

VILLAGE OF CHESTNUT RIDGE

PLANNING BOARD MINUTES

SEPTEMBER 1, 2016

MEMBERS PRESENT:

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

OTHERS PRESENT:

PAUL BAUM	ASSISTANT VILLAGE ATTORNEY
FRED DONEIT	VILLAGE PLANNER
DENNIS ROCKS	VILLAGE ENGINEER
MARY BALLEK	PLANNING BOARD CLERK

NOT PRESENT:	MARC LEVINE, DEPUTY CHAIRMAN
	MAX STACH, VILLAGE PLANNER

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

Chairman Rubin introduced Fred Doneit, Planning Consultant from the Turner Miller Group. Mr. Doneit will be sitting in for Mr. Stach this evening.

STRULI OSTER – Continuation of Public Hearing for Final Subdivision Approval and Preliminary Site Plan Approval. 3 lots subdivision with a detached single family dwelling on Lot 1 and semi detached dwellings on Lots 2&3. The property is located on the West side of Sima Lane, approximately 0 feet West of Gilman Terrace.

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

Chairman Rubin stated receiving a letter dated August 29th from Rachel Barese, P.E. at Civil Tec where she requested an adjournment to the October Planning Board Meeting. He also mentioned receiving a letter in June from Ms. Barese indicating they were revising the plans. Chairman Rubin asked the Board if they wanted the applicant to return for the October 6th Planning Board meeting without attending the September CDRC meeting 1st.

Mr. Luciano stated the issues were brought up to the applicant at the June Planning Board meeting and the applicant was due to appear at the July meeting but asked for an adjournment. He doesn't see how the applicant will be ready for the October meeting if they're not ready today.

Chairman Rubin was under the impression that Ms. Barese did get the issues resolved and spoke with the Building Inspector.

Mr. Wasserman said he would have the applicant go back to the CDRC, saying he thought it was the most productive way to do it.

Ms. Arin was in agreement with Mr. Wasserman and asked how the Board would go about recommending to the applicant to go to the CDRC. Chairman Rubin said a letter would be sent to the applicant stating in part that since they haven't submitted anything since appearing before the Board in June, the Board feels it's imperative that they return to the CDRC before they return to the Planning Board.

Chairman Rubin stated the applicant will need to submit documents at least 2 weeks before the CDRC meeting so there is enough time for review.

A resident asked the Board what CDRC was and Chairman Rubin explained: CDRC was (Community Design Review Committee), meetings are held on the 2nd Tuesday of the month, the Village Attorney, as well as the Planning and Engineering Consultants for the Village make up the CDRC Board. They meet with the applicants to see if sufficient information has been provided before going to the Planning Board.

Ms. Arin made a motion to adjourn the application of Struli Oster to the November 3, 2016 Planning Board Meeting, which was seconded by Mr. Luciano. All those in favor, upon vote, this motion carried unanimously.

ARTIS SENIOR LIVING – Continuation of Public Hearing for Preliminary Site Development Plan Approval for a Senior Living Facility for residents with memory impairment. The property is located on the west side of Chestnut Ridge Road, approximately 200 feet West of Red Schoolhouse Road known as Chestnut Ridge Road.
62.16-1-34 NS & R-40 Zones.

Kenneth DeGennaro, Brooker Engineering, 74 Lafayette Avenue, Suite 501, Suffern, NY 10901
Ira Emanuel, Attorney for Applicant, 4 L Laurel Road, New City, NY 10956

Chairman Rubin asked Ms. Ballek if any new documents were received since the applicant was before the Board last in June and she said no, Mr. Emanuel agreed.

Mr. Emanuel started by saying there had been some movement since the applicant last appeared before the Board. He mentioned the Village Board had a Public Hearing on June 16, 2016 and the Resolution was approved on July 21, 2016 for the Special Permit.

Chairman Rubin asked Mr. Emanuel if he was sure the Resolution was voted on, stating he had asked if it was approved a few days prior and didn't get the same information as Mr. Emanuel. Mr. Emanuel said he was given information that the Village Board had voted on the Resolution.

Mr. Baum asked Mr. Emanuel for a copy of the Resolution and Mr. Emanuel said he would provide for the Board for the September 26th Workshop.

Chairman Rubin didn't think Mr. Emanuel needed to bring the Board up to speed on the project; but he did want to make sure that nothing new was submitted to the Board. He said that since the applicant hasn't been before the Board in 3 months, the Board thought it was important for them to appear and give an update on the project.

Mr. Rocks said the dates of his memos were dated June 23, 2016 and June 30, 2016. Chairman Rubin said as long as there were no questions or objections with Mr. Rocks' memos there isn't a need to review them.

Mr. Emanuel said the applicant was hoping for Preliminary approval subject to Mr. Rocks' memos. He felt that the issues were fairly minor and easily resolvable. They'd like to make the changes Mr. Rocks has asked for and proceed with the project so that they can get Final Approval.

Chairman Rubin wanted to discuss the parking area and asked Mr. Emanuel what material was being proposed. Chairman Rubin also said that since the property isn't a solid surface that can be striped and would identify individual parking spots, he thought there should be some sort of wheel stop used. He referred to one of Mr. Rocks' memo that indicated using a fence or a railing. Mr. Emanuel said the entire property is going to be fenced.

Chairman Rubin said the Board felt that there should be some type of lightning. If the lights are not being used they don't need to be on; they can be manual.

Mr. Wasserman asked why there was a gate to the auxiliary parking area. Mr. Emanuel said there isn't a gate; there is a fence on the entirety of the upper level of the property, it lends itself to freedom of movement. Mr. Wasserman asked that if on days the auxiliary parking is being used, will the residents have access to the outside area? Mr. Emanuel said the auxiliary parking area is strictly for employees. Chairman Rubin asked what happens when someone comes to visit and the parking area is full, they see the gate but have no idea there's parking behind it.

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Mr. Emanuel thought it is highly improbable, and explained that they're conducting testing with times with high traffic and mentioned it unlikely that all parking lots will be used. Chairman Rubin suggested putting a small sign on the gate, 'if parking needed.' Mr. Emanuel had no issues with this suggestion.

Mr. Rocks mentioned the 2 gates, one gate to secure the residents as they're walking and the other is access to the parking lot which doesn't affect the residents. What is the gate for?

Mr. Wasserman asked if the intention is to open the gate on heavy visitation days, Mr. Emanuel said yes.

Chairman Rubin asked Mr. Emanuel if the proposed materials for this lot have been discussed. Mr. Emanuel mentioned Grasspave2 being listed on the plans. Chairman Rubin asked if there were technical specs, a photo or a manufacturer's sample that the Board could see.

Mr. Rocks said there were a lot of technical things that he was concerned about. He referenced his review memo dated June 23, 2016; specifically items 10, 11,18,22,26 and 28.

Item 10: There is a fence along almost ½ of the front yard. Mr. Wasserman asked what the purpose of the fence was. Mr. DeGenarro said it was for safety at the wall, he also said the fence was 4 feet high and the retaining wall is 4.5 feet high. Mr. Wasserman asked how this was in reference to the road surface; Mr. DeGenarro said it's about 3 feet lower than the road surface. Ms. Arin asked Mr. Rocks if the fence was sitting on top of the concrete wall and he answered yes. Chairman Rubin asked if Mr. DeGennaro had architectural plans that showed the elevation of the front of the building. Mr. DeGennaro said the length of the fence is minor, approximately 150 feet. Mr. DeGennaro said there was a 2-3 foot drop-off at the right of way beyond the sidewalk and that the top of the wall is below eye level. Mr. Rocks has no issues with it aesthetically. Chairman Rubin asked Mr. DeGennaro how the fence will be painted. Mr. DeGennaro said it could either be painted or stained. Chairman Rubin said his opinion would be to stain in a wood/natural tone. Mr. Wasserman asked Chairman Rubin if the Architectural Review Board would need to review the plans. Chairman Rubin said the ARB would need to review the building plans when the applicant submits.

Item 11: The lighting issue and the curbs were discussed by the Board. Landscaping and drainage weren't discussed. Chairman Rubin said he wasn't sure if landscaping was needed since it was in the back of the property. He also said whatever was proposed for drainage would have to work.

Item 18: Chairman Rubin said he didn't remember the Board receiving color photographs of any proposed planting. Mr. Emanuel said he would follow up and submit as appropriate.

Item 22: Mr. Rocks said there were 2 considerations: 1 being text and the other being size, in this location the limit would be 30 sq. feet. Mr. DeGenarro said the sign had the over-all height dimensions. He went on to say the applicant wants to avoid variances so he'll want to meet the code.

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Item 26: Mr. Rocks said comment #1 refers to unauthorized tree removal. Trees need to be replaced with a similar size and species, but the applicant doesn't have size and species information. Mr. Rocks said they either have to change what was there or do something else. Mr. Emanuel asked if this was in regard to trees that were being proposed. Mr. Wassermann said the applicant would need to disturb at least some of the conservation and Mr. Rocks said that was anticipated. Mr. DeGennaro said that looking at plans he could see the limit line is drawn through many of the plants and he thought 10-15 feet would be a reasonable distance. Chairman Rubin thought it should be at least 15 feet. Ms. Arin asked about a pipe in area, Mr. Emanuel explained the pipe is in an area where the trees are due to come down. Mr. Wasserman asked if there is a need for rehabilitation in the conservation area for the areas that are disturbed. Chairman Rubin said it would be a separate item. Mr. DeGennaro said the clearing limit line is 15-20 feet away.

Item 28: Mr. Emanuel said the feeling of the Village Board was that it was a tremendous distance between the property line and the nearest property line most of which is heavily wooded. He also mentioned plantings in the tiers. Chairman Rubin asked Mr. Emanuel using the plans he had, to scale off from the back of the wall to the closest residence, Mr. Emanuel said 202 feet to the nearest house. Chairman Rubin asked the Board if they had anything else to discuss on this issue, none did.

Chairman Rubin explained that normally the Board would have asked the applicant to submit updated information before returning to the Planning Board, but since the applicant hasn't appeared before the Board since June the Board thought it was important for them to appear and explain where they are in the process. Chairman Rubin said the Board wasn't prepared to grant Preliminary approval this evening and he would prefer to have all the issues discussed be put on plans before the Board grants Preliminary approval. Ms. Arin and Mr. Wasserman both agreed with Chairman Rubin. Chairman Rubin asked the consultants if they had any concerns, Mr. Baum mentioned the Declaration. Chairman Rubin asked Mayor Presti if he knew when the Board could expect to get the Special Permit so they can see if there is anything in there that would impact what they may or may not approve. Mayor Presti suggested having the Planning Board attorney call the Village Attorney to discuss. Mr. Wasserman said he thought it would be best to review the Special Permit with the specific information. Chairman Rubin asked the Board if they thought the applicant should put the information on the plans, make the submissions go to the CDRC then back to the Planning Board or would the Board be interested in having the plans going to them and the CDRC members to review independently and review at the next meeting. Ms. Arin wanted to have the applicant resubmit plans to CDRC then to Planning Board. Chairman Rubin asked Mr. Emanuel to submit direct to the CDRC members: Mr. Baum, Mr. Stach and Mr. Rocks with an additional 7 sets to Ms. Ballek to distribute to the Planning Board.

Chairman Rubin opened the Public Hearing to the Public.

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Norman Cohen, 11 Aberdeen Avenue Chestnut Ridge, NY 10977

Mr. Cohen spoke about the required large wall and said it was considered to be a Wetland and wanted to know if there would be a future impact, specifically with heavy rain. Mr. Rocks said it wouldn't be impacted. Chairman Rubin explained that this application has been before the Board numerous times providing information to both the CDRC and the Planning Board. Mr. Emanuel said this project began in December 2013. Chairman Rubin said all the information discussed by this applicant and all applicants coming before the Planning Board is public record and can be reviewed at the Village Office.

Jonathan Corbin, 6 Aberdeen Avenue, Chestnut Ridge, NY 10977

Mr. Corbin mentioned the Wetland, saying the water flows West-Southwest directly into the pool of the Fellowship. He asked if the ravine would be filled in. Chairman Rubin said this area wasn't being touched. Mr. Corbin said it was the same level as the Shopping Center at the Barn. Mr. Baum said there is a restriction on developments regarding disturbance, saying Wetlands can't be disturbed. Mr. Corbin asked why the flat land wasn't closed. Mr. Emanuel said the top of Route 45 was relatively flat.

Chairman Rubin left the Public Hearing open.

Chairman Rubin moved to adjourn Artis Senior Living to the October 6, 2016 Planning Board Meeting. The applicants and their consultants will provide the missing information as discussed and will put onto plans. They will submit no later than September 12, 2016 direct to the CDRC members and 7 copies direct to Ms. Ballek for distribution to the Board. Mr. Luciano seconded the motion. All those in favor, upon vote, carried unanimously.

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, at the intersection of Kennedy Parkway and approximately 250 feet South of Kennedy Parkway known as 256 and 246 Ackertown Road. **62.15-1-42 and 62.15-1-45, RR-50 Zone.**

Kenneth DeGennaro, Brooker Engineering, 74 Lafayette Avenue, Suite 501, Suffern, NY 10901
Ira Emanuel, Attorney for Applicant, 4 L Laurel Road, New City, NY 10956

Chairman Rubin asked Ms. Ballek any new documents were received since the applicant last appeared, she said no. Mr. Emanuel agreed.

Mr. Emanuel said he and Mr. DeGennaro were here this evening to give the Board an update on where they are with project. He went on to say they were actively working on drainage concerns, Mr. Strow is working with Rockland County Drainage and Highway Departments. He said the drainage appears feasible with some additional costs. Mr. Emanuel said the shape or length of the easement has not been designed yet. Chairman Rubin said an adjournment was requested for October, he asked Mr. Emanuel what the Board would see between now and then. Mr. Emanuel said his hope would be there would be more details on what the easement would look like. He said if the Board did adjourn applicant to the October meeting and for some reason they couldn't meet the September 12, 2016 deadline they would ask for an adjournment. Mr. Rocks said he could accommodate the September 12, 2016 deadline. Chairman Rubin asked if there would be drawings submitted with an explanation, Mr. Emanuel said yes. Chairman Rubin asked Mr. Emanuel to submit applications direct to the CDRC members, with 7 additional copies to Ms. Ballek for distribution to the Board.

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

Chairman Rubin moved to adjourn the application of Bello Vista Subdivision to the October 6, 2016 Planning Board meeting. The applicant is going to submit additional information direct to CDRC members and 7 additional copies to Ms. Ballek for distribution to the Board. Mr. Wasserman seconded the motion. All those in favor, upon vote, carried unanimously.

Minutes:

Chairman Rubin made a motion to approve Planning Board minutes from December 3, 2015 subject to corrections as discussed. Mr. Wasserman seconded the motion. All those in favor, upon vote, carried unanimously.

Chairman Rubin made a motion to approve Planning Board minutes from January 7, 2016 subject to corrections as discussed. Mr. Luciano seconded the motion. All those in favor, upon vote, carried unanimously.

Chairman Rubin made a motion to approve Planning Board minutes from February 4, 2016 subject to corrections as discussed. Mr. Luciano seconded the motion. All those in favor, upon vote, carried unanimously.

Chairman Rubin made a motion to approve Planning Board minutes from March 3, 2016 subject to corrections as discussed. Mr. Luciano seconded the motion. All those in favor, upon vote, carried unanimously.