

On motion of TRUSTEE _____ seconded by TRUSTEE _____ the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

Resolution #260-2024

WHEREAS, the Village of Croton-on-Hudson has owned a parcel located on the north side of Croton Point Avenue at its intersection with Veterans Plaza, also known as Tax Map Parcel 79.17-1-5 (“Lot A”) since the 1960s; and

WHEREAS, on April 24, 2024, the Village Board adopted Resolution 86-2024 to move forward with WBP Development LLC (“the Applicant”) of Chappaqua, New York, as the proposed purchaser and developer of Lot A; and

WHEREAS, the Applicant has also entered into a contract for the purchase of the adjacent parcel owned by Croton Point Realty Inc. located at 1 Croton Point Avenue and also known as Tax Map Parcel 79.17-1-4 (“the CPR Parcel”); and

WHEREAS, as the Applicant will be purchasing the CPR Parcel, the Village Board has indicated it will also include an additional adjacent Village owned parcel currently leased to Croton Point Realty Inc. for use in conjunction with the CPR Parcel, which additional parcel is known as Tax Map Parcel 79.17-1-3 (“the Additional Village Parcel”) (Lot A, the CPR Parcel and the Additional Village Parcel are collectively referred to as “the Property”); and

WHEREAS, the Property is located in the LI Zoning District; and

WHEREAS, the Village Board has received a special permit application from the Applicant for a transit-oriented development consisting of multifamily residential building of five (5) stories with cellar level for parking below grade, containing 100 residential units consisting of approximately 46 one-bedroom and 54 two-bedroom units and providing 105 parking spaces in a combination of surface and below-building parking, with amenities within the building including a community room, fitness center, coworking lounge, bike storage room, and a rooftop deck and envisioning sustainable building design features including full electrification, solar readiness, high efficiency HVAC equipment (cold climate air source heat pumps) and appliances (Energy Star Multifamily New Construction Program), Level 2 EV charging stations (1 per 20 parking spaces) and low-flow water fixtures (the “Project”); and

WHEREAS, transit-oriented development consisting of multifamily residential buildings as proposed are permitted as a special permit use on the Property as the Property fronts on Croton Point Avenue on the west side of Route 9 and within 1,500 feet of the Croton-Harmon Train Station; and

WHEREAS, the Project is fully zoning compliant with the dimensional requirements for transit-oriented multifamily residential buildings within the LI Zoning District; and

WHEREAS, on July 17, 2024 the Village Board referred the special permit application and associated documents to the Planning Board for review and recommendation in accordance with Village Code; and

WHEREAS, on August 21, 2024 the Planning Board issued a memo to the Village Board in which it discussed the five goals and objectives set forth in §230-58 of the Village Code, and concluded that “the Planning Board thinks that this is a good location and design for the apartment building,” but expressed concerns with the number of units based largely on concerns regarding traffic, parking, fiscal impacts and school children as the studies had not yet been provided; and

WHEREAS, the Planning Board recommended that additional studies, including on potential impacts related to traffic and parking, noise (effects of road and rail sources on future residents), projected school children, and fiscal analysis be provided, and that the application be reviewed by the Croton-on-Hudson Fire Department; and

WHEREAS, the Planning Board memo further noted that the Request for Proposals issued by the Village Board for Lot A (the “RFP”) required the Applicant provide some form of public benefit or public amenity which remained to be discussed; and

WHEREAS, after receipt of the Planning Board memo the Village Board requested and has received significant additional information including a detailed traffic study and parking demand analysis, fiscal impact analysis, public school impact analysis, and a noise study, and the Applicant has met with the Fire Department; and

WHEREAS, the Village’s Planning Consultant AKRF, Inc. (“AKRF”) reviewed the various studies and both AKRF and the Village Board requested additional information or analysis, all of which have been provided and reviewed; and

WHEREAS, in addition to the studies and analyses requested by the Planning Board, the Village Board also received and reviewed a visual impact analysis and other studies as part of its SEQRA review; and

WHEREAS, a Public Hearing was by the Village Board on September 18, 2024 and continued to and closed on October 9, 2024; and

WHEREAS, the Village Board has heard additional public comment at several meetings and received written public comments on the application and has taken all public comments into consideration; and

WHEREAS, on December 18, 2024 the Village Board adopted a Negative Declaration under the State Environmental Quality Review Act (“SEQRA”) for the Proposed Action/Project; and

WHEREAS, on December 18, 2024 the Village Board determined that the Proposed Action/Project was consistent with the policy standards and conditions set forth in the Village’s Local Waterfront Revitalization Program (LWRP).

NOW, THEREFORE, BE IT RESOLVED as follows:

The Village Board has considered the following objectives and goals set forth in §230-58 of the Village Code, which are also addressed in the SEQRA Negative Declaration, and makes the following findings with respect thereto:

- A. The accessibility of all proposed structures to fire and police protection.

The Village Manager has discussed the Project with the Police Chief and he has indicated the police have no concerns regarding the Project. A meeting was held with the Applicant, Village officials and the Fire Chief at which the fire access was reviewed and the Fire Chief made a request for an additional hydrant and certain other modifications which were agreed to by the Applicant. With these modifications accessibility of the structure for fire and police protection will be satisfied.

- B. The compatibility of the location, size and character of the proposed use with the orderly development of the zoning district in which it is located and with that of adjacent properties in conformity with the zoning district applicable to such properties.

The Project is in a location which meets the requirements of the Zoning Code for a transit-oriented multifamily development. The Village Board has reviewed visual impacts and is satisfied that the size and character of the building is appropriate and in conformity with the zoning district, although the Applicant shall work with the Planning Board to finalize the architectural and aesthetic design of the Project.

- C. The safety, convenience and congruity with the normal traffic of the neighborhood and of the pedestrian and vehicular traffic generated by the proposed use, taking into particular account the location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets.

The Village Board and its consultant have reviewed extensive traffic studies and supplemental information and parking demand studies and has determined there will be no impact on the safety, convenience and congruity with the normal traffic of the neighborhood. Access to the site for vehicles and school buses has been reviewed and modified to address any concerns, although the Applicant shall work with the Planning Board to finalize the details on access and will also coordinate with the New York State Department of Transportation (“NYSDOT”) on certain signal timing adjustments recommended through the traffic study.

- D. The compatibility of the location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site with adjacent land and buildings and their appropriate development.

The Village Board has reviewed visual impacts and potential impacts of the location and height of the building and is satisfied that the height and location are compatible with adjacent land and buildings. Final landscaping plans will be reviewed and approved by the Planning Board as part of site plan approval. The Applicant shall work with the Planning Board to finalize the architectural and aesthetic design of the Project.

- E. The preservation of ecological or environmental assets of the site or adjacent lands.

There are currently no ecological or environmental assets of the site or adjacent lands to be preserved. The Project will improve the environmental condition of the Property.

BE IT FURTHER RESOLVED: that the Village Board issues a special permit for the Project subject to the following conditions:

1. The applicants obtain site plan approval from the Planning Board in accordance with Article XI of Chapter 230 of the Village Code.
2. As part of the site plan approval process, the layout of the proposed water and sewer systems will be finalized with input from the Village Engineer. As noted in the Negative Declaration, there are two possible options to provide adequate fire flow to the Property.
3. The site plan approval shall be conditioned upon a requirement that the Building Department will be provided with documented sound transmission ratings of the proposed windows and façade materials, as well as composite attenuation calculations to be completed by the Applicant’s architect, to be reviewed and approved prior to the issuance of a building permit to provide assurance that the

appropriate level of noise attenuation documented in the Negative Declaration will be met.

4. The Applicant in conjunction with site plan approval shall coordinate with NYSDOT on adjusting the timing for certain traffic signals on Croton Point Avenue as identified in the Applicant's Traffic Impact Study and the Negative Declaration, and a copy of the Traffic Impact Study shall be provided to NYSDOT.
5. The Applicant shall modify the site plans to make the revisions requested by the Fire Department as set forth in the memo from the Village Manager to the Village Board dated November 6, 2024.
6. The site plan approval shall be conditioned upon the Building Department being provided with a Soil Management Plan ("SMP") and specifications for the proposed vapor barrier for review and approval, with input from the Village's consultants prior to issuance of a building permit. As noted in the Negative Declaration, with the above measures included as part of the Project's construction, no impacts related to the creation of hazards to human health are anticipated.
7. The Applicant and the Village Board shall review and agree upon a public amenity to be provided as required by the RFP.

Dated: December 18, 2024