

RESOLUTION

WHEREAS, the Planning Board reviewed an Accessory Cottage application on Tuesday, April 15th, 2025, submitted by property owner **Rosa Patino**, hereafter known as "the Applicant," for said property located at **173 Maple Street**, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 68.17 Block 4 Lot 34 and

WHEREAS, this proposal is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), therefore, no Negative Declaration is required; and

WHEREAS, on June 24, 2025, the Zoning Board of Appeals issued a side yard variance from Village Code Section 230-41 (B) for a proposed accessory cottage; and

WHEREAS, under section 230-41 of the Village Code, the Planning Board is the approving authority for approving the accessory cottage and hereby approves the accessory cottage, with approximately **492** square feet of habitable floor area, subject to the conditions specified below; 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 Accessory Cottage incorporates the excavation and filling permit, subject to the conditions specified below, and

WHEREAS, land disturbance activity is under 5000 sq-ft as such will be approved by the stormwater management officer; 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 Accessory Cottage includes the approval to remove two trees noted on the site plan and two replacement trees to be planted, subject to the conditions specified below.

NOW, THEREFORE BE IT RESOLVED, that the Accessory Cottage application as shown on the following documents: "Patino Residence Accessory Cottage" Sheet No. T-001, "Title Sheet, Sheet No. T-002, "Notes," Sheet No. C-100, "Existing Site/Demo Plan," Sheet No. C-101, "Proposed Site Plan," Sheet No A-100, "Proposed Cottage Basement Plan," Sheet No A-101, "Proposed Cottage First Floor Plan, Sheets No A-400 and A-401, "Proposed Cottage Elevations" and Sheet No A-500, "Details," revised on July 18, 2025, and prepared by Michael Trodden of F&T Engineering, and exterior finishing samples from James Hardie, Home Depot, and Cultec; be approved under section 230-41 of the Zoning Code subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That, the colors and materials of the proposed accessory cottage be substantially consistent as set forth in the above reference documents and described during the meeting.
3. That, the applicant applies to the Building Department for a building permit and Certificate of Occupancy for the accessory cottage.
4. That, an as-built survey of the foundation shall be submitted prior to any framing and an updated as-built survey shall be included with the application for a certificate of occupancy.
5. That, the storm water drainage system and erosion and sediment control management plan be approved by the Village Engineer.
6. That, the approval of the Village Engineer be obtain for all connections to Village owned utilities.
7. That, any required permits for utility installation on Maple Street be obtained from the NYSDOT.

8. 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 not be 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 not to be used on site, 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 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 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 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.

9. 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, the landscaping shown on the plan be installed prior to issuance of a certificate of occupancy.
 - b. 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.
 - c. 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.
 - d. That, if any of the trees noted on the plan to be saved are unintentionally severely damaged during construction, the applicant will replace each severely damaged tree with a tree of 2.5" minimum caliper with the species to be approved by the Village Engineer.
 - e. That, in case of a tree destroyed or removed illegally, in addition to but not in limitation to any other remedies, another tree or trees

of comparable size, species and/or value be replanted at the expense of the property owner, for each tree removed.

- f. That, in accordance with section 208-23(A) of the Village Code the applicant shall file with the Village a suitable bond or other security payable to the Village 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.
- g. 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.
- h. That, any stumps remaining above grade shall be removed to less than two feet.
- i. That, no tree removal shall occur unless a building permit has been issued by the Village Engineer.
- j. That, within 30 days after the completion of all tree removals the Village Engineer shall be notified of such completion.
- k. That, the approval to remove trees shall be valid for the term of the accessory cottage approval and shall terminate upon the issuance of a certificate of occupancy.

10. That, in accordance with Section 230-41 of the Village Code, the following condition is established for the approval of the accessory cottage:

- a) Upon a change in ownership, should the new owner desire to continue the accessory apartment or accessory cottage use, the new owner shall provide notification to the Building Department confirming the new owner will reside in the premises as required and that they are aware of the laws regarding accessory apartments and accessory cottages and will remain in compliance. Such notice shall be provided within 90 days of the change of ownership. Failure to timely file will result in a revocation of the accessory apartment or accessory cottage approval and the new owner will have to make a new application.:

Unless a building permit is issued and work is commenced and diligently prosecuted within three years of the date of the resolution approving the accessory cottage, such approval and associated permits shall become null and void. Any application for an extension of this accessory cottage 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
Steven Krisky
Eva Thaddeus

A motion to approve the resolution was made by _____, seconded by _____, and the motion carried, by a vote of _____ to _____ on August 19, 2025.