

RESOLUTION

WHEREAS, the Planning Board reviewed a Minor Site Plan application on, September 14, 2021, November 9, 2021, November 23, 2021 and January 25th, 2022, August 9th, 2022, August 23rd, 2022 and June 20th, 2023 for 23 Nordica Drive, owned by Mark Franzoso, hereafter known as "the Applicant," said property located at 23 Nordica Drive, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.13 Block 4 Lot 64; 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 October 14, 2020, the Zoning Board of Appeals granted a lot area variance of 706 sq. ft. from Section 230-33(A) of the Village Zoning Code; 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 Minor Site Plan incorporates the excavation and filling permit, 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 Minor Site Plan includes the approval to remove trees noted on the site plan to be removed, 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) and hereby approves the Stormwater Pollution Prevention Plan, subject to the conditions specified below.

WHEREAS, the proposed development plan proposes a land disturbance of 6229 square feet, and whereas the amount of steep slopes being disturbed is at 42.2% of the lot area and is under the thresholds in section 195-3A of the Village Code for requiring a Steep Slope permit; and

WHEREAS, a Public Hearing was opened on November 23, 2021 and closed on June 20th, 2023; and

NOW, THEREFORE BE IT RESOLVED, that the Minor Site Plan application as shown on the following documents: Cover letter submitted by Daniel A Ciarcia, P.E., dated January 20, 2022, Sheet 1 entitled Proposed Residence Prepared for Mark Franzoso, Existing Conditions and Site Plan, Dated April 17, 2020, last revised July 8, 2022. Sheet 2 entitled Proposed Residence Prepared for Mark Franzoso, Slope Analysis & Erosion control, Dated February 6, 2020, last revised January 12, 2022. Sheet 3, Proposed Residence Prepared for Mark Franzoso, Details, Dated February 10, 2020, last revised July 20, 2021. Sheet 4, Proposed Residence Prepared for Mark Franzoso, Wall Design and Details, Dated July 20, 2021, last revised November 15, 2021, and "23 Nordica Drive, Planting Plan," prepared by IQ Landscape Architects, dated June 14th, 2022 (Sheet L-1). Also, Copy of a report entitled "Steep Slope Application, Mark Franzoso, 23 Nordica Drive, dated November 2, 2021. Architectural Plans by Westchester Modular Homes, Inc., dated 11/26/21 and; be approved under section 230-67B(1) 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 house be substantially consistent as set forth in the above reference documents and described during the meeting.
3. That the applicant, as agreed to at the Planning Board meeting, will plant three additional White Fir Trees, 7'-8' high, (for a total of six) along the north property line.

4. The applicant will use the corrected floor plans which show the modified plan for the basement level of the property.
5. 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.
6. That, the approval of the Village Engineer be obtain for all connections to Village owned utilities.
7. That, three sets of signed and sealed site plans, revised as required by this resolution, be submitted with the building permit application.
8. 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, the stormwater infiltration chamber shall be inspected annually within 48 to 72 hours after a heavy rainfall (1" or more) to determine that the chambers have drained. If the chambers have not drained remedial action shall be taken to rebuild the storm water management system and restore the infiltrative capacity of the soil. An inspection port shall be provided.
 - e. That, deep and percolation tests be conducted in the area of the storm water infiltration chambers and that an engineer's report on the soil testing, and redesign if the percolation rate is greater than 15 minutes/inch, be submitted to and approved by the Village Engineer prior to installation of the chambers.
 - f. That, the applicant shall contact the Village Engineer at least 48 hours before any of the work inspections listed in section 196-10(A)(1) of the Village Code are required.

- g. That, in accordance with section 196-10(C) an as-built plan of the stormwater management practices shall be submitted to the Village Engineer.
 - h. 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.
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 208-19(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 minor site plan approval and shall terminate upon the issuance of a certificate of occupancy.
10. 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.

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 and associated permits 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
Steven Krisky
Eva Thaddeus

A motion to approve the resolution, with conditions, was made by Geoff Haynes, seconded by Eva Thaddeus, and the motion carried by a vote of 5 to 0.

Resolution approved at the meeting held on Tuesday, June 20th, 2023.