

**VILLAGE OF SPRING VALLEY
PLANNING BOARD**

AUGUST 5, 2010

A Regular Meeting of the Spring Valley Planning Board was held in the Board Room of Village Offices on Thursday, August 5, 2010.

PRESENT: Chairperson Lorenzo Garner, presiding

Members: Rosner J. Dorvil
 Freddie Crump
 Aaron Sternberg
 Levi Schwartz
 Juan Carlos Fabbiani
 Sylvestre Georges Michel
 JoAnne C. Thompson

Absent: Aaron Sternberg

Asst. Village Attorney: Edward Katz
Assoc. Planning Consultant: Michael Kauker
Deputy Building Inspector: Walter Booker

Chairman Garner called the meeting to order at 7:20 p.m.

The motion to approve the minutes from the March 4, 2010 meeting was made by Mr. Schwartz, moved by Dorvil 2nd by Mr. Crump.

The minutes from the March 4th meeting were adopted as amended to note that Mr. Schwartz's opposition to the Post Office Square was based on his belief that this project is a disservice to nearby businesses and to the residents of Spring Valley.

After the Board approved the minutes from March 4, 2010, Mr. Garner announced that the Federation dinner was being held on April 29, 2010, and it is required for all members to attend, and for any further information please contact the Village Clerk. After making that announcement Mr. Garner started the hearing for Metro PCS/ 21 West Street.

**PUBLIC HEARING
METRO PCS/ 21 WEST STREET**

Mr. Garner: This matter is scheduled for a public hearing to adopt a SEQRA declaration and then to approve the site plan for this applicant. Last month there was some confusion regarding whether this matter was on for a public hearing. This month the legal publication has been completed and the public hearing can be held. This application is seeking to co-locate a wireless telecommunication facility on an existing tower located on Village Property.

Mr. Katz: The law requires the Village Board to complete action on a co-location wireless application within 62 days after the closing of the Public Hearing. That hearing was closed on 2/9/10 and the Village Board must issue a decision by April 12, 2010.

Mr. Garner: Since the Planning Board's SEQRA Determination is required before the Village Board can act, the Planning Board needs to complete its SEQRA action tonight.

Mr. Kauker: I have prepared a negative declaration, and the site plan is uncomplicated. Therefore, I recommend that after tonight's public hearing, unless there are unforeseen events, that this Board adopt a SEQRA and consider approving the site plan subject to the Village Board granting of a special permit.

The Public Hearing was opened at 7:40 and the Clerk advised that all legal publication, and mailing and posting were done for this application. Anthony Miranda, Esq. appeared for the applicant along with Chris Olsen.

Mr. Olsen: Mr. Olsen spoke and advised the Board that this was the fourth application in the Village of Spring Valley for Metro PCS and that no additional applications are presently contemplated.

No one from the Public asked to speak on the matter. The hearing was closed and The Board unanimously adopted the negative declaration.

Mr. Garner: Made the motion for the site plan with an initial date of 6/24/09 and last revised on 1/11/10 to be voted on. Motion moved by Mr. Dorvil 2nd by Mr. Sternberg.

The Public Hearing was closed at 7:50, and the application was unanimously approved by the Board subject to the Village Board granting a special permit.

**PRELIMINARY HEARING
WALGREENS**

Mr. Garner: This is a continuation of preliminary hearing on an application to approve a site plan to construct a Walgreen's Drugstore. The applicant requires a referral to the Village Board for approval of a zone change for a small portion of the property and to the Zoning Board of Appeals for the variances changes.

Mr. Katz: Since last month the County Planning Department responded and recommended a review by D.O.T. and the Drainage Agency and advised of the necessity for a letter from the Water Company, certifying that there will be sufficient water supply during peak demand periods. The county opposed granting parking variances for sites located on state or county roads, but stated only that the Planning Board needs to be satisfied that parking did not present a problem. The County listed other modifications which, I believe, that the applicant is willing and able to comply with. The Fire Department submitted a report concerning the site and the applicant needs to address this.

Ira Emanuel Esq.: Mr. Emanuel appeared along with Mr. Andrew French, Mr. Emanuel spoke and stated to the board that the traffic study, that the Board requested to be done is in the process of being completed.

Mr. Kauker: Spoke and stated that about one year ago he represented a property owner who wanted a Walgreen's store on his site. Mr. Kauker also stated that he did not believe that this presented a conflict with his duties to this Board concerning this Walgreen's proposal.

Mr. Katz counsel for the Board and Ira Emanuel counsel for the applicant agreed both agreed that Mr. Kauker could continue to represent the Board for this application.

Mr. Kauker: Stated that the applicant required a referral to the Zoning Board of Appeals for a variance concerning a pylon message sign, and needed to be granted a zone change from the Village Board.

Members of the Board asked questions concerning traffic on Van Orden Avenue.

Walter Booker: Mr. Booker asked how the roof line will look from Route 59 because of the configuration of the site.

Mr. Dorvil: Asked that when the traffic study is done that the study include the traffic during school hours.

The applicant was referred to the Zoning Board of Appeals for a sign variance and to the Village Board for consideration of a zone change.

The Planning Board had declared itself as the lead agency last month. However, the notification of this declaration had not been sent to those entitled to it pursuant to the General Municipal Law.

Mr. Booker: Stated that he would see this get done in a timely manner.

The Planning Board unanimously adopted Part 2 of the Full Environment Assessment Form. The applicant has already completed part 1 of the application. Now all the applicant needs to complete is Part 3 of the application.

RIDGE AVENUE

ZONE CHANGE

Mr. Garner: Stated that he had no objections to the proposed change.

Other members of the Board Stated that since the Village Board had not provided them with reasons why they were considering the zone change, they did not have enough information to warrant any comment in the matter.

Counsel advised the Planning Board that the Village Board was now free to take whatever action it wants regarding this proposed zone change.

As there was no further business to come before this board, on a motion by Mr. Schwartz and a seconded by Mr. Dorvil, the board voted unanimously to close the meeting at 8:20 p.m.