

VILLAGE OF CHESTNUT RIDGE

PLANNING BOARD MINUTES

JULY 7, 2016

MEMBERS PRESENT:

|                 |          |
|-----------------|----------|
| ALLAN RUBIN     | CHAIRMAN |
| MYRNA ARIN      | MEMBER   |
| ANTONIO LUCIANO | MEMBER   |
| JEFF WASSERMAN  | MEMBER   |

OTHERS PRESENT:

|                 |                            |
|-----------------|----------------------------|
| PAUL BAUM       | ASSISTANT VILLAGE ATTORNEY |
| MAX STACH       | VILLAGE PLANNER            |
| NIRALI DHARAINI | VILLAGE ENGINEER           |
| MARY BALLEK     | PLANNING BOARD CLERK       |

NOT PRESENT:

MARC LEVINE, DEPUTY CHAIRMAN  
DENNIS ROCKS, VILLAGE ENGINEER

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

Chairman Rubin introduced Max Stach as the new Village Planning Consultant. Robert Geneslaw was the Planning Consultant for the Village from its inception in May of 1986 until his recent retirement.

Chairman Rubin also introduced Nirali Dharaini; is an Engineering Consultant from Leonard Jackson Associates.

Ms. Dharaini will be sitting in for Mr. Rocks this evening.

**Supreme Mulch (dba Creative Gardens) - Preliminary Site Plan Application** –Applicant is seeking approval of an updated map to reflect the temporary stockpiles of firewood and mulch in addition to the nursery stock areas. This property involves 2 lots; Lot 2 consists of 6.5 acres and has a small amount of frontage along Route 45 to the South. Lot 3 is 2.93 acres which fronts Route 45 with a NY State DOT approved full access drive. The property is located on the West side of Chestnut Ridge Road. 63.13-1-2, 63.13-1-3, Zone R-40

Ronald Lezott, Maser Consulting 777 Chestnut Ridge Road appeared for applicant.

Chairman Rubin asked Ms. Ballek to read into the record any new correspondence that had been received since the applicant last appeared before the Board a few months ago. Ms. Ballek stated receiving the Sketch Plat application. Mr. Baum mentioned receiving an email from Russell Gliniecki, Village Building Inspector dated May 19<sup>th</sup>, Mr. Baum read email for the record and gave copy to Ms. Ballek for the file.

Chairman Rubin mentioned the applicant was due to appear before the Planning Board in May but didn't appear due to some confusion. Chairman Rubin asked for a letter from Mr. Lezott explaining why they didn't appear; that letter was received on June 3 2016.

Mr. Lezott said they were here to discuss the revised plans per the comments received and to approve the added dimensions as requested. Chairman Rubin asked Mr. Lezott what the dates of the drawings were. Mr. Lezott stated the Plan was dated October 20, 2015 with a February 19, 2016 revision date. The updated plan was to identify and provide numbers for the vehicles that are stored on site which includes: trailers and bobcats (1), loaders (originally 2, now 1) dump trucks, etc. Mr. Lezott said the encroachments were also eliminated along Route 45 especially along the front entrance. He also mentioned repairing a fence along the southern property line. A second stack of retaining wall blocks was added to protect over topping. Originally this spot was approved for 37 parking spots, which have been reduced to just 18; he said this would require a variance. The plan was signed by the Town of Ramapo in either 1980 or 1981 and would also require a front yard parking variance.

Chairman Rubin asked Mr. Baum to clarify the parking, it's not clear if there were 37 spots originally. They discussed there may have been 28 spots on the Town of Ramapo plan. Mr. Lezott stated that he had the original signed Final Plan and it was dated September 7, 1982 and it allowed for 28 spots. Mr. Baum said that those spaces were required by the ZBA (Zoning Board of Appeals) as part of their determination in 1978. Chairman Rubin said technically there should have been 37 spots provided and there are currently 18. Mr. Lezott agreed.

Chairman Rubin asked Mr. Lezott to count the number of storage bins on his story Board. Chairman Rubin then held up a flyer and asked if the products that were listed on the flyer were all being binned on the property. Mr. Sam Hirsch, Owner of Supreme Mulch answered the question by saying that not all of the products that are shown on the flyer are being binned; an example would be mulch that would be stored in the back. Chairman Rubin was concerned that the flyer showed more items to bin.

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Chairman Rubin said based on the site inspection done a few months ago they discussed the height of the mulch piles, some of which are in the front of the property. Chairman Rubin said it looked like the piles either moved or got lower, maybe moved in last day or 2. One pile either got higher or reappeared; it's more than 10 feet high. Mr. Hirsch said there were visitors to the property in January 2016 and they made the decision regarding the height of the mulch. Mr. Baum asked who they were and Mr. Hirsch said there was a woman in group. Chairman Rubin stated no decision was made at the site visit.

Chairman Rubin voiced the following concerns regarding the mulch: 1. Kids getting onto the property and climbing the mulch, which could slide away and they could get buried. Mr. Hirsch stated the kids shouldn't be on his property. He also stated having a lake and cameras on his property as well. Chairman Rubin agreed with Mr. Hirsch but said it sometimes happens. 2. Chairman Rubin stated that while the Board isn't an enforcement agency, he wanted to make note of a section of fencing that was missing where the drainage easement is, he said it seems that it was removed and he noticed wheel marks of vehicles that may have gone in and out of the property. He went on to say people that know this section of road coming from Spring Valley going South would never expect a vehicle to suddenly come out of this site, and he feels that this is a safety issue and could potentially be a problem. Chairman Rubin said that the speed limit was 40 mph with some people going 45-50 mph and not knowing there is an opening there could cause a problem with cars going in/out as well as trucks making deliveries etc. Mr. Hirsch said he understood Chairman Rubin's concerns.

Chairman Rubin asked Mr. Baum to explain the email that Russell Gliniecki, Village Building Inspector sent him reflecting what was on plan now and what they can and cannot do. Mr. Baum stated the email seemed to be inconsistent; 1 sentence mentions nonconforming discontinuance of use, the next sentence says it's allowed. Mr. Baum said he emailed Mr. Gliniecki on Wednesday June 29<sup>th</sup> to clarify and hasn't heard back. Chairman Rubin said he understood nonconforming use as ceasing to exist for a period of 1 year and then it can't continue.

Chairman Rubin wanted to talk more about the potential variances that might be needed. Originally there were 37 parking spots on the approved plan. Mr. Lezott is showing 18 approved spots, a variance would be needed to reduce the number of spots from 37 to 18. Mr. Baum said the variance was a requirement of the Zoning Board of Appeals in 1978 when they granted this property a Non-Conforming use status and some of the conditions that were imposed. He said it seems the variance is at odds with the Zoning Board determination. Chairman Rubin asked Mr. Baum if the Planning Board had the authority to approve the reduction of spots from 37 to 18; Mr. Baum replied No, the Zoning Board of Appeals would need to grant relief as well as the equipment that will be stored on the property. The determination would be limited to the type of equipment stored on the premises, stating that bulldozers, backhoes and tractors had been prohibited.

Mr. Baum asked Mr. Lezott what kind of use; Nursery use, Greenhouse use? Mr. Lezott responded retail space. Mr. Baum asked Mr. Lezott how he came with up with the requirements, stating the use isn't being permitted. Mr. Lezott said he was using the code for retail. Mr. Baum told Mr. Lezott he should stay with the Zoning Board of Appeals determination that they required him to have.

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Chairman Rubin asked Mr. Lezott about an item he brought up earlier. Mr. Lezott mentioned needing a 100 ft front set back and only having 84 ft, he said the yard requirement from the front yard is 100 feet. Mr. Wasserman asked what point is it to the structure; Mr. Lezott said it was 84 feet to the actual edge of the property.

Chairman Rubin asked the Board if they had any other questions.

Mr. Wasserman wanted to know if the front yard setback had changed from the original plan approval. Mr. Lezott said the original plan was referencing the parking right at the setback.

Mr. Stach stated the storage bins are not part of the property plan, and the parking on the approved plan was set back 30 ft. from the property line. Would this require a variance? Mr. Lezott said he spoke with Mr. Gliniecki about the storage bins and he agreed with Mr. Stach's statement.

Discussion about parking: Chairman Rubin said he hasn't experienced full parking lots; people come and go, he hasn't seen all the spots taken at a facility. Mr. Wasserman has seen all the spots taken. He also had a concern after visiting the site; a lot of employees would park in the spots up front. He questioned if there would be an opportunity to carve out parking for employees separately to increase parking for customers. He didn't think it needed to be addressed now since it's a variance issue. Mr. Lezott said they had looked into the potential to create parking and many different options. If you look at Bin 6, which is the closest to the road, we could put employee parking in front of this area which would be 4 additional spaces. We could also add parking where the pallets are stored.

Ms. Dharaini said she'd like more information on the #'s of staff, the hours employees worked out of the property, trips and number of customers visiting as well as grading and drainage, lighting and landscaping. She also requested Certification for the wall to the North and partition walls. Mr. Lezott said his narrative addressed hours worked, he said he could provide hours of staff etc. to include peak sales time, as well as rate of deliveries. He said he would revise for Spring. Chairman Rubin asked if homeowners came into the location to order or called to place order. Mr. Hirsch said it was done both ways, he said contractors did the same way.

Ms. Arin voiced concerns regarding the peat logs, saying as they get hot, they heat up and start smoking. She said it could be a fire potential. She asked if there is an issue with heat stacks. Mr. Hirsch said not with the sizes he has, if he was working with miles of it could be an issue. He explained that it decomposes but it's not bad. Mr. Lezott said that based on the comments provided, he coordinated with Mr. Gliniecki and Mr. Bierker to make sure there were clear paths for fire trucks etc. Chairman Rubin said the email from the Building Inspector needs to be clarified; a variance may or may not be needed. If it wasn't for that issue, he'd say theoretically the applicant could go before the Zoning Board and get the variances and then come back to the Planning Board, but he thinks maybe they should wait until it's clear what the Building Inspector meant stating there may or may not be a required variance. Mr. Baum thinks they should go to the Zoning Board now, saying whatever issues need to be clarified will be done before the Board and the Building Inspector can comment as well. Mr. Baum said he had concerns with many of the issues; Approved Site Plan, Letter of Determination from the ZBA. Another concern he had was the front yard, not sure if it's permitted but the Building Inspector can clarify. If it turns out it isn't permitted, we can refer to the Zoning Board. Mr. Baum said having them wait a month before going to the Zoning Board would have no benefit. Chairman Rubin asked when the next Zoning Board Meeting was, Mr. Luciano said it was August 30<sup>th</sup> 2016, he also mentioned the 30 day cutoff for paperwork etc.

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Mr. Baum brought up another issue going back to the CDRC meeting. This property had Site Plan Approval from the Town of Ramapo;; 2 lots together and the lot lines are blurred between the 2 lots; saying there was a pile of mulch right on the lot line. Mr. Baum asked how the 2 lots were going to work together, and how are they going to be tied together? Mr. Baum said this was a big issue that he raised earlier and it was never addressed. Mr. Lezott said the property would be kept as 2 lots, with no structures. Mr. Baum asked Mr. Lezott why he wrote N/A for uses on his bulk table, which would indicate none of the bulk requirements were applicable. Mr. Baum said Mr. Lezott may need variances from the Zoning Board for the uses he mentioned. Chairman Rubin asked Mr. Baum if the Planning Board could handle and Mr. Baum said no, it would be a variance; and would need to be done by the Zoning Board; Planning Board hasn't done before. Mr. Baum said Lot 2 is empty, the applicant will take a piece of the land and they would use for storage of mulch, firewood, pallets and topsoil; the storage becomes the primary use of the property. With a non-building use, normally those non-building uses have to respect the setbacks and the yards. Mr. Baum suggested Mr. Lezott meet with and talk to the Building Inspector before going to the Zoning Board.

Chairman Rubin said counsel recommends the applicant go to the Zoning Board now for Variances. Since this wasn't a Public Hearing we didn't need to adjourn. He reminded Mr. Lezott to prepare paperwork needed to go before Zoning Board.

**Bello Vista)- Continuation of Public Hearing for Preliminary Subdivision Application**

Applicant is seeking approval to subdivide the parcels into 10 lots. 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 245 Ackertown Road. **62.15-1-42 and 62.15-1-45, RR-50 Zone.**

Ira Emanuel, Attorney for the applicant sent a letter to the Planning Board requesting an adjournment to the August 4, 2016 Planning Board meeting.

No Board members had any questions about the application.

Chairman Rubin moved to adjourn the application to the August 4<sup>th</sup> Planning meeting, Mr. Wasserman seconded the motion. Balance of Board in favor.

Chairman Rubin asked Mr. Baum if the applicant would need to appear before the CDRC this month in regard to the letters from Mr. Rocks. Mr. Baum said the applicant would need to respond to the comments 1<sup>st</sup>, and suggested adjourning until the August 4<sup>th</sup> Planning Board meeting. Mr. Rocks will need to review as well; Chairman Rubin stated he was hoping Mr. Rocks could review before the Planning Board Workshop on July 25<sup>th</sup> saying additional information may be required. Mr. Baum said he was waiting on Mr. Rocks with information for Negative Declaration for SEQRA.

**Artis Senior Living**- Continuation of Public Hearing for Preliminary Site Plan Application

For a Senior Living Facility. The property is located on the West side of Chestnut Ridge Road, approximately 300 feet South of Red Schoolhouse Road, known as 801 Chestnut Ridge Road. **62.16-1-34, R-40 & NS Zones.**

Ira Emanuel Attorney for the applicant sent a letter to the Planning Board requesting an adjournment to August 4<sup>th</sup> 2016 Planning Board meeting.

Chairman Rubin mentioned several letters were received by Mr. Rocks.

Chairman Rubin said the Board would adjourn the applicant to the August 4<sup>th</sup> meeting and stated if the applicant is able to address issues and get feedback from Mr. Baum, Mr. Stack and Mr. Rocks before the Planning Board Workshop on July 25<sup>th</sup>

Mr. Rubin moved to adjourn to the August 4<sup>th</sup> Planning Board meeting and Mr. Luciano seconded. All those in favor, upon vote, carried unanimously.

**Piazza Subdivision—Subdivision Preliminary Sketch Plat Application**

5 Lot Single Family Residential Subdivision, including construction of new Cul-De-Sac. The property is located on the West Side of Scotland Hill Road, approximately 200 feet North of the NYS Thruway. **57.18-1-33, R-15 Zone.**

Stuart Strow P.E., Brooker Engineering, 74 Lafayette Avenue, Suffern, NY 10901and

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

Mr. Strow stated this project is a 5 Lot Single Family Residential Subdivision on 3.8 acres on Scotland Hill Road, Zone R-15. This project is identical to the Subdivision Approval project received in October 2006. The layout is identical to the original project.

Mr. Strow said what the Board had in front of them tonight was the Subdivision Sketch Plat. He also stated the Wetlands remain unchanged.

Mr. Strow requested the Planning Board declare themselves the lead agency on this project.

Mr. Emanuel stated that in addition to being identical to the Subdivision plan that was previously approved, no variances are required, the lots meet the requirements of the Zoning code.

Chairman Rubin said that some of the issues from 2006 were the street lights, and where the fire hydrants were going to go. Mr. Strow said the fire hydrants would go at the end of the cul-de-sac. Chairman Rubin said another issue was whether or not the Wetlands should be re-mapped or re-configured and asked how to protect that area from the homeowner encroaching in that area. Mr. Strow stated that the Wetlands were being re-mapped by the Army Corp of Engineers at the time of the previous approval; he also stated the homeowners would know about the conservation area. Mr. Strow said the area could use a marked line with stone, but not a stone wall, using small stones; every 20 feet; with 2 stone high specified.

Ms. Arin asked whose property was the conservation area, asking if it belonged to the homeowner. Mr. Strow said it belonged to the homeowner and Mr. Baum said it was part of their lot.

Chairman Rubin asked the Board how they felt about the plan to have rows of stones; 30 feet on center and 20 feet in length.

Mr. Baum stated that applicant was here for Sketch approval and he would recommend coming in with a Preliminary Subdivision application but the applicant chose to step back with a sketch plat.

Chairman Rubin doesn't have an issue with the plan, saying it was fine in 2006 and he feels same way now. Mr. Strow mentioned a full wall fence, not obtrusive and less visual. Mr. Emanuel said some communities use stone cairns; 4-5 stones. Chairman Rubin said that less stones would be easier to confuse people. Mr. Baum suggested waiting for Preliminary to discuss specs.

Mr. Wasserman asked if the payment of fees had been resolved. Mr. Strow said check 1001 for \$1250.00 was submitted to the Building Department when he submitted the paperwork for this project.

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Ms. Arin asked Mr. Strow if anything had been received from the Army Corp of Engineers regarding the Wetlands. Mr. Strow stated he hadn't received anything yet. Chairman Rubin asked Mr. Strow if the Army Corp of Engineers was going to send someone out or would they authorize the landscape architect to go out.

Mr. Wasserman asked if the drainage had been vetted out. Chairman Rubin said yes approved plan but it wasn't submitted for signature and it wasn't built at that time.

Ms. Dharaini referenced a memo that Mr. Rocks sent dated June 7<sup>th</sup> regarding the Narrative, EAF, and the Sketch Plat. Mr. Strow will review the comments; also mentioned easement.

Mr. Stach mentioned a June 13<sup>th</sup> memo sent by Mr. Geneslaw most were technical items on the map. Mr. Stach said he didn't feel that any of those items would impact the Board's decision on whether or not to approve the application for Sketch approval. These are some things that would likely to be addressed when the Preliminary plan is submitted.

Chairman Rubin stated there would be no reason to not approve Sketch plan. Any issues can be dealt with at Preliminary. The plan hasn't changed from what was approved in 2006.

Ms. Arin asked Mr. Baum if the Board could approved for Sketch without the Army Corp of Engineers ok on the Wetlands. Mr. Baum said yes the Board could approve. Ms. Arin asked what would happen if the Army Corp of Engineers came up with a different configuration for the wetlands, how would the Board proceed? Mr. Baum said the boundary of the conservation may change.

Chairman Rubin stated that any changes made after Sketch would require the plans to change.

Mr. Wasserman moved to grant Preliminary Sketch Plat Approval to Piazza Subdivision 57.18-1-33

Sketch Plat dated May 23 2016, by Brooker Engineering, Suffern, NY. Drawing #1 and Drawing #2 layout of Sketch Plat Grading and Filling dated May 23 2016. Chairman Rubin seconded the motion, balance of Board in favor. Mr. Baum stated the applicant wished to start the SEQRA process, and they have filed the Environmental Assessment form (EAF) and was it was reviewed by CDRC.

Mr. Wasserman moved to declare the Planning Board the Lead Agency for Piazza Subdivision 57.18-1-33; Mr. Luciano seconded the motion, balance of Board in favor.

## Minutes

Chairman Rubin moved to approve the May 5 2016 minutes with corrections as listed below. Ms. Arin seconded the motion and the balance of the Board was in favor.

Page 1 typographical error correct spelling of word Aware from bottom paragraph

Page 4 Correct spelling of Mr. Wasserman's last name incorrectly spelled with 2 n's originally.

Chairman Rubin stated that the next Planning Board Workshop is on Monday July 25<sup>th</sup>. Bello Vista , Artis Senior Living and Struli Oster were all adjourned to the August 4, 2016 Planning Board Meeting, but he isn't sure if they'll complete everything and be able to come before the Board.

A resident mentioned minutes missing from website: December 2015, January, February and March of 2016. Mr. Baum said we were in process of correcting those minutes that were taken by the former Planning Board clerk. He's been communicating with her for the last couple of months and she's promised to finish them. We're aware that the minutes aren't on the website and we're working to complete.

Mr. Luciano made a motion to adjourn the meeting and Mr. Wasserman seconded the motion, balance of Board in favor.