The Planning Board of the Village of Montebello held a meeting on Tuesday, August 10, 2010 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Rubin called the meeting to order at 7:22 p.m. and led everyone in the Pledge of Allegiance.

PRESENT

Al Rubin, Chairman
Jane Burke, Member
Michael Iatropoulos, Member
Thomas Ternquist, Member
Melanie Golden, Member

OTHERS

Robert Geneslaw, Village Planner
Martin Spence, Village Engineer
Gloria Scalisi, Planning & Zoning Clerk

ABSENT

Ira Emanuel, Assistant Village Attorney
Anthony Caridi, Member

6 River Road – Public Hearing
Wetlands Permit/Site Plan Approval

> Application of Carole A. Van Hook, 5 East Gate Road, Montebello, New York 10901, for Approval of a Wetlands Permit entitled "6 River Road" to allow disturbance and construction within 100 feet of a freshwater wetland. The proposed disturbance is on approximately 2000 square feet with 167 cubic yards of fill. A NYSDEC permit has been obtained. The subject property is located on the westerly side of River Road approximately 300 feet south of Victory Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.14, Block 1, Lot 19 in an R-35 Zone.

Mrs. Carole Van Hook was in attendance along with the Applicant's Attorney, Mr. James Licata and the Applicant's Engineer, Mr. Stuart Strow, from Centerpoint Engineering.

Mr. Licata pointed out that as one can see from the plan's bulk table the lot is a fully complying lot. The lot does not require any variances and there are only two reasons this application is before the Planning Board; one is Site Plan Approval and fill in the floodplain which requires Planning Board Approval because the lot is in a Conservation Zone. Mr. Licata stated that at the last Planning Board meeting one of the main issues was the amount of cubic yards of fill in the back yard. Mr. Licata mentioned that the Chairperson stated that the number for the fill should be 100 cubic yards. Mr. Licata stated that with discussions with the Village Engineer, Martin Spence as well as the applicant's engineer, Stuart Strow the applicant has now reduced the amount of fill to 60 cubic yards. Mr. Licata announced that the amount of fill was reduced by almost half the original amount of 167 cubic yards. Mr. Licata stated that the other issue with this application was the amount of trees that needed to be removed. Mr. Licata stated that an additional 12 trees will be saved by the retaining wall.

Mr. Licata discussed the Village Engineer's, Martin Spence, report dated August 9, 2010 (copy attached). Mr. Licata believes that the first three pages are mostly standards for this type of application. Mr. Licata reads the last sentence on page 3; "It is my opinion that the applicant has demonstrated practical reductions in fill placement for the construction of a proposed dwelling on the project site." Mr. Licata stated that the applicant has "no objections" to items S-1, S-2 and S-3 on page 4 of Mr. Spence's memo.

Mr. Licata stated that regarding S-4 the applicant wants deer resistant trees that 2-1/2- 3" in caliper. Mr. Licata stated that trees 4" in caliper have a bigger root ball that would require machines to dig a hole and the machines would create major disturbances in the area.

The Village Planner, Robert Geneslaw briefly discussed and read the minutes of the July 27, 2010 CDRC meeting (copy attached).

Mr. Spence briefly discussed his report dated August 9, 2010. Mr. Spence explains the difference in what the Applicant is proposing for S-4- of his memo. The Applicant would like to purchase a smaller 2-1/2—3" caliper of trees rather than the 4" caliper that the Village Engineer recommended. Mr. Strow, the Applicant's engineer, explains that the reasons they would prefer the smaller caliper is cost and the level of disturbance would be smaller.

Chairman Rubin made a motion to open the Public Hearing.

Carolyn Breuer, 9 Moriah Lane, Montebello, New York stated that she has trouble visualizing a house of the size the Applicant is proposing being placed far enough back from the street to be visually appealing and integrated in the neighborhood and also far enough away from the flooded area without disturbing the habitat.

Chairman Rubin asked Ms. Breuer to take a look at the submitted plat in order to understand where and how the proposed dwelling will fit in. Chairman Rubin stated the Applicant and some of the neighbors have attended multiple meetings. The Applicant has received a permit from the New York DEC.

Sean DeGaetini, 8 River Road, Montebello, New York questioned the Applicant on the placement of the dwelling in terms of the R-35 zoning and the required setbacks.

Chairman Rubin stated the bulk table on the site plan refers to the setback in an R-35 zone.

Mr. DeGaetini wanted to know how the Village of Montebello can allow such a big house on a small lot.

Chairman Rubin replied that it is a good question for the future but the Village cannot re-write the laws with the current application.

Deborah Munitz, 5 Rose Hill Road, Montebello, New York questioned the elevations of the proposed dwelling as well as the changes in the character of the neighborhood.

Member Iatropoulos questioned the Village Engineer on the footprint/sizes of the surrounding dwellings. Mr. Spence replied that visually the house to the north is approximately the same as the proposed dwelling.

Mr. DeGaetini replied that his house at 8 River Road is one of the bigger homes at 3000 square feet and it is a two story home. The downstairs is about 1900 square feet and the upstairs is about 1100 square feet.

Mr. Licata stated that 4 River Road is 2820 square feet and 8 River Road is 2040 square feet.

Chairman Rubin commented that the proposed dwelling has no basement and very little storage space.

Member Burke questioned Map Note 11. Member Burke stated her dissatisfaction with this application. Member Burke has been a resident of the Village of Montebello for over 40 years and has personally witnessed the flooding on River Road. Member Burke complemented Mr. Strow on his knowledge and professionalism. Member Burke stated her reservation on the amount of fill being brought in to build the proposed dwelling.

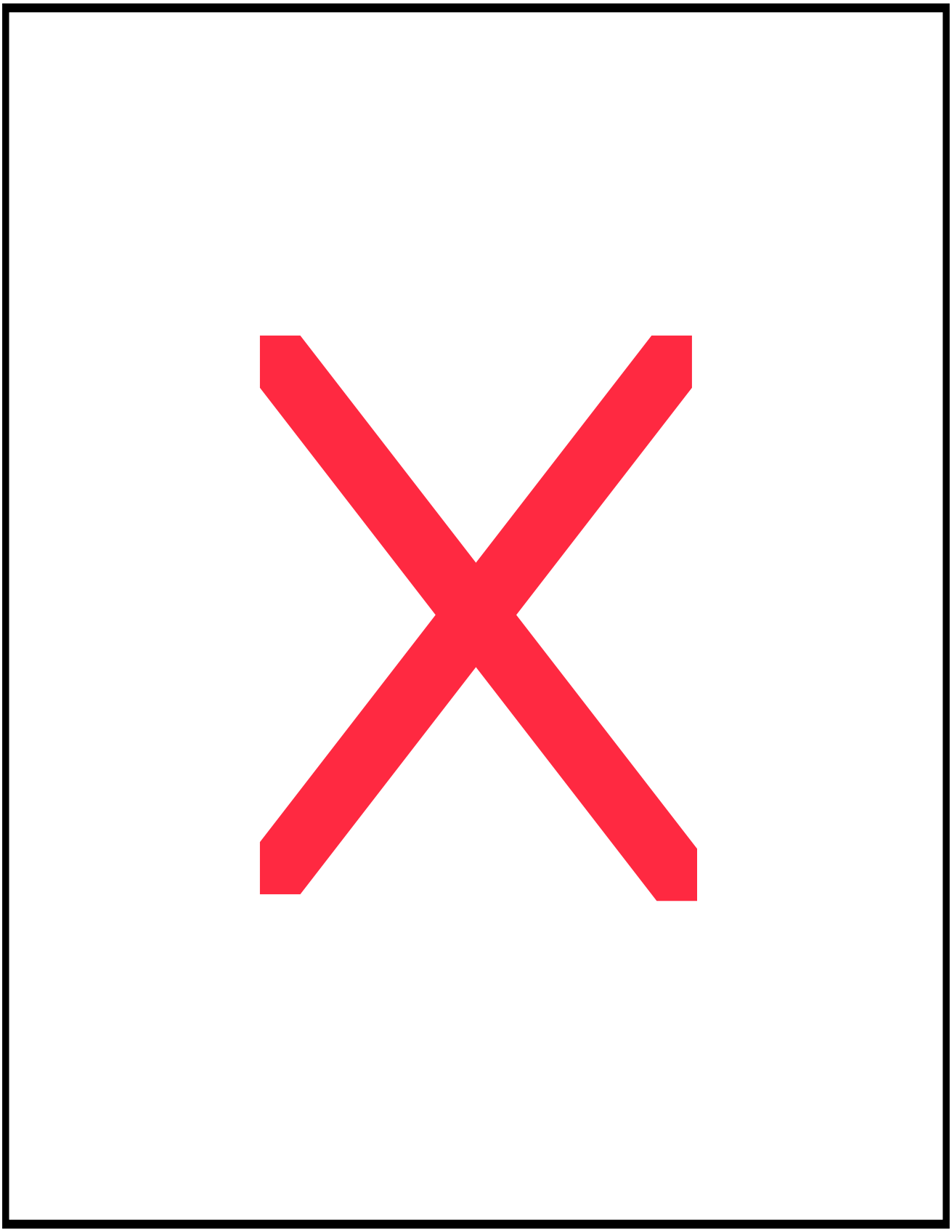
Member Golden questioned the Village Engineer on the minimal affect to the Floodplain with the reduction of the amount of fill in the Floodplain in this application. Mr. Spence clarified that the current amount of fill will have a minimal affect to the Floodplain; no significant impact to the flood waters rising.

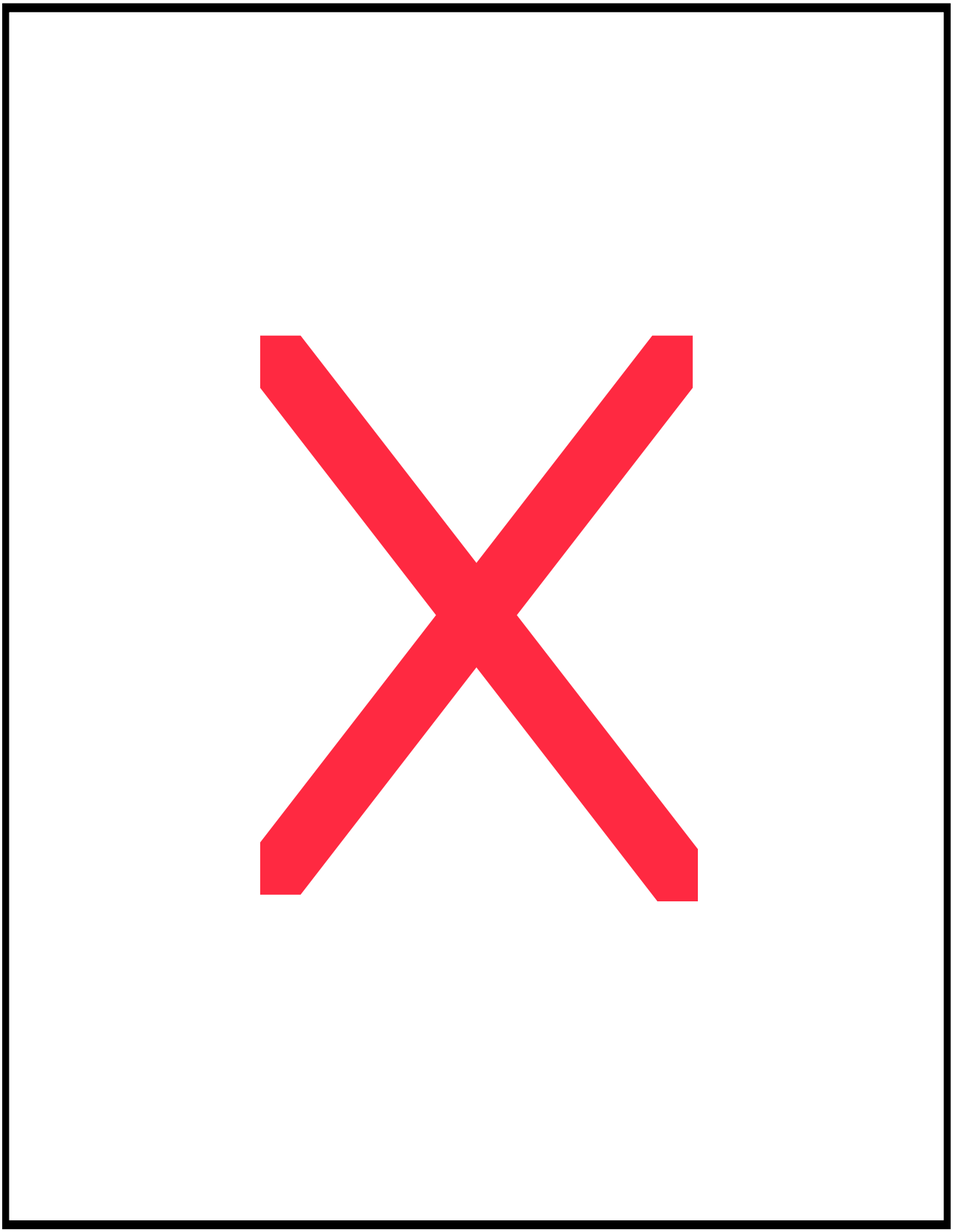
Mr. Licata explained that Mrs. Van Hook lives in Montebello and the Applicant has made a lot of changes to the original application to accommodate the Planning Board and the neighbors. Mr. Licata stated that the proposed dwelling will not be "a house on a mound".

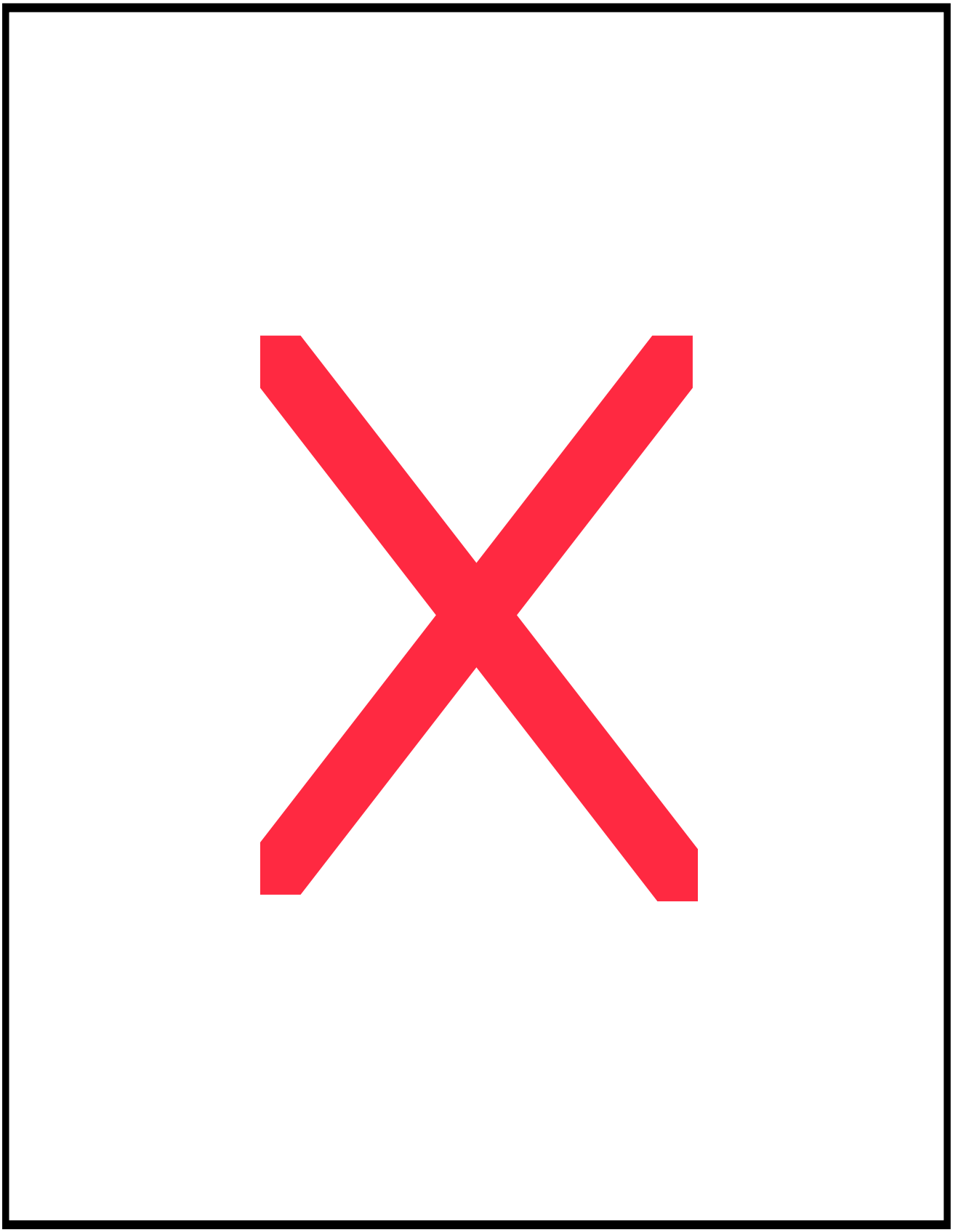
Mr. Strow stated that the rear portion of the house will be higher that the 2 lots adjacent to it. Mr. Strow reiterated that the proposed dwelling will not have a basement. The elevation in the front will be the same as the neighbors.

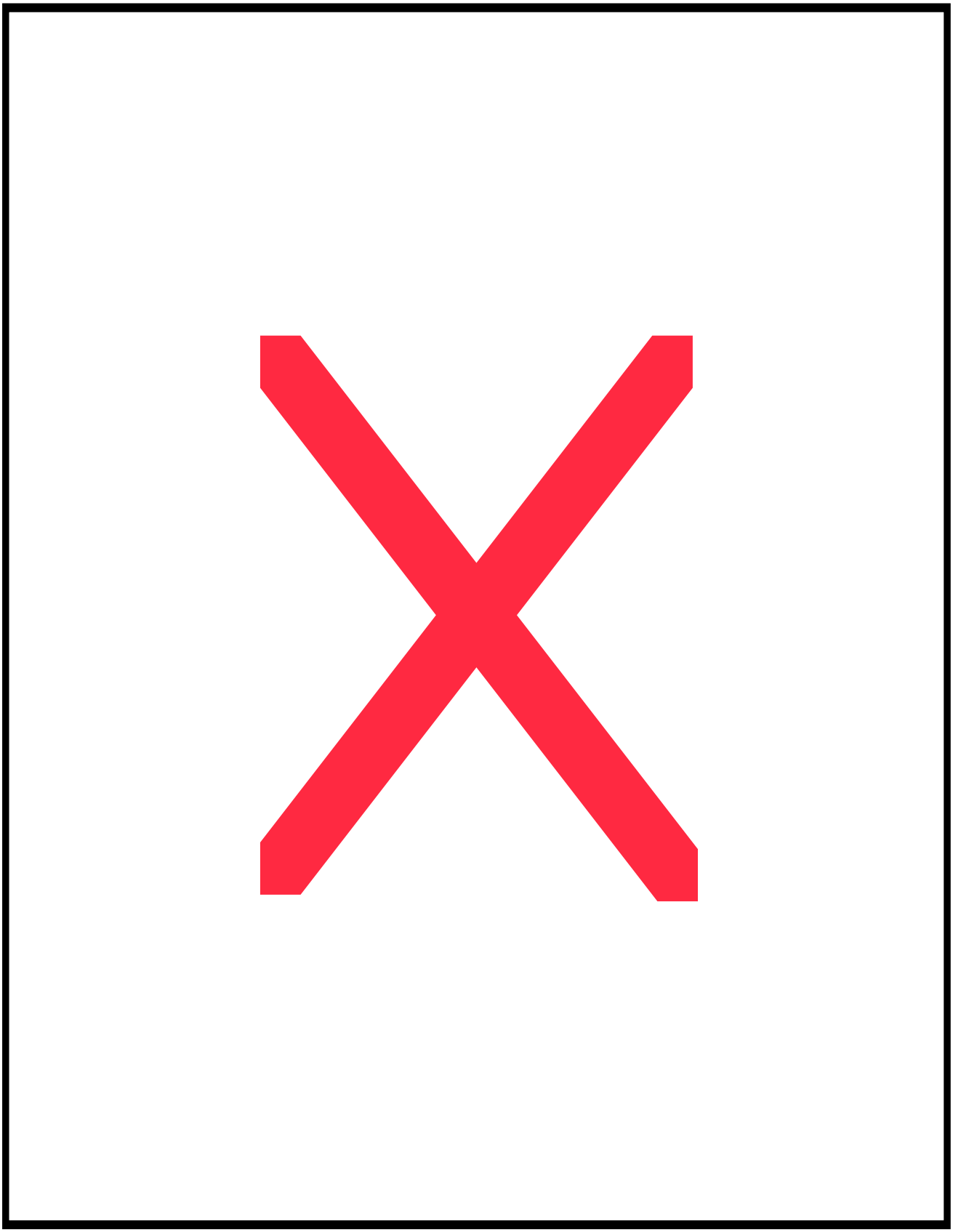
Member Iatropoulos stated his concern on the Negative Declaration. Member Iatropoulos wants the 4F of the Negative Declaration to state that the proposed dwelling is not compatible with the surrounding properties.

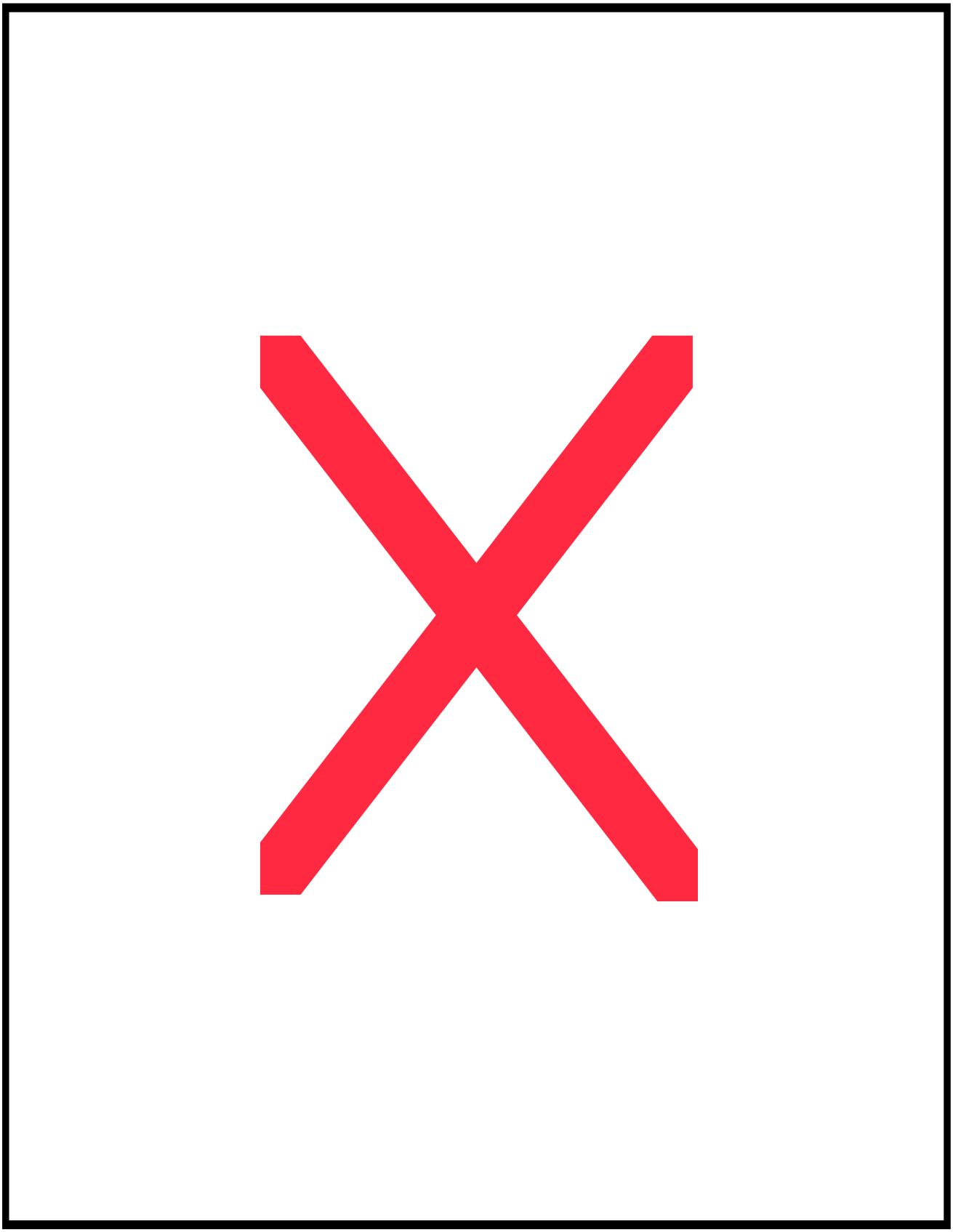
Mr. Geneslaw summarized Part II and Part III of the Negative Declaration.

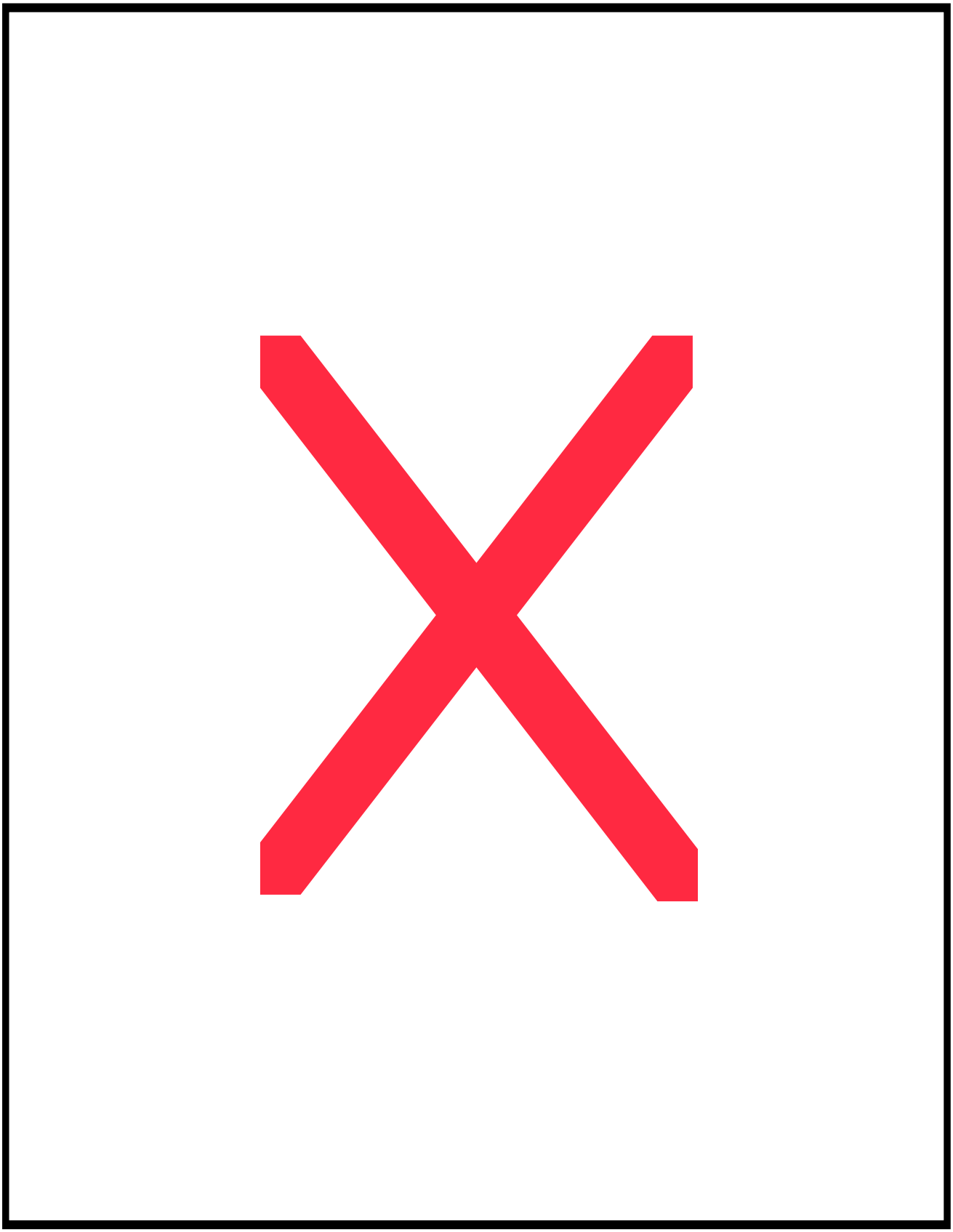


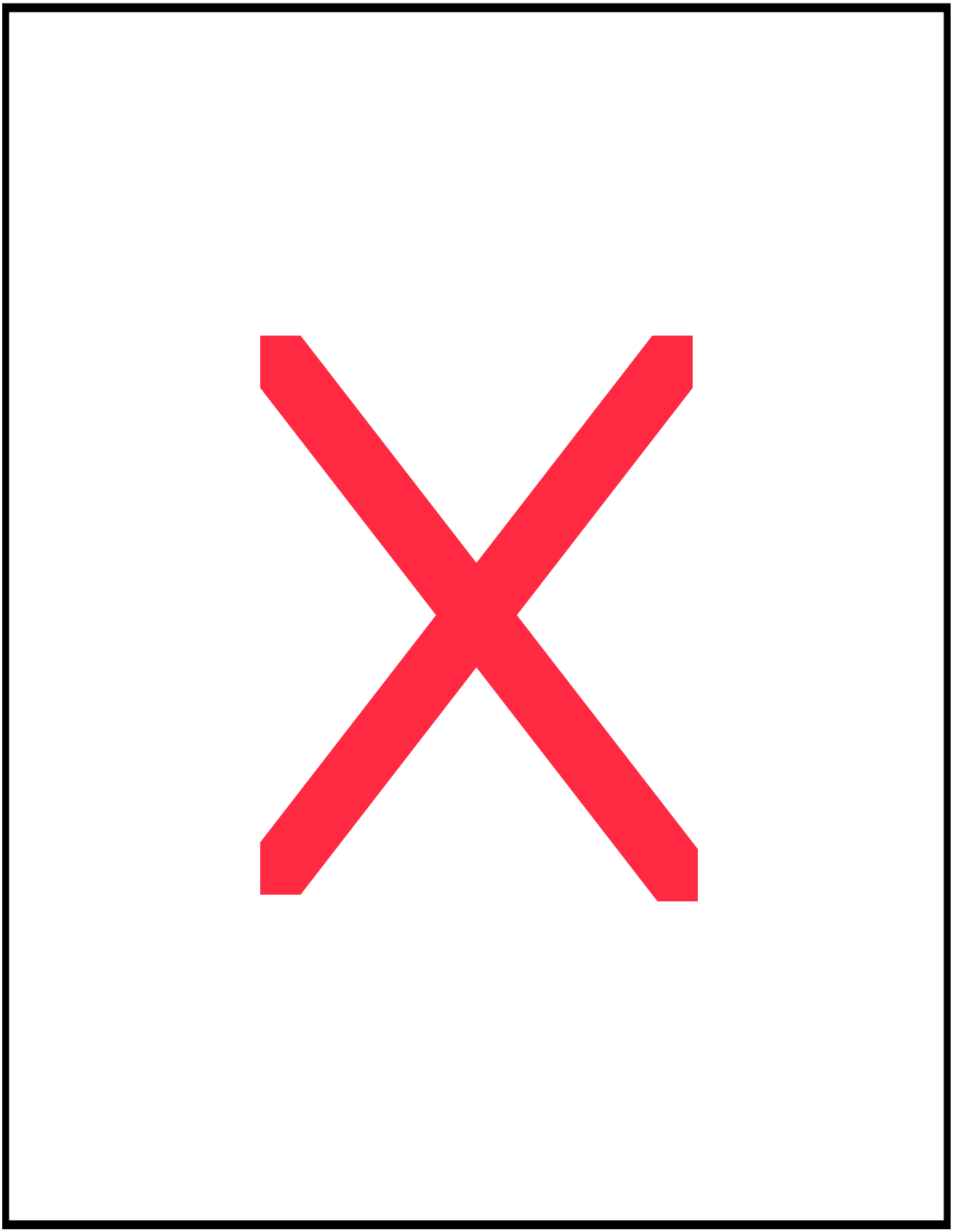


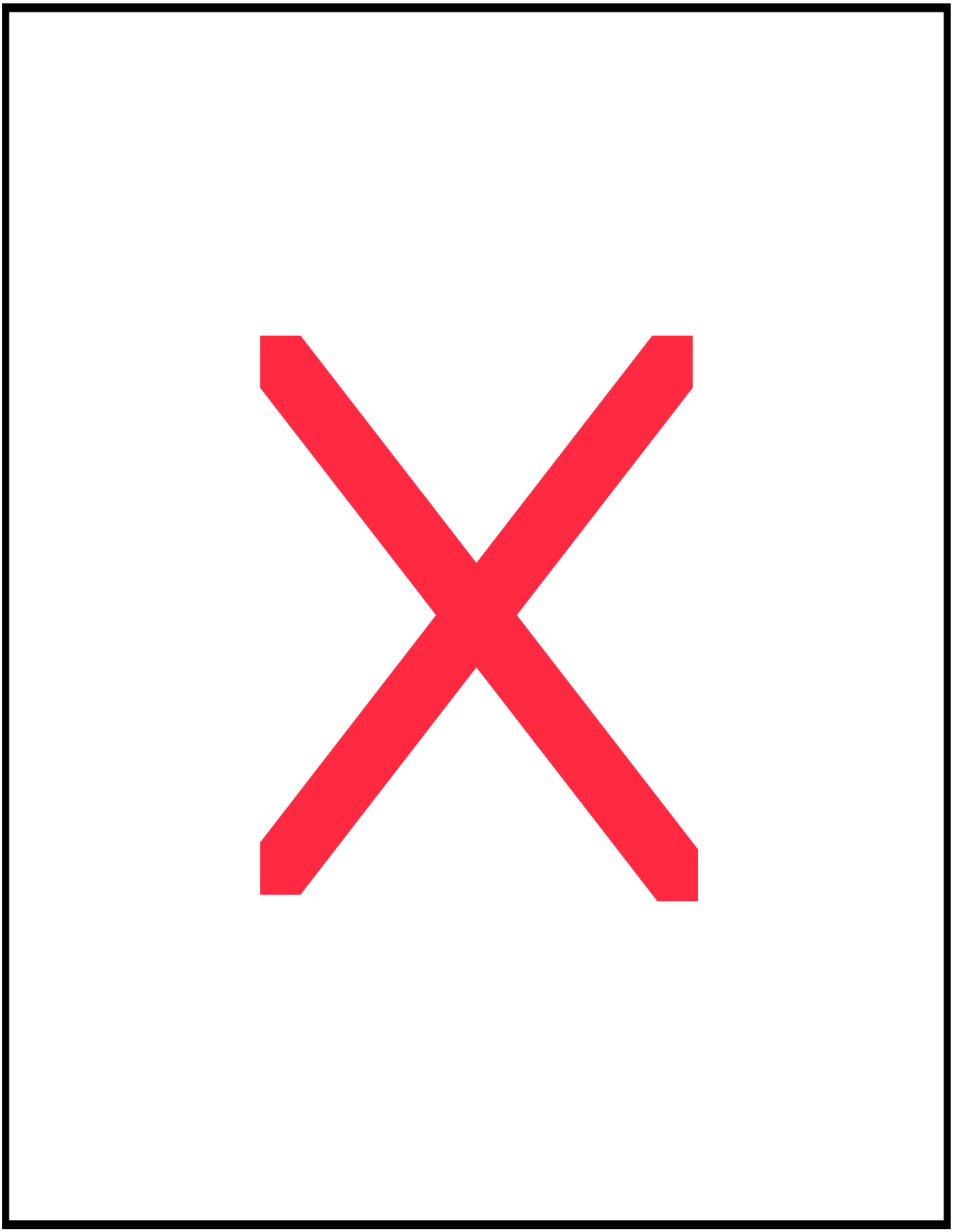


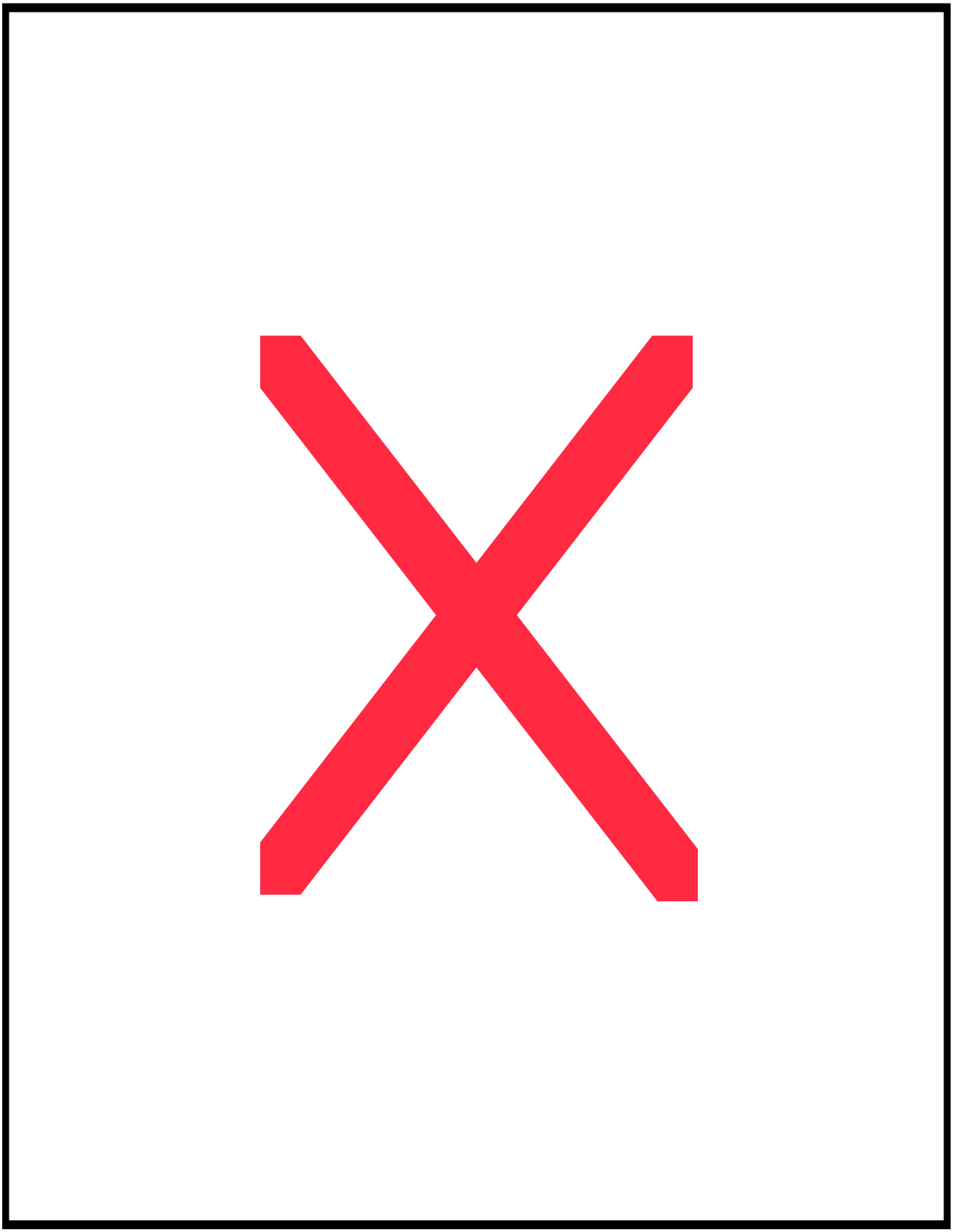


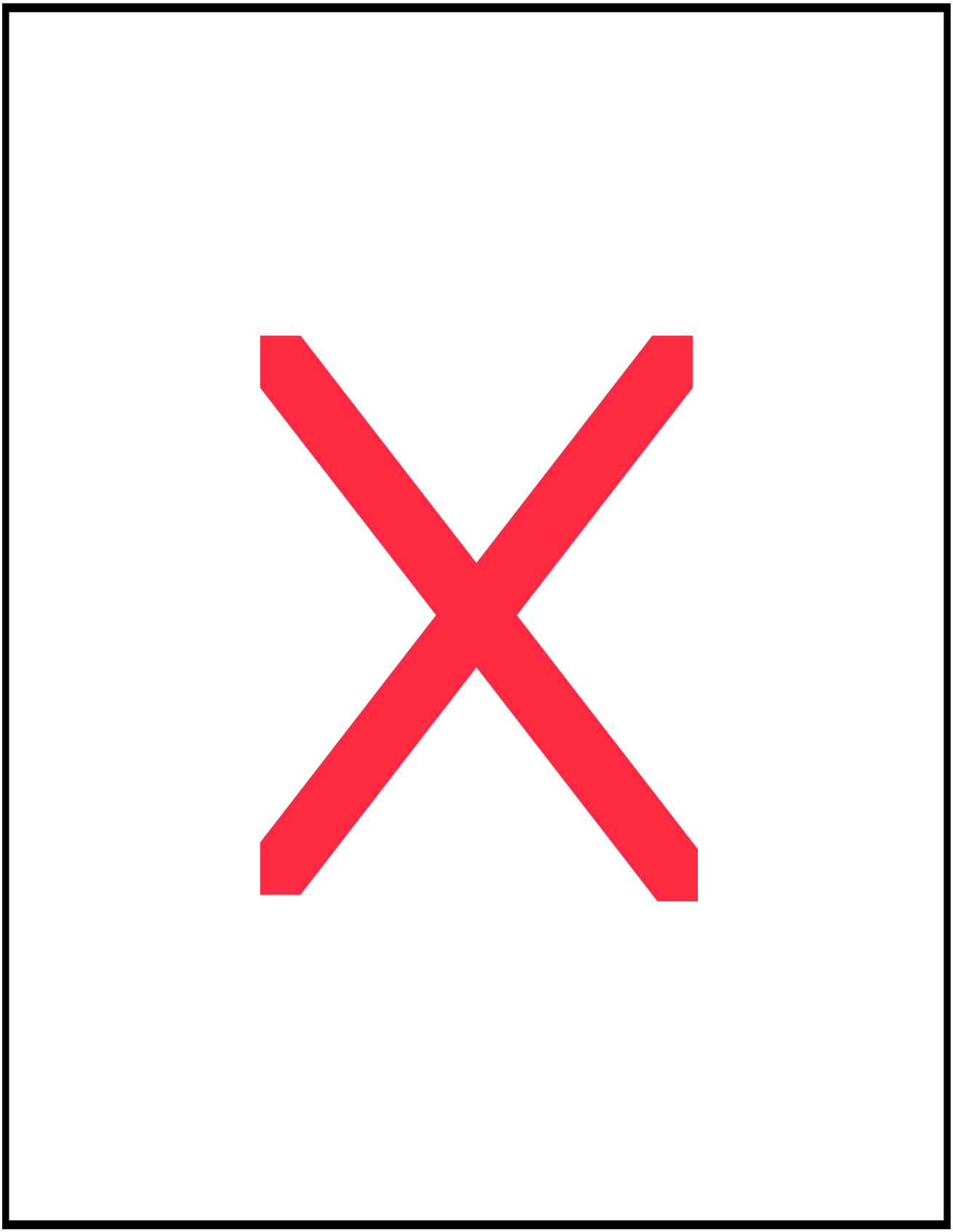


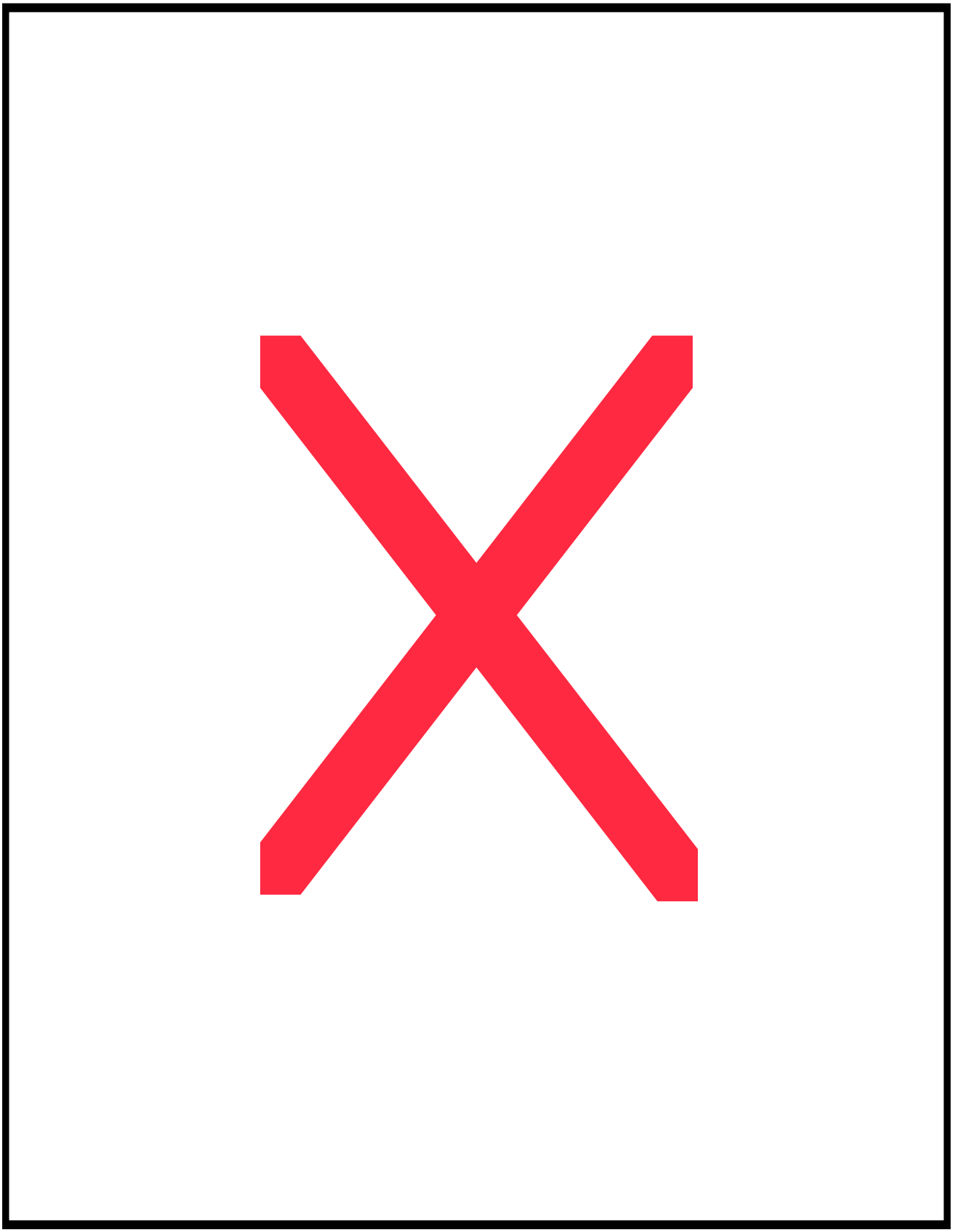


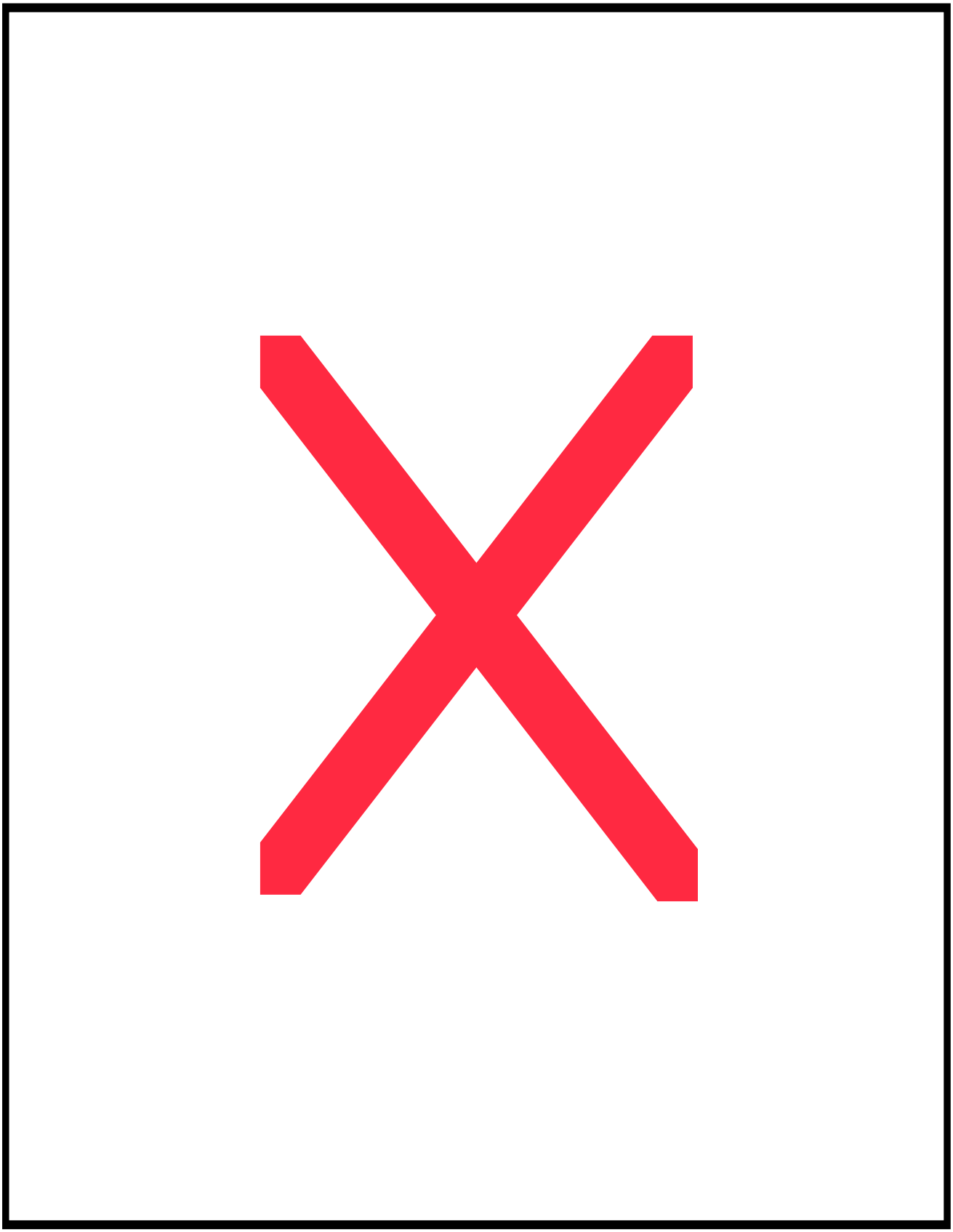


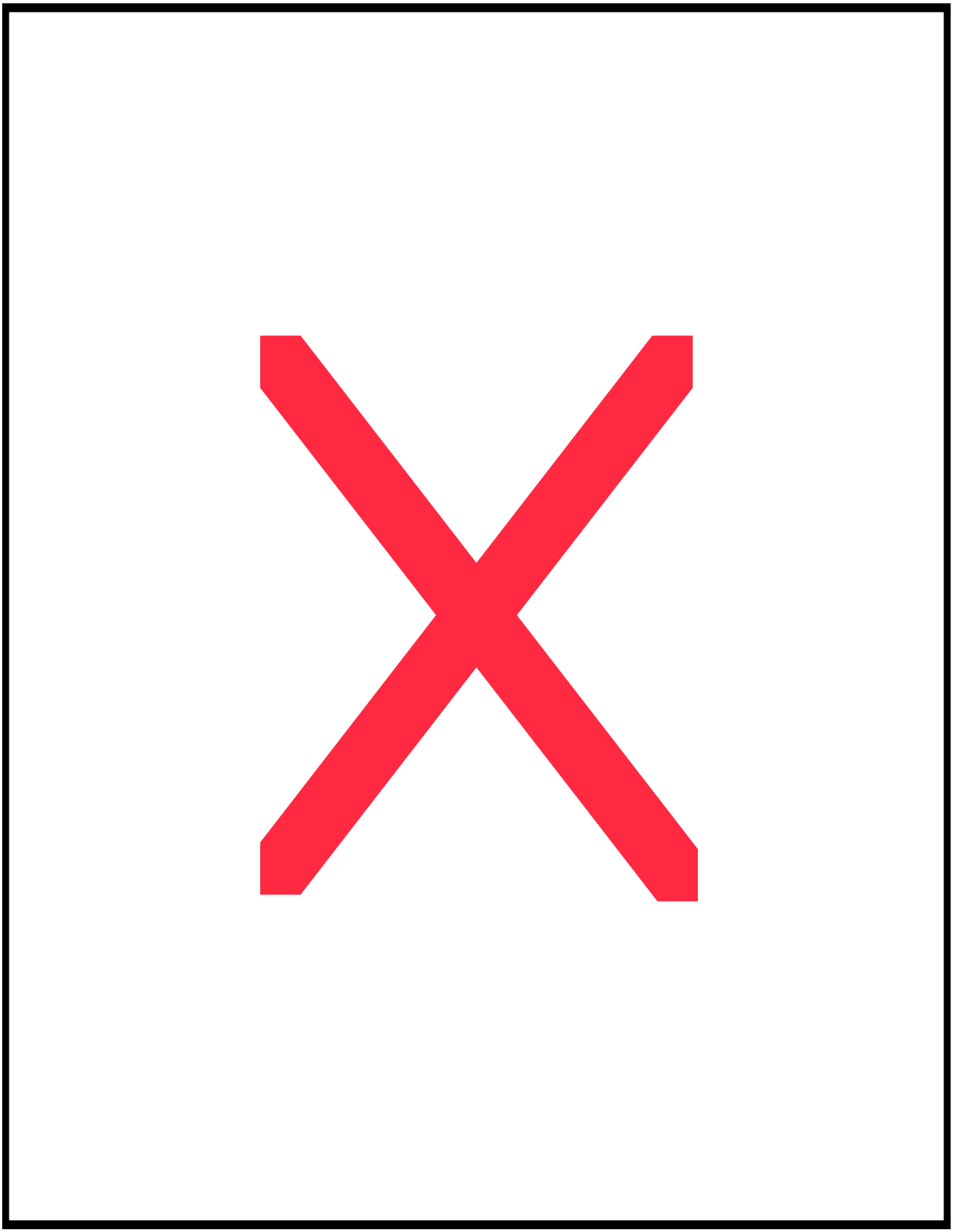


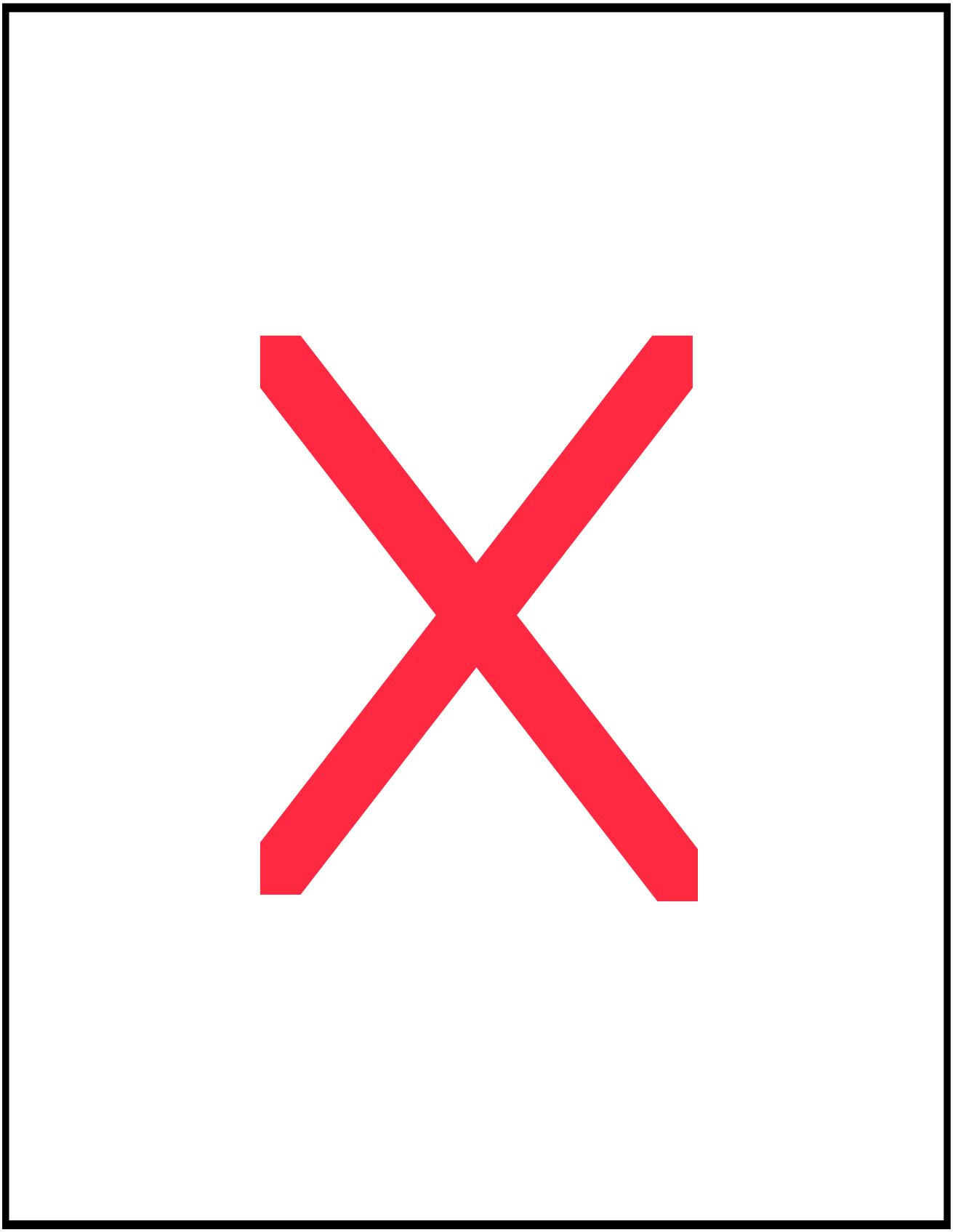












No else wishing to comment. Chairman Rubin made a motion to close the Public Hearing, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

Member Iatropoulos made a motion to approve the Environmental Assessment Form Part II and Part III for a Wetland Permit and Site Plan Approval in a Conservation Overlay District for the "6 River Road application, seconded by Member Ternquist. Upon vote, the motion passed with Member Burke voting against the motion.

Member Iatropoulos made a motion to approve the Negative Declaration for a Wetland Permit and Site Plan Approval in a Conservation Overlay District for the "6 River Road application, seconded by Member Ternquist. Upon vote, the motion passed with Member Burke voting against the motion.

Mr. Robert Geneslaw, Village Planner, read the Resolution into the record:

RESOLUTION NO. PB- 02 of 2010

Granting Approval of a Wetlands and Stream Disturbance Permit Application and Approving a Site Plan for "6 River Road"

WHEREAS, an application has been made by Carole A. Van Hook for approval of a Wetlands and Stream Disturbance Permit pursuant to Chapter 191 of the Montebello Code for the property at 6 River Road, affecting premises designated on the tax map of the Town of Ramapo as Section 48.14, Block 1, Lot 19; and

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

WHEREAS, the affected wetland is also regulated by the New York State Department of Environmental Conservation, which has issued a freshwater wetlands disturbance permit for the subject action effective 10/26/2009, and expiring 12/31/2013; and

WHEREAS, the premises are located within a Conservation Overlay District, requiring approval of the site plan for the premises by this Board; 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, as Lead Agency, granted a negative declaration on August 10, 2010; 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, the Rockland County Planning Department, in memoranda dated May 3, June 22, and July 19, 2010, recommended certain modifications to the proposed project and permit; 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 May 11, June 8, July 13, and August 10, 2010.

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 Engineer dated August 9, 2010; and be it further

RESOLVED, that this Board hereby grants to the applicant a Wetlands and Stream Disturbance Permit and approves a site plan for premises designated on the Town of Ramapo Tax Map as Section 48.14, Block 1, Lot 19, to allow the disturbance shown on a drawing entitled "6 River Road" prepared by Stuart Strow, P.E., dated March 23, 2010, last revised July 28, 2010, consisting of 1 sheet(s), subject to the following conditions:

1. All requirements of the freshwater wetlands permit issued by the NYSDEC as described above to the extent that such requirements do not conflict with the approved site plan or this resolution of approval.

2. All requirements of the Rockland County Drainage Agency to the extent that such requirements do not conflict with the approved site plan or this resolution of approval.

3. All requirements of the Village Engineer as set forth in his memorandum dated August 9, 2010, except that foundation plantings as proposed by the applicant on a drawing entitled "Landscaping Plan" and received at the August 10, 2010 Planning Board meeting are permitted.

4. All recommended modifications set forth in the Rockland County Planning Department memorandum dated May 3, 2010, as amended by the Department's follow-up memoranda dated June 22, and July 19, 2010.

5. Only those trees marked on the approved site plan for removal may be removed.

6. Note 12 of the site plan provides that there will be no basement constructed. The plan also notes the lowest elevation of the crawl space or slab on which the proposed structure is to be built. This elevation shall not be lowered without the express approval of this Board.

7. The type and quality of the fill to be employed shall meet the requirements of the Village of Montebello. The applicant shall provide such certifications as are required by the Village Engineer at such times as the Village Engineer shall determine. No fill may be placed upon the site, either in stockpile or as spread, without the express permission of the Village Engineer pursuant hereto.

8. 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.

9. Plant (3) three deciduous hardwood trees, 3" caliper, at SW of property corner. Any further tree loss will result in additional tree plantings of 3" caliper, deciduous hardwood trees.

10. Map Note 14 should read "The proposed structure depicted on this site plan is conceptual. The detailed house plans are subject to review by the Building Inspector and Village Engineer, for conformance to the Site Plan during the building process.

11. Map note 15 should read "Any revisions to the approved site plan must maintain the equivalent protection of the flood plain and wetland adjacent area and need Planning Board approval.

12. Add a map note that the foundation planting revisions may be made by the applicant or successor within the spirit of this approval, subject to the approval of the Village Engineer.

13. Add a map note that money-in-lieu of land for parks payment for one dwelling unit is to be made prior to issuance of building permit at the amount in effect at that time.

14. Add a map note that development of this property in accordance with the approved site plan requires the filing of a NYSDEC mandated wetland deed restriction as noted in NYSDEC Permit #3-3926-00664/00001 issued October 26, 2009.

MOTION: Al Rubin, Chairman

SECOND: Thomas Ternquist, Member

MEMBERS PRESENT:	**YEA or NAY**
Al Rubin, Chairman	Yea
Jane Burke, Vice Chairman	Nay
Michael Iatropoulos, Member	Yea
Thomas Ternquist, Member	Yea
Melanie Golden, Member	Yea

MEMBERS ABSENT:
Anthony Caridi, Member

Upon vote, the Resolution passed.

Member Ternquist made a motion to approve the minutes of July 13, 2010, seconded by Member Golden. Upon vote, the motion carried unanimously.

New Business

Review and comment Proposed Amendments to the code of the Village of Montebello.

After a brief discussion of the Proposed Amendments to the Code of the Village of Montebello the Planning Board was unanimously in favor of the Proposed Amendments to the Code of the Village of Montebello as presented on August 2, 2010.

Member Ternquist made a motion to adjourn the meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously. The meeting adjourned at 9.15 p.m.

The members of the Planning Board went into a workshop session which ended at 9:45 p.m.

Appendix:

To: Village of Montebello Planning Board

From: Martin K. Spence, PE Village Engineer

Date: August 9, 2010

Re: **6 River Road, Section 48.14 Block 1 Lot 19**
Single Family Dwelling – Wetlands and Stream Protection Application

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We have received and reviewed the following:

- *Site Plan, prepared by Centerpoint Engineering, Dwg No. 1, last revised July 28, 2010*
- EAF Appendix A
- Application
- Tree Map and Photo Location Plan dated May 16, 2010
- Narrative Summary revised date July 28, 2010 with cross section.

The Narrative Summary has updated the proposed fill quantities for the project site.

Correspondence from the neighbor to the North, including a copy of the NFIP property loss history has been received by the Village on a prior occasion.

A site visit was performed on August 4, 2010 with the applicants' engineer to review site conditions, and existing trees.

The project consists of construction of a new single family dwelling and site improvements on the current lot. The Mahwah River exists along the NW property corner and the property is almost entirely within the 100 year flood plain of the Mahwah River. Additionally there is a NYSDEC Wetland that coincides with the edge of stream.

Under Chapter 191 Wetlands and Stream Protection the proposed activities within the proximity of the water course are regulated and requires the applicant to file a Permit request before the Planning Board. The regulated activities are due to the improvements within the floodplain as well as the disturbance of land within 100' of NYSDEC wetlands.

Separately, under Chapter 92 Flood Damage Prevention, an application is reviewed to determine impacts within the floodplain, including flood damage and erosion. Due to the specifics of this application, comments regarding proposed improvements within the flood plain are offered as part of this review. Prior to any Building Permits, a Development Permit consistent with Chapter 92 has to be issued.

The revised plans reflect the placement of a wall at the rear building (approximately 16' from rear of dwelling) and a relocated North end of wall which reduces some of the fill that was proposed for grading as well as saving additional trees. Prior revisions had modified the garage structure to not encroach within 100' adjacent area to the NYSDEC designated Wetland. Most of the prior open technical engineering questions that were made part of the report have been clarified by the applicant during the CDRC meetings and subsequent submittals.

We offer the following comments:

1. Applicant and Owner:
   Carole A. Van Hook
   5 East Gate Drive
   Suffern, NY 10901

2. The property is somewhat irregular shaped lot consisting of 29,731 SF or 0.68 acres. The lot is impacted by areas within the 100 year flood plain as well wetlands.

3. The proposed two story single family dwelling is proposed to the east of the property, with a front yard setback of 35' from River Road. The dwelling is approximately 32' deep and 75' length, with a footprint of 2,400 SF including an attached garage.

4. The proposed site improvements consist of filling areas of the lot with up to 4' change in grade as compared to existing grades along the read of the dwelling to provide a useful building area and increase the lowest floor elevation from potential flooding. The limits of disturbance are generally shown in the east part of the lot.

5. The application states that 16 of the 50 total trees on the subject property are to be removed. The site has various trees located within the rear yard to be saved. There is minimal areas open that would enable new tree planting. However there is an area at the SW property corner that provides an opportunity for new tree plantings to mitigate the proposed tree losses on a lesser scale than the number proposed to be removed. The applicant is proposing hemlocks closely spaced together as shown on the plans. A recommendation of three hardwood trees will be offered. Additionally, it may be anticipated that additional damage to existing trees during the construction will result, or that the applicant may request additional tree removals as a result of as-built locations. I recommend that the Village retain discretion of requiring additional trees in the event additional losses from the original plan occur. Additionally, the plan does not provide any foundation plantings along the frontage.

6. The 100 year floodplain elevation is shown on the dwelling to be 309.4. The first floor elevation is proposed to be 314.3, where the garage floor elevation is proposed at 312.5. The 100 year flood elevation is the theoretical water elevation for a storm event which has a 1% chance of occurring in any given year. The 100 year floodplain is the regulated area regarding flood prevention.

7. Based on the revised calculations the loss of storage volume on the subject property is 286 CY or 8.2% available storage volume (reduced from prior plans). The applicant is proposing to import 665 CY as a result of the improvements.

8. The application is proposing to fill the rear of the foundation for a distance of approximately 16' from rear of foundation, which reflect a reduction in the disturbance area from prior submittals. The fill will elevate the property adjacent to the dwelling to be above the regulatory flood elevation (309.4). Based on theoretical calculations will prevent the area adjacent to the dwelling from being impacted by floodwaters. This will result in the building structure not to be within the floodplain, however the balance of the property will remain. It is noted that the building structure to the North appears to be located within the floodplain, where the building structure to the South is not.

STANDARDS FOR GRANTING PERMITS (Wetlands and Stream Protection)
The applicant and Board are guided by Chapter 191.7 Standard for Granting Permits, and more specifically 191.7 (B), (1-9) as follows:

1. *The environmental impact of the proposed actions.*
2. *The alternatives to the proposed actions.*
3. *Irreversible and irretrievable commitments of resources that would be involved in the proposed activity.*
4. *The character and degree of injury to or interference with safety, health, or the reasonable use of property that is caused or threatened.*
5. *The suitability or unsuitability of such activity to the areas for which it is proposed.*
6. *The effect of the proposed activity with reference to the protection or enhancement of several functions of wetlands, water bodies, and watercourses.*
7. *The availability of preferable alternative location on the subject parcel or of the proposed action.*

8. *The availability of mitigation measures that could feasibly be added to the plan or action.*
9. *The extent to which the exercise of property rights and the public benefit derived from such use may outweigh or justify the possible degradation of the wetland water body or watercourse, the interference with the exercise of other property rights and the impairment or endangerment of the public health, safety or welfare.*

Generally, based on a site inspection and review of the application, the plans are representative of the property including location of any appearance of wetlands. The front and rear of the property appear to be uplands, but within the 100' regulated area of the NYSDEC Wetlands. The floodway line (where the fastest moving water occurs during a 100 year storm) is located close to the edge of stream, due to the topography.

The construction of any dwelling should minimize the potential for long term water problems for the dwelling owner and also balance not causing any negative impacts to existing adjacent owners. Generally, it is good design practices to avoid placement of the structure in the flood plain or elevating/filling to minimize the potential for flooding. The proposed design achieves removing the proposed dwelling from being located within the flood plain (eliminates insurance requirements) and has reduced the loss of available flood storage volume (to approximately 8.2%).

It is my opinion that the applicant has demonstrated practical reductions in fill placement for the construction of a proposed dwelling on the project site.

We offer the following Technical/Site Engineering comments at this time:

S-1. If any approvals are granted, we recommend that the rear wall be stipulated to be located no further than the 16' (face of wall to rear foundation wall).

S-2. Double row of silt fencing shall be installed at the west limits of construction.

S-3. Proposed fill brought to the site shall be drainable and acceptable for usage. Applicant shall submit source location and sample prior to fill operation. Applicant's engineer shall provide a certification of source and suitable use.

S-4. Landscaping improvements as a form of mitigation are recommended

Recommended Landscape Mitigation

Plant three (3) deciduous hardwood trees, 4" caliper, Red or Scarlet Maple or Oak at SW property corner. (Eliminate proposed hemlocks)

Provide discretion of additional hardwood trees, 4" caliper, Red or Scarlet Maple or Oak or alternate landscaping if additional tree losses occur during construction. (A note should be added to the plan)

Foundation Plantings along frontage
(2) Viburnum (Fragrant Viburnum) 2-1/2' to 3', B&B
(8) Azaleas 18" – 24", B&B
(8) Holly or Yews, 24" to 30", B&B

Additionally, if existing pines along frontage are removed, the applicant should provide street type trees to replace, such as a hedge maple due to overhead wires. (A note should be added to the plan)

END OF REPORT

c. Stuart Strow, PE
Carole A. Van Hook

VILLAGE OF MONTEBELLO
CDRC MINUTES

CDRC Meeting Date: ___July 27, 2010_____

Project Name: Carole Van Hook – 6 River Road_____

Map Date: __Tree Map dated 6/16/10_____

Subdivision___ Amended Site Plan___ Special Permit___ Sign Plan___ Wetlands Permit__√_

Preliminary_____ Final_____ Informal Discussion _____ Tree Removal_____

Application ready for Board? Yes_____√__ No_____

Last day for Board Decision: _____

SEQRA Status: _____

Professional Fees- (LL #3 of 1991)

Date of Last Bill	Amount	Paid	Outstanding

FAILURE TO PAY OUTSTANDING FEES MAY RESULT IN THE DENIAL OF APPLICATION OR REFUSAL TO CONTINUE PROCESSING.

Remarks:

1. Concept plan revisions discussed.

a. Retaining wall shifted.
b. Fill in wetland adjacent area reduced to 60 cubic yards.
c. Several additional trees will be retained.
d. NYSDEC had approved 167 cubic yards of fill.
e. Applicant to indicate quantity of fill proposed in flood plain; and total quantity of fill.
f. Flood plain elevation is 309.4 – any fill above that elevation does not relate to flood plain requirement.
g. Applicant to provide revised plans and additional narrative in next several days for review by staff and board.
h. Applicant will resolve open items with Rockland County Drainage Agency once Planning Board settles on plan.