

VILLAGE OF CHESTNUT RIDGE

PLANNING BOARD MINUTES

May 5, 2016

MEMBERS PRESENT: Allan Rubin, Chairman
Marc Levine
Myrna Arin
Antonio Luciano
Jeff Wasserman

ALSO PRESENT: Paul Baum, Deputy Village Attorney
Dennis Rocks, Village Engineering Consultant

Chairman Rubin called the meeting to order 8 pm with the Pledge of Allegiance.

Approval of Minutes of December 3, 2015 Meeting

Member Levine noted his comments to the minutes. Page 2, 4th Paragraph- Change “out” to “at.” Further down Page 2 there is a gap and possibly a missing paragraph. Page 3, last Paragraph- The Chairman is making a motion and seconding it.

The approval of the minutes will be tabled until the minutes can be corrected.

Approval of Minutes of April 7, 2016 Meeting

Chairman Rubin made a motion to approve the minutes. The motion was seconded by Member Arin. The motion was passed by a vote of 4-0 with Member Wasserman abstaining as he was not at the April 7th meeting.

Bello Vista. Continuation of public hearing for the preliminary subdivision plat approval to permit the construction, maintenance and use of a ten lot subdivision.

Ira Emanuel appeared for the applicant. He recapped that the SEAF Part II was adopted at the March 3rd meeting. They are here for the continuation of the public hearing. They are aware of ongoing concerns from the downstream neighbors about drainage.

Stuart Strow indicated they have been looking at the drainage carefully over the last 2 months and has been working to address the comments of Dennis Rocks. They have enlarged the drainage system to get more impervious surface runoff into the system. The system has been over designed to handle the 200 year storm. They have been examining the overflows and considering the “what ifs” should the systems overflow. He met at the site with Dennis Rocks

last week. There was evidence of concentrated flow on the northerly property line that discharges onto the northwest portion of the property. The stone wall to the north of the property stops water from discharging onto the horse farm and contains it on the site. The system is designed to meet the requirements of the Village. The existing runoff will continue to exist and they cannot eliminate it but they will not be making it worse. All the impervious surfaces are tied into the storm water system. He is working on responding to the detailed comments of Dennis and will have that response to Dennis shortly.

Dennis Rocks wanted to verify that the Planning Board had a good understanding of the drainage plan. This is a unique plan in that it has no outlet. Most of the site drains to the west in a sheet flow. A drainage plan has to mitigate the increase flow and detain the volume and put it into a structure. The structure then typically releases the volume over a period of time through an outlet. This system has no outlet to get water out of the system. He felt that when the properties were developed to the west of this site, appropriate drainage improvements were not installed. They are going to get water with or without this development. There have been discussions for the applicant to obtain an outlet but so far they have not succeeded. The current system is based on infiltration. All the water will be stored underground. The applicant bumped up the design of the system to handle the 200 year flood.

Member Arin questioned whether the sheet flow after the development would be the same as pre-development. Dennis Rocks responded that the system will not increase the rate. An additional issue is the distribution of the water. The applicant's engineer needs to evaluate multiple points to see if the distribution is addressed.

Chairman Rubin inquired about an easement for an outlet. Stu Strow responded that from an engineering standpoint, an outlet would be best. However, there were non-engineering issues at stake such as time, cost and dealing with a hook up into Saddle River Road and determining if the Saddle River Road system has the capacity to handle the flow. There are many other aspects of pursuing an outlet other than just engineering ones. They want to move ahead with the system as proposed as it addresses the drainage. They have made efforts to reach out to neighbors to get an easement. Efforts to get easements were made back in 1996 when this property was previously before the Planning Board. He feels that pursuing an easement for the outlet does not meet the needs of the client based upon the delay and the cost when the current proposal does meet the needs of the client.

Member Wasserman stated that if Dennis Rocks is satisfied that the plan works, then he is comfortable with it. Member Luciano agreed. Member Arin questioned whether Dennis would be more comfortable with an outlet pipe. Mr. Rocks responded yes. Member Arin asked the Applicant if it would be possible to drain the property to the east. Stu Strow advised that only about 1/3 of the site drains to the east. The rest drains west. It would not be feasible to drain the rear of the property to the east.

Member Levine stated that without an outlet, if the system fails, there will be extensive runoff to the west. He is concerned that if a property owner re-grades their property, it could impact the drainage plan. How will they prevent the owners from re-grading their property in the future if they want to install a pool or a swing set? He wants to explore an outlet.

The public comment portion of the meeting was then opened.

Mark Licker, attorney for Trbovic appeared. She is not against development but she has had tremendous water problems over the years. She would be amenable to discussing an easement with the Applicant.

Mrs. Trbovic (617 saddle River Road)- She showed pictures of the areas behind her house where the water pools. When it rains, water pools up on the Bello Vista site which is higher than the surrounding property by about a foot. It then drains to the horse farm and then onto her property. The water does not drain to Saddle River Road. It goes onto her property through handmade berms and on the Khan property from the horse farm. She feels the project will hurt her property even more.

Dennis Rocks indicated he did not see water draining from Bello Vista onto her property. She has an existing water problem. The question was what net impact this development will have on her.

Mr. Khan (625 Saddle River Road)- He felt that the water was going to get out and go somewhere. Something should be done to prevent the water from going down during construction. A containment system will not prevent the water from going out off the property and impacting him.

Dennis Rocks felt the current design makes the best of a not good situation. It can function but is not the optimal solution.

Members Arin, Luciano and Levine want the applicant to pursue an outlet. Member Wassermann did not see the need to pursue the outlet.

Ira Emanuel stated they will continue with the current design but will also continue to explore an easement for an outlet. If it cannot be done, they do not want to be delayed for not having an outlet.

It was noted for the record that the revised SEAF, as adopted by the Board on March 3rd, was received by the Village.

It was again noted that access to the Godwin Parcel will be through an easement on the Bello Vista property. It was also suggested that the Planning Board retain some sort of control over the grading of the Godwin Parcel to make sure it does not create further impacts at the time a house

is built on the lot and that site plan approval from the Planning Board should be required to connect through the easement so the Board can review drainage at that time.

Member Arin made a motion to adjourn the public hearing to the June 2, 2016 meeting. Member Wasserman seconded the motion. The vote was 5-0 in favor of the motion. The public hearing will be adjourned to June 2nd.

Artis Senior Living. This is an informal discussion of the site plan.

Ira Emanuel, attorney for the applicant appeared. This was to have been a public hearing tonight, but understands it was not scheduled due to the fact that the hearing notice was not published in the paper. They are scheduled to go before the Village Board in June for the Special Permit. The Village Board cannot act on the Special Permit application until the Planning Board renders a negative declaration.

Chairman Rubin brought up the issue of overflow parking. Several options were addressed at the workshop; to wit, leave it the way it is, grade for the future, or install it now.

Mr. Emanuel reminded the Board they explored off-site parking but they came to a conclusion that they would not be able to negotiate an easement for the parking from the adjacent properties. Their parking studies show they do not need the additional parking but they would explore on-site parking for those couple of times a year when it might be necessary. They do not want to build and pave an overflow parking area for the one or maybe two times a year it may be needed. Having the overflow parking does not meet the needs of the Applicant. He suggested that there are materials that can be used in lieu of grasscrete that will support a lawn and the weight of a vehicle. They can modify the grading and the retaining walls to engineer the overflow parking, but do not want to pave it.

Chairman Rubin polled the Board members on the suggestion. All members like the idea of the overflow parking and the solution suggested by the Applicant. They are all in favor of grading the area for the parking but not paving the area.

Member Wasserman brought up the issue of a sidewalk along Chestnut Ridge Road. Stuart Strow acknowledged that they will be installing the sidewalk to connect with the property to the south.

Chairman Rubin asked the Applicant if they had any issues with the recommendations of the March 7, 2016 GML review letter from the County Planning Department. Ira Emanuel said they objected to Items 2 and 6 of the letter. Item 2 dealt with a permit from the County Highway Department and Item 6 dealt with a review of the maneuverability of the truck by the County Department of Fire and Emergency services.

Dennis Rocks advised that he called the County Highway Department regarding their claim of jurisdiction. The County is mandating that they issue permits for anything within 500 feet of a

County road. Ira Emanuel requested the Board to override the condition. He will argue his case to the County and if they make him get a permit, then so be it. He does not want his approval conditioned upon the permit though.

Dennis Rocks agreed that Item 6 ought to be overridden insofar as it requires a review of the truck maneuverability by the County Fire and Emergency Services. Their function is not to review such details and the local fire departments and fire inspectors are capable of that review.

Member Arin raised the issue of the sight distance coming out of the driveway. Mr. Rocks advised that the DOT was not opposed to the design. They deal with sight distance issues.

Member Levine stated that he believed the issue was not the sight distance but the queuing of cars and the difficulty it may be to make a left out of the property. Mr. Rocks concurred that was the issue. The DOT indicated they will issue a permit so there is nothing else to discuss. If cars have a difficulty making a left turn out of the site, they will have to make a right and then make a u-turn at some point.

Mr. Emanuel again stated they wanted to get a negative declaration before the Village Board meeting in June. At that time, the Village Board will also be addressing the restrictive covenant. He understands that the Planning Board wants to have a public hearing before rendering a determination and requested that it occur at the June Planning Board meeting.

Dennis Rocks advised that he is not ready to make a recommendation on the negative declaration as the drainage issues are not yet resolved. Stuart Strow indicated that he just received Dennis's November comments at the April CDRC meeting and he will review the specifics with Dennis directly.

The public hearing will be scheduled for June 2, 2016.

Supreme Mulch (d/b/a Creative Gardens). The applicant did not appear before the Board and the Board took no action with regard to the application.

New Business. Chairman Rubin noted that they received a referral from the Town of Orangetown relating to an application for variances for the McSharry Residence. Jeff Wasserman will review the application and report back to the Board on his review.

Old Business. The Chairman Confirmed the date of the May Workshop Meeting for May 23, 2016.

There being no further business before the Board, a Member Luciano made a motion to adjourn the meeting. The motion was seconded by Member Levine. Upon vote, this motion carried unanimously.