

**VILLAGE OF SPRING VALLEY
PLANNING BOARD
MINUTES
November 3, 2011**

A Regular Meeting of the Spring Valley Planning Board was held in the Board Room of the Village Offices on Thursday, November 3, 2011.

PRESENT: Chairman Lorenzo Garner, presiding

Members:

Freddie Crump

Aaron Sternberg

Sylvestre Georges Michel

Levi Schwarz

JoAnne Thompson

Juan Carlos Fabbiani (Alternate)

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 7:16 p.m.

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10/06/2011

On a motion by Mr. Schwarz and seconded by Mr. Sternberg, the Board voted to approve the minutes of October 6, 2011.

**Continuation of Preliminary Hearing
Avon Gardens**

James D. Licata, Esq. 222 Route 59 Suite 111 Suffern, NY 10901:

This is the Avon Gardens Project; we are here tonight hopefully to seek a negative Declaration from the Board tonight so we can proceed to the next ZBA meeting. We are requesting several variances which are contained in our narrative there are bulk tables presently existing at the site of a 196 units, proposed are the reduction of 6 units for a total of 190. We are also increasing the parking spaces by a net of 26. The project is basically to demolish the existing building, and use the same foundation as a foot print to construct new buildings. The present buildings are two-stories the new buildings will be three-stories.

There are also some significant changes as far grading, and as far as the parking area goes, one of the most significant changes is the drive way that ran between the two buildings, we are proposing to eliminate that, and instead of having a single driveway on the side its increased to a single lane in, and Two lanes out with a divider in between, also the parking areas is going to receive some retaining walls and were going to flatten out the grade.

That concluded Mr. Licata's comments Chairman Garner then asked Mr. Katz for his comments in respect to the application.

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Mr. Katz:

This is a continuation of a preliminary hearing on an application seeking site plan approval for a total renovation of Avon Gardens. Last month the Board declared lead agency; directed that a CDRC meeting take place and referred the applicant to the ZBA for variances. I am not certain whether a CDRC meeting was held. There were a couple of comments the Department of Planning issued comments dated October 25, 2011. The County stated that they needed a set of complete drawings. They further stated that land needed to be reviewed by the Town of Ramapo and the Village of New Hempstead, I believe that will be taken care of by the Building Department and reviews by the County office of Fire and Emergency Services, and the County Department of Transportation. There are other comments which the Planning Board may review as well because we have all got copies of the County's comments. The applicant has submitted a full EAF and a traffic study and seeks a Neg. Dec. this evening so that the application may be heard by the ZBA as soon as possible, and that concludes my comments.

Mr. Michael Kauker:

Stated that he did receive a number of documents from Mr. Jackson's office, they addressed the SEQRA items that were related to this application, and specifically potential impacts with respect to storm water runoff as well as traffic. A part one was prepared as a part two is prepared the applicant did address the potential impact in the narrative summary, and also a traffic study by Mr. Katz reference and we did prepare a Negative Declaration for the Boards consideration tonight.

Chairman Garner asked what date was the Negative Declaration dated for, Mr. Kauker stated that the Negative Declaration was dated November 3, 2011.

Mr. Booker:

Just wanted to comment that the submissions have been made, and as much as that submission has been made the Board can move forward. So by the time we get back here to the Planning Board should there be any comments there be here by the time we reconvene.

Chairman Garner entered a motion to adopt the Negative Declaration dated November 3, 2011, this was so moved by Mr. Sternberg and seconded by Mr. Crump, all in favor; all opposed the motion carries.

Mr. Licata asked if the Board would set a public hearing for this matter for the December 1, 2011 meeting conditioned upon the ZBA granting the variances they needed at the November 9, 2011 meeting.

None of the members had a problem with the application being set for a public hearing. Mr. Schwarz just stated that he would like the letter from Fire Services, Mr. Licata stated that they were working on getting that letter.

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Preliminary Hearing
Ten Center Street

James D. Licata, Esq. 222 Route 59 Suite 111 Suffern, NY 10901:

This is an application for an existing building to be used as an automotive repair shop, there is no construction being done to the building it is all internal, the buildings are existing they have been there for years we are requesting tonight two things number one, is referral to the ZBA we are scheduled to appear on November 9, 2011. The second request is to be able to come back next month to receive a Negative Declaration, and our third request would be for a public hearing to be held in January if we do receive our variances.

Mr. Katz:

Mr. Kauker's review of the application identifies the action as un-listed one under SEQRA for this Board, however a use variance is required it is not an un-listed action for SEQRA purposes. My suggestion would be if the Board feels ready to do so after hearing Mr. Kauker's comments, I don't see any problems in referring it to the ZBA for the use variances as long as it's understood that the ZBA will not reach any decisions until this Board has completed SEQRA. In other words they would open a public hearing, but they would not make any findings or any final decisions until SEQRA is done. There is a lot of information that is still necessary before we can complete SEQRA here, and I feel that this Board can do a much more effective job of doing SEQRA than doing it at a level of ZBA, that is my recommendation.

Mr. Kauker:

I did have an opportunity to review the application, and I concur with Mr. Katz in respect to the SEQRA analysis it is an unlisted action. Before the Zoning Board can make any determination on the action since it is a use variance the SEQRA process needs to be closed and a negative declaration would have to issued. I don't see any problem with the procedure that was out lined by Mr. Katz in terms of referring them to the ZBA but having the Planning Board retain lead agency while going through the SEQRA process. That being said the Zoning Board obviously cannot make a determination on the use variance until the SEQRA process is closed. At that time the applicant would come back before this Board if they were successful with use variance application. I did prepare a report I won't go over it in detail I think that it would be better for the applicant to address there are a number of considerations and a number of questions related to the operation itself, and how it's going to function and operate in the building and also on the site as well. That information needs to be provided, not only for site plan purposes but also for purpose of reviewing the environmental actions being proposed in respect to SEQRA as well. The only other thing is that I wanted to point out that the subject property is included in the Village's Downtown Urban Renewal Plan, not only is it located in the zone it is one of the sites identified as a site that should be acquired by the Urban Renewal Agency and developed for residential use. That is something that should be brought to the Zoning Boards attention as well. There are a number of existing variances as Mr. Licata has mentioned, I believe he had said there is no extension, but I think that needs to be confirmed in some type of narrative. The plan that was provided did not provide a lot of documentation information with respect to the operation of the proposed use. But my memo outlines a number of things with respect to the operation. The applicant should provide more detail including the following. What type of auto repair work will be preformed, the hours of operation, number of employees, location on site and in building of specific uses, parking locations clarified, vehicle storage clarified, noise and visual impacts related to the proposed use should be addressed. That concludes my comments for now.

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Chairman Garner asked Mr. Booker if he had any comments in respect to the application. Mr. Booker stated he had no comments, and that he concurred with Mr. Kauker's comments.

Chairman Garner:

I know your presentation was short and to the point, however I do not feel like this is the right plan for this particular piece of property. The Urban Renewal that is taking place downtown Spring Valley I just don't simply think that this is the right type of project to take place here.

Mr. Licata:

The Urban Renewal hasn't occurred yet, it may never occur.

Chairman Garner:

Well we don't know that.

Mr. Licata:

He understands that he goes at his own risk, he spends money and has his project approved and had a tenant in. Then if the Village in future let's say five years from now condemns it of course the building would have to be raised but there would be no tenants left there, and from my understanding is that it's projected to be a residential use. But in the mean time he needs to rent it out because he can survive like this, and this is the only tenant he has been approached by, and it's been over a year now that the property has been vacant. So the bottom line is that we are not short changing the Village at all, the Village can always go ahead with their project buy the property or condemn it, and then raise and then build it. There are also other repair shops in the neighborhood right next door. The applicant would like to say something.

Ariel Jacobov, 22 Tokay Lane Monsey, NY 10952:

I understand the Boards concern as far as having an auto repair shop, but you have to take into consideration that next door continuous to this property there is an auto repair shop so as far as environmental issues I understand the Boards concerns. Mr. Jacobov also stated that the property is losing a lot of money each month. He has been aggressively marketing it for the past year. There is sufficient onsite parking for that type of business, he asked the Board to consider a (5) year use as an automotive repair shop

Mr. Booker stated that those shops were there before the Village adopted its zoning code. The Board voted 4-2 to declare itself lead agency for this application and referred it to the ZBA with a recommendation to deny the variance.

Public Hearing

Church of God of Prophecy

This matter is on for a public hearing seeking approval of a site plan to construct a new church building. The public hearing was opened and the Clerk confirmed that all the postings and mailings for the application where done for this application.

Ira Emanuel Esq, 4 Laurel Road New City, NY 10956:

This is a project the Board is familiar with and has seen a number of times. It is for a Church basically opposite of Finkelstein Memorial Library, next to the Verizon Building on Route 59 in Spring Valley. We has

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have gone through the ZBA and gotten variances for certain setback and yard, and for parking. The church has also entered into any agreement with the East Ramapo Central School District to use the Spring Valley High School for parking on Sunday's which is the day of its heaviest use, Spring Valley High School is a half mile from the site so it is easily walk able, and the church has a number of vans to pick up the parishioners and bring them to the church site. Onsite parking will be limited to the handicapped and the elderly. Other than that I have nothing else to add and we are prepared to answer any questions from Members of the Board, and or from any member of the public.

Chairman Garner asked Mr. Katz if he had anything to add on the application. Mr. Katz stated that he had nothing to add.

Mr. Kauker:

Stated that he has reviewed the latest version of the plans, and the applicant has made the proper adjustments that the lighting from the site will not spread onto adjacent roadways or properties.

Mr. Booker, stated that he did not have any comments.

Chairman Garner asked if there were any questions or comments from members of the Board.

Mr. Schwartz:

Stated that like he had said previously, the reason for his objection to the site is based upon his opinion that on Sunday's when the church services are over, there will be traffic problems on Route 59 due to the congregants leaving the site along with the existing traffic at that time.

There was no public participation; Chairman Garner entertained a motion to close the public hearing. This was so moved by Mr. Schwartz and seconded by Mr. Sternberg, all in favor; all opposed the motion carries.

A motion was made to approve the site plan originally dated June 25, 2010 and last revised October 28, 2011, so moved by Mr. Sternberg and seconded by Mr. Crump. The board voted 5-1 to approve the site plan with Mr. Schwartz opposing.

**Public Hearing
Monsey Lumber**

Mr. Katz:

This matter is on for a public hearing seeking approval of a site plan to construct a warehouse. Mr. Goldberger called me this afternoon and stated that his family has planned a dinner in observance of the anniversary of his late father's death. He asked whether the Board would agree to proceed with the hearing in his absence since the Board appeared to have no problems with the application. I advised him that I would present his request to the Board. I further told him that if the Board would not proceed with the matter tonight, that I would recommend that the public hearing be opened so that he did not have to another mailing and posting. The public hearing was opened and then adjourned to the December 1, 2011 meeting at the request of the applicant.

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**Continuation of Preliminary Hearing
Turner Gardens**

Mr. Katz:

Mr. Licata called me this morning to advise that there had been a CDRC meeting and as a result of agreements reached there, the applicant needs time to comply and ask that the matter be adjourned to next month.

This is a continuation of a preliminary hearing on an application seeking site plan approval to convert an existing concrete warehouse into 15 apartments and to add a 3rd floor to an existing 2 family home. Last month the Board declared lead agency and asked the applicant to provide a full EAF; delineate the variances required and the parking spaces; the location of the dumpsters; and show how garbage from the buildings will be disposed of. Finally a narrative for the special permit is required.

Mr. Booker:

Stated that the review of the plans, by the Fire Inspector was still needed, a CDRC Meeting was to be held to deal with these issues.

The Town of Clarkstown suggested that more than 2 parking spaces per unit should be required for the 3-4 bedroom units proposed.

The County Planning Department recommended modifications in their letter dated 10/14/2011.

The Matter was adjourned to the December 1, 2011 meeting at the request of James Licata, Esq., attorney for the applicant.

**Continuation of Preliminary Hearing
Ramapo Wholesalers**

Brian Wilson from cousin and associates appeared for the applicant and explained the modifications proposed to the site were all internal changes.

Mr. Katz:

This is a continuation of a preliminary hearing on an application seeking site plan approval to make mostly internal changes to an existing building. Last month The Board requested the applicant to provide details regarding the proposed fencing, and a sidewalk adjacent to the store entrance/exit, and a revised survey of the property. I do not know whether a revised survey has been done.

Mr. Kauker:

A revised site was submitted but I did not have an opportunity to review it.

The matter was set for a public hearing on December 1, 2011.

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**Continuation of Preliminary Hearing
Union Avenue Site Plan**

This is a continuation of a preliminary hearing on an application seeking site plan approval to construct seven 3 family homes (21 units). Last month the Planning Board declared lead agency and asked the applicant to file a full EAF. The County Department of Planning recommended some modifications: 1 A special permit is needed, 2. the bulk table needs to be corrected as it indicated that 6 of the units will be 21,505 sq. feet in size. 3. The bulk table must include the parking requirement for multi-family dwellings. 4. The floor area ratio needs a variance of 77% and several yard variances. It exceeds the maximum residential capacity of 18 units per acre. The project should be scaled back to more closely conform to the GB Zoning requirements. This can be done by eliminating one townhouse or reducing the square footage of the individual units.

The Drainage Agency issued a report dated 10/25/11 which stated that the proposed activity is outside of their jurisdiction. Nevertheless, since the proposed site is in close proximity to the Pascack Brook, the Village should carefully review and proposed additional impervious surface near the floodplain.

Ken DiGenarro and Donald Tinschwell, Esq appeared for the applicant. The site is adjacent to the Gesner Apartment complex. Multi- family housing is permitted in the zone if the Village Board grants a special permit. A full EAF has not been provided. Therefore Mr. Kauker had no additional comments at this time.

The applicant requested a referral to the Village Board for a Special Permit subject to the Planning Board completing SEQRA review before the scheduled date of the Village Board Hearing. The Planning Board voted unanimously to make the referral to the Village Board.

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 8:40 p.m.