

VILLAGE OF CHESTNUT RIDGE

PLANNING BOARD MINUTES

JUNE 2, 2016

MEMBERS PRESENT:

ALLAN RUBIN	CHAIRMAN
MARC LEVINE	DEPUTY CHAIRMAN
MYRNA ARIN	MEMBER
ANTONIO LUCIANO	MEMBER
JEFF WASSERMAN	MEMBER

OTHERS PRESENT:

PAUL BAUM	ASSISTANT VILLAGE ATTORNEY
ROBERT GENESLAW	VILLAGE PLANNER
DENNIS ROCKS	VILLAGE ENGINEER
MARY BALLEK	PLANNING BOARD CLERK

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

Chairman Rubin made a statement regarding the transition after Ms. Fazio Hart left the Village and Ms. Ballek came on Board. He became aware that a number of Applicant fees hadn't been paid before an appearance, either before the CDRC for an informal discussion of application, or when the application was before the Board formally. Chairman Rubin reiterated this is the applicant's responsibility to pay fees before appearing before the Board. It's not the Village's responsibility to remind the applicants.

Bello Vista -Continuation of Public Hearing for Preliminary Subdivision-- Applicant is seeking approval to subdivide the parcels into 10 lots. The properties are located on the West side Ackertown Road, at the intersection of Kennedy Parkway and approximately 250 ft south of Kennedy Parkway known as 256 and 246 Ackertown Road.
62.15-1-42, and 62.-15-1-45, RR-50 Zone.

Ira Emanuel, Attorney for applicant, 4 Laurel Road, New City, NY 10956

Stuart Strow, Brooker Engineering, 74 Lafayette Avenue, Suite 501 Suffern, NY 10901

Mr. Emanuel stated this issue had been before the Board a number of times regarding drainage issues North and North West of the property. He had been instructed by the Board last month to explore the possibility of obtaining an easement. Mr. Emanuel has had discussions with the affected neighbors, particularly Mr. Kahn who is accepting to the idea of an easement. Mr. Emanuel said nothing has been finalized as of yet, but they had the discussions and are pursuing them. Mr. Emanuel said there will also be discussions with Rockland County Highway and Rockland County Sewer Districts in regard to the nature, size and location of the pipes that are in Saddle River Road.

Mr. Emanuel said he was checking to make sure the size of the pipes are sufficient, they need to be able to accommodate whatever is put into them.

Mr. Emanuel said we can accommodate the drainage down Saddle River Road and he doesn't think there are any other environmental issues. Mr. Emanuel went on to ask the Board for a Declaration with the understanding that if the applicant can come up with a means to get the drainage out towards Saddle River Road that makes sense to us and the County Highway Department, it would be the easiest and most economical way to go.

Chairman Rubin asked Ms. Ballek if any new documents were received since the May Planning Board Meeting. Ms. Ballek answered no. Chairman Rubin asked the same question of Mr. Emanuel and Mr. Strow and they both answered no.

Chairman Rubin asked Mr. Strow when he anticipated a resolution date regarding the sewers; will they be able to take the volume as well as Saddle River Road? When might there be an agreement with 1 of the adjacent property owners to go through their property with an easement?

Mr. Strow said there were several parts. Chairman Rubin asked if a month or two would be a realistic time-frame. Mr. Strow indicated needing maybe a couple of months to do an analysis of drainage, legal documentation as well as an additional survey. Mr. Strow will be reviewing step-by-step; saying some items don't make sense to pursue. If the owners aren't willing, it doesn't make sense to pursue. Mr. Emanuel said to Mr. Strow, assuming everything falls into place; what would a reasonable timeframe be? Mr. Strow said he felt it would be more of a 2 month process.

Chairman Rubin asked if there was anything additional either Mr. Strow or Mr. Emanuel wanted to discuss, both said no.

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Chairman Rubin asked if anyone from the public wishing to speak had signed in.

Nick and Nancy Mazis 6 Janna Court, Chestnut Ridge

Ms. Mazis asked the location of the project saying she's not heard of before. Chairman Rubin stated the property was off Ackertown Road, back by Duryea Farm, there is a property that has horses.

Mr. Luciano said the property was located at the 'S' Curve, where you make the turn in the road.

Chairman Rubin asked if any Board members had comments. No one did.

Chairman Rubin said the applicant is asking for Draft Resolution, the Planning Board was waiting for Mr. Rocks to finish his review on the drainage. Mr. Rocks said his review was complete on April 14, 2016.

Mr. Emanuel stated the drainage solution is not sufficiently advanced. He asked Mr. Rocks if he received anything since, and Mr. Rocks replied no.

Mr. Strow said the applicant attended the April 14 CDRC meeting and he had planned to discuss his plans to pursue an easement at the May Planning Board Meeting. No new material has been submitted. He has advanced the design and he's trying to coordinate with the advancement of the easement acquisition. Mr. Strow said he can submit the design based on not acquiring the easement, and address comments from Mr. Rocks. Mr. Strow said he felt that they've been working toward addressing the drainage for a long time. He said the comments are down to the minor details at this point, but he will still address them. He can also submit an analysis that continues to advance the project without the easement and make changes if needed later on.

Chairman Rubin asked Mr. Strow if the drainage design had not advanced enough to submit to the Planning Board, Mr. Strow answered yes. He then asked Mr. Rocks if it would be accurate to state that nothing changed since April 14, 2016; Mr. Rocks said yes.

Mr. Levine asked if this was only issue holding. Mr. Emanuel said he will get additional material information by the next meeting, while working on an alternative.

Chairman Rubin said it could be reviewed at the CDRC. Mr. Baum didn't think this was something that needed to be reviewed at the CDRC; it's something that Mr. Rocks can review and report on. Chairman Rubin went on to explain that Mr. Rocks would need time to review before reporting at the June 27th Workshop. Chairman Rubin asked Mr. Strow when he could send a complete package to Mr. Rocks. Mr. Rocks said 2 weeks before workshop, which would be June 13, 2016. Chairman Rubin asked Mr. Strow if he could be complete by Friday June 10, 2016. Mr. Strow replied yes and asked if he could submit directly to Mr. Rocks with copies to the Village. Chairman Rubin requested that Mr. Strow send 1 set direct to Mr. Rocks and 9 additional sets coming to Ms. Ballek at the Village. Mr. Strow will also submit 1 copy of calculations for Chairman Rubin to review, if it's decided that the Board needs, copies will be made at the Village.

Bello Vista -Continuation of Public Hearing for the Preliminary Subdivision-- Applicant is seeking approval to subdivide the parcels into 10 lots. The properties are located on the west side Ackertown Road, at the intersection of Kennedy Parkway and approximately 250 ft south of Kennedy Parkway known as 256 and 246 Ackertown Road. **62.15-1-42, and 62.-15-1-45, RR-50 Zone.**

Mr. Levine asked Mr. Strow since you're so close to finalizing other drainage; does the applicant want to go through the expense of both? Mr. Strow said they were hoping to avoid, but if it's going to advance the project then they'll do it. Chairman Rubin said it's their option, if they wanted to wait they could wait 2 months and see if they could get the easement, if not they come back and they've lost 2 months.

Chairman Rubin moved to adjourn the Public Hearing until July 7, 2016, Mr. Luciano seconded motion. All those in favor, upon vote, carried unanimously.

Artis Senior Living- 1st Public Hearing for Preliminary Site Plan Development- For an Assisted Living Facility for residents with memory impairment. The property is located on the West side of Chestnut Ridge Road, approximately 200 feet south of Red Schoolhouse Road; know as 801 Chestnut Ridge Road. **62.16-1-34, NS and R-40 Zones**

Ira Emanuel, Attorney for applicant, 4 Laurel Road, New City, NY 10956

Stuart Strow, Brooker Engineering, 74 Lafayette Avenue, Suite 501 Suffern, NY 10901

Mr. Baum asked Ms. Ballek if the Affidavit of Notification and the Affidavit of Posting were submitted to the Village along with the mailing receipts and certified green cards. Ms. Ballek answered yes.

Mr. Emanuel said this is the 1st appearance for the applicant at a Public Hearing. He said this was an application for an Assisted Living Facility, for those with memory impairment. Artis Senior Living is a company based in Virginia that specializes in this type of care.

Mr. Emanuel said the applicant is proposing a new building on Chestnut Ridge Road across from DaVinci's Italian Restaurant. It's a single story building that is divided into 4 quadrants. The parking meets code regulation, plus the applicant has provided 4 additional parking spots for overflow parking, which is above and beyond the requirement. Most of the traffic would consist of deliveries, staff and visitors; it's a very low impact facility. Mr. Emanuel said numerous parking studies were conducted that the Board had requested; they also submitted EAF's, and other information as requested.

Mr. Emanuel requested a Negative Declaration from the Board, stating they're due to go the Village Board later this month for the Special Permit that's required under the Zoning Code, and the Village Board cannot act unless there is a Negative Declaration.

Chairman Rubin opened meeting to public.

Chairman Rubin asked if anyone from the public wishing to speak had signed in.

Mr. Emanuel spoke of the houses that back up to the Artis property, stating a conservation easement that was imposed many years ago by the Town of Ramapo that protected the rear path of the property from commercial development. The conservation easement is being respected by this proposal. All construction and commercial activity with the exception of the retaining wall is within the front portion of the property. It is within the NS zone portion of the property, including the overflow parking. The rear will remain essentially undisturbed with the exception of whatever disturbances are needed for drainage pipes, etc.

Drew Bagin-Tribro 787 Chestnut Ridge Road, Chestnut Ridge

Mr. Bagin-Tribro said he owns the building next door to the proposed project. He said he had seen the plans and they show a chain link fence, he'd rather see a solid PVC fence to block out. Chairman Rubin asked Mr. Strow to point out on the map what Mr. Bagin-Tribro was referring to. Mr. Bagin-Tribro said the retaining wall and his building and the proposed location are 15 feet away. Chairman Rubin asked Mr. Strow what the height was for the chain link fence that was on the plans right now. Mr. Strow said the type of fence isn't generally specified on the plans, it shows the fence mounted on retaining wall. Chairman Rubin said the comments would be taken under consideration and the Board would decide if it's appropriate or not if there should be some type of solid fence.

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Ajay Kapoor 4 Janna Ct, Chestnut Ridge

Mr. Kapoor stated that the back of his property is shared with this new property. Mr. Kapoor said that about 12-13 years ago there was another office development complex for this location that went before the Planning Board. They were told that a wall or a long, very high fence would be built so people couldn't cut through resident's property, making their backyards their cut through. This never happened. Mr. Kapoor also stated the need to conserve trees. Another concern Mr. Kapoor has was with the parking lot; specifically in the rear, the car lights shine into Mr. Kapoor's eyes.

Chairman Rubin stated the parking for this property is in the front. Mr. Kapoor said many things may have been taken care of; he just wants to voice his concerns. Chairman Rubin said to forget what was proposed by another applicant, this is an entirely new project and whatever you remember from the earlier project may not apply now with this new project.

Mr. Strow went on to explain what trees would need to be cut down to build this building, and he went on to show Mr. Kapoor on the plans.

Mr. Kapoor also expressed concern with the easement and the water flow. His property is slanted downwards; water should not be going there, there could be a lot of erosion. Mr. Kapoor said there needs to be a fence high enough so people can't access the property.

Chairman Rubin asked Mr. Strow to point out the whole back section of the property, and said it is going to be undisturbed where no trees would be coming down. Chairman Rubin also explained what was being done at the back end of the property, and stated that anyone who is working in the building or a resident won't be going out the back of the building and end up on Mr. Kapoor's property.

Mr. Strow said it's a single story building, with a fence that encloses the entire exterior perimeter of the building. Mr. Strow said the fence is 8 ft. Mr. Strow said they could talk about drainage. Chairman Rubin stated that since this is a new building being proposed they need to come up with a drainage scheme that Mr. Strow will prepare and Mr. Rocks, the Village Engineering Consultant will review. Chairman Rubin went on to say, it cannot impact adjacent property, and we can't ask the applicant to correct problems on adjacent sites. We can only ensure through Mr. Strow's design and Mr. Rock's review and concurrence that the drainage scheme that they have will not make things worse.

Mr. Levine asked Mr. Rocks if when reviewing the site did they have an obligation not to increase the volume. Mr. Rocks explained 'peak' rate: One measure of rain fall run off is peak rate of discharge, the highest rate of discharge= the worst conditions. The existing rate of discharge is calculated for the site as it is today as undeveloped. When they do develop they're not allowed to change or increase that rate or the manner the rate is distributed.

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Nick Mazis 6 Janna Court, Chestnut Ridge

Mr. Mazis said his house is directly behind the proposed property. He built the property in 1996, and stated there aren't enough trees in back. He wanted to know what was being done to put additional trees behind the fence. He said they need their privacy and don't wish to see a parking lot.

Mr. Emanuel said they wouldn't be seeing a parking lot; other than putting the pipes through the area, the area can't be disturbed. Mr. Emanuel said the applicant had the right to develop on the front portion of the property. Mr. Emanuel also said there will be some landscaping and there is an 8 ft fence, he also reiterated that this is a 1 story building.

Mr. Mazis said he didn't want to see a fence, he then pointed to a creek on the map. Mr. Emanuel said the creek was basically along the property line. Mr. Mazis asked Mr. Emanuel if he'd been to the property and Mr. Emanuel answered no. Mr. Mazis went on to say that this was Route 45 where there is a lot of traffic and if trees are taken down he'll have the noise to deal with as well as seeing Route 45. Mr. Emanuel said he wouldn't see Route 45 because a fence will be there. Maybe instead of a white PVC fence it could be something more natural looking. Mr. Mazis said he didn't want to see a wall in his back yard.

Chairman Rubin stated if someone comes and buys a piece of property and they want to develop, they can look at zoning laws and see that they can build an office building or similar. They have the right to build something on that property. If there are trees or shrubbery on property, they'll be removed to build building if it's in accordance with the zoning laws. Mr. Mazis was concerned that the retaining wall would be going into the conservation area; Chairman Rubin said it would not be. Mr. Emanuel said the wall was not a solid wall, it's a tiered wall, and it had opportunities for planting on the tiers and it will also help to block the view of the wall. Mr. Mazis stated he didn't want anything built past where it's supposed to be. Mr. Emanuel responded by saying they could discuss Mr. Mazis purchasing the property. Mr. Emanuel saying the applicant has a right to build, where Mr. Mazis doesn't have a right not to see something. Mr. Mazis suggested planting trees behind the wall. Chairman Rubin said suggestions would be taken under consideration, we cannot say right now what is going to be done. Chairman Rubin said concerns are understood and we will see if there is a way to accommodate.

Mr. Mazis asked when this would be discussed again. Mr. Levine stated that at the end of the meeting it would be adjourned to a specific date. Mr. Levine advised Mr. Mazis if he received a notice in the mail he won't receive another notice until we move to Final.

Chairman Rubin asked Mr. Emanuel if his Engineering Consultant could do a free hand sketch as an idea of concept and submit to the Planning Board to review.

Chairman Rubin said he'd keep the Public Hearing open.

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Mikel Berrier of 2 Amber Ridge Road, Chestnut Ridge

Mr. Berrier said he lived on the East side of where this new property would be built. He said he likes to walk to the coffee shop and the bank nearby. He said right where this property is due to be built there are no sidewalks; he asked if there was a plan to correct the sidewalks. Chairman Rubin said yes it was already being taken care of. He went on to explain that they try to connect sidewalks in the area when they can.

No one else from the public wished to speak.

Chairman Rubin asked Mr. Strow about the letter he sent that was dated May 23, 2016, which included the drainage report and schematic drawing that he sent direct to Mr. Rocks. The Planning Board only received on June 2. Chairman Rubin asked Mr. Rocks if he wanted to make any comments.

Mr. Rocks made the following comments: 1: A drainage structure being put under the additional parking area. Mr. Rocks mentioned a memo he wrote dated April 11, 2016 which included his comments on the Site Plan and drainage analysis. The comments on the drainage analysis date back to an earlier memo; November 18, 2015. There was an issue that the applicant didn't receive the latter memo in a timely fashion. Mr. Strow said the November memo wasn't received but he responded with the May 23rd memo. Mr. Rocks stated that Mr. Strow was to outline on how he would propose to address the comments Mr. Rocks referenced in the April 11, 2016 and November 18, 2015 letters and provide schematics.

Chairman Rubin stated that's it's not a completed design and Mr. Rocks agreed. Mr. Rocks didn't have any concerns with the memo or anything on the schematics. Chairman Rubin asked Mr. Strow when he could complete the work on the drainage issues, Mr. Strow stated it's all complete and in his office ready to submit. Chairman Rubin asked Mr. Rocks if everything in the memos and schematics from April 2016 and November 2015 were all incorporated into the design, would his opinion be that the Board could activate the Negative Declaration based on assumption that the documents submitted will be complete enough to achieve?. Mr. Rocks mentioned the following 2 points: 1. Mr. Strow didn't disagree to anything, in fact he agreed to do everything so he has no issue with that. 2. Mr. Rocks said from another standpoint he's not sure how the Negative Declaration works, would it be a Conditional Negative Declaration?

Mr. Baum said that a Conditional Negative Declaration is a pretty rare thing, with a specific procedure.

Chairman Rubin asked Mr. Strow if the drawings were ready to submit tomorrow, Friday June 3rd. He then asked Mr. Rocks if he had availability in his schedule to review the documents on drainage for Bello Vista and this proposed submission in order to review both of them and get back to the Planning Board in time for the Workshop on June 27th. In the event that the documents that are handed in for Artis are acceptable the Board could in theory adopt a Negative Declaration at the next meeting.

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Mr. Emanuel asked if he could be heard and Chairman Rubin said yes. Mr. Emanuel went on to say he wasn't asking for a Final Site Plan Approval, but for a Negative Declaration. The basic difference in this context is whether or not we can mitigate the damage. Can the environmental issues be addressed? Mr. Emanuel said we don't have to have Final drawings in order to get a Negative Declaration. Mr. Geneslaw agreed with Mr. Emanuel that you don't need to have Final designs and suggested the Board come to the conclusion that there is a feasible solution if an engineering solution will work.

Mr. Baum agrees that the Board shouldn't do a Conditional Negative Declaration and questions if Mr. Rocks is satisfied from an engineering standpoint. If there are any concerns about impact then we suggested waiting.

Mr. Geneslaw referenced the SEAF dated March 3, 2016; particularly Question 11: *Will the proposed action create a hazard to environmental resources or human health?* One answer would be No, or small impact may occur or moderate to large impact may occur. Mr. Geneslaw said on this basis the Board could adopt the Negative Declaration.

Mr. Levine asked Mr. Baum about #10 from the SEAF: *Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?* Mr. Baum said he wasn't sure if we heard any testimony from the public. He mentioned the Environmental Impact statement and the EAF Part I being reviewed, as well as receiving input from the Board Consultant's, and Agency responses. Also the Board is holding off on making a Negative Declaration until there is a Public Hearing and a chance for the public to address concerns. Mr. Baum stated this may change anything the Board has already studied.

It is hereby resolved that the Village of Chestnut Ridge Planning Board hereby adopts the EAF Part 3 and the Negative Declaration for Artis Senior Living of Chestnut Ridge. Chairman Rubin read from the Artis Senior Living Resolution. The resolution was moved by Ms. Arin and seconded by Mr. Luciano. All those in favor, upon vote, this motion carried unanimously.

Mr. Emanuel asked the Board to continue the Public Hearing.

Mr. Wasserman made a motion to adjourn the Public Hearing for Artis Senior Living to the July 7, 2016 Planning Board Meeting. Mr. Luciano seconded. All those in favor, upon vote, carried unanimously.

Struli Oster— Public Hearing for Final Subdivision Approval and Preliminary Site Development Plan Approval.

Subdivision Sketch Plat Approval of five parcels into three lots with a semi-attached residence and a single family residence. The properties are located on the west side of Sima Lana, 0 feet west of Gilman Terrace.

57.17-22-33, 34, 35, 36 & 37, R-15 Zone.

Rachel Barese, P.E., Civil Tec, 29. N. Airmont Road, Suffern, NY 10901 appeared for the applicant.

Mr. Baum stated that the Affidavit of Posting as well as the Affidavit of Notification had been received as well as the mailing receipts.

Ms. Barese said the property is currently 5 lots that were previously owned by the DOT (Department of Transportation) She said the parcel was an odd shape and they're proposing a 3 lot Subdivision: 1 lot would be a Single Family Detached Residence; lots 2&3 would be a 2 Family Semi- Attached Residence. All units would be 30 x 50 approximately; all would also have 2 car garage as well as a side entry.

Ms. Barese wanted to make 1 Note: Entry to building stairs going up to the front door. The Building Inspector made a call about the front setback and only felt comfortable with 3 steps in the front yard.

Chairman Rubin said he wanted to understand what the Building Inspector said: There can't have a structure in front yard. He went onto say the drawings Ms. Barese had showed a platform with steps.

Ms. Barese said the previous Building Inspector didn't interpret as a limit on the number of steps, but this Building Inspector is limiting to 3 steps, which is basically up 2 feet to the front door, which is common practice.

Ms. Barese said the 1st 3 steps are not counted. Ms. Barese went onto say she's aware of, the issue came up after the CDRC, and plans will be reviewed. Chairman Rubin said that at the Planning Board Workshop to look at the elevation and architecture calculation regarding riser and tread. Chairman Rubin's quick calculation showed the stairs coming out 12 ½ feet from the platform. Ms. Barese said to move the stairs internally with no limit, maybe 2 steps outside. Mr. Levine asked about the landing. Ms. Barese said she didn't know until after the CDRC, maybe add move steps inside.

Mr. Levine asked if there were still steps out in the front yard. Ms. Barese said yes, 3 steps. She went on to say they can't be covered like a porch because that would be a structure, but you could have a 5 ft landing. Mr. Geneslaw said it's a Built-In and you can't override, and asked Mr. Levine why he wanted to continue to discuss. Mr. Baum said he spoke to the Building Inspector and will advise that plans be re-submitted. Ms. Barese said there is a 2 ft. elevation, 3 steps to the front door. Mr. Levine asked if there were problems with deck. Chairman Rubin asked if the deck cannot be wider than 6 ft, and said Mr. Baum found something in code that says deck cannot be wider than 6 feet. Mr. Baum read from code, "a deck may project not more than 6 feet into a required rear set back under certain circumstances". Ms. Barese said she spoke to the Building Inspector, Russell Gliniecki and he found things while reviewing codes, Mr. Baum said that after the Workshop he emailed the Building Inspector to clarify and hasn't heard back. Mr. Luciano stated from the code: Section 5, page 3 side & rear yard exceptions. Chairman Rubin said that would mean deck couldn't be wider than 6 feet. Ms. Barese said she will change. Mr. Levine asked Ms. Barese if she could see how the Building Inspector interpreted. Chairman Rubin suggested changing or going for variance. Ms. Barese said she wanted to keep going with the plan, not be held up with the ZBA (Zoning Board of Appeals). Mr. Levine said the Building Inspector can interpret the code. Ms. Barese said the front stair was vague and that the previous Building Inspector interpreted differently, this application was submitted before the current Building Inspector; Russell Gliniecki started.

Struli Oster—Public Hearing for Final Subdivision Approval and Preliminary Site Development Plan Approval.
Subdivision Sketch Plat Approval of five parcels into three lots with a semi-attached residence and a single family residence. The properties are located on the west side of Sima Lana, 0 feet west of Gilman Terrace.
57.17-22-33, 34, 35, 36 & 37, R-15 Zone.

Chairman Rubin asked Mr. Baum about the deck. If a 6 foot wide deck is shown and everything is approved, then they decide they want a bigger deck and go for and receive a variance, what would next step be?

Mr. Baum said if the unit sold and they want a bigger deck, they'd need to return to the Planning Board.

Mr. Luciano said the plans were just received tonight. This is a 3 floor structure that shows 30 ft by 50 ft = 1,500 sq ft to the floor, this totals 4,500 sq. feet.

Ms. Barese said she didn't do the calculations; she's not sure how architect gets the numbers. Mr. Luciano also stated that the code; pages 17-18 doesn't meet required variance. If 2 feet would meet but not 3 floors.

Chairman Rubin asked Ms. Barese if all was resolved with the street paving, Ms. Barese and the applicant agreed to widen the pavement. Ms. Barese also said Mr. Rocks wants the taper on the northerly side of 70 feet based on wanting it to be a slower taper and not too abrupt. She said Mr. Rocks requested the 70 feet begin at the end of the property, and the applicant felt it was putting too much burden on his development. The applicant would feel comfortable starting the taper 35 feet back on his property and extending 35 feet in front of his neighbor, with the agreement that when the neighbor develops he can come 35 feet in front of applicant's property. Ms. Barese said they felt it was a good compromise.

Chairman Rubin asked Ms. Barese if this was her compromise or what was agreed to with Mr. Rocks.

Mr. Baum suggested to Mr. Rocks, since the applicant doesn't agree with starting the taper at 70 feet from end of property, discuss what you're willing to do with Ms. Barese and the Planning Board and see what the resolution is.

Mr. Luciano said the applicant received variances for the adjacent property when he was on the Zoning Board of Appeals Board. He said the applicant came before the Zoning Board of Appeals in order to build Single Family home on the property. There isn't anything built there now; it's undeveloped. Mr. Baum said it's a Single Family and won't be subdivided.

Mr. Wasserman didn't think it would make sense to have the taper in front of the applicant's property. He said it would make more sense to have the applicant's property paved 1st and have the taper begin after. The applicant agrees with Mr. Wassermann.

The Board is in agreement on the North end and the compromise.

Mr. Luciano made a motion to adjourn the Public Hearing for Struli Oster to the August 4, 2016 Planning Board meeting. Mr. Wasserman seconded. All those in favor, upon vote, carried unanimously.

Chairman Rubin asked the Board if they were prepared to review the May 5, 2016 minutes.

Ms. Arin had one change: Page 1 5th Paragraph-correct 'awar' to 'aware'

Chairman Rubin stated wanting to further review the May 5 2016 minutes at the June 27th Workshop.

The Board was in agreement.

Supreme Mulch (dba Creative Gardens) - The Applicant contacted the Building Inspector asking if they were on the agenda for tonight's meeting. The Applicant was informed at the April CDRC meeting they would be on the May Planning Board agenda. The agenda was posted on the Village Website; the Applicant did not appear. Chairman Rubin asked Ms. Ballek to contact the applicant and request a letter from stating why they did not appear and request that they appear at the next Planning Board meeting.

Mr. Baum said the Applicant's attorney called him and asked for an update. Mr. Baum told the attorney they were scheduled for the Planning Board meeting and did not appear. Mr. Baum said they thought they were scheduled for this meeting. He advised no action was taken on the application.