

The Planning Board of the Village of Montebello held a meeting on Tuesday, June 8, 2010 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Rubin called the meeting to order at 7:20 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
Melanie Golden, Member

OTHERS

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

The approval of the May 11, 2010 Planning Board minutes were postponed till the July 13, 2010 Planning Board meeting.

**Congregation Shaarey Israel
Second 90 Day Final Filing Extension**

Application of Congregation Shaarey Israel, 18 Montebello Road, Montebello, New York 10901 for approval of a second 90 day final filing extension of a Lot Line Change. The subject property is located on the West side of Montebello Road 1000 feet North of Airmont Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.07, Block 1, Lot 1 and Section 48.19, Block 1, Lots 48 & 49 in a RR-50 Zone. The Applicant received Final Approval on September 8, 2009 and a first 90 day extension on April 13, 2010. The second 90 day extension will expire on September 4, 2010.

At the request of the Applicant, Member Iatropoulos made a motion to approve a second 90 day final filing extension that will expire on September 4, 2010, seconded by Member Caridi. Upon vote, the motion carried unanimously.

**Wehman-Bambace
Second 90 Day Final Filing Extension**

Application of Gina Wehman, 3 Lake Road, Montebello, New York 10901 and Christine Macnaughton, 1 Lake Road, Montebello, New York 10901, for an approval of a second 90 day final filing extension of a Lot Line Change Subdivision. The subject property is located on the East side of Orchard Street at the intersection with the North side of Lake Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.17, Block 1, Lots 25 & 26 in a R25 Zone. The Applicants received Final Approval on September 8, 2009 and a first 90 day extension on April 13, 2010. The second 90 day extension will expire on September 4, 2010.

At the request of the Applicant, Member Iatropoulos made a motion to approve a second 90 day final filing extension that will expire on September 4, 2010, seconded by Member Caridi. Upon vote, the motion carried unanimously.

Chairman Rubin thanked Member Campbell for all his hard work and guidance on behalf of the Planning Board and wished him well in his future. Chairman Rubin announced that Member Ternquist moved up from Ad-Hoc member to a full voting member. Chairman Rubin welcomed Mrs. Melanie Golden as the Planning Board's new Ad-Hoc member.

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 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.

Chairman Rubin questioned the Applicant on the new design which makes the garage smaller and wanted to know how much of the garage was in the 100 foot buffer. Mr. Strow replied that approximately 25 square feet were in the 100 foot buffer.

Mr. Strow stated that in response to discussions from the last Planning Board meeting the Applicant reduced the garage depth to eliminate its encroachment into the 100 foot adjacent area. Mr. Strow stated that subsequently after the May 25th CDRC meeting the Applicant made an additional revision which added a little piece behind the house that doesn't encroach into the 100 foot area. The net affect is the removal of any encroachment into the 100 foot area.

Chairman Rubin reviewed the Village Engineer's, Martin Spence, memo dated June 8, 2010 (copy attached).

Mr. Spence discussed his memo dated June 8, 2010, item # 5 and a discrepancy of 3 trees not shown. Chairman Rubin stated that there is one more tree not accounted for on the tree map. A 20" pine on the east side of the house towards River Road. Chairman Rubin stated that more than 50% of the trees will be removed. Chairman Rubin believes that 50% of trees removed will create an environmental impact in the area.

Mr. Spence stated that item #6 of his memo showed a 0.6' discrepancy of the 100 year flood plain elevation. Chairman Rubin commented that it is a 25% discrepancy. Mr. Strow stated that the flood elevation based on FEMA's standards and the numbers are rounded up. Mr. Strow stated that there are no discrepancies in the analysis it is only numbers that are rounded up to the nearest whole number on the flood map.

Mr. Spence discussed the amount of fill reduced with the added changes will be approximately 9.5% or about 10—30 yard dumpsters. Chairman Rubin stated that the Applicant requires 167 yards of fill and asked what the impact would be if the Applicant used no fill. Mr. Spence stated that the Applicant would

be able to construct a home with less fill. An example would be a home with the cellar open and water flowing through.

Mr. Strow stated that the alternative provided by Mr. Spence is highly undesirable to allow flood waters to go underneath the house when it is not necessary and the negatives far outweigh the benefits.

Member Campbell commented that the studies showed no change to the flood level and if there is a swale aspect that will impact the Mahwah River's curve. Mr. Spence stated that this project would not have an impact to the swell or floodways.

Member Iatropoulos questioned the impact of the removal of 50% of the trees and by moving dirt and earth the dynamics of the stream will create flooding if trees are not there. Mr. Strow stated that it is no different than other developments where trees are removed in order to build on properties. Member Iatropoulos stated that this Application is different because it is in the floodplain. Mr. Strow replied that the majority of the trees are in the floodplain. Member Iatropoulos stated that the removal of 50% of trees will have a definite impact even on the 50 year floodplain or a 10 year floodplain.

Mr. Strow stated that the Subdivision was approved in the 1950s and there were trees on the properties where houses now exist and trees were removed in order to build those houses. The only difference now is the scrutiny given to this lot. Mr. Strow stated that there is a balance between the owners' right to use the property and the concessions and regulations that have to be met.

Member Ternquist commented on the recent flooding on the neighbor's property and questioned the Applicant if the changes and improvements will alleviate some of the flooding on the neighbor's property. Mr. Strow replied that it's not going to make it better and the Applicant is under no obligation to make it better but it will not be worse than it is.

Member Iatropoulos stated that in the 32 years of living in the area and driving east and west on Route 202 he has seen the Mahwah River shift and the flooding along Route 202 of the Mahwah River has extended by at least 5 to 10 yards closer to Route 202.

Mr. Strow stated that there are ways to offset the concerns of the removal of trees and that is to add trees and landscaping to the plan. Mr. Strow stated that some of the trees being removed are in poor condition.

Member Caridi questioned the Applicant on the 333yards of water capacity storage and if it remains elsewhere on the property. Mr. Strow replied that it doesn't remain elsewhere on the property because it is a number that comes from a snapshot in time. Member Caridi stated that whether it is a moment or the water capacity storage develops over two days the fact is the fill has caused the loss of water storage capacity. Member Caridi questioned the Applicant how a house can be designed without the water storage capacity being displaced to adjoining properties. Mr. Strow stated that the only way to maintain the instantaneous water storage is to leave the property as is. Mr. Strow also commented on building the house on stilts as is in coastal communities but that would not fit in the character of the neighborhood.

Chairman Rubin stated that there buildings that exist in our community that don't fit the current scheme of building in this community.

Member Campbell states that there are other alternatives but they come at a higher cost to the applicant.

Member Burke stated her concern and disappointment that the Applicant did not continue River Road on the Map and the entire site is in an AE Zone and is AE Zone more prone to flooding. Mr. Strow replied that the AE Zone is in the 100 year floodplain and the X Zone is the 500 year Floodplain.

Chairman Rubin passed pictures that Mrs. Karin Morese, 4 River Road, submitted to the Planning Board of when her home was flooded after Hurricane Floyd.

Chairman Rubin made a motion to open the Public Hearing.

Sean DeGaetini, 8 River Road, Montebello, New York addressed the question of where the water goes when the river floods: the river floods over the banks and when it subsides it doesn't subside back into the river it pools on his property, the Morese property--4 River Road, and the Applicant's property.

Mr. DeGaetini stated that the water sits on the Applicants property for about 2 or 3 days above the bank of the river.

Brian Morese, 4 River Road, Montebello, New York commented that once the Applicant's property is developed the rain will sit and flood the existing property as well as the neighboring properties. Mr. Morese also brought up the current Montebello Newsletter which addresses flooding in the Village.

Mrs. Van Hook, 5 East Gate Road, Montebello, New York stated that she also lives on the Mahwah River and understands the river and flooding. The trees removed are for a building envelope and the trees Mr. DeGaetini discussed are not being removed. Mrs. Van Hook stated that the trees in the front of the property are in poor condition.

Member Campbell asked the Applicant if trees can be planted on the south western side of the property particularly water soaking trees. Mr. Strow stated that about 60% of the property is not being touched and yes trees can be added as a consideration.

Mr. Spence stated that trees can be added as a mitigation tactic.

Member Campbell questioned the Village Engineer, Martin Spence, if changes to the grading could offset the amount of fill proposed. Mr. Spence stated that it would be counterproductive.

Chairman Rubin stated that Montebello is the lead agency. Chairman Rubin stated that potential mitigation steps were proposed such as designing the house smaller. Chairman Rubin would like to see the tree map updated for the next meeting.

Mr. Spence asked the Applicant if retaining walls could be implemented in the design.

Member Iatropoulos questioned the Applicant on the differences in the site plan maps submitted. Mr. Strow stated that the grading stays the same in all the maps and the difference is the most recent map shows the structure outside of 100 year floodplain.

Chairman Rubin would like the Applicant to respond to Lawrence Picarello's, Village Building Inspector, letter dated June 3, 2010 (copy attached) before the next meeting.

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 July 13, 2010, seconded by Member Caridi. Upon vote, the motion carried unanimously.

New Business

Brief discussion of the May 25, 2010 CDRC minutes.

Member Ternquist made a motion to adjourn the meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously. The meeting adjourned at 8:55 p.m.

The members of the Planning Board went into a workshop session which ended at 9:20 p.m.

Appendix:







