

**VILLAGE OF SPRING VALLEY  
PLANNING BOARD  
MINUTES  
December 1, 2011**

A Regular Meeting of the Spring Valley Planning Board was held in the Board Room of the Village Offices on Thursday, December 1, 2011.

**PRESENT:** Chairman Lorenzo Garner, presiding

Members:

Freddie Crump  
Sylvestre Georges Michel  
Aaron Sternberg (Absent)  
Levi Schwarz  
JoAnne Thompson  
Juan Carlos Fabbiani

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

Chairman Lorenzo Garner called the meeting to order at 7:12 p.m.

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**11/03/2011**

The Minutes from November 3, 2011 was adjourned to the January 5, 2012 meeting.

**Preliminary Hearing**  
**Memorial Park Homes**

**Mr. Katz:**

This is an initial preliminary hearing on an application seeking site plan approval to construct a multi-family home on the property which is located in the R2P Zone. The applicant requests a referral to the Village Board for a zone change to PRD and to the ZBA for variances. The Planning Board needs to complete its SEQRA review before referring the application to the Village Board and ZBA. The Planning Board should declare lead agency at this time.

**Ryan Karben, Esq:**

We would just like the Board to declare lead agency, so Mr. Kauker can get the SEQRA process under way.

**Chairman Garner:**

If everybody is on Board with me I would like to enter a motion to declare lead agency; Motion moved by Mr. Schwartz and seconded by Mr. Crump all in favor all opposed the motion carries.

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**Continuation of Preliminary Hearing  
43 Bethune Boulevard Turner Gardens**

**Jim Licata, ESQ 222 Route 59 suite 111 Suffern, NY 10901:**

I am here tonight along with Mr. John Atzl the Engineer/Surveyor for the project this is an existing development, the applicant seeks to convert an existing warehouse into multifamily housing. The project has actually been on the Board for quite a few years and redone. We have received a positive response from Mr. Kauker I believe that is based upon the fact that we had some CDRC meetings with the engineer and the Village Planner. The Village Planner along with the Engineer made some significant changes to the plan; originally they were suggesting that the driveway go around the building they have eliminated that completely for safety reasons. I am going to have Mr. Atzl point out and explain just what is there and what is going to be here, then after that we can answer any questions. We are here for Negative Dec. and referral to the Village Board and to the Zoning Board.

**Mr. Katz:**

I just wanted to remind the Board that you did declare lead agency back in October, and requested that the applicant provide a full EAF; delineate the variances required; mark the parking spaces and the location of the dumpster etc. A CDRC meeting was requested and held last month. That why we are here today to see if the Board is satisfied with the changes made, and then I see no reason why a Negative Dec. can't be issued and the referrals to the Village and Zoning Board be made, that concludes my comments.

**Mr. Kauker:**

We have a chance to review the revised set of plans submitted by the applicant. One parking space impedes traffic and should be eliminated. There would still be sufficient parking spaces, 38, for the 19 proposed units. Mr. Kauker also stated that the plan indicates runoff of water from north to south and this is wrong. Mr. Kauker also asked that the Garbage container should be screened. The applicant does not require a traffic study, but should address how traffic will be impacted by the project. The applicant has submitted a narrative for the special permit. A full EAF has been done and the applicant has responded with a Part 3.

The applicant agreed to remove the parking space, and Mr. Atzl agreed and advised that the marking would be changed.

Mr. Schwarz asked if the fire inspector has reviewed the plans, Walter Booker stated that this was done.

Chairman Garner entered a motion to adopt the Negative Declaration dated December 1, 2011, this was so moved by Mr. Schwarz and seconded by Mrs. Thompson all in favor; all opposed the motion carries.

Chairman Garner entered a motion to refer the applicant to the Village Board; this was so moved by Mr. Schwarz and seconded by Mr. Fabbiani, all in favor; all opposed the motion carries.

Chairman Garner entered a motion to refer the applicant to the Zoning Board; this was so moved by Mr. Crump and seconded by Mr. Schwarz, all in favor; all opposed the motion carries.

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**Continuation of Preliminary Hearing  
35 Lawrence Street/10 Centre Street LLC**

**Jim Licata, ESQ 222 Route 59 suite 111 Suffern, NY 10901:**

Mr. Licata stated that the applicant has filled a full EAF with Mr. Kauker's office; he gave us back a Part 2 which you have received tonight, we need to respond to and once we respond to that, and we get our variance we'll be back here to the Planning Board.

**Mr. Katz:**

This is a continuation of a preliminary hearing on an application seeking site plan approval for an auto repair shop in the GB zone. Last month the matter was referred to the ZBA for a use variance, with a negative recommendation from the Planning Board. The ZBA is still considering the variance.

**Mr. Kauker:**

Stated that he had received the EAF and the building layout, the applicant has reduced the size of the project by limiting it to only one parcel, not three. Mr. Kauker provided the following comments for the Board's consideration. Number one being, that more than half of the building will be used for parking and aisle areas. If these spaces are to be used for providing of the required parking demand for the site it would severely limit the use of the rest of the building for auto repair use. You can't use interior building area for both parking area and the proposed auto use. Number two being that the overall interior building plan appears to be to be very crowded. Third being will there be sufficient room for the safe operation of the lifts? The lifts are located along the easterly wall of the building with little room to move around vehicles, and in my experience is that this will not work. Fourth being that the overhead garage locations conflict with the parking space and lift locations and would interfere with vehicles entering and existing the building. My final comment is what building modifications are required to accommodate the new use of the building? Is there appropriate ventilation provided for the proposed use. That concludes my comments.

**Mr. Licata:**

I am not prepared to answers those questions, that's why we are not getting a negative Dec. They're going to be answered by the engineer, and addressed to Mr. Kauker.

**Chairman Garner:**

I have a couple of comments, and questions. Last month you came before this Board and we issued a negative referral to ZBA. What kind of response did you get from them?

**Mr. Licata:**

They looked at the project, and they didn't vote on it, they couldn't vote on it because they didn't have a Negative Declaration.

**Ariel Jacobov, 22 Tokay Lane Monsey, NY 10952:**

I understand you not feeling positive towards the project. But what as far as dealing with an issue that you have like I said last time a vacant property that can't be leased and you have a large tax bill. The property can't get rented if the city or town help you to do something to try and change that, you can bankrupt the LLC and then

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Go file a lawsuit on the township for doing such a thing. Next door to me you have the same existing use, two doors down you have the same existing use, and so what is this particular one in the middle is bothering you guys. If we had residential surrounding us and apartments everywhere I could understand that but when you have the same existing uses surrounding the whole entire property what changes this and what makes it so complicated to try and make it work. I did have someone approach me, who wanted to do a strip club, I'm sure you wouldn't want that.

**Mr. Booker:**

A strip club would not be permitted in that area, because it is not allowed within a certain number of feet from, church or daycare center.

**Ariel Jacobov:**

I just want to have a simple explanation, if the properties next to me are the same uses how it is changing anything.

**Mr. Katz:**

The problem is they pre-existed zoning, they have been there forever. So we can't do anything about it, there was no zoning at the time so there for they were allowed at the time. I understand that their there and yes their next to you, but they have been there for a long time and their grandfathered in so to speak.

**Continuation of Public Hearing  
Monsey Lumber**

**Mr. Katz:**

This is a continuation of a public hearing on an application seeking site plan approval to construct a warehouse. Last month the hearing was opened and the matter was continued because the applicant was unable to attend.

**Alex Goldberger 168 North Main Street Spring Valley, NY 10977:**

We have been through all the necessary Boards. We received the Variances that we needed from the Zoning Board of Appeals, as well as a zone change from the Village Board, and now the only thing left is to come back to you for final site plan approval. We have made all the changes to the plan that the Board and Mr. Kauker have requested, and ask that tonight the Board approve the site plan.

**Mr. Katz:**

I think that since this is a public hearing, you should take a minute to briefly explain the project so that if there is anyone wishing to speak on the matter, can get a better understanding of the project.

**Alex Goldberger:**

What we are planning to do is demolish and existing dwelling and garage on the site, and in its place construct a two-story 4,000 square foot building on the premises. More specifically, 3,000 square feet will be utilized as a warehouse and 1,000 square feet for an office access to the site. The building will only be used for the storage of small goods.

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**Mr. Kauker:**

The only comments that I have is to shift the parking closer to the building thereby increasing the green area closer to the street. Also to clarify how water will enter the pipes.

John Atzl, engineer agreed to shift the parking to increase the green areas. He also agreed to add catch basins and will figure a way to prevent access between the new building and an existing one on an adjacent lot which is built on the property line.

The applicant also agreed to build a chain link fence around the property and agreed to repair an existing fence which was damaged on the property.

Chairman Garner asked if there were any questions or comments from members of the Board, There were none. Chairman Garner then opened the public hearing to the public.

**Rev. LaGretta J. Bjorn 2 South Madison Avenue Spring Valley, NY 10977:**

Rev. Bjorn asked if any environmental studies were conducted on the project.

Mr. Katz answered Rev. Bjorn question by stating yes we go through a process called SEQRA which is a full environmental study of the property and the surrounding area.

As there were no other members from the public wishing to speak Chairman Garner entered a motion to close the public hearing this was so moved by Mr. Schwarz; and seconded by Mr. Michel, all in favor; all opposed the motion carries.

A motion was made to approve the site plan originally dated March 3, 2011 and last revised August 25, 2011, subject to the condition set forth above and an amended site plan dated December 7, 2011 which will contain the changes agreed upon this evening this was so moved by Mr. Fabbiani and seconded by Mr. Crump, all in favor; all opposed the motion carries.

**Public Hearing**

**Ramapo Wholesalers**

This is an initial public hearing on an application seeking site plan approval to convert an existing movie theater into additional space for Ramapo Wholesalers and to make mostly internal changes to the existing building. The external changes involve a new sidewalk, fencing and a revised survey of the property.

Chairman Garner declared the public hearing open, and the Clerk confirmed that all postings and mailings had been done.

**Brian Nelson 254 South Main Street New City, NY 10956:**

We are proposing to remove the movie theatre, level the floor and replace it with Ramapo Wholesalers and two other smaller tenants. The modifications to the building are minor couple of new doors, windows and a new sidewalk on the west side of the development. Everything else remains the same; the parking requirement is lessened because of the use so we have plenty of parking.

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**Mr. Katz:**

I have No additional comments.

**Mr. Kauker:**

Stated that all the information he requested was provided. He asked the applicant also to show the aisle width and any new parking spaces and to enclose the area set aside for pipe storage.

The applicant, to the changes Mr. Kauker stated above. The applicant also agreed to place handicapped spots and to repair the existing sidewalks.

Chairman Garner asked if there were any questions or comments from members of the Board, there were none. Chairman Garner then opened the Hearing up to members of the public if any wished to speak regarding this application.

**Rev. LaGretta J. Bjorn 2 South Madison Avenue Spring Valley, NY 10977:**

Asked what the other two businesses were going to be.

Brian Nelson answered, and said that the laundry mat was extending a thousand feet and the other store is unknown at this time.

As there were no other members from the public wishing to speak Chairman Garner entered a motion to close the public hearing this was so moved by Mr. Schwarz; and seconded by Mrs. Thompson, all in favor; all opposed the motion carries.

A motion was made to approve the site plan originally dated October 14, 2011 and last revised October 31, 2011 so moved by Mr. Schwarz; and seconded by Mr. Fabbiani, all in favor; all opposed the motion carries.

**Old Business**

**Referral from the Village Board regarding the proposal from VHB Engineering regarding amendments to the Village's Urban Renewal Plan.**

Mr. Schwarz and Mr. Fabbiani were troubled by the precedent which would be set by listing only two properties, the Old Denny's and Clarkstown Rentals in a renewal zone. They did not want the Village to place the zone the Clarkstown property which is an existing business paying taxes to the Village.

Mr. Katz explained that there were no plans to re-develop the Clarkstown business and the Mayor's interest here is to gain a developer for the Denny's site and believes that including it in an Urban Renewal Zone will allow this to happen.

No other members of the Board made comments.

As there was no further business to come before this Board, on a motion by Mr. Schwartz and seconded by Mr. Crump the Planning Board unanimously voted to adjourn the meeting 8:50 p.m.