

DRAFT RESOLUTION

WHEREAS, the Planning Board held a public hearing on a Site Plan application on Tuesday, April 15, 2025, Tuesday, May 6, 2025, and Tuesday, May 15, 2025, submitted by WBP Development, hereafter known as “the Applicant,” for property located at 1 Croton Point Avenue (also referred to as “1-3 Croton Point Ave./Lot A”) in the Light Industrial/Transit Oriented Development Zoning Districts and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.17 Block 1 Lots 3,4, and 5; and

WHEREAS, this is a Site Plan, and Preliminary Consolidation Subdivision application for approval of a five story, 100-unit apartment building and associated parking (the “Project”); and

WHEREAS, this proposal is considered an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, on December 18, 2024, the Village Board determined that the Project, a multifamily residential development consisting of 100 apartments within a five-story building, complies with the policy standards and conditions set forth in the Village’s LWRP and subsequently issued a Determination of Consistency with the Village’s LWRP; and

WHEREAS, on December 18, 2024, the Village Board as Lead Agency issued a Negative Declaration under SEQRA in connection with the Project; and

WHEREAS, at the December 18, 2024, Village Board meeting, the Village Board of Trustees adopted a resolution of special permit approval for the Project subject to certain conditions as stated in said special permit resolution; and

WHEREAS, under section 120-4 of the Village Code the Planning Board is the approving authority for the issuance of an Excavation and Filling Permit and in accordance with section 120-3(C) of the Village Code, the approval of the Site Plan incorporates the Excavation and Filling Permit, subject to the conditions specified below; and

WHEREAS, under section 196-3(C) of the Village Code the Planning Board is the approving authority for the Stormwater Pollution Prevention Plan (SWPPP) prepared for the Project by Insite Engineering, Surveying and Landscape Architecture PC and last revised 4/30/25 and hereby approves the said SWPPP, subject to the conditions specified below; and

WHEREAS, under section 208-16(C) of the Village Code the Planning Board is the approving authority for the issuance of a Tree Removal Permit and in accordance with section 208-16(F) of the Village Code the approval of the Site Plan includes the approval to remove trees noted on the site plan to be removed, subject to the conditions specified below.

NOW, THEREFORE BE IT RESOLVED, that the Site Plan application, as shown on Drawings (collectively, the “Site Plan Set”) prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., last revised on April 30, 2025, entitled “1 Croton Point” Sheet 1 “OP-1, Overall Site Plan,” Sheet 2, “EX-1 Existing Conditions & Removals Plan,” Sheet 3 SP-1, “Layout & Landscape Plan,” Sheet 4, “SP-2 Grading & Utilities Plan,” Sheet 6, “LP-1 Photometric Lighting Plan,” Sheets 7 “D-1 Details,” Sheet 8, “D-2 Details,” Sheet 9, “D-3 Details” and Sheet 10, “GIR-1 Geotechnical Inspection Reports;” Stormwater Pollution

Prevention Plan, dated April 30, 2025 and prepared by Insite Engineering, Surveying, & Landscape Architecture, P.C.; and other documents submitted in support of the site plan application, be approved subject to the following conditions:

1. That the foregoing recitals are incorporated herein as if set forth at length.
2. That all conditions specified in the Special Permit issued by the Village Board on December 18, 2024 are incorporated herein as if set forth at length including the requirement to install a new fire hydrant in front of the building in a location approved by the Fire Chief.
3. That the landscape plan shall include a two-year warranty for all landscape materials.
4. That the layout of the proposed water system improvements and sanitary sewer system improvements will be finalized with input from, and to the satisfaction of the the Village Engineer in coordination with the Village's consulting engineer.
5. That a new address number for the property be established in coordination with the Village Engineer, Town Assessor and Westchester County Department of Emergency Services.
6. That the Applicant submit the October 14, 2024, Traffic Impact Study for the Project to NYSDOT and coordinate any necessary adjustments to the timing of traffic signals at the intersections studied in the Traffic Impact Study.
7. That the applicant makes best efforts to work with the NYSDOT to receive approval to remove all hardscape material (asphalt pavement, etc.) from the NYSDOT property formerly leased by the Village for parking and to landscape the area after all hardscape material is removed. The landscaping plan shall also include amenities for passive recreation and shall be submitted to the Planning Board for approval.
8. That the applicant makes best efforts to work with the NYSDOT to receive approval to plant additional landscaping in the NYSDOT ROW along their fence line on the east side of the Project.
9. That the Project's Stormwater Pollution Prevention Plan (SWPPP) be accepted by the Village Engineer, in coordination with the Village's consulting Engineer.
10. That the approval of the NYSDOT be obtained for all improvements in the State ROW.
11. That the Project includes not less than a quantity of electrical vehicle charging stations that complies with New York State Stretch Energy Code, New York State Energy Code or other New York State laws or regulations, and/or the requirements of the project funding sources, and in no event, less than 10% of all parking spaces
12. That underground electrical conduits and associated equipment be installed from the garage to all future electrical vehicle charging station locations to serve all external parking spaces on the east and north sides of the building. The plans for the electrical conduit installation shall be approved by the Village Engineer.
13. That a bond, or suitable security satisfactory to the Village be provided for all improvements in the street ROW.
14. That a detailed construction staging plan be submitted to the Village Engineer prior to the approval of a building permit.
15. That any sign application be submitted to the Planning Board for review and approval, and as part of said application, be referred by the Planning Board to the Advisory Board on the Visual Environment (VEB) for their review and comments, whereupon the Planning Board shall have final review and approval as to same.
16. That the plans submitted with the building permit application substantially comply with the architectural drawings and exterior material samples submitted with the application.
17. That the applicant shall obtain approvals from the Westchester County Health Department for the necessary permits required for the sanitary sewer improvements, any water distribution system improvements and backflow prevention devices.
18. That the Building Department 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 by the Village and its consultants. Review and approval of these materials prior to the issuance of a building permit will provide assurance that the required level of noise attenuation documented in the Village Board's Negative Declaration [26-31 A-weighted decibels (dBA)] will be met.

19. That the Building Department shall be provided with a Soil Management Plan (SMP) and specifications for the proposed vapor barrier to be completed by the Applicant's engineer, to be reviewed and approved by the Village and its consultants. Review and approval of the SMP and proposed vapor barrier specifications prior to the issuance of a building permit will provide assurance that as part of the Project's construction, no impacts related to the creation of hazards to human health will
20. That a bond or other suitable security be provided to cover all costs associated with any water distribution system improvements. The amount of the bond shall be acceptable to the Village Engineer and the form of the bond shall be acceptable to the Village Attorney.
21. That an easement acceptable to the Village Engineer be provided for the Village utilities (water and electric) along the front property line and the easement agreement shall be acceptable to the Village Attorney and Village Engineer and subsequently be presented to the Village Board for acceptance and filed in the County Clerk's Office.
22. That in accordance with Chapter 178 of the Village Code an escrow account in an amount as reasonably determined by the Village Engineer shall be established for the Village to hire the services of a consulting NYS Professional Engineer to assist the Village with the inspection of site improvements including but not limited to the construction of the retaining walls, installation of utilities and other site improvements.
23. That in accordance with section 86-7E of Chapter 86 of the Village Code an escrow account in an amount as reasonably determined by the Village Engineer shall be established for the Village to hire the services of licensed professionals to assist the Village with the review of the building plans and specifications.
24. That, under section 230-73 of the Village Zoning Code, the Planning Board finds that the development of this site will contribute to population growth in the Village and that no suitable land is available on the site for a park. Therefore, the Planning Board hereby requires the payment by the applicant to the Village of a fee in lieu of parkland in an amount and upon terms deemed satisfactory by the Village Board in its discretion.
25. That the following conditions are established as part of the approval of the Stormwater Pollution Prevention Plan under Chapter 196 of the Village Code:
 - a. That a copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.
 - b. That no land disturbance work shall commence until the installation of the sediment and erosion control devices has been completed and found acceptable by the Village Engineer or his authorized agent.
 - c. That each contractor and subcontractor who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards." Copies of these statements shall be delivered to the Village Engineer prior to the issuance of a building permit.

- i. That the certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
 - ii. That the certification shall contain proof that each contractor who will be involved in a land development activity has obtained training and/or certification in proper erosion and sedimentation control practices. Such certification shall become part of the SWPPP for the land development activity and shall be retained on-site.
 - d. That the applicable stormwater facility maintenance, inspection and repair requirements in section 196-9 of the Village Code be complied with, a maintenance and inspection plan shall be submitted to the Village Engineer or his authorized agent for approval.
 - e. That the applicant shall contact the Village Engineer or his authorized agent at least 48 hours before any of the work inspections listed in section 196-10(A)(1) of the Village Code are required.
 - f. That in accordance with section 196-10(C) an as-built plan of the stormwater management practices shall be submitted to the Village Engineer or his authorized agent.
 - g. That in accordance with section 196-10(F) the landowner shall grant to the Village the right to enter the property at reasonable times and in a reasonable manner for the inspection of the stormwater management facilities.
 - h. That in accordance with section 196-11 of the Village Code the applicant shall file with the Village a suitable bond or other security to cover the completion of conditions (a) through (g) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.
26. That in accordance with sections 208-18 and 208-19 of the Village Code the following conditions are established for the approval to remove trees:
- a. That any landscaping, shown on approved plan, be installed prior to a certificate of occupancy being issued. That all disturbed areas not hardsurfaced or mulched shall be covered with 3" of topsoil, perennial rye grass and mulch, and be reseeded and remulched as necessary to achieve a minimum 85% grass coverage or covered with other ground cover as shown on the approved landscaping plan.
 - b. That if any of the trees noted on the plan to be saved are removed or severely damaged during construction, the applicant will replace each removed tree or severely damaged tree with a tree of 2.5" minimum caliber with the species to be approved by the Village Engineer or his authorized agent.
 - c. That the trees to remain shall be protected with tree trunk armor and/or root zone protection as shown on the site plans listed above or as required by the Village Engineer.
 - d. That in accordance with section 208-19(A) of the Village Code the applicant shall file with the Village a suitable bond or other security payable to the Village in an amount reasonably acceptable to the

Village Engineer to cover the completion of conditions (a) through (c) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.

- e. That tree removal operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through Friday and between the hours of 8:00 p.m. and 10:00 a.m. Friday through Sunday.
 - f. That any stumps remaining above grade shall be removed to less than two feet.
 - g. That no tree removal shall occur unless a building permit has been issued by the Village Engineer.
 - h. That within 30 days after the completion of all tree removals the Village Engineer or his authorized agent shall be notified of such completion.
 - i. That the approval to remove trees shall be valid for the term of site plan approval and shall terminate upon the issuance of a certificate of occupancy.
27. That in accordance with sections 120-7 and 120-8 of the Village Code the following conditions are established for the approval of the excavation and fill work:
- a. That suitable fencing, with a minimum height of 48", be provided to guard any excavation greater than four feet in depth. All gates shall be locked at all times when work is not being performed on the property.
 - b. That excavation and/or filling work shall not commence until a building permit has been issued and erosion and sediment control devices have been installed, inspected, and accepted by the Village Engineer in order to prevent potential impacts to stormwater drainage, water bodies and/or wetlands.
 - c. That during construction all excavations shall be drained so that any standing water at the bottom is not greater than one foot.
 - d. That any fill from off-site shall be clean, containing no garbage, refuse or deleterious matter, the Village Engineer shall inspect all fill from off-site sources and may require testing, by an approved laboratory, to determine the cleanliness of the fill.
 - e. That appropriate dust-control measures shall be implemented on-site and on access roads and any traveled areas used in connection with any excavation and/or filling work to protect the public and surrounding area against windblown soil and dust.
 - f. That removal of soil or other material from the ground and/or placement of fill on the ground shall not prevent or interfere with the orderly development of land in the vicinity, shall not unreasonably impede traffic flow, or parking.
 - g. That to prevent the earth of adjoining property from caving in before permanent supports have been provided for the sides of such excavation, any person causing any excavation to be made shall provide such sheet piling, bracing or other methods as may be necessary, plans for which are to be submitted to and approved by the Village Engineer prior to any such excavation being undertaken.
 - h. That provisions shall be made for the temporary drainage of the property during excavations or filling operations and for the

permanent drainage to be effective upon the completion of the operations.

- i. That any excess soil from the excavation shall be removed from the site immediately but in no event more than 20 days from excavation.
- j. That all disturbed areas not hardsurfaced or mulched shall be covered with 3" of topsoil, perennial rye grass and mulch, and be reseeded and remulched as necessary to achieve a minimum 85% grass coverage or covered with other ground cover as shown on the approved landscaping plan.
- k. That the Village Engineer or his authorized agent shall be notified by the next business day if bedrock is encountered in the excavation. If hammering is required, a rock excavation plan shall be submitted to the Village Engineer or his authorized agent for review and approval and shall not include any blasting operations. The rock excavation plan shall provide for the shortest possible timeframe for the removal of bedrock with the goal that all bedrock removal operations be conducted in a two to three week period as approved by the Village Engineer. The Village Engineer or his authorized agent may extend this period on a day by day basis due to weather events that would not allow reasonable working conditions. The rock excavation plan shall also include an analysis of leaving part of the basement a crawl space to reduce the quantity of bedrock required to be excavated.
- l. That in accordance with section 120-7 of the Village Code the applicant shall file with the Village a suitable bond or other security to cover the completion of conditions (a) through (k) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.
- m. That excavation and/or filling operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through Friday and between the hours of 8:00 p.m. and 10:00 a.m. Friday through Sunday.
- n. That there shall be no on-site processing of fill or excavated soil or the erection or use of any structure for such processing however, power equipment for the purpose of filling and excavation is permitted.
- o. That the Planning Board reserves the right to impose additional reasonable conditions related to the excavation and filling operations during the terms of this approval if in its opinion such additional reasonable conditions are necessary.
- p. That the approval for excavation and/or filling operations shall be valid for a period of one year starting on the date of issuance of the building permit and subject to termination or renewal as specified in section 120-10(A) of the Village Code.
- q. That any revision to the work covered by the approval of the excavation and or filling work shall be reviewed by the Village Engineer and if determined to be a substantial revision a submission of a new application to the Planning Board shall be required.

- r. That following the completion of the work the applicant shall submit a certification of completion by a NYS licensed design professional to the Village Engineer. The Village Engineer may require the submission of an as-built survey.
- s. The approval for excavation and filling operations may be suspended or revoked and stop work orders issued as set forth in section 120-10(E)-(G) of the Village Code.

Unless a building permit is issued and work is commenced and diligently prosecuted within three years of the date of the resolution approving the site plan, such site plan shall become null and void. Any application for an extension of site plan approval shall be made six months prior to the expiration date.

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

Robert Luntz, Chairman
John Ghegan
Geoffrey Haynes
Steve Krisky
Eva Thaddeus

Motion to approve Revised resolution by _____, seconded by _____, and the motion carried by a vote of - .