The Planning Board of the Village of Montebello held a meeting on Tuesday, August 9, 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	OTHERS
Al Rubin, Chairman	Ira Emanuel, Assistant Village Attorney
Jane Burke, Member	Robert Geneslaw, Village Planner
Michael Iatropoulos, Member	Martin Spence, Village Engineer
Anthony Caridi, Member	Gloria Scalisi, Planning & Zoning Clerk
Thomas Ternquist, Member	
Melanie Golden, Member	

Member Iatropoulos made a motion to approve the minutes of July 12, 2011, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

9 S Bayard Lane—Public Hearing—Continued
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 "9 S. Bayard Lane" 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 an R-35 Zone.

In attendance is Mr. Dennis Michaels, the Applicant's Attorney, along with Mr. Dominick R. Pilla. Mr. Michaels stated that there have been significant revisions made to the application that was submitted in March of 2011. The Applicant has attended three CDRC meetings since March. Mr. Michaels informed the Planning Board that just because there are wetlands (a portion or in close proximity of) on a property it does not automatically mean the wetlands will be adversely impacted. The project design such as permanent drywells and drainage systems and erosion control during construction are examples of how adverse effects are eliminated as concluded by Mr. Robert G. Torgersen. Mr. Michaels stated that Mr. Torgersen is a New York State licensed landscape architect in which his licensed profession specializes in environmental sciences including impacts on wetlands and the ecosystems that may be caused by land use.

Mr. Pilla summarized some of the changes. Mr. Pilla stated that the footprint of the house was reduced from 3375 square feet to 2665 square feet. The reduction was 710 square feet to the footprint of the house. The house has a 1500 square foot second story making the total square footage of the house 4165 square feet. Mr. Pilla stated that the proposed building is now located further away from the 100 year floodplain and consequently one third of the way away from the wetlands. Mr. Pilla stated that the above grade deck has also been reduced and outside the floodplain. Mr. Pilla informed the Planning Board that the proposed development coverage has been reduced from 29.2% to 23.5% and the Bulk Table has been revised to reflect the changes. The proposed rear yard has increased from 86.5 feet to approximately 104 feet. Mr. Pilla stated that the drainage calculations have been updated and the total impervious area decreased from 5500 square feet to 4400 square feet. A net reduction of approximately 1100 square feet was made.

Mr. Robert Geneslaw, Village Planner, read the minutes of the July 26, 2011 CDRC meeting (copy attached).

Mr. Martin Spence, Village Engineer, read his memo dated August 9, 2011 (copy attached).

Chairman Rubin stated that there have been major modifications from the original submissions which is a step in the right direction. The new submission shows a concern or care to provide safety to an environmentally sensitive lot in terms of the footprint. Chairman Rubin informed the applicant that this should certainly not be the last step in the process. Chairman Rubin stated that the property is surrounded by a tributary of the Mahwah River on one side and the Mahwah River on the other side.

The slope of the land is "quite severe". Chairman Rubin stated that the land was viewed and photographed in March, 2011, in which spillage from both the tributary and the Mahwah River was observed and noted. Chairman Rubin informed the public that the entire property is in the Conservation Overlay District. Chairman Rubin wondered if the house was moved so as to utilize more of the original footprint of the original house it would move it further away from the northwest corner and further away from the concrete pad and therefore save some trees.

Mr. Michaels stated the proposal of straddling the new building on the original footprint was thoroughly explored by the Zoning Board of Appeals in 2008-2009. Mr. Pilla stated that there were three Zoning Board of Appeals meetings and at least three CDRC meetings. Mr. Daniels stated that the Zoning Board informally rejected the application due to all of the variances required.

Mr. Emanuel clarified the procedural context in which the 2008-2009 application was received. Mr. Emanuel stated that Mr. Pilla initially started with the Planning Board where he did not get very far. Mr. Emanuel informed, Mr. Michaels, that Mr. Pilla's previous attorney decided to leapfrog the Planning Board and go to the Zoning Board to get variances to force the Planning Board into a position where they may or may not be comfortable with. Mr. Emanuel stated that the current procedural context, in which the Planning Board would like Applicant to go to the Zoning Board, is different and it would be a referral from the Planning Board assuming that it would have a positive recommendation.

Mr. Pilla informed the Board that the proposed plan is a thoroughly engineered plan, not schematics, with very little engineering disturbance, very little soil disturbance, same amount of trees being removed. A fully engineered plan for engineering review; erosion control; sediment stopped from going into a watercourse; net zero runoff. Mr. Pilla stated that from an engineering and environmental sciences standpoint all of the points have been addressed. Mr. Pilla expressed in professional documentation that they have put forth all the measures to prevent erosion control, prevent erosion impacts. Mr. Pilla stated that these measures have been before the Planning Board three times. Mr. Pilla informed the Board that there were pictures taken after storms to show how resilient the property is.

Mr. Michaels stated that the applicant has no problem accepting all of the 11 technical points from Mr. Spence's memo dated August 9, 2011. Mr. Michaels stated that there have been two licensed experts that have opined under seal and signature that there will be no adverse impacts on the wetlands or the floodplain.

Mr. Torgersen informed the Board that the existing vegetation is very old and many of the large trees are diseased and dying. Mr. Torgersen stated that the applicant is planning on adding many native trees to the site. Mr. Torgersen stated that the wetlands on this particular property is a man made wetland since Bayard Lane was constructed and the proposed site will not impact the wetlands at all especially with the stormwater management proposed.

Chairman Rubin questioned Mr. Torgersen on the stabilization of trees by the concrete pad. Mr. Torgersen replied that the limit of disturbance is five feet of the foundation. Chairman Rubin stated that he believes the disturbance will be twenty feet of building.

Mr. Michaels stated that the impact to the house, due to a one hundred year storm, is non-existent because the house is beyond the one hundred year storm elevation.

Chairman Rubin questioned the applicant on the impact to the trees that are between the house and the tributary leaving very little room as a buffer.

Mr. Michaels stated that the applicant has come up with a landscape plan for replacement with suitable vegetation.

Mr. Pilla stated that they will not loose trees twenty feet from the foundation line. The limit of construction can be made to be inches from where the footings are. Mr. Pilla stated that they will not loose anything that isn't slated to be lost.

Mr. Spence stated that he has not seen a sight that has totally eliminated soil erosion.

Mr. Pilla stated that they have in the past used 3-4 layers of sediment/erosion control. Mr. Pilla stated that he has no problem with having multiple layers of control and or periodic inspections of those measures.

Member Iatropoulos questioned the Applicant on the net savings of trees on the proposed plan compared to the previously submitted plan. Mr. Pilla stated that he doesn't have the information.

Member Burke responded by stating that the proposed plan will be taking down three more trees from the plan submitted in March, 2011.

Member Iatropoulos would like the plan to state specifically the number of trees being removed.

Chairman Rubin would like the Applicant to provide a detail proposed planting plan.

Member Burke stated her concern with the size of the building and the footprint is much too big.

Mr. Emanuel explained the definition of Floor Area Ratio is the mathematical value of the gross floor area of all buildings on a lot divided by the gross area of the lot. Lot coverage is based on the net square footage.

Mr. Michaels stated that the Village of Montebello's Local Law 195.63 paragraph C allows the Planning Board for projects that will be located in the Conservation Overlay District to require a reduction in size of the house. Mr. Michaels stated the law is very general and nebulous in its language. Mr. Michaels also stated that the Village of Montebello has very specific Zoning Regulations the Applicant's project meets all of the specific Zoning Regulations that deal with size; specifically deals with the dimensional requirements of a structure in a particular zoning district. Mr. Michaels stated that usually the more specific supersedes the general. Mr. Michaels stated that the Planning Board is using a "personal subjective opinion" that the house is too big. Mr. Michaels believes that the Planning Board is putting the Applicant through a SEQRA review.

Member Golden explained to the Applicant that the first report received from Mr. Torgersen stated that there were no wetlands on the property. Member Golden stated that the Planning Board retained its own environmental expert, ERS, which stated there were wetlands on the property. Member Golden requested that the Applicant clarify the threatened and endangered species that may exist in the wetlands. Member Golden stated that she can not make an informed decision without seeing a planting plan. Member Golden requested, from the Village Engineer, the impacts to the wetlands as stated from ERS.

Mr. Pilla discussed 17 S Bayard Lane which is approximately 4000 square feet and is closer to the wetlands. Mr. Pilla stated there is a precedent on the size of the house. Mr. Pilla also stated that he has responded to the nine points/criteria of the Conservation Overlay District. Mr. Pilla stated that they addressed the floodplain as the most significant setback to deal with. Mr. Pilla stated that this particular project has been in his life since 2005 and has been thoroughly researched.

Jeremy Honey, 39 Bayard Lane, Montebello, New York stated that he disagrees with Mr. Torgersen in stating that the wetlands are man made. Mr. Honey believes that it is the root bases of the trees are soaking the water during flood times. Mr. Honey stated that the wetlands are not seasonal wetlands.

Member Ternquist made a motion to continue the Public Hearing for a Wetland Permit for "9 S Bayard Lane" until the next scheduled Planning Board meeting on September 13, 2011, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

11 S. Bayard Lane—Public Hearing—Continued
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 "11 S. Bayard Lane" 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 an R-35 Zone.

Mr. Pilla summarized the changes to his application from the last submission.

Mr. Robert Geneslaw, Village Planner, read the minutes of the July 26, 2011 CDRC meeting (copy attached).

Mr. Martin Spence, Village Engineer, read his memo dated August 9, 2011 (copy attached).

Chairman Rubin questioned the Village Engineer on the Village demarcation policy in terms of marking the floodplain line. Mr. Spence replied that for the long term there is nothing done.

Member Iatropoulos questioned the applicant on the amount of trees removed on the proposed plan compared to the previous plan. Mr. Pilla assured the Board that he will provide the information at the next Planning Board meeting.

Member Ternquist would like to see a landscaping plan for this application.

Member Burke questioned the applicant on Soil Perk Test. Mr. Pilla responded that the Perk Soil Test will be performed at construction.

Member Ternquist made a motion to continue the Public Hearing for a Wetland Permit for "9 S Bayard Lane" until the next scheduled Planning Board meeting on September 13, 2011, seconded by Member Caridi. Upon vote, the motion carried unanimously.

Thomas Biondi—Public Hearing—Continued
Site Plan Approval—Conservation Overlay District

> Application for Site Plan review pursuant to section 195-63, construction in the Conservation Overlay District which was submitted to the Village of Montebello Planning Board for owner Thomas Biondi, 23 Robin Hood Road, Montebello, New York 10901. Total acreage is 0.9782 +/-, Section 48.19, Block 1, Lot 1 in a R-35 Zone. The Applicant seeks approval for the construction, use and maintenance of a pool patio with pavers.

The Applicant, Mr. Thomas Biondi, is in attendance along with his engineer Mr. William Youngblood. Mr. Biondi briefly summarized his application.

Member Iatropoulos made a motion to close the Public Hearing for the Site Plan approval application for Thomas Biondi, 23 Robin Hood Road, Montebello, New York, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Chairman Rubin read the resolution into the record:

Resolution PB 11of 2011
Granting Approval of a Final Site Plan entitled
"Biondi"

WHEREAS, an application for approval of a Final Site Plan entitled "Biondi," consisting of 1 sheets, dated June 29, 2011, has been presented by Thomas Biondi; and

WHEREAS, site plan approval is required because the property is located in the Conservation Overlay District; and

WHEREAS, this action is a Type 2 action pursuant to the New York State Environmental Quality Review Act as it involves only the laying of approximately 977 square feet of pavers adjacent to an existing inground residential swimming pool, the relocation of an underground gas service line from the existing dwelling to the existing swimming pool heater and control unit, and the replacement of the front entry stoop; and

WHEREAS, a public hearing on this application was held, pursuant to due notice, on July 13, and August 9, 2011;

NOW, THEREFORE, be it

RESOLVED, that the Final Site Plan presented by Thomas Biondi, entitled "Biondi," dated June 29, 2011, consisting of 1 sheet, affecting premises known as Section 48.19, Block 1,

Lot 1 on the Tax Map of the Town of Ramapo, be and hereby is approved, subject to the following conditions:

1. This Board accepts, as complete, the site plan drawing identified above, and waives the requirements for additional drawings and information.

2. All other applicable site plan requirements set forth in the site plan regulations of the Village of Montebello.

MOTION: Member Ternquist

SECOND: Member Iatropoulos

Upon vote, the Resolution carried unanimously.

Town of Ramapo—Public Hearing
Coe Farm Road Sewer Extension
Wetlands Permit

> Application of the Town of Ramapo, 237 Route 59, Suffern, New York 10901, for Approval of a Stream and Wetlands Permit entitled "Coe Farm Road Sewer Extension" to allow disturbance and construction within 75 feet of a freshwater wetland. The proposed construction is for the extension of sanitary sewer service from Coe Farm Road to provide gravity sewer service to an existing dwelling at 585 Haverstraw Road, which will cross 75 feet of wetland. The subject property is located on the west side of Coe Farm Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Sections 40.20, Block 1, Lots 21 and 52 in a RR-50 Zone.

Mr. Alan Berman, the applicant's attorney, along with his engineer Mr. Paul Gdanski, is in attendance. Mr. Berman read his narrative to the Planning Board.

Mr. Robert Geneslaw, Village Planner, read the minutes of the July 26, 2011 CDRC meeting (copy attached).

Mr. Geneslaw read a letter from an abutting neighbor, Nan Zavoski, 583 Haverstraw Road, Montebello, New York (copy at Village Hall).

Mr. Martin Spence, Village Engineer, read his memo dated August 9, 2011 (copy attached).

Chairman Rubin asked if there are any proposed easements required. Mr. Berman replied that they will serve 585 Haverstraw Road and if the Village doesn't want it and the Zavoski's don't want it then they won't propose any easements.

Mr. Berman stated that he confirmed with Mrs. Condon that the "Condon Subdivision" is dormant and when and if the "Condon Subdivision" comes back before the Planning Board they will then determine how to provide sewer service.

Mr. Emanuel questioned the applicant on where the actual physical work will take place. Mr. Gdanski replied that the work will take place from on the 25 feet easement 430 feet.

Mr. Berman stated that the Condons at their own cost will have to do the work to connect to the sewer.

Member Burke stated that there should be research any easements on the Condon Land. Member Burke stated that there was a lot of controversy during the Condon Subdivision appearances.

Mr. Emanuel stated that he believes that it was an access easement not a sewer easement.

Member Iatropoulos questioned the applicant on the impact to Viola School. Member Iatropoulos would like further investigation.

Mr. Berman stated that 585 Haverstraw Road is not in distress at the moment but a request has been made and a policy of the Town is if a request is made they will explore it. Mr. Berman discussed a Robert Torgersen report that was done many years before.

Michael Zavoski, 583 Haverstraw Road, Montebello, New York stated that the easement is null and void from the moment that Coe Farm Road is dedicated. Mr. Zavoski stated that he had brought in an actual Herpetologist to refute Mr. Torgersen's report. Mr. Zavoski stated his concern for the amount of trees to be removed and the increase in flooding especially to his basement.

Discussion on the 25 foot easement and ownership of a 75 foot strip of land.

Member Burke questioned the applicant on why they are not hooking up to the sewers on route 202. Mr. Gdanski replied that the sewer on Route 202 is higher and therefore they would have to use a pump.

Yi Gu, 16 Coe Farm Road, Montebello, New York stated that he is very concerned with the removal of trees and an increase in flooding.

Mr. Emanuel requested the applicant to provide a tree map.

Member Ternquist made a motion to continue the Public Hearing for a Wetland Permit for the "Coe Farm Road Sewer Extension" until the next scheduled Planning Board meeting on September 13, 2011, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

New Business

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

Appendix:

VILLAGE OF MONTEBELLO
CDRC MINUTES

CDRC Meeting Date: **JULY 26, 2011**

Project Name: **9 S BAYARD LANE**

Map Date: _____

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

Preliminary_____ Final_____ Informal Discussion _____ Tree Removal_____ARB_____

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. Discussed Martin Spence's memo of 7/23/11 (copy enclosed). Current plan also sent to the Rockland County Drainage Agency.

2. Narrative describes plan changes.

To: Village of Montebello Planning Board

From: Martin K. Spence, PE Village Engineer

Date: August 9, 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

The applicant has submitted a revised plan to reflect a two-story dwelling for the subject lot. The property is within the Conservation Overlay District containing various sensitive environmental parameters including, a water course, floodplain and wetlands. The existing dwelling is proposed to be removed.

Since prior public hearing dates the Village has requested that a Wetlands inspection be performed on the subject property. A report prepared by ERS Consultants Inc, dated June 9, 2011 has been issued that states that Wetlands was observed on the subject property. Recently, the applicant's environmental expert (Robert G. Torgersen) has agreed with this information and re-issued a report dated June 20, 2011. The presence of Wetlands adds to concerns as related to the environmental sensitivity of the site, consisting of floodplain, presence of a water course and wetlands. The Boards' jurisdiction includes a 100' buffer offset from these specific locations.

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 last revised 7/22/2011
- Sections and Details, Dwg No. SP02, prepared by Dominick R. Pilla, Associates last revised 7/22/2011
- Erosion Control Notes and Details, Dwg No. SP03, prepared by Dominick R. Pilla, Associates last revised 7/22/2011
- Landscape Plan, Dwg No. LP01, prepared by Dominick R. Pilla, Associates last revised 4/14/2011 (landscape plan has not been updated to reflect the revised submittal)
- We have not received Architectural Plans reflecting the revised submittal.
- Drainage Calculations dated July 22, 2011
- Robert G. Torgersen Report dated June 20, 2011
- Site Plan, Dwg No. SK01 prepared by Dominick R. Pilla, Associates last revised 5/23/2011 (note not to scale)

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 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 at or 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. Additionally, the most recent submittal acknowledges the presence of Wetlands on the subject property along the west property line limits. These locations are shown on SK01. The Board is aware there is a 100' offset from the wetlands within the area of jurisdiction.

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 current design as compared to the prior design has minimized the required grading of the property. The most recent revisions has included a two story dwelling and providing a greater buffer distance between the rear of the dwelling and 100 year floodplain. The deck has been revised and is located outside the 100 year flood plain. The 100 year floodplain line is a theoretical flood limit of a size storm that has a 1% chance of occurring in any given year. There are many variables regarding this calculation.

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 min. required lot area within the Zone is 35,000 SF.

3. The proposed dwelling is two-story. The dwelling and deck are not located within the flood plain. The dwelling conforms to required yard setbacks. A two car garage is located on the east side of the dwelling. The footprint is 2,665 SF.

4. The proposed dwelling footprint is almost 5X the size of the existing (2,665 SF proposed, where the existing is 538 SF). The proposed development coverage is approximately 2.4 times greater than the existing development coverage, 4,452 SF proposed, where the existing is 1,840 SF)

5. The house design is partially out of the ground at the rear. This design has minimized the changes of grading and soil import/export is generally balanced. No fill is shown within the flood plain.

6. Thirty-three (33) 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. **Trees that are within or within close proximity of the floodplain are significant that they may minimize erosion by holding soil masses.** The tree loss has increased by three (3) since prior proposal.

7. The 100 year floodplain elevation is shown on the drawing to be 321. First floor elevations are proposed at 329 and garage at 328.5. The 100 year floodplain is the regulated area regarding flood prevention. Ground water elevations are separate from stormwater flood elevations.

8. The applicant has submitted a revised letter from Robert G. Torgersen, dated June 20, 2011 which agrees that wetlands exist on the subject property and are within local jurisdiction including an area offset 100' from the wetlands. The applicant has submitted NYSDEC wetlands mapping

that shows no DEC regulated wetlands (wetlands in size greater than 12.4 acres) or buffers on the subject property.

9. The property is within the jurisdiction of the Rockland County Drainage Agency, which remains under review.

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.*

The recent acknowledgement of presence of wetlands adds an additional concern regarding the level of sensitivity of the site. The proposed construction (final dwelling and/or deck) will be approximately within 22' of the wetlands and within proximity of the 100 year floodplain line. Construction will be within the 100' offset lines of the 100 year flood plain, wetlands and water courses.

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

1. Revise landscaping plan with current proposal.

2. Some slight shifting of the seepage pits may minimize tree removals including at the south property line as well as minimize disturbance in slope areas. No basement is proposed so seepage pit distances should be reviewed to limit tree/slope disturbance. (This is a steeper slope property than adjacent parcel).

3. Review notes for applicability or completeness, notes, 15, 16 and 18

4. Review the sanitary sewer manhole and inverts for this and adjacent property. Show direction of flow with inverts and size and type of sanitary sewer main.

5. Drainage Agency Review and Permit required. At this time, the RCDA has not submitted any reviews. Any significant revisions requested by the DA may require the applicant to resubmit or revise their plans before the Planning Board.

6. Soil percolation tests shall be performed and test results shall be provided on the site plans.

7. Town of Ramapo sanitary sewer connection approval and permit required, prior to construction.

8. Applicant shall provide physical demarcation of 321 line during construction and provide permanent demarcation of wetlands line such as cairns or monumentation.

9. Wetland line to be labeled.

10. The driveway "K" turn area can be economized to further decrease improvements.

11. Clarify piping between trench drains/inlets and seepage pits.

Engineering Comments/Recommendations
The most recent submittals have acknowledged the presence of wetlands on the property which is located approximately 22' from the final construction. It is likely that these wetlands will be negatively impacted during the construction (land disturbance causing soil erosion) as well as single family activities after the house is occupied. It may be anticipated that by placing a dwelling as proposed, pressure to use the rear yard and encroachment into wetlands will occur over time.

The subject property is encumbered with multiple sensitive environmental areas which have placed the property within the Conservation Overlay District. Of significance is the floodplain issues which may cause damage and/or safety issues to dwelling and/or property as well as proximity to wetlands.

The recent reductions in footprint size and relocation from the theoretical 100 year flood plain line is viewed as a positive action in minimizing some of the environmental concerns, short term and long term.

The more efficient design of minimizing new impacts to the property is to locate the proposed structure partially or generally within the footprint of the existing structure and improvements. As a comparison to the adjacent parcel, lot 11, the proposed new dwelling does straddle the existing. Overall, the straddling of prior improvements will tend to minimize tree removals, new disturbances and minimize no further encroachments into sensitive environmental areas. The applicant should review the merits of the alternate location and weigh long term environmental impacts versus requesting relief from the Zoning Board, if applicable. It is noted that the current dwelling currently encroaches within the front yard setback.

Unintentional trees losses near or within the 100 year floodplain limits are likely to happen due to the proximity of construction as well as land disturbance which may impact root systems, change drainage patterns etc. Tree losses in these areas may have long term negative impacts such as erosion.

Specifically, under item 7, Standards for Granting Permits, the applicant shall review the availability of the most preferable location so that negative impacts to environmentally sensitive areas are minimized to the greatest extent practical.

Based on the multiple environmental issues related to this property, specifically the 100 year floodplain proximity and offset, wetlands and offset and watercourse and offset, it is recommended that the applicant further demonstrate to the Board where impacts may be reduced.

END OF REPORT

c. Dominick R. Pilla, RA PE

VILLAGE OF MONTEBELLO
CDRC MINUTES

CDRC Meeting Date: **July 26, 2011**

Project Name: **11 S BAYARD LANE**

Map Date: _____

Subdivision___ Amended Site Plan___ Special Permit___ Sign Plan__ Wetlands Permit___√_____

Preliminary_____ Final_____ Informal Discussion _____ Tree Removal_____ ARB_____

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. Discussed Martin Spence's memo of 7/23/11 (copy enclosed). Suggests some grading modifications.
2. Discussed line of trees along present driveway proposed to be removed and replaced.

Spence Engineering
Consulting and Municipal Engineers

To: Village of Montebello Planning Board CDRC

From: Martin K. Spence, PE Village Engineer

Date: July 23, 2011 (For CDRC)

Re: **11 Bayard Lane S 48.10-1-75**

We have received and reviewed the following:
- Set of Plans, Drawing Nos. SP01, SP02, SP03 prepared by Dominick R. Pilla Associates, last revised 7/22/2011

The application has been revised to show a smaller building footprint and placement further away from the 100 year floodplain line. The application provides increase safety factors and distances from sensitive environmental areas.

No architecturals or narrative were submitted. Based on the Site Plan building height, the proposal is a 2 story dwelling where the prior application consisted of a 1 story dwelling resulting in a larger footprint. It is noted that the 2 story dwelling has a 27' proposed building height well below the 35' maximum permitted in the zoning.

We make the following technical comments:
1. Proposed grading to be shown, we suggest keeping back corners of house in the 322-323 elevation range.
2. Show 100' offset distance from edge of water course (purple line on other site #9)
3. Revise landscaping plan with current proposal.
4. Shift seepage pits at south away from property line, attempt to minimize property line disturbance.
5. Silt fences should be shown just east of the floodplain line.
6. Review notes for applicability or completeness, notes, 15, 16 and 18
7. Review the sanitary sewer manhole and inverts for this and adjacent property. Show direction of flow with inverts and size and type of sanitary sewer main.
8. Drainage Agency Review and Permit required. At this time, the RCDA has not submitted any reviews. Any significant revisions requested by the DA may require the applicant to resubmit or revise their plans before the Planning Board.
9. Soil percolation tests shall be performed and test results shall be provided on the site plans.
10. Town of Ramapo sanitary sewer connection approval and permit required, prior to construction.
11. Applicant shall provide physical demarcation of 321 line during construction and provide permanent demarcation of wetlands line such as cairns or monumentation.

End of Report

86 E. Allendale Road Saddle River, NJ 07458
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Licensed in New Jersey, New York, Pennsylvania, Maryland and Virginia

To: Village of Montebello Planning Board

From: Martin K. Spence, PE Village Engineer

Date: August 9, 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

The applicant has submitted a revised plan to reflect a two-story dwelling for the subject lot. The proposed improvements generally straddle the existing improvements including the building footprint. The proposed dwelling does not further encroach west of the existing footprint which is viewed favorable given the general environmental sensitivity of the property.

A report prepared by ERS Consultants Inc, dated June 9, 2011 has been issued that states that Wetlands was observed on the subject property at the western property line. The request for the inspection was to identify presence/absence of wetlands. The west part of the property consists of the Mahwah River and an island. Directly to the rear of the existing dwelling is maintained lawn area where the most westerly area is not accessible via dry land.

The presence of Wetlands (including off-site) adds to concerns as related to the environmental sensitivity of the site, consisting of floodplain, presence of a water course and wetlands. The Boards' jurisdiction includes a 100' buffer offset from these specific locations.

The most recent Site Plan SP01, shows the 100' offset from the floodplain line of 321. This 100' offset is the most easterly jurisdiction line (including the floodplain, wetlands and watercourses).

The proposed dwelling partially straddles the existing dwelling footprint and driveway. The proposed construction including the deck is outside the 100 year flood plain line as shown.

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 last revised 7/22/2011
- Sections and Details, Dwg No. SP02, prepared by Dominick R. Pilla, Associates last revised 7/22/2011
- Erosion Control Notes and Details, Dwg No. SP03, prepared by Dominick R. Pilla, Associates last revised 7/22/2011
- Landscaping Plan, LP01, prepared by Dominick R. Pilla, last revised 4/14/2011. (Landscape plan has not been updated to reflect the revised submittal).
- We have not received Architectural Plans reflecting the revised submittal.
- Report from Robert G. Torgersen LA dated March 2, 2011 and update letter dated June 20, 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.

The 100 year floodplain line is a theoretical flood limit of a size storm that has a 1% chance of occurring in any given year. There are many variables regarding this calculation.

Prior revisions to the current drawings include elimination of the basement as well as encroachments into the side yard. The most current design has increased the setback from the water course an additional 10'

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.

The current design does not propose any construction within the floodplain, however the proposed improvements are within the regulated areas (within100' of the floodplain) and (within 100' of a watercourse) and may be within (100' of wetlands). 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

2. The property is generally rectangular and consists of two separate lots. Merging of the lots was discussed with the applicant. The gross lot area consists of of 35,793 SF or 0.82 acres. The lot is impacted by 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. A well defined lawn area currently exists behind the dwelling to the railroad ties located at the bank of the Mahwah River (distance is approximately 70' from proposed deck).

3. The proposed dwelling is two-story. The dwelling is not located within the flood plain and is located further away than the existing dwelling, which is viewed as a positive, given the many variables of flood conditions. The dwelling conforms to required yard setbacks. A two car garage is located on the east side of the dwelling. The proposed footprint is 2,973 where the existing is 1,232 SF.

4. 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.

5. Sixteen (16) trees are proposed to be removed, which reflects an increase of (2) from the prior submittal. The additional loss of trees are within the front yard where one additional tree is saved in the rear yard which is favorable. Some additional long term losses of trees may be anticipated due to construction. It is critical that tree protection and soil erosion measures be fully maintained during the construction.

6. The 100 year floodplain elevation is shown on the drawing to be 321. First floor elevations is shown to be 325.83. 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.

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

8. The applicant has submitted NYSDEC wetlands mapping that shows no DEC regulated wetlands or buffers on the subject property. The applicant has submitted a revised letter from Robert G. Torgersen stating that he finds no wetlands on the subject property, but also states that a NYSDEC wetlands exists within 40' of the subject property. This requires clarification and determination if NYS DEC requires a submittal.

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

10. The current drainage design consisting of three (3) seepage pits is acceptable.

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.*

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

S-1. Proposed grading to be shown, we suggest keeping back corners of house in the 322-323 elevation range.

S-2. Show 100' offset distance from edge of water course (purple line on other site #9)
S-3. Revise landscaping plan with current proposal.

S-4. Shift seepage pits at south away from property line, attempt to minimize property line disturbance.

S-5. Silt fences should be shown just east of the floodplain line.

S-6. Review notes for applicability or completeness, notes, 15, 16 and 18.

S-7. Review the sanitary sewer manhole and inverts for this and adjacent property. Show direction of flow with inverts and size and type of sanitary sewer main.

S-8. Drainage Agency Review and Permit required. At this time, the RCDA has not submitted any reviews. Any significant revisions requested by the DA may require the applicant to resubmit or revise their plans before the Planning Board.

S-9. Soil percolation tests shall be performed and test results shall be provided on the site plans.

S-10. Town of Ramapo sanitary sewer connection approval and permit required, prior to construction.

S-11. Applicant shall provide physical demarcation of 321 line during construction and provide permanent demarcation of wetlands line such as cairns or monumentation.

S-12. Clarify discrepancy of NYS Wetlands in the area based on Torgesen letter. (Our findings do not show NYS DEC wetlands in area).

S-13. The driveway "K" turn area can be economized to further decrease improvements.

Engineering Comments/Recommendations:

The recent revisions of the application have decreased the footprint and development coverage disturbance and has moved the dwelling further away from environmentally sensitive areas (even further away than the existing dwelling). These revisions are viewed as a positive as compared to the prior submission and has provided additional safety factors to potential flooding.

Still, it is likely that these sensitive environments will be negatively impacted during the construction (land disturbance causing soil erosion) into the watercourse.

The proposed building partially straddles the existing building as well as improvements. The developed area is further located away from the rear area (driveway is front loading eliminating pavement accessing a side load garage), which is viewed as a favorable design revision.

END OF REPORT

C: Dominick R. Pilla, RA PE

VILLAGE OF MONTEBELLO
CDRC MINUTES

CDRC Meeting Date: **July 26, 2011**

Project Name: **TOWN OF RAMAPO—COE FARM SEWER EXTENSION**

Map Date: _____

Subdivision___ Amended Site Plan___ Special Permit___ Sign Plan__ Wetlands Permit__√_____

Preliminary_____ Final_____ Informal Discussion _____ Tree Removal_____ARB_____

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. See Martin Spence's memo of 7/22/11 (copy enclosed).
2. Applicant prefers alternate "A".
3. Response to Martin Spence's memo, dated 7/22/11 (copy enclosed) discussed.

To: Village of Montebello Planning Board CDRC

From: Martin K. Spence, PE Village Engineer

Date: August 9, 2011

Re: **Proposed Sewer Extension at Coe Farm Road**
Condon Property

We have received and reviewed the following:

- Application and Narrative
- Proposed Sewer Extension at Coe Farm Road, Sheet 1 as prepared by Jay A. Greenwell, and signed by Michael J. Sadowski, PE, last revised 9/16/2008
- Proposed Sewer Extension at Coe Farm Road, Sheet 2 as prepared by Jay A. Greenwell, and signed by Michael J. Sadowski, PE, last revised 9/09/2008
- Supplemental Narrative Summary to EAF dated August 2, 2011 and EAF
- Responses to review from TOR (CDRC comments)

The application consists of extending a sewer main from the existing pipe at Coe Farm Road to provide current and future service via an easement.

The referenced plans have not changed since the prior CDRC meetings. The applicant during prior CDRC meetings has provided separate demonstration plans showing alternates of providing sewer service to this area. Based on the information, Alternate A is the most desirable and practical way to provide future sanitary sewer to existing dwellings. In addition, it will provide future service in the event any future development is proposed for the subject properties.

The referenced plans show the Alternate A layout without the servicing of any future homes. The current layout would only provide for service and/or easements to existing dwellings. At this time, the TOR is proposing to provide a 8" PVC sewer line to provide sewer to the subject property under the Alternate "A" arrangement.

The current proposal would permit sanitary sewer house connections from lots 40.20-1-28 (Zavoski) and 40.20-1-21 (Condon) at this time. Any and all future or additional connections may require Planning Board review and approvals.

This review reflects the comments that were submitted by the TOR in response to CDRC comments. Based on their submittal, it is acceptable to require any future applicant making a connection to provide a manhole structure at the end of the line. At this time, the end of line is shown to be capped which is acceptable.

We make the following technical comments at this time:

1. Coe Farm Road pavement repair shall be sawcut/milled and paved full width from curb to curb as part of the pavement repair consistent with Village Local Law on excavations. Milling as necessary and full width resurfacing should be made part of the details/notes.
2. Eliminate Alternate "B" proposed easements from the final plan. (Alternate "A" is the desirable design). End of Report
   C: Dominick Pilla

Spence Engineering
Consulting and Municipal Engineers

To: Village of Montebello Planning Board CDRC

From: Martin K. Spence, PE Village Engineer

Date: July 22, 2011 (For CDRC)

Re: **Proposed Sewer Extension at Coe Farm Road**
Condon Property

We have received and reviewed the following:

- Application and Narrative
- Proposed Sewer Extension at Coe Farm Road, Sheet 1 as prepared by Jay A. Greenwell, and signed by Michael J. Sadowski, PE, last revised 9/16/2008
- Proposed Sewer Extension at Coe Farm Road, Sheet 2 as prepared by Jay A. Greenwell, and signed by Michael J. Sadowski, PE, last revised 9/09/2008

The application consists of extending a sewer main from the existing pipe at Coe Farm Road to provide current and future service via an easement.

The referenced plans have not changes since the prior CDRC meeting. The applicant has provided separate demonstration plans showing alternates of providing sewer service to this area. Based on the information, Alternate A is the most desirable. The referenced plans show the Alternate A layout without the servicing of any future homes. The current layout would only provide for service and/or easements to existing dwellings.

Any future applications would need to show connections and easements for sanitary sewer service.

We make the following technical comments at this time:

1. An additional manhole (SMH #4) is recommended at the proposed north limits of the line. This will be the location of pipe connections from different locations and will assist in any future connections including access.
2. At this time, only one connection may be provided. It should be demonstrated/stated that the pipe will be adequate for such a low flow.
3. Provide copy of NYSDEC Water Quality Certification or Waiver.
4. Coe Farm Road is generally a new road and repair should include from curb to curb pavement repair within limits of construction. Milling as necessary and full width resurfacing should be made part of the details/notes.
5. Alternate "B" proposed easements are shown on the plan as well, provide reason for showing of this easement.

End of Report

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