for the advancement of the test borings is anticipated to take up to five
28 (5) days with no follow-up monitoring required, and

29 WHEREAS Metro-North shall at no time impede the Village's or the public's access,

30 NOW THEREFORE BE IT RESOLVED that the Village Board hereby authorizes the Village
31 Manager to sign the Permit to Enter Property, granting permission to Metro-North and its

contractor(s) to enter the property for the sole purpose of conducting test borings as outlined in the permit, under the terms and conditions stated therein.

Resolution #140 of 2024

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

WHEREAS the owners of the property located at 204 Hessian Hills Road, known as parcel 68.09-4-38 on the Village Tax Maps, filed a grievance that continued as a Small Claims Assessment Review (SCAR) proceeding due to extensive damage to their house from a fallen tree, and

WHEREAS following negotiations, the Village Assessor agreed to reduce the assessed value of the property from \$10,500 to \$7,860, and

WHEREAS based on the current tax rate of \$286.061, a refund of \$755.20 is warranted,

NOW THEREFORE BE IT RESOLVED that the Village Treasurer is hereby authorized and directed to issue a tax refund in the amount of \$755.20 to the appropriate party, in accordance with the settlement agreement outlined in the memo from the Village Assessor dated June 17, 2024.

Resolution #141 of 2024

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

WHEREAS the Village of Croton-on-Hudson intends to apply for Community Development Block Grant (CDBG) funding from Westchester County for the 2024-2025 funding cycle, and

WHEREAS the Village will be submitting the following projects for consideration: the installation of a sidewalk along the north side of Municipal Place between Maple Street and South Riverside Avenue, the installation of a sidewalk along South Riverside Avenue between Municipal Place and Maple Street, and the construction of a water main loop between Grand Street and Beekman Avenue, and

WHEREAS as part of the application process, the Village must hold a public hearing to discuss the merits of these projects,

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby schedules a Public Hearing on Wednesday, July 24, 2024, at 7:00 PM in the Georgianna Grant Meeting Room of the Stanley H. Kellerhouse Municipal Building, to consider the merits of the projects included in the Village's CDBG application.

Resolution #142 of 2024

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

WHEREAS the Climate Smart Community (CSC) Program is a New York State program that helps local governments take action to reduce greenhouse gas emissions and adapt to a changing climate, and

WHEREAS on September 24, 2020, the Village of Croton-on-Hudson was certified as a silver-level Climate Smart Community, the highest available ranking, and is currently one of ten silver-level communities in New York State, and

WHEREAS on February 7, 2024, the Village Board of Trustees allocated \$10,000 to fund a part-time position to help with the re-certification process, and

WHEREAS the recertification process was not completed by the end of the fiscal year, when the funding lapsed,

NOW THEREFORE BE IT RESOLVED that the Village Board hereby authorizes the Village Treasurer to transfer \$6,000 from Contingency Account A1990.4000 to the following account(s):

A1230.1100 – Manager – Personnel Services Part Time: \$6,000

DISCUSSION:

Village Manager Healy explained that this is not additional funding, in February the Board approved \$10,000 between February-May of 2024, \$4,000 was spent so this is just reallocating that remaining \$6,000 for this Fiscal Year.

Resolution #143 of 2024

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

1 WHEREAS the last major flood mitigation project at the Croton-Harmon Train Station
2 parking lot was undertaken in 2009, and

3 WHEREAS since that time, areas of the parking lot have again become susceptible to tidal
4 flooding, and

5 WHEREAS the Village has received a proposal from AKRF, Inc. of White Plains, New York
6 to provide consulting services for shoreline resiliency and flood mitigation, and

7 WHEREAS the proposal outlines a detailed scope of work including exposure screening,
8 vulnerability analysis, development of recommended alternatives, and preparation of a
9 flood mitigation technical memorandum, and

10 WHEREAS the proposed consulting services are necessary to evaluate flooding conditions,
11 identify mitigation alternatives, and provide recommendations to enhance the resiliency
12 of the Croton-Harmon Train Station Parking Lot against current and projected future sea
13 level rise conditions, and

14 WHEREAS the total cost for the proposed consulting services is \$38,000, as detailed in
15 the proposal submitted by AKRF, Inc., and

16 WHEREAS the Village Board finds that it is in the best interest of the Village to accept the
17 proposal from AKRF, Inc. and proceed with the consulting services for shoreline resiliency
18 and flood mitigation,

19 NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees authorizes the
20 Village Manager to accept the proposal from AKRF, Inc. dated May 7, 2024, for Shoreline
21 Resiliency and Flood Mitigation Consulting Services at the Croton-Harmon Train Station
22 Parking Lot in a total amount not to exceed \$38,000, and

23 BE IT FURTHER RESOLVED that funding for this expense is available in the following
24 capital project account: H5650.2107.25490.

25 **Resolution #144 of 2024**

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

29 WHEREAS the Village of Croton-on-Hudson was certified this year as one of 20 Pro-
30 Housing Communities in New York State, and

1 WHEREAS since that initial announcement, a total of 41 additional communities have
2 received the Pro-Housing Communities designation, and

3 WHEREAS a new grant program has been announced which is limited to Pro-Housing
4 Communities through Empire State Development, and

5 WHEREAS the Village is interested in applying for funding from this program for
6 streetscape improvements along North Riverside Avenue and Brook Street, and

7 WHEREAS C.T. Male Associates of Latham, New York, has prepared a proposal for grant
8 application preparation services in the amount of \$5,000,

9 NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby accepts the
10 proposal from C.T. Male Associates in an amount not to exceed \$5,000, and

11 BE IT FURTHER RESOLVED that funding for this expense is available in the following
12 account: A1230.4000 (Manager – Contractual).

13 8. PUBLIC COMMENTS ON NON-AGENDA ITEMS

14 Michael Mamone, 19 Young Avenue, Croton on Hudson, complained about
15 cars parking all day long, seven days a week along his street, as well as
16 other residential streets in the Harmon area, this is a residential
17 neighborhood, we have asked the Board to institute a Residential Parking
18 Permit System for the entire one family residential zone, yet the Board has
19 refused.

20 Ed Riely, 110 Truesdale Drive, Croton on Hudson, stated that Croton's
21 density is much higher when you consider of the 10.75 square miles with a
22 population of approximately 8,300 people, 6.06 square miles is in water and
23 the question is, should we be looking to provide housing for people looking to
24 more here from other areas. Mr. Riely also objected to transgender flags
25 being flown on various State and Court buildings in Albany.

26 9. APPROVAL OF MINUTES

27 Motion to approve the minutes as amended of the Regular Meeting held on
28 June 12, 2024, was made by Trustee Simon. The motion was seconded by
29 Trustee Nicholson and approved with a 4-0 vote.

30 10. QUARTERLY REPORTS:

31 Recreation Department

<https://play.champds.com/ATT/crotononhudsonny/2024-06/559bff6f761a9b0d296a84aed2b46bf4fa8d68f0.pdf>

Engineering Department

<https://play.champds.com/ATT/crotononhudsonny/2024-06/6b0b7115b3280fbbda8c6b8f33404047e84b4e5c.pdf>

Justice Court

<https://play.champds.com/ATT/crotononhudsonny/2024-06/7aa0a62af1773ce2628841ff61acf901f52caab6.pdf>

Parking

<https://play.champds.com/ATT/crotononhudsonny/2024-06/2b7cb4c941fcc9634c0823b5b91e594bded12a8b.pdf>

Manager's Report

<https://play.champds.com/ATT/crotononhudsonny/2024-06/f8ca57f7751b8d5f582d0e584848a68236a10f04.pdf>

Clerk's Office

<https://play.champds.com/ATT/crotononhudsonny/2024-06/90e9352b3073e9e81f56bbb578e4aff03b60e95b.pdf>

DPW

<https://play.champds.com/ATT/crotononhudsonny/2024-06/47242beed30242d34c94bcfcef1c583ffa5fc294.pdf>

Finance Department

<https://play.champds.com/ATT/crotononhudsonny/2024-06/e2234015f0737c1d11535c56645d6995b7a4b8eb.pdf>

Police Department

<https://play.champds.com/ATT/crotononhudsonny/2024-06/7e222bcd21d62a692af181fc46e10b9a1d6bf82b.pdf>

11. REPORTS:

Trustee Nicholson thanked the Recreation Department for their fast thinking and cancelling the concert last Friday night, the shuttle bus schedule for the rescheduled concert this coming Friday is available on-line.

Trustee Simon advised that on June 13th the HEART Committee held its first official meeting, last Saturday Shoprite presented the American Legion Fox-Eklof Post with \$5,000 in recognition of their good work, on June 19th the

1 Bennett Conservatory of Music and the IDEA committee held a wonderful
2 Juneteenth event, attended the following: Municipal Officials Association's
3 Executive Committee meeting, Bicycle and Pedestrian Committee meeting on
4 June 20th, Sustainability Committee meeting on Sunday, Fire Council meeting
5 last night, and sat in on a webinar hosted by NYCOM that talked about
6 "Forever Chemicals" that are in our water.

7 Trustee Murtaugh stated that he is willing to do more work on the
8 Telecommunications Law to try to find some commonality, but he is reluctant
9 in the future to take further advice from Telecommunications Advisory
10 Committee since he and Trustee Simon virtually agreed to every suggestion
11 they made. Trustee Murtaugh referred to the comments regarding the
12 parking situation on Young Avenue, he lives on Young Avenue, on the block
13 that adopted the Residential Permit Parking system, and it has solved quite
14 effectively the people who overstay their welcome and emphasized that this
15 was a choice of behalf of those residents to not participate in the Residential
16 Parking Permit Program, but he is happy to revisit this for Hastings and
17 Young Avenues.

18 Mayor Pugh congratulated Aaron Lewis on attaining his Eagle Scout Court of
19 Honor by completing a Memorial Bench at the Arboretum. Mayor Pugh
20 congratulated Village Manager Healy on his election as President of the
21 Municipal Administrators Association."

22 Village Manager Healy thanked the Department of Public Works and
23 Recreation Department for their help in getting Silver Lake up and running in
24 advance of the heat wave, thanked the Department of Public Works for doing
25 some last minute additional work for the Juneteenth celebration as well as
26 the Fire Department for being our auxiliary cooling center, the Grand Street
27 wall project work is progressing well, the Village of Croton has joined a Class
28 Action Lawsuit regarding the PFAS (Per-and polyfluoroalkyl substances) contamination
29 and we are hoping to use those funds to make any adjustments that are
30 necessary so that we are in compliance, stated that he is not opposed to
31 having a discussion regarding a Residential Parking Permit System in the
32 Young Avenue area and we can certainly send out another letter to residents
33 in that area.

34 There being no further business to come before the Board a motion to close
35 the meeting was made by Trustee Murtaugh. The motion was seconded by

1 Trustee Simon and approved with a 4-0 vote. The meeting was adjourned at
2 10:15pm.

3 Respectively submitted,

4 Judy Weintraub, Board Secretary

5 _____
6 Paula DiSanto, Village Clerk

7