

RESOLUTION

WHEREAS, the Planning Board held a public hearing on an Amended Site Plan application on Tuesday, July 14, 2015, and reviewed the proposed application on June 23 and July 28, 2015 for the Kussa Corporation, hereafter known as “the Applicant,” said property located in the C-2 Zoning District and South Riverside/Harmon Gateway Overlay Zone, at 370 South Riverside Ave. and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.13 Block 1 Lot 70; and

WHEREAS, this Amended Site Plan application is for a mixed-use occupancy building including renovations and addition to existing building, including improvements to exterior finishes and storefront, and site improvements; and

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

WHEREAS, on March 11, 2015, the Zoning Board of Appeals granted a variance from Village Code Sections 230-20.3 B (3)(b)[5], 230-35, and 230-20.3B(3)(c)[1], for a front yard variance, a rear yard variance, and a front façade transparent glass percentage variance for changes from an existing 1-story commercial building to a 3-story mixed occupancy building; and

WHEREAS, on April 20, 2015 the Village Board issued a Negative Declaration in connection with the Proposed Action; and

WHEREAS, on April 30, 2015 the Waterfront Advisory Committee (WAC) has issued a final recommendation of consistency with the LWRP in connection with the Proposed Action; and

WHEREAS, on June 1, 2015 the Village Board determined that the Proposed Action, to issue a special permit for a mixed use occupancy building at 370 South Riverside Avenue, 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, at the June 22, 2015 Village Board meeting, the Village Board of Trustees approved the request for a special permit subject to certain conditions as stated on the special permit approval; 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.

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 Amended Site Plan application, as shown on Drawing A0 Title Sheet entitled “2-Story Addition to Abby’s Deli” dated June 15, 2015; Drawing S1 entitled “Proposed Site Plan”, last revised July 27, 2015, and Drawing S2 entitled “Proposed Site Details” last revised July 27, 2015; Drawing A2 entitled “Proposed Basement/Foundation Plan”, Drawing A3 entitled “Proposed First Floor Plan”, Drawing A4

entitled “Proposed second Floor Plan”, Drawing A5 entitled “Proposed Third Floor Plan”, Drawing A6 entitled “Proposed Front and Side Elevation & Section A-A, and Drawing A7 entitled “Proposed front – Benedict Avenue & Rear Elevation, dated June 15, 2015, prepared by Heike A. Schneider, Architect, of Yorktown Heights, New York, be approved subject to the following conditions:

- 1) That, the foregoing recitals are incorporated herein as if set forth at length.
- 2) That a detailed construction staging plan be submitted to the Village Engineer prior to the approval of a building permit.
- 3) 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.
- 4) That, the site plans be revised to address the following and that three copies of the revised plans be submitted to the Village Engineer prior to the issuance of a building permit:
 - a. That, a 5” concrete pad be installed under the garbage and recycling area and include a yard drain piped to the storm water management system.
 - b. That, pavement repair detail be included on the plans.
 - c. That, the location of the existing utilities be corrected.
 - d. That, a white pavement striping in the outline of a box be installed in front of the garbage and recycling area gates.
 - e. That, the thickness of the stamped concrete walkway be specified as 5” and the stamped concrete be extended to the area under the garbage can and the integral curb be eliminated.
 - f. That, 6” x 6” pressure treated dumpster wheel stops be provided to protect the enclosure.
 - g. That, a separate colored concrete curbing be provided between the walkway and landscaping area along the building.
- 5) That, any damage to existing sidewalk, curbs, etc. be repaired prior to a certificate of occupancy being granted.
- 6) That, the sign on the garbage and recycling area gates be replaced in the future if necessary due to change in the hours of pick up.
- 7) That, the tenant parking signage be modified to include the word “only” after the apartment number.
- 8) That, if the Village picks up the recycling that 95 gallon plastic containers be provided that are compatible that Villages can tipping equipment.
- 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:
 - h. 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 top soil, 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.
 - i. 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.
 - j. 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.

- k. 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.
 - l. 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.
 - m. That, any stumps remaining above grade shall be removed to less than two feet.
 - n. That, no tree removal shall occur unless a building permit has been issued by the Village Engineer.
 - o. That, within 30 days after the completion of all tree removals the Village Engineer shall be notified of such completion.
 - p. 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.
- 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 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 top soil, 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 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
Bruce Kauderer

Steve Krisky
Rocco Mastronardi
Janet Mainiero

Motion to approve by Mr. Kauderer, seconded by Ms. Mainiero, and carried, all in favor, by a vote of 5 to 0.

Resolution accepted at the meeting held on July 28, 2015.