

**VILLAGE OF MONTEBELLO
PLANNING BOARD MEETING
JANUARY 8, 2008**

The Village of Montebello Planning Board meeting was called to order by the Chairman, Al Rubin at 7:20 p.m. on Tuesday, January 8, 2008. The meeting was held at Village Hall, One Montebello Road in the Village of Montebello, New York 10901.

PRESENT

Al Rubin, Chairman
Jane Burke
Michael Iatropoulos
George Tonelli
Tom Campbell, sitting by designation

OTHERS

Martin K. Spence, Village Engineer
Robert Geneslaw, Village Planner
Ira Emanuel, Asst. Village Attorney (arrived at 7:40)
Carol Adduce, Clerk

ABSENT

Barry Krane

Motion to approve the December 11, 2007 minutes as amended.

MOTION: Tom Campbell

SECOND: Michael Iatropoulos

VOTE: Unanimously accepted.

Weinberger Subdivision - Public Hearing Continued
Final Subdivision

Application of George Weinberger, 1757 East 23rd Street, Brooklyn, NY 11229 for an approval of a Wetlands & Stream Permit and Final Plat for a subdivision entitled "Weinberger Subdivision" consisting of 84.25 acres of which approximately 17.62 are wetlands. The subject property is located on the south side of Grandview Avenue approximately 900 feet east of Spook Rock Road and west of Martha Road and is known and designated on the Ramapo Tax Map as Section 41.13 Block 2, Lots 5 and 6 and Section 41.17, Block 1, Lots 5 and 6 in a RR-50 Zone

In a letter dated December 18, 2007 written by Dennis Rocks, from Leonard Jackson and Associates, the applicant has requested an adjournment of their public hearing to the February 12, 2008 meeting.

Motion to adjourn the public hearing for the Weinberger Final Subdivision to the meeting of February 12, 2008.

MOTION: Michael Iatropoulos

SECOND: George Tonelli

VOTE: Unanimously accepted.

Minetto - Public Hearing Continued
Wetlands & Stream Permit

Application of Scott Minetto, 220 Spook Rock Road, Suffern, New York 10901 for approval of a Wetlands & Stream Permit entitled "Plot Plan for Minetto" consisting of 1 lot from 1.54 +/- acres located on the east side of Spook Rock Road approximately 2000 feet from the intersection of Carlton Road in the Village of Montebello, which is known and designated on the Ramapo tax Map as Section 49.13, Block 1, Lot 14 in a RR-50 Zone.

Present: Marsel Amona, Applicant
Stuart Strow, PE
Michael Klein, Esq.

Mr. Strow stated that previously the house and footprint of the house were within the 100 ft. regulated area, now the house and footprint have been reconfigured, which basically extends the house back towards the easterly portion of the available building envelope. The encroachment into the 100 ft. regulated buffered area has been reduced as much as possible. He said now just a corner of the garage, a little more than 10 ft. is in the area. Mr. Strow said that the corner of the garage is now 89 ft. away from the wetland which is almost 90% of the way it is required. Mr. Strow stated that there is still an encroachment of a portion of the driveway into the buffer area because the applicant prefers this location versus the existing driveway. He said that the attached garage along the northerly property line, that is entirely within the 100 ft. setback area, will be removed.

Mr. Spence stated that his previous memo dated December 7, 2007 still pertains.

The applicant will do test pits at the time of construction.

Member Burke stated that the revised plan is much better now. She said before the preexisting garage was within the 100 ft. buffer and now only a small portion of the garage is in it.

The applicant was advised to indicate on the map, that an Army Corps of Engineers permit is not required.

Chairman Rubin stated that the obvious intention is to provide a safe entrance and exit from this property.

Discussion regarding the 100 ft. buffer being just outside the building envelope and what type of mechanism could be put in place so that future owners of the property will know that they cannot build anything in the wetlands.

The wetlands permit will be discussed at the next Planning Board meeting.

The public hearing was opened.

No one from the public spoke.

Motion to continue the public hearing at the February 12, 2008 meeting.

MOTION: Michael Iatropoulos

SECOND: George Tonelli

VOTE: Unanimously accepted.

Mr. Strow was asked to find out where the nearest water hydrant is located.

Empire Executive IX - Public Hearing Continued
Revised Site Plan
ARB

Application of Executive Associates North IX LLC, 4 Executive Boulevard, Suite 200, Suffern, New York 10901 for approval of a revised site plan and ARB review entitled Empire Executive IX Village of Montebello consisting of 5.59 acres +/- located on the south side of Executive Boulevard approximately 1,500 feet west of North Airmont Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.07 Block 1, Lot 9 in a LO Zone.

Present: Josh Goldstein, Applicant
Michael Klein, Esq.
William Johnson, Sparaco Engineering
Terri Ann Hahn, LADA, PC
John Jovan

Discussion regarding the EAF Part III.

Mr. Geneslaw stated that he had reviewed the EAF Part III and said that it was acceptable, but the visual impact has not been resolved.

Chairman Rubin stated that it appears that there are not enough plantings on the south side of the NYS Thruway.

Ms. Hahn said that she would add a detail sheet that shows the plantings.

Discussion regarding the screening of the mechanicals on the roof.

Ms. Hahn stated that the color of the enclosure for the mechanicals can be changed to match the roof to help it blend in.

Discussion regarding modifications to the EAF Part III.

Member Burke requested a clarification of a letter dated May 9, 2005 from the NYS DEC and also a letter dated June 22, 2007 from the Rockland County Drainage Agency.

The applicant was requested to submit a listing of easements that are to remain and the ones to be abandoned.

Richard S. Cutney, Jr. - Public Hearing
Wetlands Permit

Application of Richard S. Cutney, Jr., 6 Lake Road, Suffern, NY 10901 for approval of a Wetlands Permit entitled Richard S. Cutney, Jr. consisting of 0.4919 +/- acres located on the east side of Lake Road approximately 500 feet north of Montebello Road in the Village of Montebello, which is known and designated on the

Ramapo Tax Map as Section 48.13, Block 2, Lot 9 in a RR-50 Zone.

Present: Richard Cutney, Jr., Applicant
Thomas Skrable, PE

Mr. Skrable stated that since the last meeting they have revised the plan in accordance with Martin Spence's comments and have expanded the narrative significantly to address the ordinance requirements for work within the wetlands buffer and the flood plain. He said they have no objections to Mr. Geneslaw's memo dated January 8, 2008 and Mr. Spence's memo dated January 3, 2008. Mr. Skrable stated that he would like to address S-1 in Mr. Spence's memo. He said this was discussed at the CDRC meeting but is not on record with the Planning Board; it is the question of whether putting rip rap on the stream bank will affect the neighbors up and down the stream. Mr. Skrable stated that the most important thing is to create a smooth transition so that water does not start swirling out in those locations and then erode the neighbors properties. He said they commit to do that and will also take care of a maintenance issue that is necessary at those locations.

Mr. Geneslaw stated that he prepared a memo dated January 8, 2008 (appended) and used the nine headings on which the Board has to make its findings for granting a Wetland and Stream Protection Permit and if the Board agrees with the memo, it can be used as the Board's findings.

Mr. Skrable stated that he will formally respond to the Rockland County Drainage Agency's letter dated December 28, 2007 as soon as he receives a letter from the flood plain administrator.

Public hearing was opened.

No one from the public spoke.

Motion to close the public hearing.

MOTION: Michael Iatropoulos

SECOND: George Tonelli

VOTE: Unanimously accepted.

Mr. Geneslaw reviewed his memo dated January 8, 2008.

A motion was made that this is an unlisted action under SEQR; that the environmental impacts are described in item number 1 of Robert Geneslaw's memo dated January 8, 2008 (appended); the NYS DEC has determined that this is an unlisted action and has no adverse impact on the environment; the Planning Board has evaluated the environmental impact of the proposed action and the rip rap as proposed will stabilize the property and will have no adverse impacts up or downstream from the property; and the applicant will use appropriate measures in placing the rip rap, fill and retaining wall so as to complete the designs approved by the Village Engineer.

MOTION: Al Rubin

SECOND: Michael Iatropoulos

VOTE: Unanimously accepted.

Motion to accept the proposed resolution granting a Wetlands and Stream Disturbance Permit to a plan entitled

“6 Lake Road” prepared by Thomas W. Skrable, PE dated July 12, 2006, last revised December 18, 2007, consisting of 1 sheet, and as described in the applicant’s narrative, last revised December 18, 2007. The premises is known on the Town of Ramapo Tax Map as Section 48.13, Block 2, Lot 9. The approval is subject to two conditions as stated in the attached resolution.

MOTION: Al Rubin

SECOND: Michael Iatropoulos

VOTE: Unanimously accepted.

Resolution annexed hereto and made a part hereof.

RESOLUTION NO. PB- 01 of 08

Granting Approval of a Wetlands and Stream Disturbance Permit Application for
“6 Lake Road”

WHEREAS, an application has been made by Richard Cutney for approval of a Wetlands and Stream Disturbance Permit pursuant to Chapter 191 of the Montebello Code for 6 Lake Road, affecting premises designated on the tax map of the Town of Ramapo as Section 48.13, Block 2, Lot 9; and

WHEREAS, said application seeks to construct certain drainage structures within a wetland and certain stream stabilization structures and grading within the 100 foot regulated area adjacent to a wetland; and

WHEREAS, the applicant has submitted plans and studies detailing the impacts proposed on the wetlands and the regulated area, and also proposed mitigation measures; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, this Board, granted a negative declaration on January 8, 2008; and

WHEREAS, said application has been reviewed by the Village Engineer and the Village’s Planning Consultant, who have issued reports to this Board with respect thereto; and

WHEREAS, pursuant to the requirements of section 191-6.B of the Montebello Code, a public hearing on this application was held, pursuant to due notice, on December 11, 2007, and January 8, 2008.

NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing, this Board hereby adopts as its own the findings set forth in the report of the Village’s Planning Consultant dated January 8, 2008; and be it further

RESOLVED, that this Board hereby grants to the applicant a Wetlands and Stream Disturbance Permit for premises designated on the Town of Ramapo Tax Map as Section Section 48.13, Block 2, Lot 9, to allow the disturbance shown on a drawing entitled “6 Lake Road” prepared by Thomas W. Skrable, P.E., dated July 12, 2006, last revised December 18, 2007, consisting of 1 sheet, and as described in the applicant’s narrative, last revised December 18, 2007, subject to the following conditions:

1. Applicant, and its successors, shall be responsible to maintain the rip-rap after installation, and shall

provide a covenant in recordable form to that effect, subject to the approval of the Village Attorney.

2. Plan note 3 shall show the zoning district as RR-50.

3. Plan note 7 shall be corrected to refer to deed restrictions required by NYSDEC.

4. All other requirements of the Village of Montebello, including, but not limited to, the payment of any and all required fees, obtaining building, floodway development, and/or soil disturbance permits, and compliance with all appropriate orders of the Village Engineer and other agencies and officers having jurisdiction over the proposed work.

New Business:

The Village Board has requested a comment from the Planning Board regarding the proposed adoption of a Local Law to amend the Village Code Subsection E of § 122-2 to clarify money in lieu of land payments.

After review of the local law the Planning Board made a motion to recommend that the Village Board adopt the amendment as proposed.

MOTION: Al Rubin

SECOND: Michael Iatropoulos

VOTE: Unanimously accepted.

Discussion regarding two referrals from the Town of Ramapo entitled “Highview Hills, LLC” and “Zzest”.

Motion to adjourn the meeting at 10:12 p.m.

MOTION: Michael Iatropoulos

SECOND: George Tonelli

VOTE: Unanimously accepted.