

**APPROVED**

VILLAGE OF CHESTNUT RIDGE

PLANNING BOARD MINUTES

APRIL 5, 2018

MEMBERS PRESENT:

ALLAN RUBIN	CHAIRMAN
MYRNA ARIN	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:

MARC LEVINE, DEPUTY CHAIRMAN  
ANTONIO LUCIANO, MEMBER

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

### Reappearance Fee Rules and Regulations

Chairman Rubin referenced the Reappearance Fee Rules and Regulations resolution specifically where it states if an applicant is due to appear at a meeting all fees must be paid no later than 12:00 pm the day preceding the Workshop. It's not Ms. Ballek's responsibility or the Village's to make sure payment is made.

Speaking specifically about Banker Estates, Chairman Rubin mentioned that Ms. Ballek sent out 2 letters to remind the applicant that fees for the meeting they were scheduled to appear at had not been received. The check was due on March 26, 2018. The applicant Mr. Brecher came in to Village Hall 2 days later on March 28<sup>th</sup> and made payment.

If payment is not received as outlined in the new regulation, the Board has the right to have the applicant do a new mailing and post new posters. This continues to be a problem that's why it's being mentioned again. The applicant knows from their engineers, etc. when they'll be returning to the Board. Ms. Arin stated if it's a pattern with a particular applicant the Board should adhere strictly to the regulations. But if it's due to an error or miscalculation it would need to be taken under consideration.

**Banker Estates— Continuation of Public Hearing Final Subdivision**

Applicant is seeking approval for a 3-lot subdivision with single family dwelling on Lot 1 and two-family dwellings on Lots 2 and 3. Property is located on the East side of Banker Street, 0 Feet South of Old Nyack Turnpike.

**Tax Designation: 57.17-2-11, Zone R-15.**

Chairman Rubin referenced a letter dated March 29, 2018 from Rachel Barese, Civil-Tec Engineering & Surveying PC requesting an adjournment to the May 3, 2018 Planning Board meeting.

Mr. Wasserman made a motion to adjourn the Public Hearing for Banker Estates Final Subdivision to the May 3, 2018 Planning Board Meeting. Ms. Arin seconded the motion. All those in favor, upon vote, the motion carried.

Mr. Luciano and Mr. Levine were both absent.

**Banker Estates— Continuation of Public Hearing Preliminary Site Plan**

Applicant is seeking approval for a 3-lot subdivision with single family dwelling on Lot 1 and two family dwellings on Lots 2 and 3. Property is located on the East side of Banker Street, 0 Feet South of Old Nyack Turnpike.

**Tax Designation: 57.17-2-11, Zone R-15.**

Chairman Rubin referenced a letter dated March 29, 2018 from Rachel Barese, Civil-Tec Engineering & Surveying PC requesting an adjournment to the May 3, 2018 Planning Board meeting.

Mr. Wasserman made a motion to adjourn the Public Hearing for Banker Estates Preliminary Site Plan to the May 3, 2018 Planning Board Meeting. Ms. Arin seconded the motion. All those in favor, upon vote, the motion carried. Mr. Luciano and Mr. Levine were both absent.

**Complete Auto Repair—Continuation of Public Hearing for Preliminary Site Plan Approval**

Applicant is seeking Preliminary site plan approval to remove the existing building and build a new building that would consist of 8 work bays and an office area as well as parking spaces. The property is located On the South side of Old Nyack Turnpike, 265 feet West of Chestnut Ridge Road.

**Tax Designation 57.17-2-27, Zone PO**

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

Richard Sarajian, Attorney for applicant, 67 North Main Street, New City, NY 10956

Chairman Rubin asked Ms. Ballek to read into the record any documentation that was received since the applicant was last before the Board. The following was read into the record:

Consultant review memos:

Mr. Rocks review memo dated March 26, 2018.

Mr. Stach's Part 2 & Negative Declaration both dated April 5, 2018.

Resolutions:

Mr. Baums' draft resolution Preliminary Site Plan dated December 13, 2017, updated April 4, 2018.

Documents received March 29, 2018:

Comment response memo dated March 22, 2018.

Site Plans dated December 2, 2016, rev. March 22, 2018.

Documents received March 23, 2018:

Comment response memo dated March 22, 2018.

SWPPP dated May 19, 2017, rev. March 20, 2018

Site Plans dated December 2, 2016, rev. March 22, 2018.

Drainage maps; existing & proposed both dated December 2, 2017, rev. March 22, 2018.

### **Complete Auto Repair—Continuation of Public Hearing for Preliminary Site Plan Approval**

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Mr. Rocks confirmed his review memo dated March 26, 2018 was the last review memo received.

Chairman Rubin referenced an earlier discussion where the Board was in agreement with the 8 ½ foot wide parking stalls for employees only.

Mr. Rocks March 26, 2018 review memo:

Sheet 1:

6). Mr. Wasserman stated that the loading berth was going to be waived since it wouldn't be needed.

Sheet 3:

28). As discussed at the last meeting, a note has been added to the plans that states if trees that were due to be preserved are inadvertently removed similar trees will be planted; i.e. evergreen for evergreen, deciduous for deciduous as listed on the planting plan. If the tree is over 12-inch in caliper it will have to be replaced by 2 trees.

Stormwater Pollution Prevention Plan (SWPPP)

42). The key component in a SWPPP is the Drainage Analysis & design. Mr. Rocks is satisfied with this aspect. Once the drainage analysis is in final form than the SWPPP information can be added.

Ms. Arin pointed out that on page 2 of Ms. Barese's March 22, 2018 comment memo there was an incomplete sentence under December 11, 2017 SWPPP comments in regard to the 15" outlet not being included in the routing. Ms. Barese explained that she and Mr. Rocks worked on this item and it's no longer an issue.

Updated Plan comments (12/19/2017):

2). Sheet 3.

a. Ms. Barese said she'd work with Mr. Rocks and will make sure that the Plan Luminares match.

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Mr. Stach stated that the Board would not need to approve Part 3; they'd just need to make a finding that states based on the analysis in the Part 2 the proposed action will not result in any significant adverse environmental impacts.

Mr. Wasserman made a motion to adopt the Short Environmental Assessment Form Part 2, indicating no or small impact may occur on items 1 through 11 and the proposed action will not result in any significant adverse environmental impacts. Ms. Arin seconded the motion, all those in favor, upon vote, the motion carried.

Mr. Luciano and Mr. Levine were both absent.

Chairman Rubin opened the meeting to the public.

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

Ms. Arin made a motion to close the Public Hearing. Mr. Wasserman seconded the motion, all those in favor, upon vote, the motion carried. Mr. Luciano and Mr. Levine were both absent.

In regards to the negative determination issued by the Rockland County Planning Department, Mr. Baum explained that the only way this application could be approved would be to override the denial with a super majority which would require 4 out of 5 board members. There aren't enough board members tonight in order to override the GML. The Board has to consider the county's comments before Final action is taken. Mr. Baum further recommends that the Board specifically indicate that they will vote on the county's recommendation of denial when Final is submitted. The applicant would be understating that they'd be proceeding to Final at their own risk.

Mr. Sarajian prefers a vote for both Preliminary and Final at the next Planning Board meeting but would be ok with a vote for Preliminary at tonight's meeting.

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Ms. Arin asked why the county had an issue with the application. Mr. Baum read from the County letter dated April 26, 2017. Mr. Sarajian also stated that there were parking issues based on earlier history and that the business had changed from a tow business to a repair business.

Mr. Wasserman made a motion to approve the resolution for Complete Auto Repair Preliminary Site Plan updated as of April 4, 2018 with the following modifications:

1. Eliminate 1<sup>st</sup> resolution in reference to the adoption of Part II.
2. Eliminate 2<sup>nd</sup> resolution in reference to the proposed action not having a significant adverse impact on the environment and the Planning Board does hereby render a negative declaration.
3. Add new Condition 8-The Planning Board notes that due to the disapproval of Rockland County Department of Planning as set forth in their letter April 26, 2017, a super majority will be required to grant Final approval to this project. Due to the fact that only three members are present at the meeting and the Board is unable to override the recommendation of disapproval at this meeting, the Planning Board will consider an override of the disapproval at the time of final application and the applicant will proceed at its own risk in the event the Planning Board fails to override the disapproval by a super majority vote.
4. Eliminate paragraph 1 from page 3.
5. Eliminate paragraph 2 from page 3.

Ms. Arin seconded the motion, all those in favor, upon vote, the motion carried. Mr. Luciano and Mr. Levine were both absent.



New Business:

Proposed Local Law to amend Zoning code for Houses of Worship.

There was a brief discussion on this topic.

Chairman Rubin made a motion to adjourn the meeting, Mr. Wasserman seconded he motion. All those in favor, upon vote, the motion carried. Mr. Luciano and Mr. Levine were both absent.

