The Planning Board of the Village of Montebello held a meeting on Tuesday, March 8, 2011 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Rubin called the meeting to order at 7:15 p.m. and led everyone in the Pledge of Allegiance.

PRESENT
Al Rubin, Chairman
Jane Burke, Member
Thomas Ternquist, Member
Melanie Golden, Member

OTHERS
Ira Emanuel, Assistant Village Attorney (left at 7:45 pm)
Robert Geneslaw, Village Planner
Martin Spence, Village Engineer
Gloria Scalisi, Planning & Zoning Clerk

ABSENT
Michael Iatropoulos, Member
Anthony Caridi, Member

Member Golden made a motion to approve the minutes of February 8, 2011, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Renal Care of Rockland—Public Hearing
Architectural Review

> Application of Renal Care of Rockland, Inc., 131 Route 303, Valley Cottage, New York 10989 for Architectural Review and Approval of proposed new façade along premises to be occupied by Renal Care of Rockland at 36 Route 59, Montebello, New York, 10901. The property is located on the north side of Route 59, zero feet from Hemion Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.10, Block 1, Lot 3 in a NS Zone.

Mr. Andrew Moriber, CEO of Renal Care of Rockland was in attendance. The Applicantôs Attorney, Mr. Paul Baum, 50 South Main Street, Spring Valley, New York was also in attendance along with the Applicantôs Architect Mr. David Barbuti, 1 New Broadway, Suite 2, Sleepy Hollow, New York.

Mr. Baum stated that the Applicant, Renal Care of Rockland, Inc., has leased the former ñTuesday Morningò store next to Kindercare to be used as a dialysis center. The Applicant is before the Architectural Review Board to make changes to the façade to close a portion of the windows in order to provide privacy for the patients.

Mr. Barbuti informed the Board of the changes to be made. The store front would be changed to a clear anodized aluminum to match the Kindercare storefront. The windows would be raised to be six feet from the sidewalk for privacy. The façade would be a stucco finish to match Kindercare. Mr. Barbuti stated that the canopy would stay the same.

Mr. Martin Spence, Village Engineer, read and explained his memo dated March 7, 2011 (copy attached). Mr. Spence stated that the Applicant will make changes to comply with previously approved Site Plan Approvals.

Mr. Baum clearly stated that the Applicant is not seeking to make any changes to the Site Plan. Chairman Rubin questioned the Applicant on the appropriate number of handicap spaces for a dialysis center.

Mr. Moriber stated that Renal Care meets the New York State requirements. Mr. Moriber explained that prior to construction a complete set of plans were sent to the New York State Department of Health in Albany. Mr. Moriber stated that without the Approval of the New York State Department of Health, Renal Care of Rockland would not be able to open for business.

Member Ternquist questioned the Applicant if re-stripping of the parking lot was necessary. Mr. Moriber replied that they will comply with the previously approved Site Plan to convert six parking spaces into four handicapped parking spaces.

Member Burke questioned the Applicant on the purpose of the back entrance. Mr. Moriber replied that the back entrance is used solely for deliveries of which they donôt receive many.

Member Burke questioned the Applicant on the disposal of infectious waste. Mr. Moriber explained that a box truck comes by about once a week for pick ups and the amount of paperwork involved in tracking the infectious waste is tremendous. Mr. Moriber went on to say that in all the years of business in Valley Cottage they have never received a citation for the improper disposal of infectious waste.

Chairman Rubin would like the owner of the shopping center to ñspruce upò the area with trees and plantings along Hemion Road and Route 59.

Chairman Rubin questioned the Applicant on the hours of operation. Mr. Moriber informed the Board that the Dialysis Center will be opened Monday through Saturday starting at 6:30 am for an approximate fourteen hour day. With the exceptions of Christmas Day, Thanksgiving Day and New Years Day which may run into a Sunday workday. The patients are on the machines for approximately four hours a day.

Chairman Rubin would like the Village Planner, Robert Geneslaw, to draft a letter to the owner of the shopping center to see if the ñ7 Elevenò sign above the doorway can be moved.

Member Burke questioned the Applicant on the color of the bricks along the bottom of the façade. Mr. Barbuti replied that the bricks along the bottom of the façade will be the same color as the existing reddish brown bricks.

Chairman Rubin made a motion to open the Public Hearing.

Chairman Rubin read the Resolution into the record:

RESOLUTION NO. ARB #01 OF 2011
GRANTING APPROVAL TO
RENAL CARE OF ROCKLAND, INC.

WHEREAS, Renal Care of Rockland, Inc., has submitted an application for architectural approval of certain facade changes to premises known as 36 Route 59, and designated on the Tax Map of the Town of Ramapo as Section 55.10, Block 1, Lot 3, also known as the ñRube Goldberg Shopping Centerò or ñKindercare Shopping Centerò; and

WHEREAS, the applicant has leased, or will lease, space in the said shopping center previously rented by the Tuesday Morning store and now vacant; and

WHEREAS, the proposed facade change includes the replacement of plate glass windows above a brick facing with EIFS (stucco) siding to match the existing Kindercare siding in color, with windows divided into panes above, all while maintaining the existing brick bulkhead at the bottom of the exterior wall, all as shown in more detail in a drawing entitled, ñRenal Care of Rockland Extension Clinicò prepared by David A. Barbutti, Architect, P.C., dated June 30, 2010, last revised December 1, 2010, consisting of one page; and

WHEREAS, a public hearing was held on March 8, 2011; and

WHEREAS, this action is a Type 2 action under the SEQRA regulations.

NOW, THEREFORE, BE IT RESOLVED, that this Board finds that the proposed facade changes and materials are visually consistent with the adjoining Kindercare facade; that the replacement of the plate glass store windows with EIFS and new divided windows is appropriate for the new facility and is in keeping with the adjoining Kindercare facade; and that the difference in fenestration between the proposal and that of the Kindercare facade are appropriate to maintaining the privacy of patients being treated at the new facility, but not so dissimilar as to be visually jarring; and be it further

RESOLVED, that the architectural plans for facade changes submitted by Renal Care of Rockland, Inc., and contained in a drawing entitled, ñRenal Care of Rockland Extension Clinicò

prepared by David A. Barbutti, Architect, P.C., dated June 30, 2010, last revised December 1, 2010, consisting of one page, be and hereby are approved, subject to the following conditions:

1. Applicant shall bring stripping of handicapped parking spaces into compliance with the previously approved ñKindercareò amended site plan.

MOTION: Member Golden

SECOND: Member Ternquist

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

MEMBERS ABSENT:

Michael Iatropoulos, Member
Anthony Caridi, Member

Upon vote, the Resolution carried unanimously.

9 S Bayard Lane—Public Hearing
Wetlands Permit
Site Plan Approval-Conservation Overlay District

Application of Dominick R. Pilla, 23 Depew Avenue, Nyack, New York 10960, for Approval of a Wetlands Permit entitled ñ9 S. Bayard Laneò to allow disturbance and construction within 100 feet of a freshwater wetland and for Approval of a Site Plan for construction within a Conservation Overlay District. The proposed construction is for a one story dwelling with a new driveway. The existing one story residential dwelling will be demolished and the existing gravel driveway, stone walls and slate walkway will be removed. The subject property is located on the south side of Bayard Lane approximately 389 feet of the intersection of Haverstraw Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.10, Block 1, Lot 76 in a R-35 Zone.

In attendance was Mr. Dominick Pilla, who is the owner applicant as well as the architect engineer.

Mr. Pilla informed the Board that he is proposing to build a single story, wood frame, single family residence with stone veneer. Mr. Pilla stated that he would remove existing house, existing stone retaining walls, existing walkways, existing gravel driveway, existing slab on grade concrete as well as removing approximately thirty trees. Mr. Pilla stated the new house will be approximately 3400 square feet including the garage. Mr. Pilla explained that the new house is within the setbacks with no variances required. The lot is a pre-existing undersized lot.

Mr. Spence read and explained his memo dated March 7, 2011 (copy attached).

Mr. Robert Geneslaw, Village Planner, read the Building Inspectorôs, Lawrence Picarello, memo dated March 3, 2011 (copy attached). Mr. Geneslaw stated that the Village Board, a year or so ago, commissioned a survey of potential historic resources within the Village. A consultant was retained to work with the Historic Preservation Committee and has since prepared the report for the Village Board with consideration to be given to designating certain properties as ñHistoricalò. Mr. Geneslaw stated that 9 S Bayard Lane and 11 S Bayard Lane were two properties mentioned in the survey. Mr. Geneslaw did not believe the Village Board has as of yet undertaken any of the suggestions in the survey.

Mr. Pilla stated that there are no wetlands on the property as stated in Mr. Torgersenôs letter dated March 2, 2011 (copy attached).

Chairman Rubin made a motion to open the Public Hearing.

Jeremy Honey, 39 N Bayard Lane, Montebello, New York stated the stream and the marsh should be counted as wetlands. The stream goes into the Mahwah River. Mr. Honey stated that 9 and 11 S Bayard Lane were part of the Historical ñSchool of Livingò. Mr. Honey informed the Board that there is not enough room to demolish the house and to fill the area with ñfillò that will go into the stream and therefore affect the stream in a negative way. Mr. Honey believes the impurities in the fill will kill the wildlife. Mr. Honey would like the property to stay as is ñHistoricalò and the property should be considered as wetlands.

Rosemary Martin, 367 Haverstraw Road, Montebello, New York is concerned about the truckloads of fill being brought in and the retaining walls.

Chairman Rubin informed Mrs. Martin to review the map that the applicant has provided. The application before the Board is different than that which was previously presented before to Planning Board. Chairman Rubin stated that the application previously reviewed did have a large amount of fill and many retaining walls, however the current application has no fill being brought in and no retaining walls.

Mr. Pilla stated that there are no retaining walls and no import of soil.

Chairman Rubin explained to the Public that they can also view the application at Village Hall.

Louis J. Artale, 40 N Bayard Lane, Montebello, New York questioned the applicant on whether he would demolish the houses on both 9 and 11 S. Bayard Lane. Mr. Pilla replied both houses on 9 and 11 S Bayard Lane would be demolished. Mr. Artale also questioned the Applicant on the sizes of the houses being put up. Mr. Pilla responded both houses are slightly different the 9 S Bayard Lane house would be 3375 square feet including the garage. The house on 11 S Bayard Lane would be about 3500 square feet. Mr. Artale stated that there were applications submitted to the Historical Preservation Committee to designate certain houses historical.

Chairman Rubin stated that the Planning Board will ask the Historic Preservation Committee to review the current applications before the Planning Board.

Amy Rapoport, 5 Kings Gate Road, Montebello, New York is concerned with the removal of thirty trees being removed at 9 S Bayard Lane. Mr. Pilla stated that the trees being removed are of varied caliber and many of the trees are sick and dying trees. Mr. Pilla stated that there is a proposed landscaping plan in which he will plant many trees.

Chairman Rubin stated his concern about the stream and would like the engineer to review the stream and its proximity to the house.

Lester Bernstein, 19 Bayard Lane, Montebello, New York, was concerned about the driveway configuration backing onto his property and sewer and water usage. Mr. Pilla stated that the proposed house is within the setback of the Village Code and the house will be 50 feet from Bayard Lane. The proposed house will be serviced by well water and connected to the town sewers.

Karen May, 23 Mayer Drive, Montebello, New York stated that she will be moving to 22 Bayard Lane and does not understand why there is no fill being brought in. Mr. Pilla stated that there is no fill. Ms. May voiced her concern about water saturation once a bigger home with a bigger footprint is placed on the property.

Joann Shepitka, 21 Bayard Lane, Montebello, New York questioned the Applicant on the size of the existing home. Mr. Pilla responded that the current home is 613 square feet. Ms. Shepitka believes that the entire piece of property will be all ñhouseò with a 3400 square foot home. Mr. Pilla disagrees and would like the Public to review the plans in which show the house being placed within an R35 setback zone. Mr. Pilla stated that the entire property is about 33,000 square feet. Ms. Shepitka also stated that when Mr. Larry Cohen, 17 Bayard Lane, Montebello,

New York built his home a few years ago, she believes he reached water much sooner than expected at around six feet. Mr. Pilla stated that he had experts walk the properties to discern the existence of wetlands.

Mr. Spence questioned the Applicant on the first floor elevation of the existing house on 9 Bayard Lane. Mr. Pilla stated the first floor elevation for the proposed house is 329, the 100 year flood plain elevation is 321 therefore the proposed house will be 8 feet above the flood plain elevation. Mr. Pilla explained that there will be a small ñmechanicalò basement proposed. Mr. Pilla stated that if need be he can eliminate the basement altogether and design the mechanicals elsewhere.

Member Burke appreciates the Applicantôs design of a one story dwelling in keeping with the community. Member Burke believes the façade is also appropriate but is very concerned with the water issues, the removal of trees and the size of the house. Mr. Pilla stated that all measures are being taken to alleviate runoff. The proposed application has a net zero runoff. Member Burke would like an explanation on which direction the front door is facing. Mr. Pilla stated that the front door is facing Bayard Lane with loose stepping stones to the front door. Member Burke would like the Applicant to consider using United Water instead of well water. Member Burke questioned the existence of a concrete dock on the property. Member Burke voiced her concern on drainage in the entire area. Mr. Pilla stated that water shed analysis have been made on the entire property in which the Village professionals will review. Mr. Pilla stated that he is trying to improve a ñbadò condition not make it worse.

Member Golden agrees with the members on the Board and also would like to voice her concerns over the loss of vegetation. Member Golden would like to see a landscape mitigation plan to help the loss. Member Golden addressed Item #6 in the Village Engineerôs memo for clarification.

Member Ternquist made a motion to continue the Public Hearing for a Wetland Permit for ñ9 S Bayard Laneò until the next scheduled Planning Board meeting on April 12, 2011, seconded by Member Golden. Upon vote, the motion carried unanimously.

11 S. Bayard Lane—Public Hearing
Wetlands Permit
Site Plan Approval-Conservation Overlay District

> Application of Dominick R. Pilla, 23 Depew Avenue, Nyack, New York 10960, for Approval of a Wetlands Permit entitled ñ11 S. Bayard Laneò to allow disturbance and construction within 100 feet of a freshwater wetland and for Approval of a Site Plan for construction within a Conservation Overlay District. The proposed construction is for a one story dwelling with a new gravel driveway, deck, patio and walkway. The existing one story residential dwelling will be demolished and the existing macadam driveway, stone walls and wood shed will be removed. The subject property is located on the south side of Bayard Lane approximately 600 feet of the intersection of Haverstraw Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.10, Block 1, Lot 75 in a R-35 Zone.

Mr. Pilla described his application for 11 S Bayard Lane in which he is proposing to build a single story, wood frame, single family residence with stone veneer with a front and rear porches at grade level. Mr. Pilla stated that he would remove existing house, existing stone retaining walls, existing walkways, existing macadam driveway and existing slab on grade concrete. There will only be three trees removed and several bushes. The house will be built approximately where the current house stands. The house is within the setbacks of the Village Zoning code. Mr. Pilla stated the proposed house has minimal grading and no fill being brought in. The proposed house will have a small mechanical basement and the house will be 3600 square feet including the garage.

Mr. Spence read and explained his memo dated March 7, 2011 (copy attached).

Mr. Robert Geneslaw, Village Planner, read the Building Inspectorôs, Lawrence Picarello, memo dated March 3, 2011.

Chairman Rubin questioned the Applicant on removing the basement if possible. Mr. Pilla stated he would look into removing the basement before the next meeting.

Member Burke was concerned with future development coverage when and if the gravel driveway is paved. Mr. Pilla informed the Board that he is following the ñVillage of Montebello-Zoning Codeò and is adhering to the code. Mr. Pilla stated that a permit is required for a macadam driveway.

Mr. Geneslaw informed the Board about combining the two lots on 11 S Bayard. Mr. Pilla stated after speaking with the professionals at CDRC is seems to be an ñarduous uphill battleò and not financially worth doing to file a minor subdivision. In other communities it is a simple lot line merger done in the assessorôs office.

Rosemary Martin, 367 Haverstraw Road, Montebello, New York questioned the Applicant on fill and the retaining walls. Mr. Pilla stated that there are no retaining walls and no fill brought on this application.

Jeremy Honey, 39 N Bayard Lane, Montebello, New York stated the bushes being removed will affect erosion and seepage. Mr. Honey would like to see the mitigation plan to offset the erosion.

Amy Rapoport, 5 Kings Gate Road, Montebello, New York questioned the federal or state codes of mechanics being in the basements of flood zones. Mr. Spence replied that the dwelling is outside of the flood plain. Mrs. Rapoport would like a map note for keeping the gravel driveway from being paved.

Karen May, 23 Mayer Drive, Montebello, New York agrees with Mrs. Rapoport in having a map note for the driveway. Ms. May would like to know how often the flood plain maps are updated. Mr. Spence replied that the maps are reviewed and studied periodically and they do change.

Member Ternquist made a motion to continue the Public Hearing for a Wetland Permit for ñ11 S Bayard Laneò until the next scheduled Planning Board meeting on April 12, 2011, seconded by Member Burke. Upon vote, the motion carried unanimously.

New Business

Brief discussion of the February 22, 2011 CDRC meeting.

Member Ternquist made a motion to adjourn the meeting, seconded by Member Burke. Upon vote, the motion carried unanimously. The meeting adjourned at 10:00 p.m.

The members of the Planning Board went into a workshop session.

Appendix:

To: Village of Montebello Planning Board

From: Martin K. Spence, PE Village Engineer

Date: March 7, 2011

Re: Renal Care of Rockland, Inc

The applicant is appearing before the Planning Board for Architectural Review for a façade change of an existing building located at the NW intersection of Hemion Road and NYS Route 59. Renal Care is a proposed tenant within the existing building.

Based on the discussion at the CDRC site modifications are proposed to revise site layout (parking and striping) to conform to the original approved Site Plan, as per the attorney representing the applicant. The applicant is proposing to construct one new drop curb along the South façade (further west than the DC shown on the original approved Site Plans. Additionally a new DC is proposed at the Northerly building façade to accommodate a secondary access.

We are in receipt of the following:

- Site Plan, SP1 prepared by David A. Barbuti, Architect last revised 9/03/10 (reduced scale)

It is noted that SP1 references SP2, which was not attached.

A recent field site inspection revealed the following:

1. Existing site parking (as-built) is generally consistent with the prior approved Site Plan on file with the Village with some exceptions as follows:

2. No signage exists at the hatched student drop off area (may be practically difficult)
3. Island NO. 8, hatched HC and 2 HC spaces do not exist. It appears the applicant is proposing to revise the parking to be consistent with the prior approved plans.

4. Drop curb shown on the east side fronting the subject tenant space does not exist. Applicant is proposing DC further west in alignment with vestibule.

Generally, the proposed site improvements will modify the parking area to meet the previously approved site plan, with the exception of the new DC at the north side of building.

The applicant should clarify the reduction in provided parking spaces from 176 existing to 172 proposed as well as general tenant access and circulation.

To: Village of Montebello Planning Board

From: Martin K. Spence, PE Village Engineer

Date: March 7, 2011

Re: **9 Bayard Lane S, Section 48.10 Block 1 Lot 76**
Single Family Dwelling – Wetlands and Stream Protection Application
Site Plan Approval – Conservation Overlay District

We have received and reviewed the following:

- Application Review Form dated 2/22/2011
- Site Plan, Dwg No. SP01, prepared by Dominick R. Pilla, Associates dated 2/9/2011
- Sections and Details, Dwg No. SP02, prepared by Dominick R. Pilla, Associates dated 2/9/2011
- Erosion Control Notes and Details, Dwg No. SP03, prepared by Dominick R. Pilla, Associates dated 2/9/2011
- Set of Architectural Plans, Dwg Nos. A100, A101, A102, A200, A201 and A400, prepared by Dominick R. Pilla, Associates dated 2/9/2011

The project consists of construction of a new single family dwelling and site improvements on the current lot. An existing dwelling will be razed. The Mahwah River exists along the SW property line and a small tributary ditch/stream exists along the NW property line. Based on the most current FIRM flood maps the property is partially within the 100 year flood plain for all lands below elevation 321.

Under Chapter 191 Wetlands and Stream Protection the proposed activities within the proximity of the water course, within the flood plain and within 100' of the flood plain are regulated and requires the applicant to file a Permit request before the Planning Board.

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.

This property was the subject of prior applications to the Planning Board and Zoning Board in 2007 -2009. The applicant has revised the proposed building to eliminate the prior request for bulk variances. The Building Inspector notes (3/3/2011) memo that a variance will be required for the existing lot area condition.

The current design as compared to the prior design has minimized the required grading of the property. The dwelling is located outside of the 100 year flood plain, however an above grade deck is proposed within the flood plain. The deck is shown to be supported by piers.

We offer the following comments:

1. The property owner is:
   Dominick R. Pilla
   4 Hawthorne Place
   Grandview, NY 10960

   The project architect and engineer is listed as Dominick R. Pilla

2. The property is somewhat irregular shaped lot consisting of 33,179 SF or 0.76 acres gross. The lot is impacted by areas within the 100 year flood plain as well steep slopes

reducing the proposed net lot area of 18,940 SF. The minimum required lot area within the Zone is 35,000 SF.

3. The proposed dwelling is one-story with a partial basement. The dwelling is not located within the flood plain where basements would be restricted. The dwelling conforms to required yard setbacks. A two car garage is located on the North side of the dwelling. The house plan appears to have been designed to be placed outside the setbacks and flood plain limits. The first floor area is 3,375 SF.

4. The house design is partially out of the ground at the rear with a small walk up from the basement elevation. This design has minimized the changes of grading and most of the soil excavated will be exported off site. No fill is shown within the flood plain.

5. Thirty (30) trees are proposed to be removed. Due to the proximity of the construction, it is anticipated that additional trees may be lost as a result of the improvements.

6. The 100 year floodplain elevation is shown on the drawing to be 321. First floor elevations are proposed at 329 and 326.5 (sunken). The basement floor elevation is proposed at 320. 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. Ground water elevations are separate from stormwater flood elevations. Based on the drawings, the basement top step appears to be at elevation 321, allowing no safety factor to the floodplain elevation.

7. Minimal available flood storage volume is lost (some reduction due to the piers and steps from deck)

8. The applicant has submitted a letter from Robert G. Torgersen, dated July 5, 2007 which states that no wetlands exist on the property. The applicant has submitted NYSDEC wetlands mapping that shows no DEC regulated wetlands or buffers on the subject property.

9. The property is within the jurisdiction of the Rockland County Drainage Agency.

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 proposed encroachment of piers for the deck within the floodplain will have minimal negative impacts in reduction in flood storage.

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

S-1. Double row of silt fencing shall be installed at the west limits of construction.

S-2. The current drainage design reduces the proposed number of seepage pits as compared to the prior design. Our review finds that one additional seepage pit (3 total proposed) shall satisfy stormwater runoff requirements. Provide open grate with cam-lok (only one

per cluster if ganged together). Review drainage piping within driveway area and revise accordingly. Provide note that all roof drains shall be connected to seepage pits.

S-3. Drainage calculations shall be revised to show consistency between text and graphic drywell with height, page 3, revise accordingly.

S-4. Review trench drain detail and interior width and pipe OD. Applicant may need to increase width of pre-cast structure.

S-5. Insure site plan notes are consistent with Code requirements, such as providing for datum reference, identifying record owner, ZBA information, etc. For general format refer to local law 146-7(F).

S-6. The applicant shall submit a letter regarding the presence and/or absence of any regulated wetlands on adjacent properties that may impact the subject property.

S-7. Provide sanitary sewer MH rim elevation and inverts at house and street.

S-8. Drainage Agency Review and Permit required. Applicant shall submit structural details/calculations of wood deck connections due to location within flood plain.

S-9. Quantify soil movement as a result of work and net export/import to site.

S-10. Verify revisions to rear step detail, including providing a buffer in height above floodplain elevation. Site plan appears to show additional steps as compared to foundation architectural plan.

S-11. In similar applications the Board has requested some representative landscaping to mitigate the loss of vegetation in the Conservation Overlay District. As a minimum foundation plantings should be shown. Final review of any additional trees lost during construction should also be reviewed after construction is complete.

END OF REPORT

To: Village of Montebello Planning Board

From: Martin K. Spence, PE Village Engineer

Date: March 7, 2011

Re: **11 Bayard Lane S, Section 48.10 Block 1 Lot 75**
Single Family Dwelling – Wetlands and Stream Protection Application
Site Plan Approval – Conservation Overlay District

We have received and reviewed the following:

- Application Review Form dated 2/22/2011
- Site Plan, Dwg No. SP01, prepared by Dominick R. Pilla, Associates dated 2/9/2011
- Sections and Details, Dwg No. SP02, prepared by Dominick R. Pilla, Associates dated 2/9/2011
- Erosion Control Notes and Details, Dwg No. SP03, prepared by Dominick R. Pilla, Associates dated 2/9/2011
- Set of Architectural Plans, Dwg Nos. A100, A101, A102, A200, A201 and A400, prepared by Dominick R. Pilla, Associates dated 2/9/2011

The project consists of construction of a new single family dwelling and site improvements on the current lot. An existing dwelling will be razed. The Mahwah River exists along the West property line. Based on the most current FIRM flood maps the property is partially within the 100 year flood plain for all lands below elevation 321. The applicant owns the property to the North where a similar project is currently being proposed. At this time, the applicant is not proposing any new construction within the flood plain.

Under Chapter 191 Wetlands and Stream Protection the proposed activities within the proximity of the water course, within the flood plain and within 100' of the flood plain are regulated and requires the applicant to file a Permit request before the Planning Board.

Separately, under Chapter 92 Flood Damage Prevention, an application is reviewed to determine impacts within the floodplain, including flood damage and erosion. Prior to any Building Permits, the necessity for a Development Permit consistent with Chapter 92 will be reviewed.

This application is the first submittal for this property within the last few years. property was the subject of prior applications to the Planning Board and Zoning Board in 2007 -2009. The applicant has revised the proposed building to eliminate the prior request for bulk variances. The Building Inspector notes (3/3/2011) memo that a variance will be required for the existing lot area condition.

The current design does not propose any construction within the floodplain, however the proposed improvements are within the regulated area (within100ô of the floodplain). The dwelling and rear deck is located outside of the 100 year flood plain. No grading is proposed within the floodplain.

We offer the following comments:

10. The property owner is:
    Dominick R. Pilla
    4 Hawthorne Place

Grandview, NY 10960

The project architect and engineer is listed as Dominick R. Pilla

11. The property is generally rectangular and consists of two separate lots. Merging of the lots were discussed with the applicant. The gross lot area consists of of 35,793 SF or 0.82 acres gross. The lot is impacted by areas within the 100 year flood plain as well steep slopes reducing the proposed net lot area of 19,325 SF. The minimum required lot area within the Zone is 35,000 SF.

12. The proposed dwelling is one-story with a partial basement. The dwelling is not located within the flood plain where basements would be restricted. The dwelling conforms to required yard setbacks, however the driveway is located within the sideyard and will require relocation or a variance. A two car garage side load garage is located on the North side of the dwelling. The house plan appears to have been designed to be placed outside the setbacks and flood plain limits. The first floor area is 3,671 SF. The proposed footprint partially straddles the existing dwelling, but larger.

13. The grade gently slopes down toward the rear of the property. The rear of the foundation wall is partially out of the ground. This design has minimized the changes of grading and most of the soil excavated will be exported off site. No fill is shown within the flood plain.

14. Fourteen (14) trees are proposed to be removed.

15. The 100 year floodplain elevation is shown on the drawing to be 321. First floor elevations is shown to be 325.83 The basement floor elevation is not shown, however based on number of stair risers it may be approximately 9ôbelow FRE. 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. Ground water elevations are separate from stormwater flood elevations. The proposed basement floor elevation may be impacted by the groundwater elevation, more so that the adjacent property to the North due to the lower elevations. The applicant should design the dwelling to minimize potential groundwater issues, need for sump pumps and problems with power outages.

16. Based on the drawings, no available flood storage volume is lost.

17. The applicant has submitted NYSDEC wetlands mapping that shows no DEC regulated wetlands or buffers on the subject property. The applicant should provide clarification with a letter if any local wetlands exist on this property or adjacent property, which would impact the subject property.

18. The property is within the jurisdiction of the Rockland County Drainage Agency.

19. The current drainage design consisting of three (3) seepage pits is acceptable for the increase in runoff. Some additional detailing is required.

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:

10. The environmental impact of the proposed actions.
11. The alternatives to the proposed actions.
12. Irreversible and irretrievable commitments of resources that would be involved in the proposed activity.
13. The character and degree of injury to or interference with safety, health, or the reasonable use of property that is caused or threatened.
14. The suitability or unsuitability of such activity to the areas for which it is proposed.
15. The effect of the proposed activity with reference to the protection or enhancement of several functions of wetlands, water bodies, and watercourses.
16. The availability of preferable alternative location on the subject parcel or of the proposed action.
17. The availability of mitigation measures that could feasibly be added to the plan or action.
18. 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.

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

S-1. Double row of silt fencing shall be installed at the west limits of construction.

S-2. Provide open grate with cam-lok (only one per cluster if ganged together). Review drainage piping within driveway area and revise accordingly. Provide note that all roof drains shall be connected to seepage pits.

S-3. Drainage calculations shall be revised to show consistency between text and graphic drywell with height, page 3, revise accordingly.

S-4. Insure site plan notes are consistent with Code requirements, such as providing for datum reference, identifying record owner, ZBA information, etc. For general format refer to local law 146-7(F).

S-5. The applicant shall submit a letter regarding the presence and/or absence of any regulated wetlands on adjacent properties that may impact the subject property.

S-6. Provide sanitary sewer inverts at house and street.

S-7. Drainage Agency Review and Permit required.

S-8. Quantify soil movement as a result of work and net export/import to site.

S-9. In similar applications the Board has requested some representative landscaping to mitigate the loss of vegetation in the Conservation Overlay District. As a minimum foundation plantings should be shown. Final review of any additional trees lost during construction should also be reviewed after construction is complete.

S-10. Revise driveway location to eliminate encroachment into sideyard or seek ZBA approval.

S-11. Provide status of merging lot.

END OF REPORT

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AQUATIC LIFE AND HABITAT, FAUNA, BIOTA, VEGETATION AND WETLANDS ENVIRONMENTAL IMPACT ANALYSIS

11 Bayard Lane
Village of Montebello, Town of Ramapo, Rockland County, NY

Resource – Mahwah River
March 2, 2011

This site is a 0.44 acre site off Bayard Lane in the Village of Montebello, Town of Ramapo of which a westerly boundary of the property runs along the Mahwah River. An existing single family residence is on the site, which is proposed to be removed and a new residence added. The entire property is in a residential use with maintained lawns and planting.

A small stream that is tributary to the Mahwah runs just offsite and parallel to the northwesterly property line on the northerly parcel - #9 Bayard Lane. The subject property runs to the Mahwah River directly and is a maintained lawn with pachysandra ground cover planted along the edges of the river. The neighboring property, 13 Bayard Lane to the south is a newer residence, and has a maintained lawn that extends to approximately 30 feet from the edge of the Mahwah River. This portion of the rear yard is vegetated in a native upland wooded habitat that extends to the river.

In addition to those properties on the east side of the Mahwah River along Bayard Lane, there are several single family residences located on the west side of the Mahwah River across from the subject properties. These sites are on steeply sloping sites that rise up from the edge of the Mahwah River.

There are no freshwater wetland habitats on any of the investigated properties on either side of the Mahwah River in this area, and there is no evidence of any habitat for threatened or endangered species that are listed by the U. S. Fish and Wildlife Service in the entire area.

The existing planting is a combination of landscape plants, red cedar, northern hemlock, red maple, flowering dogwood, and some crabapple. An assortment of understory landscape shrubs exist in the understory of the larger tree canopies.

The proposed site development provides for water quality treatment for the collection of storm water runoff from the roof areas, and from the driveway areas to prevent any impact to the existing stream or Mahwah River habitats with the installation of a series of dry wells to collect the rainwater from the roof and driveway.

Site construction operations are proposed to be accompanied by suitable sediment and erosion control measures along the entire stream/river edge habitats and maintained during the entire construction process. The inclusion of the prescribed sediment and erosion controls along the lower limits of site construction will preclude any adverse impacts to the waterbody from the proposed site development.

A series of photographs to illustrate the rear yard/Mahwah River habitat is included with this report.

Robert G. Torgersen, Landscape Architect

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Lawrence A. Picarello
Building Inspector

Frank Wilson
Fire Inspector

MEMORANDUM

TO: VILLAGE OF MONTEBELLO PLANNING BOARD/C.D.R.C.

FROM: LAWRENCE PICARELLO, BUILDING INSPECTOR

SUBJECT: 9 BAYARD LANE

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DATE: 3/3/2011

I have reviewed the Site Plan Map "SPO1", dated 2/9/2011 provided and offer the following comments:

1. Variance will be required for lot area*.
2. Demolition of the existing structure will require a separate demolition permit, prior to the issuance of a building permit.

*existing condition

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Lawrence A. Picarello
Building Inspector

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Fire Inspector

MEMORANDUM

TO: **VILLAGE OF MONTEBELLO PLANNING BOARD/C.D.R.C.**

FROM: **LAWRENCE PICARELLO, BUILDING INSPECTOR**

SUBJECT: **11 BAYARD LANE**

RECEIVED
MAR - 3 2011
Planning & Zoning Clerk

DATE: **3/3/2011**

I have reviewed the Site Plan Map "SPO1", dated 2/9/2011 provided and offer the following comments:

1. Variances will be required for lot area* and side yard
2. Demolition of the existing structure will require a separate demolition permit, prior to the issuance of a building permit.

*existing condition