

**VILLAGE OF AIRMONT
PLANNING BOARD
June 25, 2015 8:00 P.M.
Village Hall**

MEMBERS PRESENT: Doug Whipple, Chairman
Anthony Santucci
Helen Schwabacher
Jeffrey Kirby, Ad Hoc
Donald Hook, Ad Hoc

MEMBERS ABSENT: Edward Kennedy
Thomas Gulla

OTHERS PRESENT: Dan Kraushaar, Deputy Village Attorney
Eve Mancuso, Village Engineer
Kristen O'Donnell, Village Planner
Brandi Mann, Clerk

Chairman Whipple called the meeting to order at 8:01 pm followed by the Pledge of Allegiance.

Chairman Whipple made the following announcements:

Chairman Whipple acknowledged Jeffrey Kirby and Donald Hook as new voting members tonight.

Chairman Whipple made a motion to approve the minutes of April 23, 2015 meeting, seconded by Helen Schwabacher. Upon vote, this motion carried unanimously.

PUBLIC HEARING CONTINUATION: BERK HOMES

**Berk Homes
330 Spook Rock Road
Office/Warehouse Use**

Dan Kraushaar pointed out that on the approved minutes just voted on, it stated that the applicant should attend CDRC in June and must apply for the Wetlands permits. The applicants' engineer representative would address the Wetlands portion. The lines got crossed as they were on the agenda for CDRC but did not appear and also dropped off an application to ZBA. At the last meeting on this matter there was a motion made to continue the Public Hearing to June 25 which is the reason everyone is here tonight. A public hearing probably shouldn't have been set but it was and was fortuitous for the applicant that it was done. The PB may be in a position to take action for what they need which is: 1) a SEQR determination and 2) a referral to the ZBA. The applicant's handling of outstanding items from the last meeting prevented them from being presented to the ZBA. The applicants engineer will discuss it further.

Larry Marshall PE, applicants' engineer, indicated that as stated by the attorney the applicant submitted applications for a wetlands disturbances permit along with fees paid on April 30th.

Dan Kraushaar noted that the application to the ZBA was done on May 28, 2015 which was late by a day but didn't make a difference because the ZB couldn't take action without the PB actions.

Larry Marshall, PE showed the revisions to the Wetlands since the last PB meeting. An isolated wetlands area was created by construction of the Thruway which is a low area. The natural drainage was blocked off, it's shallow and narrow and they do propose to disturb that area. The plans also show the Village's regulated area around the wetlands. The plan was revised to illustrate how a combined drive with the neighboring property of Mr. Remmer would work as a common driveway with access. This change was agreed to by the neighbor. Additional tree plantings were provided along the common boundary line. Combining the two areas provided a buffer area between the existing daycare facility and the proposed driveway. The previous retaining wall along the Remmer property line was eliminated but there is a small retaining wall along the rear. Additional tree plantings are included along the common boundary line. They pulled the proposed drive isle away from the building itself, to soften it. They previously showed the lighting plan but you can also see the foot candles and lighting fixtures that are compliant showing very little to no spillover. There was a concern at the last meeting regarding the trucks turns access in and out. With the revised layout driveway being further away it facilitates a better movement of the truck being able to get in and out.

Kristen O'Donnell mentioned that at the last meeting there was a discussion about the shared driveway to make sure it was screened from the neighboring school which they demonstrated. The applicant is here to complete the SEQR process. A short environmental assessment form was completed and is adequate. They prepared a draft of a negative declaration which she recommends the Board adopt tonight to get the necessary variances. Comments as far of the plan to Rockland County Highway are that they resubmit the revised plans with amendments so that they see how the light and driveway will all work together.

Kristen asked if there is a proposal of hours on the lighting plan. The applicants' engineer indicated they would propose something. Kristen indicated it should be noted on the plan.

Eve Mancuso asked where the nearest street light was on Spook Rock Road by the driveway entrance. She is concerned about the access for the resident where the driveway intersects. A lighting plan with hours will need to be provided to the Board.

Dan Kraushaar indicated that before the Board is a new project submitted on April 30, 2015 and included are the following:

- a new project narrative dated 4/30/15
- a new project application also dated 4/30/15 which does show the application for a wetland permit
- a new EAF also dated 4/30/15 which added to the proposed action that addresses the disturbance they are proposing in the in wetlands

-a proposed easement and driveway maintenance agreement that the applicants' representatives referred to which is unexecuted and normal for the attorneys review for comments. All of this would be done prior to the PB taking action but not before the ZBA.

Dan Kraushaar also read into the record a letter from the Town of Ramapo dated June 18, 2015 related to this application. The applicants' engineer does not appear to have a copy of this letter so Dan provided his to him.

Dan read into the record the comments indicated on the GML dated April 27, 2015 from the Rockland County Planning Department which was received after the last time the applicant appeared before the Board. He indicated that we need to ensure Rockland County Office of Fire & Emergency Services, the Village Fire Inspector and the Tallman Fire District get a copy of this so that they can comment to ensure its's sufficient for fire trucks and other emergency vehicles.

Dan read into the record a letter dated April 23, 2015 received May 4, 2015, from the Rockland County Sewer District #1. This can be dealt with later when they come back here as it is not part of the application for Planning Board. They did receive a letter from the Thruway Authority that was read into record at the last meeting.

Eve Mancuso submitted a letter dated today June 25, 2015 for discussion of the wetlands and SEQR aspect. She requested more testimony from the applicants' engineer to describe drainage patterns when filling the wetlands and where the water will be going. She also asked about the position of the wall.

Chairman Whipple asked him to explain how close the railroad is to the property.

Eve Mancuso asked the applicants' engineer to describe the cross easements for access and utilities to service the property. There also was a discussion about the electric being underground. Eve asked for a storm water management report. She also asked if any soil testing had been done. The applicants' engineer indicated that it has only been done in preliminary stages and hasn't been finalized. Eve also commented about the ADA access for the front sidewalk to ensure its wide enough. She also asked if there were discussions with the County Highway in regards to the signal. The applicant's engineer indicated not as of yet.

Lastly, Eve Mancuso indicated that the Storm Water Maintenance Agreement is required.

Chairman Whipple asked if there were any questions from the Board.

Chairman Whipple opened the Public Hearing at 8:32pm to those for any questions.

Chairman Whipple made a motion to classify the project as unlisted under SEQR. Anthony Santucci seconded it. Upon vote, this motion carried unanimously.

Chairman Whipple also made a motion to adopt a negative declaration to complete SEQR. Anthony Santucci seconded it. Upon vote, this motion carried unanimously.

Chairman Whipple made a motion to refer the application to ZBA for the necessary variances, Jeffrey Kirby seconded it. Upon vote, this motion carried unanimously.

Dan Kraushaar indicated that even though they have the application it has not been distributed to all the agencies and Rockland County in regards to variance requests. Kristen recommended sending the GML out tomorrow as soon as possible.

The applicant Abe Berkovic questioned if the Planning Board can provide the referral to the ZBA.

Chairman Whipple made a motion to continue the public hearing of the Berk Home Site plan to the next PB Meeting of July 23, 2015 at 8pm at Village Hall, seconded by Helen Schwabacher. Upon vote, this motion carried unanimously.

The next agenda item: Definition of Conservation Easement

At the request of the Village Board, Village Planner Kristen O'Donnell has prepared an amendment to the Villages' Zoning Code to create a definition of a Conservation Easement. In accordance in with Village Law and State Law this has to be referred to the Planning Board for review for any changes or comments. Kristen indicated it's a straightforward definition and was written based on the State Environmental Conservation Law. She put wording in to help the CDRC and the Building Inspector with enforcement. The last revision is dated May 28, 2015.

Dan Kraushaar explained that it is an additional layer of protection to the property owners.

Chairman Whipple made a motion to recommend to the Village Board the adoption of the definition of the Conservation Easement as Local Law Number 4 of 2015. This motion was seconded by Anthony Santucci. Upon vote, this motion carried unanimously.

Dan Kraushaar discussed a letter from Centerpoint Engineering representing October Hill as their subdivision has expired. Dan was working with their attorney for months until his passing and now a new attorney took over. They have requested an extension. Dan recommends an additional ninety day extension from today.

Chairman Whipple made a motion for a ninety day extension for October Hill commencing today and in addition, an extension nunc pro tunc for the period of time to today. Anthony Santucci seconded the motion. Upon vote this motion carried unanimously.

Dan Kraushaar discussed a letter from the Town of Clarkstown that was sent to every municipality. Kristen volunteered to write a letter based on the PB recommendations to the Village Board.

Chairman Whipple made a motion that they support the town of Clarkstown letter and to refer it to the Village Board for their review and response. Jeffrey Kirby seconded it. Upon vote, all in favor and motion carried unanimously.

PB 6-25-15

There was a discussion on a review of the Code of Ethics. Village Board should review it and see if they want to make changes to it.

At 9:13 pm Chairman Whipple made a motion to adjourn, seconded by Anthony Santucci. Upon vote, this motion carried unanimously.

Transcribed by Suzanne Carley, Planning & Zoning Clerk