

**APPROVED**

VILLAGE OF CHESTNUT RIDGE

PLANNING BOARD MINUTES

MARCH 2, 2017

MEMBERS PRESENT:

ALLAN RUBIN	CHAIRMAN
MARC LEVINE	DEPUTY CHAIRMAN
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

NOT PRESENT: MYRNA ARIN, MEMBER

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

**Coptic Church—Public Hearing for Preliminary Site Plan Approval**

Applicant is seeking approval for several minor changes some of which include elimination of the Bell Tower near the entrance, revisions to the roof projectile and an addition of a Nursery School.

**63.09-1-59, 60, Zone R-40.**

Steven Grogg, P.E., McLaren Engineering, 100 Snake Hill Road, West Nyack NY 10994

Terry Rice, Attorney for applicant, Rice and Amon, 4 Executive Blvd, Suffern, NY 10901

William Pfaff, Architect, Pfaff Architects, 208 Foss Drive, Upper Nyack, NY 10960

Ms. Ballek confirmed receipt of the Affidavit of Posting and the Affidavit of Notification and also confirmed publication in the paper 10 days prior to tonight's meeting.

Mr. Grogg stated that this project received Preliminary Site Plan Approval from the Planning Board in 2009 and received variances from the Zoning Board in 2007 and 2008; they also received SEQRA determination in 2008.

The approvals for the Site Plan and the Zoning Board variances have expired due to a Building Permit not being filed in time.

The applicant is submitting for Preliminary Site Plan approval as well as Final Subdivision; the property is composed of 2 lots, 1 lot is a larger undeveloped lot and the other lot is single family house on Lynn Drive which is also the residence of the Bishop of the Diocese. The applicant is also seeking a Conditional Use permit for the Nursery School in the Education wing of the building. A confirmation of the prior SEQRA determination is needed.

Mr. Grogg comments:

Most significant changes:

- 1) The 55 foot Bell Tower has been eliminated from the project. It had previously received a variance.
- 2) A nursery school to be included in the education wing of the Building.
- 3) Minor changes to the footprint and the domes of the church to reflect the Coptic Orthodox tradition.
- 4) Traffic study has been updated as well as the Wetlands and Stormwater reports.
- 5) The lighting plan was revised to include more modern LED fixtures.
- 6) The driveway out to Route 45 now has a right and left turn lane.

The correct acreage is 11.1 acres; main property is 10 acres + 1.1 acres for the Bishop's residence.

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Mr. Grogg comments:

The Church would be located in the Central portion of the site; the main Building is a 2 story building with the church on the upper level, and a social hall on the lower levels. The education and the office building to the church is connected by a 2 story connection corridor; with an open courtyard between the 2.

This project will require a Special Permit from the Village Board. The applicant will go before the Village Board for the Special Permit after the Planning Board approves Preliminary Site Plan; they will then go to the Architectural Review Board for approval on elevations and building materials, and the Zoning Board for required height variances before returning to the Planning Board for Final Site Plan approval.

Mr. Grogg said the site will be intensely landscaped. He spoke of having a detention basin at the lower part of the site to collect storm water that will be treated for water quality before being discharged.

The access from Lynn Drive will only be used for emergency access. There is a note on the plans to reflect this.

There is also a restriction that no construction access will be allowed on Lynn Drive. This was added at the Planning Board's request.

All access to the church and church activities will be from Route 45.

The Manse does have a pool but it's restricted solely for the residents and guests of the building. There is a note on the plans to reflect this as well.

The Church will operate approximately from 9 am-9pm; the Nursery school will start between 6:30am, and 7:00 am.

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Bill Pfaff comments:

- 1) Between the mezzanine and the main level there is seating for 800 people which is equal to the congregation size.
- 2) Many of the designs of the Church incorporate many iconic Coptic Orthodox elements.
- 3) The barrel vaulted roof runs East to West and is intersected by a barrel vaulted roof that runs North to South.
- 4) The Main Dome elevation is the same as the previously approved Site Plan.
- 5) The previous elevations remain the same.
- 6) Some modifications to the footprint of the Church will be smaller.
- 7) An addition of 12 windows below the Main dome.
- 8) The Church is going to add some activity/exercise spaces to the upper level to replace classrooms spaces.

Chairman Rubin said this project would need to go before the Architectural Review Board for approval on the elevations and building materials.

Chairman Rubin opened the meeting to the public.

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**Morton Silberberg, 95 New Clarkstown Road, Nanuet, NY 10954**

Mr. Silberberg is an attorney representing the Green family who live at 6 Lynn Drive, which is the last lot across the street from the Manse and it interfaces with the parking area.

Mr. Silberberg asked the following questions:

- 1) How many seats will the church hold? Mr. Grogg replied the church is being designed for 800 Parishioners
- 2) How many parking spaces? Mr. Grogg answered 228 spaces.
- 3) What is the estimated cost of construction? Chairman Rubin explained that this is not part of what the Planning Board does. Once the project is approved, the applicant will go to the Building Department for a Building Permit and the fees will be discussed at that time.

Mr. Silberberg said his client would like to have a permanently landscaped buffer at the perimeter of the church property. Chairman Rubin said the Board was aware of this issue at the time the applicant filed the application and it will be dealt with. It's too early in the process to know what will be used as a buffer.

Mr. Levine asked what the distance from the property line to the pavement was. Mr. Grogg said about 40 feet.

There was a discussion on the trees and plantings that are shown on the plans. Mr. Silberberg wanted to know if what was shown was going to be trees or shrubs and what the size would be. Mr. Grogg stated that the larger circles on the plans represented trees and the smaller circles represented shrubs and referred to the detailed Landscape Plan.

Chairman Rubin stated that this is what's being proposed at this time. There may be changes or it may be approved this way.

There was a discussion on eliminating the lot line for the Manse and combining it with the main property. Mr. Levine said the Village has less control with a single family house. Once something becomes part of the Site Plan it's restricted to the plan, any changes would be in violation of the Site Plan and would need to go to the Planning Board for approval of the revised Site Plan.

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**Bruce Goldsmith, 2 Weiss Terrace, Chestnut Ridge, NY 10977**

Mr. Goldsmith thanked the applicant for coming before the Planning Board and going about things the right way. He asked the following questions:

- 1) Will there be any fences around the property? Mr. Grogg said there is no intention to remove the fences that are there right now.
- 2) Is there a fence around the playground for the nursery school? Mr. Grogg said yes and it's reflected on the Site Plan in accordance to the NYS regulations.
- 3) Are 800 people expected every week or is it more sporadic? Mr. Grogg said the 800 people is generally holidays and main events. The normal weekly anticipation is approximately 350 people.
- 4) How will the water be tested before it goes into the stream? Mr. Grogg said they're providing a facility that meets the NYS DEC requirements.

**Jason Wisotsky, 7 Lynn Drive, Chestnut Ridge, NY 10977**

Mr. Wisotsky made the following comments:

- 1) Without a buffer zone there is potential for people to walk through his back yard.
- 2) He mentioned a few occasions when members of the church walked into his home thinking it was church. Chairman Rubin said the home is a single family home and the Planning Board had no jurisdiction as to what went on over there. If there's an issue it would have to be discussed with the Village Code Enforcer.

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Mr. Levine stated that 1 of the conditions from 2009 was that Lynn Drive couldn't be used for parking or services.

Mr. Wasserman asked Mr. Grogg if there would be a walking path from the Manse to the church. Mr. Grogg said a path isn't shown but will work with the church committee.

Chairman Rubin asked if anyone else wished to speak. No one did.

Chairman Rubin started a discussion about a bridge on the property that spans the stream. He stated it was first mentioned in 2008 or 2009. The bridge would need to be structurally capable of handling the largest fire engine. It was looked at at that time but he didn't remember if it was resolved. Mr. Grogg said that under the abandoned road there are 3 pipes, and they have the intention to replace the pipes. They will be able to carry any traffic loads.

Mr. Levine asked Mr. Grogg if school buses would be going into site. Mr. Grogg said no.

Mr. Levine asked Mr. Grogg to provide the Board with a schedule of activity on how many people can be expected for worship & special events including nursery school activity.

Chairman Rubin referenced a discussion from the Workshop regarding the adjacent piece of property; the former Gould property. He said he tried to find out if the Village has the ability to request the busing schedule and was advised by the Village Mayor that due to ongoing legal issues this information cannot be asked for at this time. This information can be asked for when they appear before the Planning Board, Building Department or any other Board in the Village.

There was a discussion on the traffic study. Chairman Rubin said it would have to be modified and adjusted to include the busing information. In speaking to Mr. Grogg, he said the traffic study that was submitted was sent to John Sarna for review. Chairman Rubin asked the Board if Mr. Sarna should be reviewing what he has right now or wait until the information on the busing is available.

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The Board agrees to have Mr. Grogg contact the Traffic consultant about doing traffic counts with the understanding that if something needs to be done afterwards it will done at that time.

Mr. Levine mentioned that in 2008-2009 the Zoning changed to Regional Shopping which is a major traffic generator. Mr. Stach didn't think the traffic study would have included this intersection for this site.

There was a discussion about the Board doing an on-site visit. The Board agreed to Sunday March 19<sup>th</sup> and will meet at the entrance at 9 am.

Chairman Rubin asked the consultants if the applicant should return to the CDRC after they make revisions based on the CDRC comments. Mr. Rocks says the applicant does need to return to the CDRC. Mr. Rocks said the applicant needs to decide if the dam will be part of this application or be an independent application.

Mr. Stach mentioned several comments he provided to the applicant that need to be addressed. The environmental materials that were submitted need to be reviewed.

There was a discussion that the applicant would appear at the April 11, 2017 CDRC meeting.

Mr. Baum stated that only one notice goes out for the Public Hearing. Those that received a notice will not receive another.

Chairman Rubin made a motion to adjourn the Public Hearing for Coptic Church Preliminary Site Plan application to the May 4,2017 Planning Board Meeting based on the applicant submitting revised documents and information no later than March 28, 2017 in order to attend the CDRC meeting on April 11, 2017. Mr. Levine seconded the motion. All those in favor, upon vote, the motion carried.



**Congregation Yesodey Hatalmud (2 Chelsea Lane)—Preliminary Site Plan Informal Discussion**

Applicant is seeking approval to develop property for use as a house of worship with rabbi's residence. The property is currently a single family residence. There is also a driveway and parking lot proposed.

**Tax Designation 56.20-1-38, Zone 25.**

Rachel Barese, Engineer, Civil-Tec Engineering & Surveying PC, 139 Lafayette Avenue, Suffern, NY 10901

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

Ms. Barese said currently the site has a single family residence that's located at the front of the property.

Ms. Barese comments:

- 1) Proposing a house of worship with a Rabbi's residence.
- 2) The existing house will be used as the Rabbi's residence.
- 3) The conservation easement will not be touched
- 4) There is a Flood Plain that runs through the middle of property as well as Wetlands that run through the conservation easement; neither will be touched.
- 5) Parking has been placed in the rear in order to have less of an impact on the neighbors.
- 6) Allowed to disturb up to 1/10<sup>th</sup> of an acre of Wetlands according to the Army Corp of Engineers.
- 7) The current plan for the House of Worship shows 131 seats with 31 parking spots.

At the February 14, 2017 CDRC meeting, the Building Inspector & Mr. Stach both expressed displeasure with any disturbance with the Wetlands and asked for an alternative plan. The alternative plan doesn't disturb the Wetlands but it relocates 3 parking spaces to the side of the driveway. One negative would be people backing up into a travel way.

There was a discussion about the Board doing an on-site visit. Chairman Rubin asked Ms. Barese to have the Wetland areas marked, including the entrance on the plans staked. The Board agreed to Sunday March 12<sup>th</sup> and will meet at the entrance at 9 am.

There was a discussion regarding parking. Mr. Levine was concerned with parking being alongside the driveway and blocking any emergency vehicles that need to get by. Mr. Emanuel said specific notes can be added to the Site Plans in regard to Fire Lanes, and can also be enforced by the Village Code Enforcer. Mr. Emanuel stated the applicant will conform to the code regarding parking. Mr. Levine said he'd like to have as much reserve parking as possible.

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At Mr. Emanuel's suggestion for the Public Hearing, Ms. Barese will prepare the plans that will superimpose the area to show the relationship to the house as well as the trees.

**Bello Vista—Continuation of Public Hearing for Preliminary Subdivision**

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, Zone R-50.**

Chairman Rubin read a letter dated March 1, 2017 from Mr. Emanuel, Attorney for the applicant requesting an adjournment of the Bella Vista Subdivision application to the April 6, 2017 Planning Board meeting.

Chairman Rubin mentioned the applicant being on the Planning Board agenda month after month, and the Board receiving adjournment requests either the day of or the day before a meeting. He's hesitant on adjourning to the April meeting and asked for the Board's thoughts.

Mr. Emanuel said a letter was sent this week to the attorney of the Western neighbor asking for a resolution by the end of business next Thursday March 9, 2017. Mr. Emanuel feels certain they'll be able to appear at the April meeting and be able to give the Board a report on the easement.

Mr. Luciano moved to adjourn the Bello Vista Subdivision application to the April 6, 2017 Planning Board meeting. Mr. Wasserman seconded the motion. All those, in favor, upon vote, the motion carried.

**Minutes:**

Mr. Luciano made a motion to approve the Planning Board minutes from December 1, 2016. Mr. Wasserman seconded the motion. All those, in favor, upon vote, the motion carried.

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