

DRAFT RESOLUTION

WHEREAS, the Planning Board reviewed a minor Site Plan, Accessory Apartment, and Wetland Activity Permit application for a minor site plan (building envelope modification) and the construction of an Accessory Apartment on Tuesday, May 26, 2026, submitted by architect **Justin Kacur**, hereafter known as “the Applicant,” for said property located at **129 Scenic Drive West**, and designated on the Tax Map of the Village of Croton-on-Hudson as Section **67.10 Block 2 Lot 4.15** and

WHEREAS, the property is located in the RA-25 Residential district; and

WHEREAS, this proposal for construction and/or expansion of a single-family or two-family residence on an approved lot, which is listed as a Type II Action under the regulations promulgated under the State Environmental Quality Review Act (SEQRA), and therefore the proposed action is not subject to SEQRA and environmental review of the project is not required; and

WHEREAS, the Planning Board carefully examined and considered the materials submitted by the Applicant in support of the Project, including as follows:

1. Cover letter dated April 30, 2026
2. Building Envelope Modification Application (Minor Site Plan Application) dated April 30, 2026
3. Wetlands Permit Application dated April 27, 2026
4. Application for Accessory Apartment dated April 30, 2026
5. Site Plans by Highlands Architecture dated April 27, 2026
6. ADU Site Plan by Ralph G. Mastromonaco, dated April 28, 2026
7. Recommendation of the Water Control Commission dated May 20, 2026

WHEREAS, the Planning Board conducted a duly noticed public hearing on May 26, 2026, and it was concluded on May 26, 2026, during which all those wishing to be heard were given the opportunity to be heard and to provide written comments; and

WHEREAS, the Planning Board also reviewed all documentation from the Board’s consultants and considered the testimony and comments obtained during the public hearing process; and

WHEREAS, in accordance with Section 227-7 of the Village Code, the Water Control Commission issued a recommendation letter to the Planning Board on May 18, 2026; and

WHEREAS, the Planning Board is the approval authority for wetlands permits involving property that is the subject of a pending minor site plan; and

WHEREAS, the Planning Board reviewed the Wetland Permit application in accordance with Section 227-8 of the Village Code; and

WHEREAS, the Planning Board is the approving authority for approving minor site plans under Section 230-70 of the Village Code; and

WHEREAS, the Planning Board reviewed the minor site plan approval application in accordance with Section 230-70 of the Village Code; and

WHEREAS, under section 230-41 of the Village Code, the Planning Board is the approving authority for approving the accessory apartment and hereby approves the accessory apartment, with **763 square feet** of habitable floor area, subject to the conditions specified below; and

WHEREAS, the Planning Board has considered the public health, safety, and welfare, and the comfort and convenience of the public in general and of the prospective occupants of the proposed development and of the immediate neighborhood; and

WHEREAS, the property is located in the Baltic Estates subdivision, which received subdivision approval in 1995 from the Planning Board, and the conditions of the subdivision and site plan approval remain in full force and effect; and

WHEREAS, the applicant proposes to limit land disturbance activity to less than 5000 square feet; and

WHEREAS, since the applicant does not propose to remove any trees, no tree removal approval is required.

NOW, THEREFORE BE IT RESOLVED, the Planning Board of the Village of Croton-on-Hudson hereby determines that the Minor Site Plan and Accessory Apartment applications, and Wetlands Permit for an Accessory Apartment are approved subject to the following conditions:

1. Approved Plans. Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning Board as follows:
 - a. Site Plans by Highland Architecture dated April 27, 2026:
 - a. SP-1 – Site/Plot Plan & Zoning Data
 - b. D-0 - Existing/Demo Drawings
 - c. A-0 - Basement Plan With ADU
 - d. A-1 - Upper Level Plans and Elevations,
 - e. ADU Site Plan and Details, prepared by Ralph G. Mastromonaco of Consulting Engineers of Croton-on-Hudson, NY dated April 28, 2026
2. Address: That a distinguishable address for the accessory apartment is clearly visible from the street for the benefit of emergency vehicles when needed.
3. That, in accordance with Section 230-41 of the Village Code, the following conditions are established for the approval of the accessory apartment:
 - a) The accessory apartment shall be no larger than 763 square feet of habitable floor area.
 - b) Upon a change in ownership, should the new owner desire to continue the accessory apartment or accessory apartment 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 apartment 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 apartment approval and the new owner will have to make a new application.:
4. The following conditions must be met before the Planning Board Chair may sign the approved Minor Site Plan (“Final Minor Site Plan”):

- a. TO BE DETERMINED BY THE PLANNING BOARD
 - b. If the applicant wishes to remove any trees in connection with the proposal, the applicant must first apply for a tree removal permit.
 - c. Land disturbance activity shall be limited to less than 5000 square feet.
5. Wetland Permit Conditions: The granting of the Wetland Activity Permit includes the following conditions:
- a. Land disturbance activity conducted under the Wetland Activity Permit shall be approved by the Village's stormwater management officer.
 - b. The work conducted under the Wetland Activity Permit shall be open to inspection during the daylight hours, including weekends and holidays, by the approving authority or its designated representative of the Village Engineer.
 - c. That the Applicant shall notify the Village Engineer of the date on which the work is to begin at least five days in advance of such commencement date.
 - d. That the Wetland Activity Permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
 - e. Soil erosion and sediment control devices shall be installed prior to any disturbance.
 - f. That the Wetland Activity Permit expiration shall be the earlier of May 26, 2027, or the date of completion of the work specified therein.
 - g. The Wetland Activity Permit may be renewed by the approving authority upon application submitted at least 60 days before the expiration of the permit. Standards for issuance of renewals shall be the same as for the issuance of permits.
 - h. Within 30 days after completion of all work authorized under a permit issued in accordance with this chapter, the applicant shall notify the Village Engineer of such completion, which notification shall terminate the permit but not relieve the Applicant of its responsibility under the Wetland Activity Permit.
 - i. The applicant shall utilize best management practices for erosion and sediment control during construction of the proposed Accessory Apartment.
 - j. The applicant shall install a rain garden prior to commencing construction of the Accessory Apartment.
6. Stormwater: The stormwater drainage system and erosion and sediment control management plan must be approved by the Village Engineer.
7. Building Permit: No work may commence on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and meet the requirements of Article I of Chapter 86, Building Construction. The following conditions must be met before the issuance of a Building Permit:
- a. That, three sets of signed and sealed site plans, revised as required by this resolution, be submitted with the building permit application.
 - b. The Applicant receives all approvals required by other governmental approving agencies without material deviation from the Approved Plans, including, if applicable, Westchester County Department of Health Approval. Evidence of compliance with conditions and any such approvals must be submitted to the Village Building Department.
 - c. The Applicant shall demonstrate to the satisfaction of the Village Engineer that the private Wastewater Treatment Plant that serves the property has sufficient capacity to accommodate the additional accessory apartment.

8. Certificate of Occupancy. The following conditions must be met before the issuance of a Certificate of Occupancy:
 - a. That the approval of the Village Engineer be obtained for all connections to Village-owned utilities.
 - b. Prior to the issuance of a final CO, all inspections and documentation as required by Village Code Sections 86-19(A) and (B) must be completed to the full satisfaction of the Village Engineer.
 - c. Prior to issuance of the CO, the Applicant must prove compliance with all conditions set forth herein. Any issuance of a Temporary Certificate of Occupancy must, at a minimum, meet the requirements and follow the procedures in Village Code Section 86-19(C).
 - d. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this Approval, which may lead to the revocation of the Approval and/or Certificate of Occupancy, in accordance with the applicable provisions 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 accessory apartment, such approval and associated permits shall become null and void. Any application for an extension of this accessory apartment 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

A motion to approve the resolution, with conditions, was made by , seconded by , and the motion carried, by a vote of to .

May 26, 2026