

**VILLAGE OF SPRING VALLEY
PLANNING BOARD**

JUNE 3, 2010

A Regular Meeting of the Spring Valley Planning Board was held in the Board Room of Village Offices on Thursday, June 3, 2010.

PRESENT: Chairperson Lorenzo Garner, presiding

Members: Rosner J. Dorvil
 Freddie Crump
 Aaron Sternberg
 Levi Schwartz (arrived late)
 Juan Carlos Fabbiani
 JoAnne C. Thompson

Absent: Sylvestre Georges Michel

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

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

After the Pledge to the Flag Chairman Garner opened the meeting by voting on the minutes from May 6, 2010

The motion to approve the minutes from the May 6 2010 meeting was made by Mr. Crump and seconded by Ms. Thompson. The minutes were adopted unanimously as amended to note that the comments made on the application for Cole levy Plaza were unclear.

METRO PCS/ 21 WEST STREET

Mr. Katz: This matter returns to the planning board for a continuation of a public hearing. The Village Board of Trustees has granted a Special Permit, and in April the Planning Board adopted a Negative Declaration and approved the site plan dated 6/24/09 last revised 1/11/10 subject to the Village Board granting a Special Permit. Since the Village Board did so, I am not really sure why this application is before the Planning Board tonight.

The Board agreed that the site plan for 21 West Street Metro PCS had been approved at the April meeting subject to the Village Board's granting of a Special Permit. Therefore, it need not be heard this evening, and the Clerk was directed to amend the minutes from the April 1, 2010

meeting to reflect that the site plan was approved subject to the Village Board granting a Special Permit.

THE COMMONS

Mr. Katz: Last month the Planning Board declared its intention to be lead agency on this application. 28 days have elapsed since then and no other agency has opposed this declaration. The law requires us to wait 30 days. I recommend that the Board take the position that it is lead agency subject to the possibility that, in the next two days, we don't receive any opposition to this.

Chairman Garner: Mr. Kauker has prepared a Part 2 of the SEQRA Full Environmental Assessment form and raises issues there, and in his comments there are things the applicant needs to address and respond to.

Mr. Katz: The Board should adopt the Part 2 and determine whether the applicant is prepared to fully respond tonight. The County Planning Department has disapproved this application for reasons set forth in their letter to this Board dated May 24, 2010. I believe that all Board members have seen a copy of this letter. Therefore, the site plan will require 5 votes for approval.

Mr. Emanuel: Stated that the County planning memo is factually incorrect. Even so, the Planning Board should not delay adopting a Negative Declaration for this reason because the County's opposition is relevant to the issue of site plan approval and has no affect upon SEQRA. Mr. Emanuel also asked the Board not to adopt the Part 2 of the EAF until the applicant has had the opportunity to address some problems it has with the Part 2 as prepared by Mr. Kauker.

Mr. Kauker: Advised the Board that the applicant's response to Part 2 should be in writing so that he and the Board will have time to review it. He has no problem with Mr. Emanuel providing a verbal response this evening.

Mr. Emanuel: Spoke to the Board and advised them that the Part 2 lists 4 items with potentially large impacts. Character of the Community- the applicant believes that the change in density of land use is consistent with the zoning code i.e. it is permitted under R2-PRD. There are other apt. houses in the immediate area. Additional Demand on services any time you add housing and people, there is additional impact, but it is small. There are about 7812 housing units in the Village and adding 64 more will not have much of an impact.

Mr. Kauker: Stated that the zoning code permits 18 dwelling units per acre and this project asks for at least 32 units per acre.

John Atzl: Mr. Atzl spoke to the Board as the Architect for the project and advised that all of Rockland County has slopes. This acreage slopes west to east and retaining walls will be used. The depth and water table is less than 3 feet, Mr. Goldberger did digging and the water table is above 3'. The project will provide proof that there will be no net increase in runoff and a

SPEDES permit will have to be obtained. There is no ground water at the top of the hill where this project will be situated. Water and sewer service will come off Rose Avenue.

The Members of the Planning Board then asked the following questions of Mr. Atzl.

Mr. Dorvil: The area is now wooded and trees will be removed. How will this affect matters?

Mr. Atzl: Responded to Mr. Dorvil's question and stated that there will be an erosion control plan for the project.

Chairman Garner: Has the Fire Inspector seen the plan?

Mr. Atzl: Responded by saying no not as of yet.

Mr. Dorvil: The project provides 40 less parking spaces than the code requires. How will this be addressed?

Mr. Atzl: We can increase the parking spaces to a maximum of 96 spaces. Mr. Goldberger followed by stating if the Board wants, he will put into each lease that renters can only park one car on the property.

Mr. Emanuel: Spoke again and asked the Board to issue a Negative Declaration tonight based upon the applicant's verbal response to the Part 2.

There was a discussion among the members. One of the Board Members suggested that the Board issue a Negative Declaration, contingent upon the applicant providing a written response to Mr. Kauker and then his approving it.

Chairman Garner: Spoke and stated that he did not want to do this and ruled that the applicant should provide a written response to the Part 2 and the Board will take this up next month. No Board Member objected to this ruling. There is also a lack of clarity regarding whether the ZBA or the Village Board determines the issue of density.

As there was no further business before this Board tonight Mr. Schwartz moved to adjourn the meeting. This was seconded by Mr. Dorvil and passed unanimously.