

VILLAGE OF CHESTNUT RIDGE

PLANNING BOARD MINUTES

DECEMBER 1, 2016

MEMBERS PRESENT:

ALLAN RUBIN	CHAIRMAN
MARC LEVINE	DEPUTY CHAIRMAN
MYRNA ARIN	MEMBER
ANTONIO LUCIANO	MEMBER
JEFF WASSERMAN	MEMBER

OTHERS PRESENT:

PAUL BAUM	ASSISTANT VILLAGE ATTORNEY
MAX STACH	VILLAGE PLANNER
DENNIS ROCKS	VILLAGE ENGINEER
MARY BALLEK	PLANNING BOARD CLERK

Chairman Rubin called the meeting to order 8 pm with the Pledge of Allegiance.

Bello Vista Subdivision-Continuation of Public Hearing for Preliminary Subdivision Approval

Applicant is seeking approval to subdivide the parcels into 10 lots. The properties are located on the West side of Ackertown Road, 1,600 feet North of Pinebrook Road. **62.15-1-42, 62.15-1-45, R-50 Zone.**

Ira Emanuel, Attorney for applicant, 4 Laurel Road, New City, NY 10956

Mr. Emanuel said they are close to an agreement regarding the drainage easement of the Kahn property.

He requested an adjournment to the January 5, 2017 Planning Board Meeting.

Chairman Rubin moved to adjourn the application of Bello Vista to the January 5, 2017 Planning Board meeting.

Mr. Luciano seconded the motion. All those in favor, upon vote, carried unanimously.

Piazza Subdivision—Continuation of Public Hearing for Preliminary Subdivision Approval

5 lot single family residential subdivision, including construction for a new cul-de-sac. The property is located on the West side of Scotland Hill Road, approximately 200 feet North on the NYS Thruway. **57.18-1-33, R-15Zone.**

Stuart Strow, Brooker Engineering, 74 Lafayette Avenue, Suffern, NY 10901

Ira Emanuel, Attorney for applicant, 4 Laurel Road, New City, NY 10956

Chairman Rubin asked Ms. Ballek to read into the record any documentation that was received since the November meeting. The following was read into the record:

Letter from Rockland County Sewer Department dated November 1, 2016.

Letter from NYS Thruway dated November 7, 2016.

Letter from Rockland County Department of Public Works dated November 16, 2016.

Rockland County Environmental Health dated November 14, 2016.

Mr. Strow confirmed receipt of all above documents.

The Army Corp of Engineers (ACOE) did visit the sight on November 15, 2016 and verbally gave confirmation on the Wetland delineation. Mr. Strow stated not having the jurisdictional letter yet, but did have a letter dated December 1, 2016 from his Wetland Consultant, Robert Torgersen.

Regarding the additional correspondence received, Mr. Strow said all comments will be addressed as mentioned.

Chairman Rubin stated waiting for responses from Rockland County Planning and Fire Department/Fire Inspector. He explained that he met with the Village Fire Inspector and explained the project was near completion and asked that he review and respond ASAP.

Even without responses from Rockland County Planning and Fire Department/Fire Inspector, it wouldn't hold up the Board approving the application for Preliminary. Mr. Baum mentioned the Board did not make a determination on SEQRA, and before they can consider approval for Preliminary, Part 2 of the SEAF has to be adopted. Mr. Stach had prepared this document dated October 12, 2016.

Piazza Subdivision—Continuation of Public Hearing for Preliminary Subdivision Approval

5 lot single family residential subdivision, including construction for a new cul-de-sac. The property is located on the West side of Scotland Hill Road, approximately 200 feet North on the NYS Thruway. **57.18-1-33, R-15 Zone.**

Stuart Strow, Brooker Engineering, 74 Lafayette Avenue, Suffern, NY 10901

Ira Emanuel, Attorney for applicant, 4 Laurel Road, New City, NY 10956

Vincent Socci, 95 Saddle River Road, Chestnut Ridge, NY 10977

Mr. Socci was concerned about the R-15 Zone; the rest of the Village is in the R-25 Zone.

Mr. Strow said this property was re-zoned in 2002; it was a commercial zone and was re-zoned as R-15. The narrative he submitted goes into detail.

Mr. Stach referred to the Part 2 and said there was 1 concern the Board identified that they weren't willing to make a determination of No or Small Impact regarding the Wetlands until the applicant could provide verification of the Wetland boundary. This letter was provided tonight from Mr. Strow on behalf of Mr. Torgersen, the Wetland consultant. This jurisdictional letter was promised in the near future.

If the Board was to approve the application for Preliminary and the Jurisdictional letter isn't received they can rescind the Negative Declaration. It can also be rescinded at a later date.

Mr. Wasserman mentioned that # 10 of Part 2 was discussed at the Workshop in November and it was decided the Board needed to speak to Mr. Rocks regarding drainage on Lot #3 as well as Note #37 on the plan. Mr. Strow said he would revise Note #37, and Mr. Rocks is satisfied with #10 on Part 2.

Mr. Levine made a motion to adopt Part 2 of the SEAF dated October 12, 2016. Mr. Wasserman seconded the motion. All those, in favor, upon vote, carried unanimously.

Chairman Rubin moved to close the Public Hearing for Piazza Subdivision. Mr. Luciano seconded the motion. All those, in favor, upon vote, carried unanimously.

Regarding the Draft Resolution, Mr. Baum recommended the Board add a proposed condition #8 "the applicant to provide an Army Corp of Engineer letter confirming the Wetlands Delineation"

Ms. Arin moved the Resolution for Piazza Subdivision Preliminary Plat approval dated December 1, 2016. With #8 being an additional condition: "the applicant to provide an Army Corp of Engineer letter confirming the Wetlands Delineation". Mr. Wasserman seconded the motion. All those, in favor, upon vote, carried unanimously.

Green Mountain Development Wetlands Permit for Informal Discussion

Applicant is seeking permission to permission fill 1/10th of an acre of onsite Wetlands to create a useable side yard for existing dwelling. The property is located on the Southeast side of Godwin Terrace, approximately 510 feet from Ackertown Road. **62.19-1-12.4, R-50 Zone.**

Binyanin Amona, Applicant 129 Grandview Avenue, Monsey, NY 10952

Peter Torgersen, Wetland Consultant, 110 Towline Road, Pearl River, NY 10965

There was discussion regarding the review memos submitted by Mr. Baum on November 4, 2016.

Regarding Mr. Rocks' memo of November 22, 2016, Chairman Rubin asked Mr. Rocks to indicate why he discounted the specific documents mentioned. Mr. Rocks felt there was a lot of information submitted and not all of it was relevant.

Completeness Review Comments: The Board will need to discuss whether or not they'll accept Mr. Rocks' recommendation or do they want him to go out to the site.

Mr. Torgersen said a request for review was made to the Army Corp of Engineers on March 17, 2016 and they were on-site on April 6, 2016. He said there would be no approval until they can provide them with an as-built survey detailing everything that went on.

There was discussion on why Mr. Amona wasn't allowed on property to complete a Survey. Mr. Amona stated a Stop Work Order was issued and that prevented him from accessing the property.

Mr. Torgersen said once an as-built survey is submitted to the Army Corp of Engineers showing the Wetland fill is 1/10th of an acre, they will issue an approval. Mr. Amona said he now had approval to access the site as of last week and told Chairman Rubin the survey would be done next week. Mr. Rocks would like to see the new survey 1st but applicant can also send to the Army Corp of Engineers to render a determination.

Page 2 of Mr. Rocks' Memo dated November 22, 2016:

Chairman Rubin read from the Substantive Review Comments and asked Mr. Rocks why #5 was applicable. Mr. Rocks said because the applicant is not allowed to disturb other's properties. Mr. Amona said he hasn't disturbed anything on the property and Mr. Rocks disagreed and said his plans reflect the disturbance and it was restored. Mr. Rocks asked Mr. Amona to provide a letter that states whatever restoration he does that The Town of Ramapo is happy with.

#6 Mr. Rocks wants Mr. Amona to submit copies of the approved Subdivision Plans; Drawings 1 & 2 with grading plan.

#7 Mr. Rocks requested that the proposed location of the 6 maples be added to the plan.

Mr. Rocks said the Subdivision approval included a 1/10th of an acre of disturbance of the Wetlands. Mr. Torgersen said there was no disturbance. Mr. Rocks is interested in the existing and proposed topography in the vicinity of the Wetland disturbance in order to verify what Mr. Amona and Mr. Torgersen state. Chairman Rubin said the Board wouldn't be able to proceed with the application until all missing items are completed.

Green Mountain Development Wetlands Permit for Informal Discussion

Applicant is seeking permission to permission fill 1/10th of an acre of onsite Wetlands to create useable side yard for existing dwelling. The property is located on the Southeast side of Godwin Terrace, approximately 510 feet from Ackertown Road. **62.19-1-12.4, R-50 Zone.**

Binyanin Amona, Applicant 129 Grandview Avenue, Monsey, NY 10952

Mr. Amona to submit the following:

1. Field Determination from Army Corp of Engineers.
2. Copies of Approved Subdivision Plan Drawings1 & 2 with Grading Plan.
3. 10 copies of new Survey.
4. 6 Red Maples that are proposed must be shown on the plans.
5. The applicant to write letter stating the Town of Ramapo's satisfaction regarding the off-site disturbance on their property.

New Business

Review of Walter Sevastian's memo regarding proposed code amendments.

Chairman Rubin asked Board if they could review at the Workshop.

Mr. Stach provided a Draft letter dated December 1, 2016 for the Board to review. Ms. Arin suggested 1 change: Paragraph 3: remove 'the following 'and add 'but not limited to'. Sentence now reads: 'However, the proposed amendments could result in unintended and potentially deleterious effects including but not limited to':

2017 Planning Board Workshop and Meeting Dates

There was a discussion on the Workshop and Meeting dates for 2017.

Mr. Wasserman moved to adopt the 2017 Meeting and Workshop dates as proposed with a change to the December Workshop date to be listed as To Be Determined. Chairman Rubin seconded the motion. All those in favor, upon vote, carried unanimously.

There was a discussion about moving the December 26, 2016 Workshop up 1 week to December 19, 2016.

Mr. Stach mentioned receiving a request from FP Clarke Associates regarding a traffic study they're conducting in the Village for an application. The inquiry was for any recently approved or approved but unconstructed developments on Route 45 between Old Nyack Turnpike and Red Schoolhouse Road.

Mr. Luciano made a motion to adjourn the meeting. Mr. Wasserman seconded the motion.

Minutes:

Mr. Levine made a motion to approve Planning Board minutes from June 2, 2016 as amended. Mr. Wasserman seconded the motion. All those in favor, upon vote, carried unanimously.

Mr. Wasserman made a motion to approve Planning Board minutes from July 7, 2016 as amended. Mr. Luciano seconded the motion. All those in favor, upon vote, this motion carried. Mr. Levine abstained.

Mr. Luciano made a motion to approve Planning Board minutes from October 6, 2016 as amended. Mr. Wasserman seconded the motion. All those in favor, upon vote, this motion carried. Chairman Rubin abstained.

Mr. Luciano made a motion to adjourn the meeting. Mr. Wasserman seconded the motion. All those in favor, upon vote, carried unanimously.

Mary Ballek

From: Resnikoff, Kristen A [Kristen.Resnikoff@thruway.ny.gov]
Sent: Monday, November 07, 2016 10:48 AM
To: Mary Ballek
Cc: Philip, Lizy; Winters, Gail S; Scalzo, Darrin J; Howard, Brent E
Subject: Piazza Subdivision
Attachments: 2016-11-4-Piazza Subdivision Narrative Summary.pdf; 2016-11-4-Piazza Subdivison Short EAF.PDF; 2016-11-4-Piazza Subdivison Application.pdf; 2016-11-4-Piazza Subdivison-GML-NYS Thruway.pdf; 2016-11-4-Piazza-GML-NYS Thruway..docx

Thank you for giving the Thruway the opportunity to provide comments for the Piazza subdivision near the Thruway.

At this time, our comments are as follows:

As the project progresses, we wish to make the Village aware of our policy regarding highway noise, even though this location may not be conducive for noise mitigation.

Please be aware that under our current Noise Abatement Program, the Authority will not undertake any noise study or noise mitigation, nor participate in funding or constructing of noise barriers or visual screening, for residences constructed after 1998. The potential for highway noise to impact a residence or development should be evaluated in the overall project process.

In addition, any drainage may not interfere with the Thruway.

We defer all other matters to the Village.

Thank you,
Kristen

Kristen Resnikoff, P.E.
NYSTA New York Division
Division Bridge Engineer
Capital Program
office: (845)918-2555
cell: (845)222-6190
kristen.resnikoff@thruway.ny.gov

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Rockland County

HEALTH

DIVISION OF ENVIRONMENTAL HEALTH

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building D
Pomona, New York 10970
Phone: (845) 364-2608 Fax: (845) 364-2025



Public Health
Prevent. Promote. Protect.

EDWIN J. DAY
County Executive

PATRICIA SCHNABEL RUPPERT, DO, MPH, DABFM, FAAFP
Commissioner of Health

JUDITH M. HUNDERFUND, PE
Director, Environmental Health

November 14, 2016

Ms. Mary Ballek
Planning/Zoning/Building/ARB
Village of Chestnut Ridge
277 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Re: Piazza Subdivision, Tax Lot 57.18-1-33

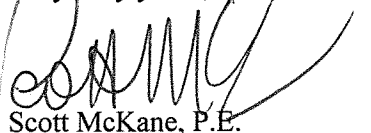
Dear Ms.Ballek:

We have received a Subdivision Plans for the above referenced property prepared by Brooker Engineering, PLLC dated September 19, 2016. Comments are as follows:

1. Realty Subdivision approval is required from the RCDOH.
2. Water main extension and sanitary sewer extension approvals are required.
3. Downstream sewage capacity analysis is to be submitted.
4. Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.
5. 10 NYCRR 97.14(b)(2)(ii) of the New York Codes, Rules and Regulations lists Realty Subdivisions as a Type I action. As such, the "Short Environmental Assessment Form" cannot be used for SEQR.

If you have any questions regarding this matter, do not hesitate to call.

Very truly yours,



Scott McKane, P.E.
Senior Public Health Engineer
(845) 364-2642

Received

NOV 17 2016

Village of Chestnut Ridge

cc: Brooker Engineering, PLLC
Arlene Miller, Rockland County Department of Planning



Town of Ramapo
Department of Public Works
16 Pioneer Avenue
Tallman, New York 10982
(845) 357-0591
Fax: (845) 357-0895

CHRISTOPHER P. ST. LAWRENCE
Supervisor

EDWARD P. DZURINKO
Director of Public Works

November 16, 2016

Ms. Mary Ballek
Planning Board Secretary
Village of Chestnut Ridge
277 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Re: Piazza Subdivision
Tax Map Section 57.18-1-33- Chestnut Ridge, NY

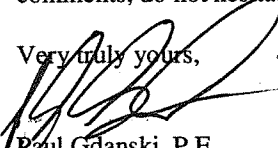
Dear Ms. Ballek,

Our office is in receipt of and has reviewed a plan prepared by Brooker Engineering, PLLC for the above referenced project which is dated September 19, 2016. We thank you for the opportunity to comment on this plan. Our comments are as follows:

- 1) A sanitary sewer review is required prior to final subdivision plan approval. The fee of \$125.00, payable to the Town of Ramapo at the Town of Ramapo Planning Department, is due from the applicant. Please make sure the applicant submits the review fee as soon as possible.
- 2) A sanitary sewer capacity analysis is required.
- 3) The sewer must be a minimum of 3 foot deep.
- 4) Provide design calculations for the low pressure system and force main sizing.
- 5) The Town's sewer notes must be placed on the plans.
- 6) Comments must be received from the Rockland County Sewer District No. 1.

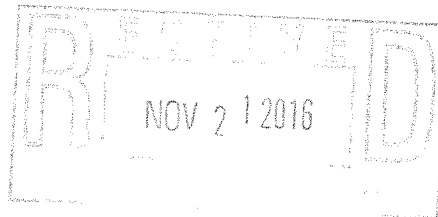
Please keep us informed of all developments in this project. If you should have any questions or comments, do not hesitate to contact me at 357-0591.

Very truly yours,


Paul Gdanski, P.E.
Engineer II

File: Piazza Subdivision

Cc: Hannah Ross



Leonard Jackson Associates

Item 7 requires the Applicant to request a field determination of the affected area by Leonard Jackson Associates (LJA) and that LJA provide a written report on our determination to the Planning Board. We propose the following alternate to Item 7 for the Planning Board's consideration. We propose that the concurrence of the ACOE with respect to the field determination of the affected area be relied upon in lieu of the determination of LJA.

2. If the ACOE concurs with the 3,165 sq. ft. of affected area this Application Fee shall be \$208.25 (1 x \$100 + 2.165 x \$50).

Substantive Review Comments:

3. A Village form does not exist for a Wetlands Law Application for Permit and a generic application form was used. It would be helpful if somewhere the Applicant explicitly indicated that this is a Wetlands Law Application for Permit.
4. Applicant shall document concurrence of ACOE with affected area and an update on ACOE closeout of their Application.
5. Applicant shall document satisfaction of the Town of Ramapo regarding the off-site disturbance on their property.
6. Submit copies of approved subdivision grading plan for this lot, as well as the relevant notes on Approved Subdivision Plan Drawings 1 and 2.
7. We suggest that the proposed (existing) location of the six red maples be added to the plan.



Rockland County

Ed Day, Rockland County Executive

ROCKLAND COUNTY SEWER DISTRICT #1

4 Route 340
Orangeburg, New York 10962
Phone: (845) 365-6111 Fax: (845) 365-6686
RCSD@co.rockland.ny.us

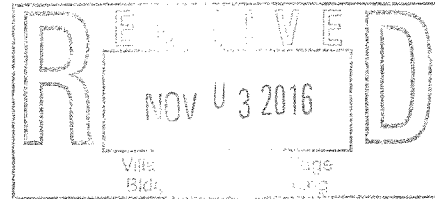
Dianne T. Philipps, P.E.
Executive Director

November 1, 2016

VIA FACSIMILE

Mr. Allan Rubin, Chairman
Village of Chestnut Ridge Planning Board
277-279 Old Nyack Turnpike
Chestnut Ridge, NY 10977

Re: Piazza Subdivision
41 Scotland Hill Road
Tax Lot 15/57.18-1-33 (19./255/A2A)



Dear Mr. Rubin:

Our office has received and reviewed information that the Rockland Journal News published on October 23, 2016 in the Legal Notices for the above referenced application to the Planning Board for the public hearing on November 3, 2016. Our comments are as follows:

1. This subdivision lies wholly or partly within former Tax Lot 19./255/A2A, which the United States Environmental Protection Agency (EPA) has designated as an environmentally sensitive area (ESA).
 - a. Prior to connecting any building to sanitary sewers, the developer must obtain a waiver of the EPA's grant condition, which restricts sewer connections from ESA lots. Any sewer application for these parcels cannot be approved until the New York State Department of Environmental Conservation (DEC) and EPA approve the waiver.
 - b. The applicant furnished the District with an ESA waiver request and the requisite number of plans and narratives, which we forwarded on August 10, 2007 to the EPA and DEC for review.
 - c. Attached please find a copy of correspondence dated October 30, 2007 from the EPA to the District approving the ESA waiver for this project.
 - d. The EPA's web page for the ESA Grant Condition Waiver Program (www.epa.gov/region2/water/sewer.html) states, "Both waivers and partial waivers allow the connection of the proposed project as noted in the project site plan that is submitted. If any modifications are made to the project site plan, a resubmittal is required."

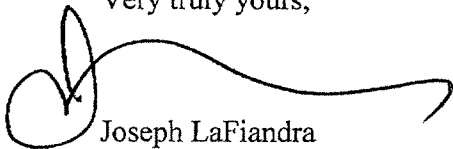
Rocklandgov.com

Mr. Allan Rubin
Page 2
November 1, 2016

- e. **Therefore, if any applicable modifications were made to the project site plan since the EPA approved the waiver on October 30, 2007, the applicant must resubmit the ESA waiver request.**
2. Details for sanitary sewer construction must comply with the District's construction standards and should be shown on the plans.
 3. Rockland County Sewer District No. 1 requires sanitary sewer construction to conform to District standards. This includes but is not limited to relative air, vacuum and deflection testing of mainline sewer and manhole construction. The District must receive and approve certification of test results from a licensed professional engineer before approving the sewers on this project.
 4. We request that submission to Rockland County Sewer District No. 1 of as-built drawings of the proposed sanitary sewer extension be made a condition of granting certificates of occupancy.
 5. Details for the sanitary sewer connections are subject to approval by the Town of Ramapo.
 6. Approval of this application and the previously granted zone change from LO to R-15 for five (5) 1-family detached residences from the subdivision of a 3.78-acre lot in the former LO District does not require the applicant to pay an impact fee, in accordance with the Rockland County *Sewer Use Law* as last amended in 2010. **However, if the use or occupancy of the site changes, the District will require further review and may impose an impact fee.**

Please inform us of all developments in this project. If you have any questions, please contact this office at 845-365-6111.

Very truly yours,



Joseph LaFiandra
Engineer II

Attachment

cc: D. Philipps M. Saber J. Hermann
Helen Kenny-Burrows – Rockland County Department of Planning
Scott McKane, P.E. – Rockland County Department of Health
Michael Sadowski, P.E. – Town of Ramapo DPW
Stuart Strow, P.E. – Centerpoint Engineering, 76 Lafayette Avenue, Suffern, NY 10901
Chestnut Ridge Five LLC – 135 Crotty Road, Middletown, NY 10941

File: TOR 57.18-1-33 – Piazza Subdivision
ESA
Reader



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 30 2007

Michael R. Saber, P.E.
Assistant Director
Rockland County Sewer District No. 1
4 Route 340
Orangeburg, New York 10962

Dear Mr. Saber:

This is in response to your August 10, 2007 request for a waiver from the special condition applied to Rockland County Sewer District No. 1 construction grant (Project Numbers C-36-745). Specifically, this request concerns the proposed Piazza Subdivision comprising 5 new single family residences and a new cul-de-sac. The project is to be located on Section 19, lot 255A2A in the Village of Chestnut Ridge, Town of Ramapo, Rockland County, New York.

We have carefully evaluated the information you provided. This includes the plan entitled "ESA Waiver Plan, Piazza Property, Village of Chestnut Ridge, Rockland County, New York," dated May 18, 2007, and prepared by Centerpoint Engineering, PLLC. The documentation provided indicates that the proposed development for Section 19, lot 255A2A does not infringe upon delineated wetlands. Therefore, I approve a waiver of the grant condition for this project. We note that a conservation easement area exists on the western portion of the property (just to the west of the wetlands boundary line). Please note that the sewer connection restriction will remain in effect for the wetlands on this parcel. Any modification to this project resulting in disturbance to wetlands will require a resubmittal of this application to the Environmental Protection Agency for a revised determination. Moreover, this waiver does not relieve the property owner from compliance with any other federal, state, or local requirements.

We would like to take this opportunity to urge you to inform the developers as well as their consultants/contractors about alternative/green building materials and energy efficient products. Materials such as plastic lumber, porous concrete, cinder gravel, modular blocks, and crushed granite are widely available and their use should be evaluated. The use of these materials is well documented. Please see internet sites on alternative/green materials and energy efficient products such as:

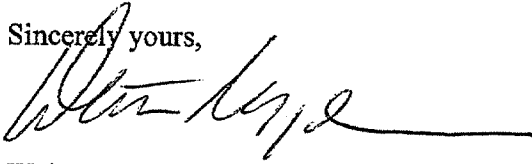
- (1) <http://www.epa.gov/epp/> (the "Database of Environmental Information for Products and Services" provides information on how to purchase such products. Other information on this site includes a guide for construction specifications)
- (2) <http://www.energystar.gov/> (ENERGY STAR has successfully delivered energy and cost savings across the United States and in 2005 saved businesses, organizations, and consumers about \$12 billion).

Internet Address (URL) • <http://www.epa.gov>

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Using these alternative building materials can increase a structure's life expectancy, reduce maintenance requirements, and improve weather, insect and vandalism resistance without increasing the cost in relation to conventional materials. Energy efficient products have also been shown to deliver the same or better performance as comparable models while using less energy and saving money. We commend any efforts to use green building/energy efficient products and would appreciate being made aware of their usage. If you have any questions or require additional information, please contact Rajini Ramakrishnan, of my staff, at (212) 637-3731.

Sincerely yours,



Walter Mugdan, Director
Division of Environmental Planning and Protection

cc: Stuart Strow, P.E., Centerpoint Engineering, PLLC
Mike Merriman, P.E., NYSDEC