

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
September 18, 2017

Chairwoman Escallier opened the Village of Harriman Regular Meeting of September 18, 2017 at 7:30pm.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING
TAMR VENTURES LLC
106-1-16

Present: *Ross Winglovitz, Engineering & Surveying Properties, Tom and Asha Keegan, owners, Mary Isrealiski, Realtor*

Ms. Singer: When reviewing the certified mailings, it was noted that one address was mailed twice, and another, Natalia Mouryn , 3 Kearney Ave, was not mailed at all. There were 42 mailings, but only to 41 individuals, we receive 29 back and are waiting for 13 to be returned.

Mr. Dowd: They did not receive a mailing, which is an irregularity. Based upon the number of mailings and the number received that we can certainly open the Public Hearing and take comments.

Mr. Winglovitz: I was asked to be here by Tom and Asha Keegan, local people live in Monroe. Tom was the caretaker of the residence for many years, 20 years. They have purchased the property and are looking to subdivide the property into four lots. It was originally filed as a five lot subdivision, and they are looking to resub divide it into four lots. It's a 1.5 acre property; two of the lots are off Maple Ave, the existing residence will be on approximately 24000 square feet, a new home will be to the left of that on a lot of approximately 11000 square feet. And two proposed lots off Kearney Ave with a proposed dedication to the Village so a T turnaround could be built. Our clients have agreed during the building process that they would do the rough grading to allow the Village turnaround there so that snow removal could take place and the trucks could turn around easier. They are offering that property to the Village along with the grading of that area for those improvements. Two lots in the back are approximately 12000 square feet and almost 9000 square feet; the required lot is 5000 square feet. All of the lots will be connected to sewer and water. The lot on Maple Ave would use the existing driveway, we'll have a small driveway entering in off the existing driveway to the proposed residence and the two lots on Kearney will enter in at the end of Kearney and eventually when the Village completes the construction of the turnaround, those lots would be connected to the turnaround. Generally the drainage on the site stays on the site. Any storm water that would be generated will stay on the site will stay within the property boundaries and eventually discharge into an existing culvert on Maple Ave.

Chairwoman Escallier opens the Public Hearing for comments and questions.

Chris Nadeau, 5 Kearney Ave: Three concerns, 1. Not to have Kearney connect to Maple in any way, even in the future.

Mr. Winglovitz: This basically precludes it by the construction of these two lots.

Mr. Nadeau: Another concern is the water for the two houses on Kearney, would they be connecting to the Kearney line? Our water pressure is adequate, not great. If you add another two houses, I would imagine that it would go down. My last concern is electrical. How would you get electrical back there because there's one junction box and then it goes across the street to McAllister's house. You would have to go off that, come up Maple, or you would have to go across the front of 12 Kearney which would lessen the value, I imagine.

Mollie McAllister, 9 Kearney Ave: What about the side of my property? What types of houses are to be built? Do you have any idea whose going to build there? Mr. Winglovitz: The side setback required by the Code, these houses on the rendering are not necessarily the houses that are going to be built; we show a larger house so they have room to fit their house in. The type of house would be up to the individual builder. Mr. and Mrs. Keegan are not builders, there will be a builder that purchases the lots and it's up to that builder. The required side yard setback is 8' and we have 12'. These are rather large houses because we want to show worst case scenario. I do not know who is going to build there.

Nettie Scherne, 18 Maple Ave: It's a shame; it's such a quaint little town.

Sharon Gerard, 20 Maple Ave: I am very concerned about the number of trees that are just going to disappear from that beautiful lot and they are our only buffer from the noise and pollution that comes from Rte. 17. There are so many beautiful, mature trees on that property and when a developer comes in, everything disappears. It will ruin the view from our house, the view as you drive up Maple Ave and deplete all of our property values. That's a big concern and I don't think anyone ever considers the amount of work a tree does to clean our air and make our environment better where we live. They'll all be taken down to squeeze in houses, as many as possible so they can make more money. Someone should really consider that you can do things on a smaller scale, you could put one more house in there and still conserve that property, it's a beautiful property,

Ms. McAllister: That would be my vote, if they could just build one house off of Kearney Ave.

Ms. Gerard: There's a historic barn, that's beautiful, they'll probably just take it down and throw it in the trash.

Chairwoman Escallier: I will say that whenever any project has that situation, they have to provide a buffer. And also, the barn is staying as it is, it's grandfathered.

Ms. McAllister: I have had privacy since 1971 when I moved in. I'm going to lose all of my privacy. That does bother me.

Mr. Nadeau: What is the approved size or square footage, maximum size, of the housing that can go in there?

Mr. Winglovitz: I don't know that there is a maximum size, but there's a maximum coverage permitted. That's a combination of the driveway and the dwelling. When an individual builder purchases the lot, they build determining what the future home owner wants.

Ms. Gerard: You could have three different builders building three different houses?

Mr. Winglovitz: Absolutely.

Ms. McAllister: If you're going to have bulldozers moving soil around, who's going to pay to power washing my house?

Ms. Gerard: How long does construction generally take? Mr. Winglovitz: Power washing your house would be between the builder and yourself. Building a home usually take between 4-5 months.

Frank Schultz, 27 South Main St: My concern is just balancing. These people have this property to sub divide and I understand you want to get maximum profit for you investment but I think someone's desire for maximum profit should also be measured against what people paid for their property and what they expect from their properties and the type of neighborhood that they're living in. I understand trying to maximize your profit and I don't begrudge anyone trying to make as much money as they can on something but it gets to the point where you start

shoe horning things in and then you're not dealing with the same type of property, same type of area. You want to be fair to someone trying to make a buck but when you keep saying you don't know who's going to be building that gives pause around here. I come from Rockland County and we've seen a lot of projects like this go south and it turns out to be something far different than what was originally proposed. I have no problem with someone trying to turn a buck on a property but trying to turn too much at the expense of what other people expect out of the neighborhoods and what they paid for and what they're used to living in, that also has to be a balance.

Mr. Winglovitz: These lots are much larger than the minimum required for the zoning, roughly twice the size, one lot is five times the required zoning. We think that we've been respectful in that.

Ms. Isrealski, Realtor: I'm friends with the Keegans, they're local people. Mrs. McAllister, they're solving the problem of encroachment of your driveway on that property so by dedicating that land as a gift to the Town, not only does that solve the snow removal problem, it also solve an encroachment problem.

Ms. McAllister: I didn't know about an encroachment problem. I thought it was a right of way.

Mr. Winglovitz: Your driveway currently goes on their land.

Ms. Isrealski: So they are solving a couple of problems within the Village. As their engineer said, these lots are much bigger than all the other lots surrounding them. They're not putting a lot into a smaller space. This property was once a five unit and they're trying to do the right thing by providing a very nice subdivision.

Ms. McAllister: How about turning the house so that it's not so close to my property line?

Mr. Winglovitz: They are set in this direction so that they face the road. This is where your driveway encroaches on their property so as part of the subdivision this area of road will be dedicated to the Village, which will solve that encroachment problem. I don't think you had enough road frontage so the only access was across this property. When they're done the right of way will extend far.

Jenny Schutz, 27 South Main St: Which lot does the barn go with? So they're building three more houses? Is the existing home one family?

Mr. Winglovitz: The barn stays with the main house. They are in the process of restoring the one house, preserve the barn and there will be three more houses.

Chairwoman Escallier: The zoning is R-50 and that is one family homes.

Ms. Isrealski: The homes probably won't be that big, we can't tell you exactly how big they are going to be. The neighborhood doesn't afford big houses. It wouldn't be in the character.

*Ms. Gerard: We have been here for 22 years and that land has been like that for all of that time.
Discussion broke out*

Mr. Keegan: This was a five lot subdivision that I purchased. We are giving the Village 55' by roughly 85'. We are trying to do the right thing. We took one lot away.

Ms. McAllister: When you sell these lots to individual builders, will there be other hearings on the size of the houses?

Mr. Winglovitz: No, as long as they conform with the Village's zoning. The Village has zoning in place to tell you how big you can build, how high you can build it. If it conforms to that, there will not be a hearing.

Chairwoman Escallier: They will be one family home. It's zoned for one family.

Mr. Nadeau: That's at the crest of the hill, where these two houses are; it goes downwards, are they going to be making them level?

Mr. Winglovitz: No these won't be leveled; and they'll be down the road slightly. These houses will go down from the turnaround into the houses.

Mr. Keegan: Does everyone know that this was on the tax plans? This was a subdivision prior. We didn't just buy it and decide, this was on it, a five lot subdivision.

All of the audience seemed to be unaware.

Ms. McAllister: Some of my neighbors are concerned about trucks going up and down the street.

Chairwoman Escallier: I don't think that you should have a concern about that. There are three homes that are going to be built, they have to use a truck to get in and out to do the building but after that there's not going to be any trucks in there. Once they're built, you're not going to have traffic other than the people who live there.

Ms. Isrealiski: I'm a real estate agent, based on some of the concerns, property values, I think that this will bring up property values because Harriman hasn't seen that much new construction of beautiful new homes and big doesn't mean better today but new construction goes for a higher dollar value than the older homes. So that's probably going to help out everyone in the long run.

Ms. Gerard: We live in Harriman, it's an old town, and we appreciate the quaint quality the Harriman has. We weren't looking for a development when we moved there, a brand new home, old homes have character. And old properties have character; they have mature trees, wide open spaces. When you put in developments, it's a whole another thing. There's no privacy, all the trees disappear and there's just great big box houses. The people that are making the money off of this, and I can see that you're already for it, you have to take it from our perspective, we live in a very small village. And we appreciate the quality of it.

Mr. Dowd: I want everyone to understand something; this Village has zoning laws, and property owners are governed by those zoning laws. This Board does not create those zoning laws, the Village Board does. This Board's job is to enforce and carry out the dictates of the zoning law. So they are confined by what's already on the books, as far as the zoning, lot size, setbacks and they have to do their job and every property owner in the Village, in this state or country have the right to develop their property according to the laws of state or local municipality. These folks have presented a plan and this Board is looking to make sure that it complies with the zoning and if it does, and there are no problems with the proposed development, they have an obligation to approve it. They don't have an obligation to deny it if it meets the zoning requirements. If they do, a lawsuit can ensue because they have abridged the right of these people to develop their property according to the law as it exists now. So while the Board understands the quaintness of the Village, this property can maintain these four homes, they meet all of the zoning requirements, all of the setback requirements, if that's the case, this Board has to approve the subdivision. This Board is confined by what the law says, they have to carry out the law as it is right now. For example if there were a 5000 square foot lot and they were proposing a 4500, they could not

approve that because the lot is too small. The only way that they could approve it would be to send it to the ZBA and the ZBA gave them an area variance. That's not the case here, they meet all the minimum requirements of the law of the Village of Harriman, adopted by the Village Board, and this Board has to enforce and carry out the law as it is in the books. You may not be happy about that but that's what this Board's job is and not to violate anyone's rights to develop their property according to the law as it exists now.

Mr. Schultz: What is the current statute on structures on property lines? How far can a permanent structure be from a property line? I was told it was 10' when I was doing some work on my property.

Mr. Winglovitz: It's 8' from a side yard line. One of them a total of 18' for the two, 35' for the rear, 25' for the front.

Mr. Dowd: You may not be in the same zone as this property is. Different zoning districts would have different regulations. Larger lots, larger setbacks. In this particular zone, they're meeting that.

Ms. McAllister: So it's my understanding that this is a done deal and we were only just invited here so that we could know what was going on.

Chairwoman Escallier: This is a process that we have to go through. And this process of bringing you here is part of the process for us to give an answer, yes or no. We can't be for or against a project. We have to weigh everything that is said to us. We have to contact agencies; we have to know that everything's being done, as far as the transportation department, water department, sewer district and many other agencies. We have to wait for the end result and then we decide.

Mr. Dowd: There may be something that you, as neighbors to this property, know that this Board does not see on a map. It could be an underground spring, anything, because you were around longer than this Board. That's what the Public Hearing is for. To get your comments to find out there's something that this Board should know about, as well as meeting the Code, if there's some other issue that they're not aware of that you can bring to their attention and see if they can address it.

Mr. Schultz: Were there any concerns that you as an entity, a Board, had? Not mitigated by the gentleman's proposal? Did you have any questions? Were there any types of hiccups that you brought back to them and said no? Was it all smooth sailing?

Mr. Russo: No, there were comments that we asked them to address. The dedication of the land at the end of Kearney so there could be a turnaround, right now vehicles, plow trucks go up there and they have no place to turnaround, they've been knocking the fence down so this will alleviate that. If someone drives up there randomly, they have someplace to turnaround. The land along Maple Ave expanded the right of way there and took out the ruins of the steps that were there, the grading of the site, elimination of the one driveway. There were four driveways proposed, we eliminated one and made a common driveway. There were a number of comments that we had and we still have a few technical comments. They still have to get approval from Orange County Sewer District for connection; there are comments that are outstanding. And they have been addressing them all along.

MOTION was made by Member Klare to extend the Public Hearing to the next meeting on October 16, 2017 at 7:30pm.

SECOND was made by Member Stanise

AYE Member Escallier

Member Klare

Member Quinones

Member Stanise

NAY: -0-

Mr. Dowd: By extending the Public Hearing until next month, immediately mail to the person that was left off the list, so by that time all of the return receipts should be back by that time. Next month the Board will be able to take any further comments, of all the people here as well as the ones not notified, and anyone else who shows up, and then they can close the Public Hearing and consider further changes to the plan and maybe address some of the other issues that have been raised now and decide if they want to approve it or not approve it.

Mr. Schultz: Another concern that I have is the quality of the water, not the pressure. Over the years, I have received notices telling me that there are carcinogens in the water and they say they are negligible and everything but my wife suffers from lung cancer. I have heard in the past that some of these problems occur, naturally occurring problems, but there are also problems that come from the saturation of the system, people using the water system when it gets so low and you start getting your sediment, that's the problem that you're dealing with. The carcinogens become more prevalent in the quality of the water. I think that when it comes to the utility, that's probably one of the things that I'm most concerned with because I'm not fond of getting Poland Springs, I would like to be able to use my own water. Given what I've heard and what I've been told by other people that work in other municipalities that when there's such strain on a water supply you can get those problems. They are naturally occurring problems but unless the water gets so low, you normally don't have to worry about it. But when they do go low and those resources become strained that's when you start encountering naturally occurring carcinogens and things of that nature, uranium. There's no water filter that's going to take that out. That's my biggest concern.

Mr. Dowd: This is a municipal water supply; they have to do frequent tests and they have to be submitted for review to the Orange County Health Department. There might be some issues with the water but it's not to the point where it's going to cause a health problem. If there was, the Health Department would shut them down immediately. You're not drinking contaminated water. If you were everybody would be sick.

Ms. Scherne: The water is so bad, it tastes terrible, and you can't really drink it.

Mr. Dowd: You can talk to your Village Board members and the water department. They do all the testing; meet all of the requirements from the State Health Department and the Federal requirements. They meet all of them, if they didn't there would be an issue and you would know about it because it would be hand delivered to everyone, not to drink the water. That's not the case. On October 16th at 7:30pm we will continue the Public Hearing, you are welcome to come and continue giving your comments, you will not receive any further written notice in the mail. The person who was left off the list will receive an individual mailing.

Mr. Russo: The things discussed tonight will be discussed and the applicant will have to address it on the plans and it will be brought back to the next meeting if there's anything to be addressed.

ROLL CALL:

Present: Chairwoman Irma Escallier, Board Members, Ron Klare, Martin Stanise, Juan Quinones Michael Zwarycz, ; Kevin Dowd, Attorney, John Russo, Engineer, John Hager, Building Inspector and Barbara Singer, Recording Secretary.

MOTION was made by Member Stanise to accept the minutes of August 28, 2017 with corrections.

SECOND was made by Member Klare

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Stanise

TAMR VENTURES LLC
106-1-16
Subdivision

Present: Ross Winglovitz, Engineering & Surveying Properties; Tom and Asha Keegan, owners, Mary Isrealiski, Realtor.

Mr. Winglovitz: I am in receipt of Mr. Russo's comments; a lot of them are technical. The Orange County Sewer District, that plan has been submitted, I did talk to them, I'm expecting their comments this week. We are asking that the dedication be a condition of final approval. It's considered for the property. The same thing with the setting of the monumentation; we want to make sure the lots are not going to move before we spend money setting monuments. Mr. Russo has asked that we provide more specificity in our note regarding what we're going to do here as far as the extent of the improvements for the turnaround. I have discussed this with my client; we don't have a problem with that being provided. Also noted Mr. Russo asked at what point are we going to provide these improvements. As I think I mentioned at the last meeting, I would like that to be as a subject of a certificate of occupancy for either of these buildings. The basis for us agreeing to do these improvements was there will be someone out there physically doing work on one of these buildings, they're going to have to grade in either one of these two driveways and at that point we could create the pad for the future construction of the turnaround by the Village. We ask that it be prior to issuance of the certificate of occupancy of either Lot 3 or Lot 4. If it's done in conjunction of the construction, it doesn't get drawn out.

Mr. Dowd: I would be concerned about the fact that this is apparently given and each lot will be sold individually. Building permits are going to be issued and if the turnaround is not in or substantially complete, I think there's potentially going to be an issue between Lot 3 and Lot 4 building simultaneously, whose going to be responsible for putting the turnaround in? Both of them, one of them? I think the safest route is to make it a condition of the final approval that be graded before the plan is signed, that's my opinion and my advice to you. To make sure that it's in and the Village is going to come in and do the final grade but certainly you want to make sure that it's done and correctly. If the owners were going to keep it and develop it themselves, that might be one way but when they start selling the lots and you have a condition on a certificate of occupancy being issued on one of those two lots, I think it's a potential problem for the Building Inspector.

Mr. Winglovitz: We would be willing to go to a building permit, the whole basis for our agreeing to this additional expense, and it is an expense for somebody to construct this, it is that it was going to be done at a time when the houses were built so we didn't bring a separate contractor in and do the clearing at a separate time to create this area. I understand Mr. Dowd's concern; our backup position would be prior to a building permit being issued at either of these lots, so the builder could come in. They would understand that's it's part of their construction, and prove it, there would be a map note. It will be negotiated as part of the sale of that lot, so it's not a significant additional expense to my clients who are gratuitously offering the property to solve a problem that the Village has and my client's didn't create.

Member Zwarycz: If nothing happens here, no further development, the barn stays, the original house stays, what's the impact on the McAllister's driveway that encroaches the owner's property? Obviously this is something that was found out in the process of developing the land.

Mr. Winglovitz: They didn't know it existed.

Mr. Keegan: We want to play nicely with everyone. We want nice homes; I have a builder that's interested in all three lots, I just can't tell him that it's for sale until it gets approval. Someone is going to buy all three.

Mr. Russo: The other thing would be to post a bond. Somehow we have to ensure that the turnaround is constructed. Another way would be posting a performance bond; it would have to be based on prevailing

because if the Village has to go in, at the point they would have to bid the project and then prevailing wages would be paid. It substantially increases the cost.

Mr. Winglovitz: We hear the Village's concerns, and Mr. Russo's potential solution. Let me discuss that with my clients between now and the next meeting and we will get back to you.

Mr. Russo: That's fine. Also the public brought up concerns of water pressure. Could you get in touch with the DPW, go up there and look at the pressures.

Chairwoman Escallier: Another concern was that too many trees were going to come down. They really didn't want to look across a bare area.

Mr. Winglovitz: I can set something up with the DPW. I can't tell you which trees are going to come down right now, but the majority of the trees on these two lots are going to come down, it's part of the construction.

Mr. Russo: Is there a way we can look at putting additional trees back? Could trees possibly be put along the edge of the property by Mrs. McAllister's property? Take a look at it and see.

Mr. Winglovitz: There will be trees behind the barn that will be saved, and in areas of Lot 2. The only property that is really affected is Mrs. McAllister's property because it's adjacent to it.

Mr. Keegan: The perimeter of the stone wall, those trees are going to stay. You're only going to take the center, we can walk the property. We can save trees.

Mr. Winglovitz: We will provide the easement, if it can be a condition of the approval because it's a legal document that needs to be prepared at some expense. I think all of the other comments are technical.

Mr. Dowd: For the record, we received the Orange County Planning Department's 239m recommendation and it's local determination. There are no inter-municipal concerns.

J SQUARED BUILDERS

102-1-6.3

Site Plan

Present: Paul Edwards, Applicant

Mr. Edwards: Last time, I was asked to clarify some items that were unclear. One of the things was about the private road and the ownership of that and I determined that the same person, the estate that I'm buying the lot from owns the road and when I brought it to their attention, they offered it to me at no additional cost. If that would alleviate any concerns that the Board has.

Mr. Dowd: Where is the evidence of that? There must be a deed with that road.

Mr. Edwards: Yes, there is; Bob Green has it. I haven't closed on the property yet, so they made it part of the deal.

Mr. Dowd: It would be helpful to us if we could have a copy of the document that says the road is owned by this trust. There's a basic question here that you mentioned the last time, you want to build a two family house? And I think that you said if you can't build a two family house, this may not be worth you doing.

Mr. Edwards: Correct. The three houses there are mixed houses, on the average end of houses in the area, and I don't think it would be cost effective to build a single family house to sell it. That's why I haven't closed on the property.

Mr. Dowd: Perhaps what we should do is refer him to the Zoning Board for a use variance. Why should you continue with us if you're not going to go forward as a single family home and you have to get permission for a variance to do a two family; get that variance and come back and continue these discussions?

Mr. Edwards: If I got permission from the ZBA, would it be necessary to come back to the Planning Board?

Mr. Russo: Yes, there are a number of open comments with regards to the road, maintenance.

Mr. Edwards: I have gone out there and surveyed with my engineer and we can come close to the things that you're requesting.

Mr. Russo: But that would have to be on a plan. The plans will have to be prepared so you would have to come back with all of that information on the plan, everything documented. There's no sense moving forward, if the whole thing is hinging on building a two family home.

Mr. Edwards: I met with the residents of the road also, and there's no written agreement. But you had brought up the question the last time about the owner of the road denying access to the people, and I had my lawyer copy the deed saying that the residents had a right of way easement to access their property. I would say legally nobody can prevent anyone access.

Mr. Russo: It doesn't say anything about utilities.

Discussion broke out.

MOTION was made by Member Zwarycz to refer J Squared Builders to the Zoning Board of Appeals for a two family use variance.

SECOND was made by Member Klare.

AYE: Member Stanise

NAY: -0-

Member Klare

Member Escallier

Member Zwarycz

VILLAGE VIEW ESTATES

101-1-1.31

Site Plan

Present: Jay Myrow, Blustein, Shapiro, Rich & Barone, LLP; Ryan Nasher, Atzl, Nasher, Zigler, PC

Mr. Myrow: We were here last month; Mr. Nasher made some changes to the map and resubmitted it. He also submitted a SEQRA consistency statement. I spoke with Mr. Dowd regarding the statement from my client that the towns parcel that will be included; I haven't gotten her signature on that yet.

Mr. Nasher: We received a comment letter today from Mr. Russo, which is really commented on the SEQRA consistency report. The SEQRA consistency statement report, there's a couple of numbers that are inconsistent, so today I revised it to ensure what is being addressed is common.

A report is distributed to all Board members and professionals.

Mr. Myrow: I understand that we are probably pretty close on the map.

Mr. Russo: They have only addressed two comments on the plans.

Mr. Nasher: The reason for that is we only had two weeks to respond to the comments and come back in. One of the goals is to get the revised Negative Declaration so we can proceed with the agencies.

Mr. Myrow: What I would like to accomplish is to (1) get the Neg Dec

Mr. Dowd: I saw some of these things today and Mr. Russo's comments today and I wanted to make sure that we were all on the same page. I have no problem based upon what Mr. Russo pointed out tonight in the submission that this project, although it has changed over the period of time since the 2007 SEQRA, that ultimately, while some things like there's one extra lot, those effects are minimal and some of the adverse impacts have been reduced as far as wetland invasion and other things like that so I have no problem if this Board wants to find that the SEQRA of 2007 and the current plan is consistent. Or issue a new Negative Declaration based upon all of the documentation we have had to date on the new plan. Either way I have no problem with you doing that, if that's what you wish to do tonight.

Chairwoman Escallier: But there are open issues, aren't there? And the issue of the school?

Mr. Russo: There are a lot of technical things that need to be corrected on the plans. The issue that's being referred to is the concern of children from this development being picked up by buses. Or not being picked up.

Mr. Myrow: Does that have to do with SEQRA?

Mr. Russo: It was brought up several times during this process. The residents that are living on the existing road in the Town of Monroe note that the buses won't come down that road. I don't know if that's changed or not.

Mr. Myrow: Doesn't the school district have an obligation to pick children up that live in the Village?

Chairwoman Escallier: Not if it's dangerous. There are no school buses entering Overlook Road. Children are picked up at the intersection of Woodland and Orchard Drive. The main reason is the size of the road.

Mr. Myrow: It's either the obligation of the parents to get them to the designated stop, so I'm not sure what the issue is. There's going to be a designated stop.

Mr. Dowd: I don't think as a Planning Board we can't dictate to the school district where they pick children up. The developer may want for their own advantage, and maybe to be put back before we give final approval to see what the district's position on this is. As far as SEQRA is concerned, this is not a SEQRA issue. It's really not even a subdivision issue, but it will be an issue for the residents of that subdivision. I think there's enough similarity in the project, some of the 2007 impacts have been reduced and very little have been increased, minimal, with just one extra lot. I have no problem with you adopting a consistency statement and a finding that 2007 is consistent with the current plan. I will prepare that resolution but I didn't want to do that until I knew where we were going with this.

Chairwoman Escallier: After the length of time that we've had and the fact that we did extend the timeline of SEQRA because of the legal litigation that occurred, we have to get it together so that we can finalize it.

Mr. Dowd: If the Board wants to do that tonight, they can do that. I think that the motion can right now to do that and then I will prepare a resolution memorializing what we're doing tonight so it's of the record and in the file.

Then they can take it where ever they need to take it. In the meantime, you have to do all of the other technical items to the plans before they can be signed off on.

***MOTION** was made by Member Stanise that the finding of the SEQRA done in 2007 is currently applicable to and is in full force in effect for the current plan and that the actual changes in the plan produced minimal changes to the SEQRA determination of 2007.*

***SECOND** was made by Member Klare.*

***AYE:** Member Stanise
Member Klare
Member Escallier
Member Zwarycz*

***NAY:** -0-*

Mr. Myrow: Is there a chance that we can work through the remaining comments, the stuff you need to see on the map, to see whether it's technical enough where if you see it at the next meeting the Board will be in a position to grant conditional final. What I would like to do is get a vote tonight subject to that so that Mr. Dowd can be instructed to draft a resolution because if not, we're not going to get a resolution until November or December. That's my concern. If there are things that require new data.

Mr. Russo: We're still waiting to hear from Army Corp. that does impact two of the lots. You're also installing utilities through those wetlands. I would like to see that. The rest of that could all be worked through. The Army Corp in regards to the delineation of the wetlands. The jurisdiction determination has not been issued yet. I think you've already had the delineation done; it just has to be confirmed by the Army Corp. They could say no, yes, or that you need to do remediation.

Mr. Myrow: That could be a condition of final.

Mr. Nasher: According to the national-wide permit you are allowed to disturb up to 1/10 acre, which we are doing less than that. I submitted the permit already. It is a notification to them and it's really not a question if we can do this or not because we are doing less than by rights.

Mr. Russo: As long as you're not impacting anything.

Mr. Dowd: If the delineation that your expert did is not confirmed by the Army Corp, they may need confirmation, maybe it goes someplace further in to the lot where your house is, you may not be able to put a house there.

Mr. Russo: That's what I've asked for in several comment letters. That this get submitted and you get a jurisdictional determination on this.

Mr. Myrow: How long does this take?

Mr. Nasher: We put forward the application, which is really done in 2014, the new one.

Mr. Myrow: This is why I'm asking that it be made one of the conditions because if it doesn't come back, we don't get a signed map. Then we have to come back and modify it. Did you confirm that actually what we're proposing is less than 1/10?

Mr. Nasher: Yes it is.

Mr. Russo: That I wasn't concerned with, it was the delineation. I think that we could work through the rest of the comments. There's a lot of work that has to be done.

Mr. Nasher: Mostly technical work to be done, mostly the detail for the water. There are some changes to the SWPP as well. When we went through the items at the last meeting some of the items include the Town of Monroe Highway Department, Orange County Department of Health, Orange County Sewer District, Army Corp of Engineers and ultimately the Department of Environmental Conservation wants to get it from your office when the map is signed.

Mr. Myrow: About the Army Corp, if we were disturbing more than 1/10 we would have a significantly more complicated map. The fact that we've submitted something that we can do as of right and we're simply waiting for the Army Corp to confirm it, that's different than us coming forward with a plan where we have substantial remediation that they may have actually have a big problem with.

Mr. Russo: We are saying this is as of right now, based upon your consultant's delineation, but if Army Corp comes out and says that it's larger, you have a problem.

Mr. Myrow: We fully acknowledge that. Between now and when we come back, we will certainly do everything that we can to get an answer but if it's just that one thing and it's really something that we can do as a of right if it proves out I really wouldn't want to hold this up.

Mr. Dowd: When did you submit to the Army Corp? Mr. Nasher: Last year.

Mr. Russo: I think it could be one of the conditions. If it comes back that he delineation has changed, or modifications have to be done, or mitigation, then you'll need to come back in front of the Board. Until they have all agencies' approvals they can't move forward. They won't have a subdivision map. You won't sign the map until you have all of those approvals back. You would be giving an approval subject to conditions.

Mr. Myrow: Other than that I think everything else is technical. I would ask the Board to consider voting to grant us the conditional final subject to the final map being submitted by submittal date.

Mr. Russo: They'll go through and address all of my comments. The Mayor has to sign the application for them to go to the Department of Health; until I say it's okay, the Mayor isn't going to sign it. When he signs the form, the applicant can go to the Department of Health for the water, review the water system. Then they'll have to meet all of the standard of the Department of Health and address any comments that they may have. Once you have the Negative Declaration and the Preliminary Subdivision Approval, you can go to the agencies. The only agency that you can't go would be utilities such as electric; they won't take anything until you have final approval.

Mr. Myrow: All of the water issues that you've discussed that are not going to be in the SWPP, there's notes in date detail on the map. Is it based on lack of time?

Mr. Nasher: Yes.

Mr. Dowd: I can be preparing a draft resolution of conditional final and then you come back and depending on how many of the technical issues they resolved or not, you can move on from there.

Mr. Russo: Even if Mr. Nasher comes back in November with everything addressed and you sign the approval with conditions, the Army Corp approval is going to be one of the conditions. The only agency the Mr. Nasher wouldn't be able to go to is the Health Department because until he addresses my comments, which a lot of them have to do with the water system. All responses to my comment letters should be submitted in writing.

Discussion broke out.

MOTION was made by Member Klare to close the meeting at 9:00pm.

SECOND was made by Member Stanise.

AYE: Member Stanise

NAY: -0-

Member Klare

Member Escallier

Member Zwarycz

Respectfully Submitted:

Barbara Singer, Recording Secretary