The Planning Board of the Village of Montebello held a meeting on Tuesday, May 8, 2012 Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman R 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
Michael Iatropoulos, Member
Anthony Caridi, Member
Donald Wanamaker, Member

OTHERS

Ira Emanuel, Assistant Village Attorney
Robert Geneslaw, Village Planner
Martin Spence, Village Engineer
Gloria Scalisi, Planning & Zoning Clerk

ABSENT

Thomas Ternquist, Member

Member Iatropoulos made a motion to approve the minutes (with edits) of April 10, 2012, seconded by Member Caridi. Upon vote, the motion carried unanimously.

Chairman Rubin welcomed Mr. Donald Wanamaker to the Planning Board as an Ad Hoc Me Mr. Wanamaker is a Montebello resident who grew up in Rockland County and owns a con that focuses on Environmental Health and Safety consulting.

Montebello Commons Apartments, LLC—Public Hearing
Amended Site Plan

> Application for Amended Site Plan to add a generator to the site at 11-111 Montebello Commons Drive, which was submitted to the Village of Montebello Planning Board for owner Montebello Commons Apartments, LLC, 11-111 Montebello Commons Drive, Montebello, New York. Total acreage is 10.49 +/-, Section 55.08, Block 1, Lot 7 in a RSH Zone.

The Applicant has submitted a request for an adjournment until the June 12, 2012 Plann Board meeting. Member Iatropoulos made a motion to adjourn the Public Hearing on the Application of Montebello Commons Apartments for approval of an Amended Site Plan, as the Applicant's request, until the June 12, 2012 Planning Board meeting, seconded by Me Caridi. Upon vote, the motion carried unanimously.

6 River Road
Site Plan Re-Approval

> Application of Carole A. Van Hook, 5 East Gate Road, Montebello, New York 10901, for Re-Approval of a Site Plan entitled "6 River Road". The subject property is located on the westerly side of River Road approximately 300 feet south of Victory Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.14, Block 1, Lot 19 in an R-35 Zone.

The Applicant, Mrs. Carole Van Hook, along with her attorney, Mr. James Licata, and the Applicant's engineer, Mr. Stuart Strow, are in attendance.
Mr. Licata explained how the Applicant was before the Planning Board at quite a few meet before they received their approval. Mr. Licata stated that the original plan submitted by t Applicant changed drastically with the recommendations of the Planning Board. Mr. Licata stated that the site plan is the same site plan that was approved in 2010.

Mr. Martin Spence, Village Engineer, read his memo dated May 7, 2012 (copy attached).

Mr. Ira Emanuel, Assistant Village Attorney, questioned the Applicant's engineer on any e conditions that changed the site plan. Mr. Strow replied that the conditions dealt with add notes from the final resolution including adding three trees in the south westerly corner c property. No changes to any flood plain elevations or any other elevations.

Chairman Rubin made a motion to waive the Public Hearing for the Re-approval of an Am Site Plan entitled "6 River Road", seconded by Member Iatropoulos. Upon vote, the motion unanimously.

Member Wanamaker questioned the Applicant on why they are switching from soft woods woods on the trees. Mr. Strow replied that the Planning Board required the switch.

Mr. Ira Emanuel, Assistant Village Attorney, read the Resolution into the record:

RESOLUTION PB-07 of 2012
Granting Approval of an Amended Site Plan for
"6 River Road"

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

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

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

WHEREAS, the premises are located within a Conservation Overlay District, requiring approval of the site plan for the premises by this Board; and

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

WHEREAS, pursuant to the New York State Environmental Quality Review Act, this Board, as Lead Agency, granted a negative declaration on August 10, 2010; and

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

WHEREAS, the Rockland County Planning Department, in memoranda dated May 3, June 22, and July 19, 2010, recommended certain modifications to the proposed project a permit; and

WHEREAS, pursuant to the requirements of section 191-6.B of the Code, a public hearing on this application was held, pursuant to due notice, on May 11, June 8, Ju and August 10, 2010; and

WHEREAS, by Resolution PB-02 of 2010, dated August 10, 2010, this Board granted approval of the requested Wetlands and Stream Protection Permit and Conservation Overl District site plan; and

WHEREAS, pursuant to § 195-53 of the Zoning Code, the applicant was required to an application for a building permit, pursuant to the approved site plan, within 18 month approval of the site plan; and

WHEREAS, no such time restriction applies to the Wetlands and Stream Protection Permit; and

WHEREAS, the applicant attempted to apply for a building permit within the require month period, but said application was rejected by the Building Inspector because of the applicant's failure to complete certain conditions attached to the site plan approval prior making such application, and therefore, the applicant did not have a fully approved site p

WHEREAS, the applicant now applies for an amended site plan approval based upon t original site plan approved in Resolution PB-02 of 2010; and

WHEREAS, the amended site plan is identical to that approved by this Board in Resolution PB-02 of 2010, with the exception that changes to the drawings mandated by Board, and other updated consistent with the requirements of the original approval have added to the proposed amended site plan; and

WHEREAS, based on the statements received by this Board at its meeting of May 8, 2012, from the applicant's engineer, the applicant, and the Village's consultants, it appea there have been no significant changes to the environment or physical characteristics of t immediately surrounding the subject site or in the larger vicinity; and

WHEREAS, this Board has reviewed the memorandum of the Village Engineer dated May 7, 2012; and

WHEREAS, pursuant to the provisions of § 195-51 of the Zoning Code, the applican requested a waiver of the public hearing requirement based on the lack of change and the consistency of the amended site plan with the original approved site plan.

NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing, this Board hereby waives the requirement for a public hearing in this matter, pursuant to § 195-51 of the Z Code; and be it further

RESOLVED, that this Board hereby approves an amended site plan for premises designated on the Town of Ramapo Tax Map as Section 48.14, Block 1, Lot 19, to allow th disturbance shown on a drawing entitled "6 River Road" prepared by Stuart Strow, P.E., da March 23, 2010, last revised March 30, 2012, consisting of 1 sheet(s), subject to the follo conditions, all of which were conditions of the original approval granted by Resolution PB- 2010:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MOTION: Member Iatropoulos

SECOND: Member Caridi

Upon vote, the Resolution carried with Member Burke voting nay.

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.

In attendance are Michael Specht, Deputy Town Attorney, and Edward Dzurinko, Director o Public Works-Town of Ramapo. Mr. Dzurinko explained the Application for the Coe Farm Sewer Extension to serve two existing residences from Coe Farm Road. Mr. Dzurinko state the last Planning Board meeting in August of 2011 the Planning Board requested a tree su which they have since submitted.

Mr. Robert Geneslaw, Village Planner, read the minutes of the March 27, 2012 CDRC meet (copy attached).

Mr. Martin Spence, Village Engineer, read his memo dated May 7, 2012 (copy attached).

The Planning Board would like the Applicant to use Alternate "A" when and if service is ne at the Zavoski residence.

Mr. Dzurinko stated that the Applicant has no problems with any of the items of the Villag Engineer's memo dated May 7, 2012.

Member Burke expressed her concerns with future development with the extension of the sanitary sewer. Member Burke questioned why the Town of Ramapo is involved in this application. Mr. Dzurinko replied that the Town of Ramapo would like to provide sewer se to an existing residence. Member Burke voiced her concerns because Mr. Condon had cor the Planning Board in 2007 to develop the property. Mr. Dzurinko stated that he does not whether or not the subdivision will go forward, the Town is before the Planning Board to p sanitary sewer service for an existing residence.

Mr. Emanuel clarified sewer easements in reference to the Condon property and the Zavos property.

Member Burke referenced Mr. Alan Berman's letter, dated August 30, 2011, in which there discussion on a "Timber Rattlesnake" report submitted for the 2007 Condon Subdivision, neither the Village files or the Applicant have a copy. Member Burke, while looking in her Condon Subdivision files, produced the report. (Copy enclosed)

Chairman Rubin stated that since this report has surfaced the Applicant will need time to the new information.

Mr. Matthew Byrne, consul for Mr. and Mrs. Zavoski, stated that the Zavoskis commissione their own report in 2007 and that report is also not in the Village files. Mr. Byrne provided Alan Berman, Deputy Town Attorney, with a copy. Mr. Byrne submitted a copy to the Plann Board. (Copy enclosed)

Mr. Byrne stated that the reason the Town is taking on this application was for concern of future viability of the Condon's septic tank. Mr. Byrne would like to see any documentatio addresses the viability of the Condon's septic tank. Mr. Byrne stated that the Zavoskis are asking to be hooked up to the sewers and whether or not their ability to hook up in the fu not a concern of theirs. Mr. Byrne stated his concern with the route being considered to a Zavoskis in future connection. Mr. Byrne stated that the Zavoskis have a strong concern fo future development and subdivision of the property. Mr. Zavoski stated that one of the lar dens for timber rattlesnakes in Rockland County is in Kakiat Park approximately one mile the Zavoski property.

Chairman Rubin stated that with all of the new information received the Planning Board lo forward to the Applicant's response.

Mr. Spence questioned the Applicant on the easement shown in Alternate "A" if it is propo this time or is it a condition of the construction of the sewer main. Mr. Dzurinko replied th Alternate "A" is way to service the Zavoski lot and the Condons will provide the easement.

Mr. Emanuel stated that there is a public policy from the County Health Department that s that parcels should move from septic to sewer wherever feasible and possible.

Member Burke stated that this application is unique due to the wetlands.

Betsy Ward, 10 Wilbur Road, Montebello, New York requested to view the map in question Mrs. Ward questioned the Wetlands Law if the Village will grant Wetlands permits. Mr. Emanuel replied that the Wetlands Law does not prohibit construction but it allows the Pla Board to review the circumstances and put in safeguards in place.

Member Iatropoulos made a motion to continue the Public Hearing for a Wetland Permit fo "Coe Farm Road Sewer Extension" until the next scheduled Planning Board meeting on Jur 13, 2012, seconded by Member Caridi. Upon vote, the motion carried unanimously.

SMK-Rose Hill Subdivision
Filing Extension

> Application of SMK Home Builders, 24 Waters Edge, Congers, New York, 10920 for a Preliminary Subdivision Plat and a map entitled "SMK- Rose Hill" dated March 31, 2011 for a three lot subdivision which was submitted to the Village of Montebello. The total acreage for the parcel is 3.415 acres. The property is located on the south side of Rose Hill Road, approximately 600 feet west of the intersection of Spook Rock Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 41.17, Block 1, Lot 60 in an RR-50 Zone. The Applicant received Preliminary Approval on November 8, 2011.

At the request of the Applicant, Member Iatropoulos made a motion to approve a filing extension, seconded by Chairman Rubin. Upon vote, the motion carried unanimously.

Brief discussion of sewer easements on the SMK-Rose Hill Subdivision.

New Business

Chairman Rubin questioned the Mr. Geneslaw on the zoning code changes to be sent to tl Village Board. Mr. Geneslaw stated that he is working on them.

Member Caridi made a motion to adjourn the meeting, seconded by Member Iatropoulos. vote, the motion carried unanimously. The meeting adjourned at 8:25 p.m.

Appendix

To: Village of Montebello Planning Board

From: Martin K. Spence, PE Village Engineer

Date: May 7, 2012

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

As part of the application for the re-approval, we have received and reviewed the following:

- Site Plan, prepared by Centerpoint Engineering, Dwg No. 1, last revised March 30, 2012

The plan is consistent with the prior plan submitted to the Board and approved under the prior Board action. A full narrative and review dated August 9, 2010 had been previously provided during the original application.

The referenced plan has been updated to include comments/requirements from the Rockland County Drainage Agency as well as the Montebello Planning Board.

The applicant has satisfied all prior engineering comments. The only outstanding conditions that remain to be satisfied prior to the issuance of building permits are items 4, 5 and 6 as listed in the CDRC review comments dated April 23, 2012 and attached this document.

END OF REPORT

c. Stuart Strow, PE
Carole A. Van Hook

CDRC MINUTES

CDRC Meeting Date: **March 27, 2012** _____

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. Planning Board to determine where spurs are to be located.
2. Sewer line now only proposed on strip of land owned by Condon extending westwa from Coe Farm Road.
3. Applicant unable to find report regarding snakes referred by Mr. and Mrs. Zavoski.
4. Discussed proposed alignment of sewer line in relation to trees on adjoining propei

Discussed remediation of Coe Farm Road from construction impacts.

To: Village of Montebello Planning Board CDRC

From: Martin K. Spence, PE Village Engineer

Date: May 7, 2012

Re: **Proposed Sewer Extension at Coe Farm Road – Wetlands Permit 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)
- **Tree Location Plan, 1 Sheet as prepared by Jay A. Greenwell, last revised 1/25/12**

Plans in Bold are most recent submittals

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 and Planning Board hearings. The most recent submittal includes a tree survey showing what trees will be impacted (11 trees are proposed to be removed).

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. The current application is to extend the main from Coe Farm Road for a distance of approximately 430' to the end of the existing 25' wide strip. 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.

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.

Under Chapter 191 Wetlands and Stream Protection the proposed activities within the proximity of the wetlands are regulated and requires the applicant to file a Permit request before the Planning Board.

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:

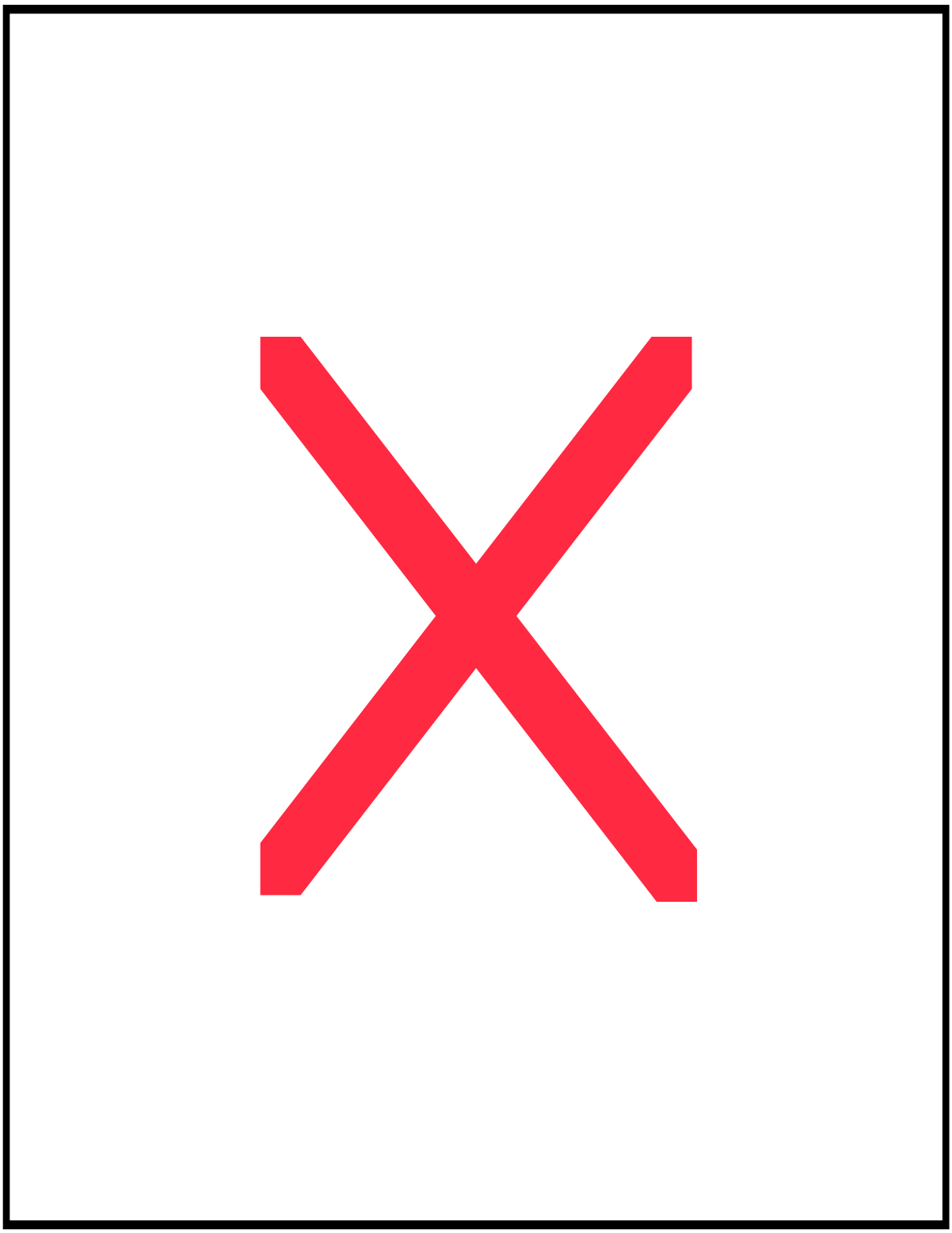
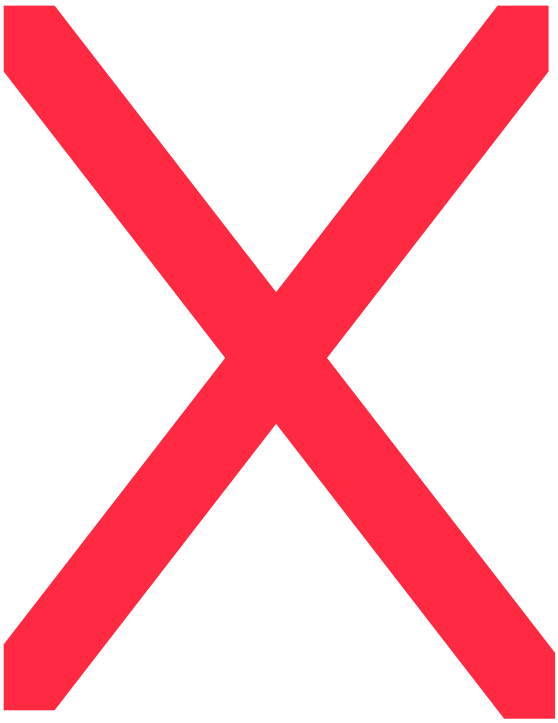
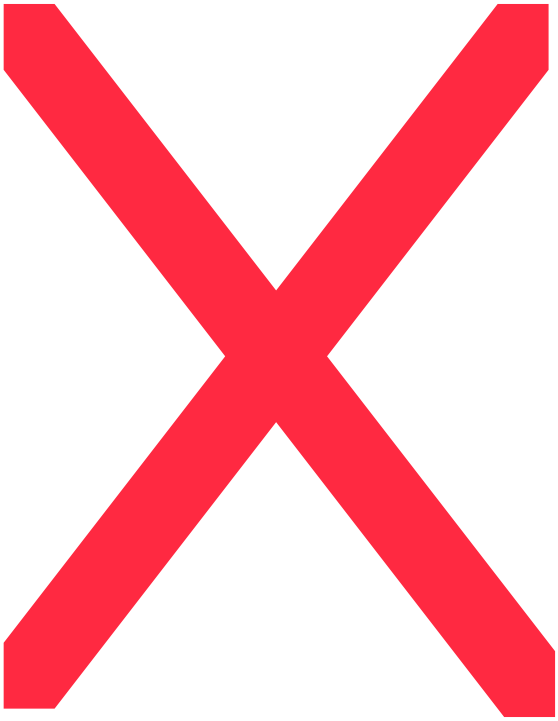
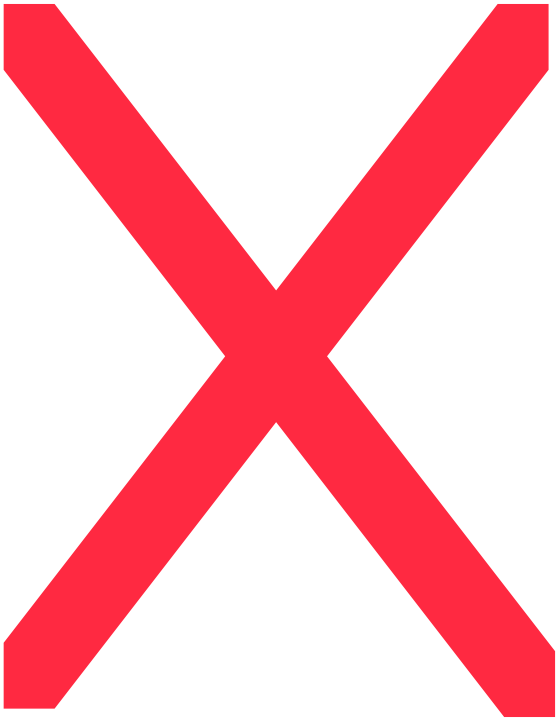
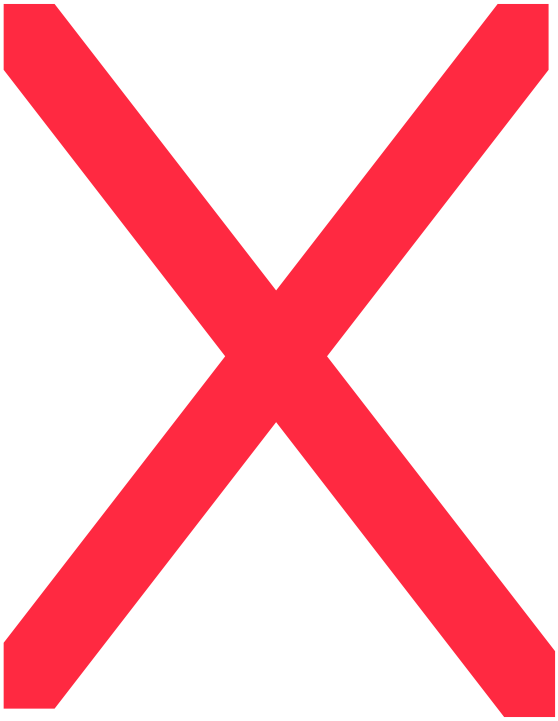
1. *The environmental impact of the proposed actions.*
2. *The alternatives to the proposed actions.*
3. *Irreversible and irretrievable commitments of resources that would be involved in the proposed activity.*
4. *The character and degree of injury to or interference with safety, health, or the reasonable 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.*

We make the following technical comments:

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).

3. The sewer main should be located approximately 5' to the north within the 25' strip of land to allow for construction access and maintenance without potential for encroachment onto adjacent property. Review and revise pipe alignment accordingly.

4. Trees located on adjacent properties may not be disturbed without permission consent of the property owner.

End of Report