



**STRULI OSTER – Subdivision Sketch Plat Approval** of five parcels into three lots with two semi-attached residences and a single family residence. The properties are located on the west side of Sima Lana, 0 feet west of Gilman Terrace. **57.17-22-33, 34, 35, 36 & 37, R-15 Zone.**

Rachel Barese, Civil-Tec Engineering, 29 N. Airmont Road, Suffern, New York 10901. We were before the Board before, went before the Zoning Board of Appeals, received variances and are back before the Board for Sketch Plat approval. We submitted revised drawings which show more clarity, items are more visible, trees are 8 inches in diameter and larger and shown, currently the site is wooded. The big issue is the widening of Sima Lane and the applicant has agreed to it and it is shown on the drawing. Ms. Barese confirmed letters were received from: Rockland County Sewer District addressed to Chairman Rubin dated 12/22/15, R.C. Planning dated 12/14/15 and Anthony Mallia, Building Inspector, dated 12/11/15 regarding Shavelson Lane. There were discussions on survey boundaries. Our surveyor, Joseph Haller, stands by his survey. The Rockland County GIS system survey is basically an estimate and not reliable as far as a survey goes. Carol Fazio Hart had forwarded to Joseph Haller the survey Antonio Luciano retrieved from the county.

Regarding the widening of the road, Jeff Wasserman said he would like to see more of a taper on the north end of Sima Lane and on the south end near the thruway property wider by an additional 2ft minimum.

Dennis Rocks explained that on the north end it almost juts out, it's almost a 90 degree angle and that corresponds with the applicant's frontage. To be useable you need somewhat of a taper, it's like a 7 foot extension, 7 foot additional width. A 10 to 1 taper would be reasonable and make for a nice transition and make it useable.

Rachel Barese replied okay.

Dennis Rocks asked if the Board was considering Sketch Plat approval and said he had questions regarding Sketch Plat: 1). The cover letter indicated the trees would be mapped later, usually it is a requirement of Sketch. 2). The applicant has shown utilities, are there existing utility poles along the frontage?

Jeff Wasserman said the utility poles are on the east side of the street, not on the applicant's side of the street.

Ms. Barese confirmed utility poles are not on the plans.

Chairman Rubin led a discussion on how the electric will be connected to the new residences. Assuming the electric poles are on the other side of the street, not the applicant's side, would the electric have to go underground and go across or be placed over-head. It was determined this had to be deferred until confirmation of the exact location of the electric poles.

Dennis Rocks stated that there are outstanding CDRC comments but most are not critical. Important to mention now is the comment on the Side Yard in the bulk table. Lot #1, required is 5ft. proposed 10ft. I think the Provided is also 5ft. Lot #2 and Lot #3 Required is 10ft. Provided is indicated at 10ft. I think it is 8ft. and 2ft. General Notes, #16 and #30 are obsolete. Notes #19, #22 and #25 refer to the Town of Ramapo and should say Village of Chestnut Ridge. The vicinity maps should show the lot lines and should be a 300 Scale.

Paul Baum said the applicant needs to include the standard Zoning Board of Appeals variance note listing the date the variances were granted and a note saying Site Plan Approval is required by the Planning Board for Lots #2 and #3. You may want to add that Rockland County sewer Impact fees need to be paid.

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57.17-22-33, 34, 35, 36 & 37, R-15 Zone.**

Marc Levine said the 12/14/15 Rockland County Planning letter mentions the Floor Area Ratio (FAR) and they feel the FAR is excessive. The Zoning Board of Appeals has approved the FAR variances, how do we address that? Do we have to override that item since the variances were already granted?

Paul Baum said you can override that item as you cannot require the applicant to conform since they were granted ZBA variances. The process was handled differently since the ZBA granted variances on a Revised Plan without having the applicant come back to the Planning Board with the Revised Plan for approval before granting variances.

After discussion amongst the Board members it was decided the applicant will return with a Revised Plan that will include the location of the electric poles and all utilities that are not on the plan now, revised notes as discussed, include dimensions on the plan that Mr. Rocks referred to that don't appear to match the Bulk Requirements Table, increase the vicinity map in size and include the taper at both the north and south ends of the road.

The applicant agreed to submit revised drawings by Friday January 15, 2016 and to directly deliver the revised drawings to Paul Baum, Robert Geneslaw and Dennis Rocks. The Board will review the revised plans at their next Workshop on Monday January 25, 2016. At the Workshop the Planning Board will determine if the applicant returns to the February 2016 Planning Board Meeting.

**BANKER ESTATES – Subdivision Sketch Plat Approval** of a three lot subdivision with a two-family dwelling on each lot. The properties are located on the east of Banker Street, 0 feet south of Old Nyack Turnpike.

**57.17-2-11 R-15 Zone.**

Rachel Barese, Civil-Tec Engineering, 29 N. Airmont Road, Suffern, New York 10901. Banker Estates has been before you a number of times. The lots will each have a two family residence. The biggest item that occurred since the last meeting was the road widening which is shown on the plan. We had the issue with the utilities being too light on the plan, they are now darker and are more legible on this plan. Ms. Barese confirmed letters were received from Rockland County Sewer District dated 12/22/15 and R.C. Planning dated 12/15/15.

Chairman Rubin said Rockland County Planning is recommending a reconfiguration of some of the lots. They recommend this 3 Lot Subdivision be reconfigured so that Lots #2 and #3 more closely conform to the R-15 Minimum Lot Area standards. The Floor Area of the three residential structures must be reduced so the extent of the Floor Area variances are minimized or eliminated. It also says the Town of Ramapo must be given an opportunity to review this application and the impact on the community, character, traffic, water quality, drainage and storm water runoff. He told the applicant they must return to CDRC to discuss these items and potential changes.

Dennis Rocks said revisions needed for the taper that cuts down to nothing and on the Bulk Table, the Provided Side Setback for Lot #3, the bulk table states 43 and the map indicates 31.

Paul Baum said to please refer to my November memo for your Site Notes.

Marc Levine said at the last Workshop the Board discussed that there may be a problem with the driveway turnaround according to their code regulations.

Ms. Barese said she would follow-up with her client, determine what revisions would be made and return to CDRC. She was reminded revisions would have to be submitted by January 19, 2106, 3 weeks prior to the February CDCR meeting date.

Ryan Karben, 11 Tara Drive, Pomona, New York, Attorney for the applicant, said aside from comments #1 which is specifically addressed to the property, comments #2 through #13 are generic comments which appear in almost every GML which is generated by R.C. Planning. The only substantive comment that relates particularly to this subdivision that is not part of their standard form letter is item #1 with respect to the County's desire for a 2 Lot Subdivision versus a 3 Lot Subdivision. The rest of the letter is informative but are not issues.

After discussion with the Chairman and Mr. Karben, Paul Baum said the County is asking you to put their comments into your thought process. Mr. Karben said there isn't anything stated in the letter that wasn't brought up by, reviewed and discussed with CDRC members and there were specific requests that we received last time we were here regarding the 3 lots. Based on those comments Ms. Barese and the architectural team looked thoroughly at this. It would be a lost opportunity not to determine the viability of 3 lots. Please take a look at what we did based on your requests and in response. Did we get it right? Did we do what you asked and did we address the concerns you expressed? I don't think there is anything in the County letter that precludes you from giving that feedback. Last time we were here it was a vibrant discussion with all the Board members.

**BANKER ESTATES – Subdivision Sketch Plat Approval  
57.17-2-11 R-15 Zone.**

Chairman Rubin suggested asking the applicant to respond to the County Planning letter. They can explain, if they want, that they are confident that their plan works the best for them and there can be a recognition that they worked with the Board to get to this point, acknowledging this letter and what it would mean if they had to make these changes. What it would mean to their subdivision and how it would affect them. The Chairman is not asking them to change their layout to conform to the County Planning letter without giving the consultants an opportunity to look at this closely and for the Board to confirm they have made the right decisions. The applicant should respond before the next Planning Board Workshop.

Ms. Karben and Ms. Barese confirmed their agreement and Ms. Barese confirmed submittal will be by January 15, 2016.

**BELLO VISTA – Preliminary Subdivision Approval Application** for a ten lot subdivision. The properties are located on the west side of Ackertown Road, at the intersection of Kennedy Parkway and approximately 250 ft south of Kennedy Parkway, known as 256 and 246 Ackertown Road. **62.15-1-42, 62.15-1-45, RR-50 Zone.**

Stuart Strow, Brooker Engineering, 74 Lafayette Avenue, Suffern, New York said it's our first appearance before the Board for Preliminary Subdivision Approval. We appreciate the opportunity to have attended the Workshop last week. It provided a good forum to discuss the project and for us to hear feedback and concerns. At that meeting the Board had some discussion about drainage and expressed their desire to get input from Dennis Rocks. There were specific items discussed in relation to drainage and the maintenance of the Village facilities and where they would be located. Following that discussion we did some work that looks to create a drainage district. After research, Ira Emanuel, the applicant's attorney, feels the Village may not have the authority to create districts. We will have contact with Paul Baum for follow-up on this topic. We would like to continue the discussion of how unique the Storm Water Management Facilities on this project have to be maintained in the long term. We hope to start the SEQRA process tonight by declaring lead agency and that requires the plans being sent to agencies so we can start receiving feedback and comments. Following the December CDRC meeting I submitted a Supplemental Narrative which addressed items we were asked to look into including the location of the Stormwater Management Facilities and how we calculated the length of the cul-de-sac. A quick summary, we designed the Stormwater Management Systems with 3 different facilities. One is located at the intersection of the new road and Ackertown Road, one will be located toward the middle of the road where we are going to create a right-of-way for a stub road for a parcel to the south and one will be located at the end of the cul-de-sac. If the drainage districts cannot be created we would ask that we go back to where the facilities that are going to be maintained by the owners of the lots and to ensure the maintenance would be through inspections. The owners of Village lots would be obligated to conduct, possibly an annual or twice annual inspection of the facilities by perhaps a licensed engineer or other qualified person. If repairs are necessary the owners would be notified and obligated to make those repairs. The Village would have the ability to assess a penalty to ensure the repair or a tax levy. The obligation would be part of the deed filed in the County Clerk's office and attached permanently to the lot.

Paul Baum feels it is correct that the Village cannot create districts for drainage. I don't agree with the idea of having them on private property and having them be a private responsibility and putting the burden on a property owner to maintain a public facility. Whether the facility is in the right-of-way or on private property doesn't make much difference to me. It is probably better if it is on private property as the owners will have the obligation to cut the lawn. The Village will still have the responsibility to maintain the drainage facilities and with appropriate easements to be able to do that. I have contacted the Village Attorney, Walter Sevastian to discuss this.

There was extensive discussion about the pros and cons of having the drainage facilities maintenance be a responsibility of the Village or a private property owner and the discussion including: how the Village would budget for this and how would they determine how much to budget for, a possible homeowners association and fees, what would happen if the facilities weren't maintained, how other properties downstream would be affected, properties that are not part of this subdivision and how you could get 3 homeowners to be responsible for facilities that service 10 homes.

**BELLO VISTA – Preliminary Subdivision Approval Application  
62.15-1-42, 62.15-1-45, RR-50 Zone.**

Stuart Strow said we did consider average density at the start of the project and for a variety of reasons chose not to pursue it. Among the reasons, there were too many things being thrown into the common properties that we were uncomfortable with, creating parks, allowing people from outside to walk through and creating connections to other properties. Regardless of average density the important issue of maintenance whether it is on the surface or sub-surface, the same subject of will it be private or public exists. The engineering aspect of this has concerns about creating concentrated discharges. Two thirds of this property slopes toward the west and there is no formalized system that collects concentrated discharges. The reason that we chose to do subsurface systems is to take advantage of the infiltration of the soil and to infiltrate it and not create a concentrated discharge. If we do a detention basin on the surface it will have to have some kind of a outlet and a discharge of concentrated flow, which we don't have, to go with that. It doesn't matter if it is average density, private or public, we can't deal with a system that requires a concentrated discharge. We design systems that are below the ground, that are designed to a 200 year storm, designed to prevent concentrated discharges.

Dennis Rocks said in response to Marc Levine's question about underground structures and possibly at a time digging it all up, Mr. Rocks feels it can still be designed on the surface. Mr. Rocks said whether it is a surface facility or underground facility once the infiltration stops occurring, that's when you have a problem, that's when the system fails. Surface or underground, it is counting on the same infiltration. It is the same mechanism, the soil accepting the water. There is a certain surface area of soil you need to provide based upon the percolation rate that will provide the infiltration and accept the water into the ground.

Chairman Rubin said we still have to resolve the issue with the Village, whether the Village wants to accept responsibility of maintaining the drainage facilities or if they want the homeowners to. We have to find this out as a first step.

Mr. Strow said we understand the two conflicts, that you don't trust the homeowners will live up to their responsibility to maintain the systems and you don't want the cost burden to the Village.

Chairman Rubin said it would also require Village personnel setting up a system to monitor, check and inspect the facilities, there would also be a labor cost. Then there would also be the construction and maintenance costs for contractors to do the work and repairs.

Mr. Strow said that's why one of the first things I suggested was an arrangement where the private homeowners have the responsibility of having inspections done by a qualified person, submit the inspection reports to the Village and the Village has the responsibility for enforcement.

Marc Levine said it's not right and not fair to give responsibility for a major drainage structure to homeowners, that's why we have a government. They will not be able to do anything in the easement.

Mr. Strow said there could be a pricing advantage to the homeowner buying a lot with the facility.

Chairman Rubin said he disagrees with Mr. Levine. If a homeowner wants to buy a property understanding it's the obligation then why shouldn't they and why should the Village be burdened for the benefit of 10 homeowners.

After continued extensive discussion about drainage systems including three facilities versus ten, one on each lot and who should assume responsibility for those systems, Chairman Rubin determined the Planning Board cannot

**BELLO VISTA – Preliminary Subdivision Approval Application  
62.15-1-42, 62.15-1-45, RR-50 Zone.**

proceed to make any decision about drainage until they know whether the Village wants to take on the responsibility or if the Village wants the homeowners to. We have to wait for the Village Attorney's reply.

Paul Baum said there are other issues we can continue to look at.

It was agreed the applicant would return to next week's, January 12, 2016, CDRC meeting.

**Supreme Mulch dba as Creative Gardens – Preliminary Amended Site Plan Approval.** The property is located on the west side of Chestnut Ridge Road, known as 755 Chestnut Ridge Road. **63.13-1-2, 63.13-1-3, RR-40 Zone.**

Ronald Lezott – Maser Consulting, 777 Chestnut Ridge Road, Chestnut Ridge, New York, said we are here for Preliminary Amended Site Plan as a result of a letter by the Village indicating an Amended Site Plan was required to reflect the sale and storage of mulch. Building Inspector Gliniecki made a determination that it is permitted. We are here to review the plan.

Chairman Rubin said there are a number of things that are different on your plan from 1981 for the Town of Ramapo approved plan.

Mr. Lezott said we did note in our Narrative that we had plans with minor changes, dated 1990 and 1992 which were submitted with historical aerials dated 2004 which showed 10 storage bins along the northern property line which contained stone, sand and topsoil. The western portion of the property was used for storage. A 2007 aerial showed a reduction in the number of bins.

Paul Baum it is irrelevant as to how many bins and in what years the aerials show, it was not on your Approved Site Plan. The plan now is to combine the lots 2 and 3 and get a unified approved Site Plan. There was a Zoning Board determination in 1978 that says 28 parking spaces with 9 overflow must be provided. Now you want to eliminate 21 parking spaces. You will have to go back to the ZBA as this Board cannot override a ZBA determination and change conditions. You changed the site without approvals.

Chairman Rubin said we need to make a site visit to review the lots and where the stream that comes out onto this property is and the conditions. The Planning Board will visit the site this Saturday, January 9, 2016 at 9:00 am.

Paul Baum said when we were at CDRC last month we weren't sure what we were looking at, we didn't have the Building Inspector's determination on the use. We have a better handle on it now. You need a Conceptual Site Plan, determine how you comply with today's bulk requirements and once this Board has a layout they are satisfied with and then if you need further relief from the ZBA you will go back to the ZBA.

Charles Sgobbo, 16 Misty Vale Road, Sandy Hook, Ct, property owner said I am at the property a lot. In 2001 we received a Certificate of Occupancy. I was led to believe the Building Inspector did a walk through and checked the entire site, nursery, the lot, mulch, the parking spaces etc. There was storm damage on the dam and rip rap repair was done. Leonard Jackson was our engineer. Doris Ulman and the Village Board decided they did not want to repair the spillway. The Village wanted 90 ft. over-engineered and we agreed. We were co-applicants (Jerry Kobre and Joyce Sgobbo) with the Village on Site Plans that went up to the State.

Paul Baum said that may have been a submission you made to the Department of Environmental Conservation for some sort of relief, it was not before the Planning Board then. I have a copy of a C of O from 1992 when you added a bathroom.

**Supreme Mulch dba as Creative Gardens – Preliminary Amended Site Plan Approval  
63.13-1-2, 63.13-1-3, RR-40 Zone.**

Chairman Rubin said the permitted use on the C of O is nursery, garden center with addition of bathroom. At the bottom it says please note, landscaping, shrubs and fencing must comply with the Zoning Law of Chestnut Ridge.

Mr. Sgobbo said for the viability of a small business you must sell mulch as Home Depot and Costco plants are hurting the small businesses. He referenced his attendance at CDRC two years and the suggestion to hire a professional which he has done.

Paul Baum said at that time you were looking to do some refining and the use wasn't permitted. We said you had to go to the Village Board for a zoning amendment or to the Zoning Board of Appeals for an interpretation. You are on the right track now. You have a Site Plan, you have the Building Inspector's determination which says you can use the facility for the storage of mulch and logs. Now you have to come up with a Site Plan that complies with the conditions that were imposed by the ZBA.

Chairman Rubin said we can provide better direction after the site visit.

Antonio Luciano moved to adjourn the meeting. Seconded by Jeff Wasserman. All those in favor, upon vote, this motion carried unanimously.