

The Planning Board of the Village of Montebello held a meeting on Tuesday, May 11, 2010 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Rubin called the meeting to order at 7:17 p.m. and led everyone in the Pledge of Allegiance.

PRESENT

Al Rubin, Chairman
Jane Burke, Member
Michael Iatropoulos, Member
Anthony Caridi, Member
Tom Campbell, Member
Thomas Ternquist, Member

OTHERS

Warren Berbit, Village Attorney
Robert Geneslaw, Village Planner
Martin Spence, Village Engineer
Gloria Scalisi, Planning & Zoning Clerk

Member Iatropoulos made a motion to approve the minutes of April 13, 2010, seconded by Member Burke. Upon vote, the motion carried unanimously.

**6 River Road – Public Hearing
Wetlands Permit**

Application of Carole A. Van Hook, 5 East Gate Road, Montebello, New York 10901, for Approval of a Wetlands Permit entitled “6 River Road” to allow disturbance and construction within 100 feet of a freshwater wetland. The proposed construction is approximately 5 square feet of a 3,200 square foot dwelling. The proposed disturbance is on approximately 2000 square feet with 167 cubic yards of fill. A NYSDEC permit has been obtained. 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.

Mrs. Carole Van Hook was in attendance along with the Applicant’s Engineer, Mr. Stuart Strow, from Centerpoint Engineering. Mr. Strow discussed the Wetlands Permit application. Mr. Strow stated that this was the first time this application was before the Planning Board and the parcel in question is 0.683 acres or 29,731 square feet. The lot was created as part of a subdivision that was created in 1956; subdivision map entitled “Montebello Estates—Section 3”. Mr. Strow explained that the Lot as it exists today is a non-complying lot in the R35 district because it does not have enough square footage. Mr. Strow discussed a provision in the Zoning Code that deals with these non-complying lots, Section 195.89-D-1 states “that a residential lot separated from any other land in the same ownership and non-complying as to bulk whether or not located in a part of a subdivision plat approved by the Planning Board and filed in the office of the Rockland County Clerk and which has a minimum lot width of 100 feet may be used for a one family detached residence provided that such use shall comply with the bulk requirements as specified in the highest residential district having the same or less lot width”. Mr. Strow explained that you take the lot width of the applicant’s property and compare to the bulk table and find the nearest lot width that applies. In this case the lot width is 125 feet so therefore it meets the provision that was read into the record.

Mr. Strow stated that the property is also located in the Conservation Overlay District as well as being within 100 feet from the Mahwah River. The north westerly corner of the property includes a portion of the Mahwah River. The property also includes a New York State DEC designated wetland which is the

same as a Mahwah River, the limit of the wetland, for this property, is the Easterly edge of the stream of the Mahwah River. Mr. Strow explained that the wetland was delineated and verified by the New York State DEC and a permit is required in order to do any work 100 feet from that edge of the stream. Mr. Strow stated that the New York State DEC permit was obtained and a copy of the permit was submitted to the Planning Board. Mr. Strow explained that currently the Application is under review with the Rockland County Drainage Agency where a permit is also required. Mr. Strow stated that they haven't received the RC Drainage permit as of yet but are not expecting any difficulties.

Chairman Rubin established the posting, publication and mailing legal requirements were met. Chairman Rubin questioned the Applicant on the date of the NYS DEC permit. Mr. Strow stated that the date of the New York State DEC permit was October 26, 2009. Chairman Rubin questioned the Plat that was submitted to obtain the New York State DEC permit, if it was the same plat that was submitted to the Planning Board. Mr. Strow stated that it is not the same Plat that was submitted to the Planning Board. Mr. Strow will submit a copy of the Plat that was submitted to New York State DEC to the Planning Board.

Mr. Martin Spence, Village Engineer, discussed his memo dated May 10, 2010 (copy attached). Mr. Spence stated that the comments from the May 10, 2010 memo are a continuation of comments made at the previous CDRC meetings. Mr. Spence stated that this Application falls within the 100 Year Floodplain as well as wetlands. Mr. Spence stated that the Application has not been fully reviewed due to additional materials required.

Chairman Rubin questioned if there are any FEMA regulations that need to be complied with. Chairman Rubin stated that this proposed dwelling will require 4 feet of fill to raise the elevation of the house. Chairman Rubin would like a more detailed tree removal plan. Chairman Rubin stated that he has many concerns regarding this application.

Member Iatropoulos asked what the impact will be to the north and south neighbors based on the fill. Mr. Spence replied the contours show that there will be a swale generally at the property line and that swale will be directed towards the Mahwah River. Mr. Spence stated that the Applicant needs to quantify the fill because they are taking away flood storage. Member Iatropoulos also questioned the road-bend and the equipment to be used to bring in the fill and the narrowness of the parcel.

Member Campbell would like to see the topography of the Northern and Southern adjoining lots and will the swales create temporary rivers and streams during storms. Mr. Spence replied that there will be an increase in runoff but it is premature to speculate without the drainage report the number of trees that will be removed.

Mr. Strow replied that the low point of the road is at the curve and there are currently catch basins with pipes that discharge into a swale that goes to the Mahwah River. Mr. Strow explained that the applicant has done some preliminary testing on the soil and it shows that the soil is very pervious. Mr. Strow stated that they will conduct further tests where the Village Engineer can be present and the Drainage Agency would also like to be present.

Mr. Strow answered the Chairman's question in regards to complying with FEMA regulations and the current plat as drawn does comply with FEMA regulations, the lowest floor elevation has to be above the 100 year floodplain and there is no basement.

Member Ternquist asked if there was any history of flooding in that area.

Chairman Rubin made a motion to open the Public Hearing.

Brian Morese, 4 River Road, Montebello, New York stated that when Hurricane Floyd hit in September 1999, they had a foot and a half of water right up against their home. It was a very dangerous situation. Mr. Morese stated that regardless of a hurricane when the area receives strong heavy rain storms the river backs up to the backyard. Mr. Morese's concern was that if there is a dwelling on 6 River Road there is no place for the rain to go and it will magnify the existing conditions.

Karin Morese, 4 River Road, Montebello, New York stated that her property is closest to the river and at the lowest point. Mrs. Morese was concerned that if 6 River Road adds 4 feet of fill her property will become even lower. Mrs. Morese believes that at least 20 to 30 trees will be impacted.

Sean DeGaetani, 8 River Road, Montebello, New York stated that he just recently purchased the house south of 6 River Road and has resided in the house for about four months and has pictures of the area after the recent winter storms. Mr. DeGaetani stated that the shed at 6 River Road was completely under water as well as half of the property after the recent rain storms for about three days. Mr. DeGaetani submitted pictures to the Planning Board that were taken in April 2010.

Chairman Rubin stated that the Village was incorporated long after this particular subdivision was created and with today's standards it would most likely not have been approved. The Chairman stated that the Planning Board is predisposed to protecting the environment. The Chairman stated that there are still many unanswered questions.

Kimberly DeGaetani, 8 River Road, Montebello, New York read a letter from Sean DeGaetani, dated May 4, 2010 (Copy attached) asking the Planning Board to reject the Wetland Permit.

John Courtney, 5 River Road, Montebello, New York stated that he resides on the easterly side of River Road and does at times look over to his westerly neighbors and in two years has seen the water come very close to the westerly neighbors homes. Mr. Courtney believes that the substantial amount of fill proposed will have a negative impact to his westerly neighbors.

Audrey Colombo, 10 River Road, Montebello, New York stated that she has been in the area for about 38 years and states that her property is higher than her neighbors' property and has seen 8 River Road flooded many times. Mrs. Columbo has been flooded only when Hurricane Floyd hit.

Member Campbell asked the Applicant if this house can be built without using any fill on this lot and still meet all the requirements. Mr. Strow replied that the house could be built on stilts as in ocean communities but it would not be in the character of the Village of Montebello.

Member Campbell questioned the applicant on a possible seven foot foundation in the rear of the house if it would still require fill. Mr. Strow replied that it would possibly reduce the amount of fill.

Member Iatropoulos questioned the Applicant on how many wells are in use in the area. Mr. Strow replied that there is water available in the street and is not sure how many of the neighbors are connected to the sewers.

Member Burke questioned the Applicant on the Full Environmental Assessment Form and question number nine in regards to the Aquifer. Mr. Strow replied that most of the homes on River Road are within the Aquifer, it is not specific to 6 River Road. Member Burke asked the Applicant how the building of this lot affects the neighbors well. What does it do to their water? Mr. Strow replied that the Applicant is placing a drywell and the fill is surface fill. Member Burke asked the Applicant if they will be connected to the public water line. The new dwelling will not have its own well.

Member Campbell questioned the Applicant on the distance of the drywell and the potable water well the resident at 4 River Road is using. Mr. Strow did not have an answer.

Member Iatropoulos questioned the Applicant on the Full Environmental Assessment Form and the full forested area would be reduced by half. Mr. Strow replied that half of the forested area would be removed and replaced by buildings, landscapes and lawns.

Member Campbell questioned the depth of the garage and the possibility of making it smaller so that it won't be with the 100 foot area in question.

Chairman Rubin questioned the placement of the existing shed.

Mr. Strow stated that it is an existing lot in an approved subdivision and would like the Planning Board to balance their issues with the right of owners to use their property.

Mrs. Carole Van Hook, 5 East Gate Road, Montebello, New York stated that though trees need to be removed they can also be brought in after the building process to absorb more water. Mrs. Van Hook stated that they have not owned the lot for very long.

Chairman Rubin explained that the Planning Board has the guidance of many skilled professionals in order to protect the environment, the neighbors and also the rights of the owners. The Applicant will resubmit further information to answer the many questions that the Board has.

Member Iatropoulos made a motion to continue the Public Hearing for a Wetland Permit for "6 River Road" until the next scheduled Planning Board meeting on June 8, 2010, seconded by Member Caridi. Upon vote, the motion carried unanimously.

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

Appendix:







