

RESOLUTION

WHEREAS, the Planning Board held a public hearing on a Site Plan application on Tuesday, March 9, 2021 and, submitted by Croton Riverside LLC, hereafter known as “the Applicant,” for property located at 21-27 South Riverside Avenue (also referred to as “25 South Riverside Avenue”) in the Riverside Transition C-1R(B) Zoning District and designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.8 Block 5 Lots 42, 43, 59, and 60; and

WHEREAS, this is a Site Plan, steep slopes and preliminary subdivision application for approval of a three story, 39-unit apartment building and associated parking; and

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

WHEREAS, on January 4, 2021 the Village Board determined that the Proposed Action, a multifamily residential development consisting of 39 apartments within a three-story building, 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, on January 4, 2021 the Village Board as Lead Agency issued a Negative Declaration under SEQRA in connection with the Proposed Action; and

WHEREAS, at the January 4, 2021 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; 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; 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 Site Plan includes the approval to remove trees noted on the site plan to be removed, subject to the conditions specified below.

WHEREAS, the Planning Board required that the Applicant apply for a steep slope permit and the Planning Board held a public hearing on the Steep Slopes permit on Tuesday, March 9, 2021;

WHEREAS, the Planning Board has reviewed the sixteen steep slope review standards as set forth in section 195-4 of the Village Code, and submitted by the Applicant, and in accordance with section 195-4 of the Village Code, the approval of the site plan application incorporates the Steep Slope permit, subject to the conditions specified below; and

NOW, THEREFORE BE IT RESOLVED, that the Site Plan application, as shown on Drawings prepared by Day/Stokosa Engineering P.C., last revised June 16, 2021 entitled “Riverside Apartments” Sheets 1-15, Architectural plans Sheets 1-6 dated June 12, 2020 and last

revised on 2/15/2021 and prepared by Day/Stokosa Engineering P.C.; Engineer's report for the design of the Stormwater Pollution Prevention Plan, last revised on 4/29/21 and prepared by Day/Stokosa Engineering P.C.; Landscape plan dated 1/2021 and last revised on 1/30/2021 and prepared by F. Capparelli Landscape Design; Limited support of excavation and proposed retaining wall plans, dated 9/7/21 and prepared by JZN Engineering; Soil Nail Wall concept layout plan dated 1/26/21 and last revised 4/26/21, and prepared by JZN Engineering; and other documents submitted in support of the site plan application, be approved subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That, all conditions specified in the Special Permit issued by the Village Board on January 4, 2021 are incorporated herein as if set forth at length.
3. That, the landscape plan shall include a two-year warranty for all landscape materials.
4. That, the approval of the NYSDOT be obtained for all improvements in the state ROW.
5. That, the project includes four level 2 electrical vehicle charging spots, two of which are located inside basement garage and two located in the outdoor parking lot.
6. That, a bond, or suitable security satisfactory to the Village be provided for all improvements in the street ROW.
7. That, affordable housing restrictions for the four affordable units be coordinated with the Village Attorney and the County of Westchester and the units registered with the County of Westchester to ensure compliance with the requirements with section 230-48 of the Village Code. The number and types of affordable housing and market rate units shall be as specified in the application documents for a total of 39 apartments total.
8. That a detailed construction staging plan be submitted to the Village Engineer prior to the approval of a building permit.
9. 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.
10. That, the plans submitted with the building permit application substantially comply with the architectural drawings and exterior material samples submitted with the application.
11. That, the applicant shall obtain approvals from the Westchester County Health Department for the necessary permits required for the sewer line connections.
12. That, a bond or other suitable security be provided to cover all costs associated with the relocation of the Village's sanitary sewer and storm water collection system. The amount of the bond shall be acceptable to the Village Engineer and the form of the bond shall be acceptable to the Village Attorney.
13. That, an easement acceptable to the Village Engineer be provided for the sanitary sewer line and storm water collection systems and the easement agreement shall be acceptable to the Village Attorney and Village Engineer and subsequently be presented to the Village Board for acceptance and filed in the County Clerk's Office.
14. That the easement agreement also provides for the termination of any unused utility easements due to the relocation of the Village storm and sanitary collection systems.
15. That the plans for the alternate retaining wall be revised to address the comments from Chazen dated 9/23/21 and three copies of the revised plans be submitted with the building permit application.
16. That, the applicant retains the services of a NYS licensed Professional Engineer to supervise and inspect the construction of the retaining walls and provide a certificate of completion for the retaining walls indicating that they have been installed in accordance with the approved plans.
17. That, in accordance with Chapter 178 of the Village Code an escrow account in an amount as reasonably determined by the Village Engineer shall be established for the Village to hire the

services of a consulting NYS Professional Engineer to assist the Village with the inspection of site improvements including but not limited to the construction of the retaining walls, relocation of the sanitary sewer and storm water collection systems and other site improvements.

18. That, two different designs for the retaining walls were provided and both are approved under this resolution to provide the applicant with flexibility of the different design. The retaining wall constructed shall be of the type and design, including surface treatment presented to the Planning Board.
19. That all required easements with the adjacent property owner for soil nailing shall be approved by the Village Attorney and recorded prior to the issuance of a building permit.
20. That, the attached "The Riverside House Rules, 25 So. Riverside Avenue" (attached as exhibit A) shall be made part of all lease agreements and be enforceable by the owner on all tenants and their guests. Any revision or amendment to the "The Riverside House Rules, 25 So. Riverside Avenue" shall be approved by the Village Engineer. The Village Engineer has the option of discussing any revisions to the "The Riverside House Rules, 25 So. Riverside Avenue" with the Planning Board.
21. 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 chambers 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 cover shall be provided for each chamber.

- e. 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.
 - f. That, in accordance with section 196-10(C) an as-built plan of the stormwater management practices shall be submitted to the Village Engineer.
 - g. 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.
 - h. That, in accordance with section 196-11 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 (g) 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.
22. 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, 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 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.
 - b. 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.
 - c. 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.
 - d. 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 in an amount reasonably acceptable to the Village Engineer 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.
 - e. 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.
 - f. That, any stumps remaining above grade shall be removed to less than two feet.
 - g. That, no tree removal shall occur unless a building permit has been issued by the Village Engineer.

- h. That, within 30 days after the completion of all tree removals the Village Engineer shall be notified of such completion.
 - i. 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.
- 23. 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 is not 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 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.
25. That, in accordance with sections 195-S(C) of the Village Code the following conditions are established as part of the Steep Slope Permit:
- a. The use of explosives shall be prohibited. Excavation of rock shall be by mechanical means only.
 - b. Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods.

- c. The disturbance of existing vegetative ground cover shall not take place more than 15 days prior to commencing grading and construction.
- d. Temporary soil stabilization shall be applied to all areas of disturbance and all adjoining areas within 50 feet thereof within two days after establishing of the final grade, and permanent stabilization and revegetation shall be undertaken within 15 days thereafter. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.
- e. Temporary soil stabilization shall be applied within two days after the disturbance is completed or when no additional disturbance is to be performed for a period of seven days. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved; the Village Engineer may modify these specified time periods.
- f. Topsoil that will be stripped from all areas of disturbance shall be stockpiled in a manner to minimize erosion and sedimentation and, shall be replaced on the site at the time of final grading.
- g. Fill material shall be composed only of nonorganic material, including rock with a diameter that will allow for appropriate compaction and cover by topsoil.
- h. Compaction of fill materials in fill areas shall be such that it ensures support of proposed structures and stabilization for intended uses.
- i. That, in accordance with section 195-8C(4) of the Village Code the applicant shall file with the Village a suitable bond or other security to ensure the proper completion of the proposed activity in accordance with the approved plans, the restoration of the area to its natural condition as far as practicable and protection of adjoining property owners from damage resulting therefrom., 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.
- j. That, a work plan/phasing plan be submitted to the Village Engineer for approval prior to the issuance of a building permit.
- k. That, following completion of the work, the applicant shall submit a certification by a landscape architect, architect or professional engineer that the completed work meets the requirements of the steep slope permit. The Village Engineer will verify that the work has been completed in accordance with such permit. Submission of an as-built survey may be required by the approving authority or the Village Engineer.
- l. That, the steep slope permit shall expire upon the completion of the work.

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
Geoffrey Haynes
John Ghegan (ABSENT)

Motion to approve by Mr. Krisky, seconded by M, and the motion carried, all in favor, by a vote of 4-0 (Mr. Ghegan absent).

Resolution accepted at the meeting held on September 28, 2021.