



APPROVED

RESOLUTION

WHEREAS, the Planning Board has reviewed an application for a Tree Removal permit, submitted by Hugh Greechan, Jr., P.E., Commissioner of Public Works and Transportation for Westchester County, hereafter known as "the Applicant," for removal of 56 trees to facilitate the Quaker Bridge Replacement Project; and

WHEREAS, Westchester County, SEQRA Lead Agency, has determined the action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) Section 617.5(c)(2), and issued a Negative Declaration under SEQRA, and

WHEREAS, the permit covers the removal of 56 trees, and as mitigation, the County proposes planting approximately 35 new trees in the same area, each 2-inch caliper and 6-8 feet tall on Village property and providing an additional 44 trees to plant elsewhere in the Village or monetary compensation for all or a portion of the 44 trees; and

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

WHEREAS, the Planning Board must make its own determination of consistency with the Local Waterfront Revitalization Program; and

NOW THEREFORE, BE IT RESOLVED as follows:

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

POLICY 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

POLICY 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

POLICY 17A: Efforts to control erosion along the rivers and on the steep slopes inland shall be of a non-structural nature, wherever possible, to minimize the visual impact of structural measures.

POLICY 18: To safeguard the vital economic, social, and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.

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

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

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

POLICY 23: Protect, enhance, and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.

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 25A: Establish and protect identified public viewsheds of the Hudson River, including, but not limited to the public views of the Hudson River from the western shoreline.

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: The flow of stormwater discharge shall be controlled to limit the flow of pollutants from street and parking areas, etc. directly into the rivers and water bodies.

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.

LWRP Section IV Proposed Land Uses and Projects and determined that the following project is applicable:

POLICY 2: Address drainage systems that lead to erosion on steep slopes – The intent of this project is to control stormwater runoff discharges and other pollutants from entering

Croton Bay. Protecting the ecological health of Croton Bay and River is a priority for the Village

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 the Planning Board hereby approves the Tree Removal Permit Application, Hugh Greechan, Jr., P.E., Commissioner of Public Works and Transportation for Westchester County, with the following conditions:

1. The permit must be kept on the premises until full completion of the work authorized. There shall be no work performed between the hours of 8:00 p.m. and 8:00 a.m. Sunday through Saturday and between the hours of 8:00 p.m. Saturday and 10:00 a.m. Sunday.
2. The permit is non-transferable and is issued based on the applicant submitting insurance documentation to the Village Engineer prior to the start of the tree removal work. This permit shall automatically become null and void if there is any lapse or cancellation of insurance coverage.
3. That, a Licensed Professional Tree Care Company be hired to perform the cutting, removal or pruning. And prior to permit issuance, the applicant shall provide the Licensed Professional Care Company's name, address, telephone number, name of job manager, certificate of liability insurance naming " Village of Croton-on-Hudson" as additionally insured, and a copy of their New York State Workers Compensation and Disability insurance. A contractor may be used at the approving authority's discretion when the tree removal is part of an approved permit issued by any Board or Officer of the Village and the contractor is approved for tree removal by the Village Engineer, provided the information outlined above is submitted in full.
4. That, the permit is valid for one year and shall expire on August 19, 2026 or upon completion of the work. Permits may be renewed by the approving authority upon application submitted at least 20 days before the expiration of the permit. Standards for issuance of renewals shall be the same for the issuance of permits.
5. All provisions of the Tree Law and all other Village, County and State laws applicable thereto must be complied within the execution of the work authorized under this permit.
6. That, after removal of the tree(s) the stumps shall be removed or cut so as not to exceed 24" in height and all debris shall be removed.
7. That, the applicant minimizes the environmental impacts of the tree removal activity.
8. That, any disturbed area shall be backfilled, graded, seeded and mulched.
9. That, erosion and sediment control best management practices be implemented and utilized to minimize impacts on the Croton River.
10. That, the Village Engineer shall be notified within 30 days of the completion of all tree removals.
11. That, the permit may be revoked or suspended if the applicant has not complied with any and all terms of this permit.
12. The County will plant 35 new trees, each 2-inch caliper and 6-8 feet tall, except for Tulip and Red Oak trees which will be 4-inch caliper, on Village property and provide an additional 44 trees to plant elsewhere in the Village or provide funds for trees to be planted at a later date. Any funds shall be placed in the Village's Tree Preservation Fund.
13. That, the four (4) Ash trees be removed from the planting list and replaced with other species on the list.
14. That, the walking trail shall be reestablished and trees should be planted a minimum of 10-feet from the center line of the trail.
15. That, the applicant shall warrant that all replacement plantings shall survive and be in a healthy state on the third anniversary of the date on which the replacement plantings have been provisionally accepted by the Village Engineer, or their designee, as complying with the permit conditions. The property owner shall be responsible to promptly replant, during the next April to November growing season, any replacement plantings which did not survive in a healthy state, and the permit conditions shall not be satisfied until such warranty replacement plantings have survived in a healthy state for two years from when

the replacement plantings have been provisionally accepted by the Village Engineer, or their designee. Should the permit holder fail to replace the trees voluntarily, written demand for such replacement within a specified time period may be issued by the Village Engineer, or their designee. Should the permit holder fail to replace the trees pursuant to demand, and within the specified period of time, the Village Engineer, or their designee, shall have the right to serve a summons and/ or declare the maintenance bond, if any, in default, and apply the escrow cash deposit and/ or the proceeds of the bond to the Village Tree Fund.

In the event that this Tree Removal Approval is not implemented within twelve (12) months of this date, this approval shall expire.

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 by Geoff Haynes, seconded by Eva Thaddeus, and carried by a vote of 5 – 0.