

**VILLAGE OF SPRING VALLEY  
PLANNING BOARD  
MINUTES  
January 5, 2012**

A Regular Meeting of the Spring Valley Planning Board was held in the Board Room of the Village Offices on Thursday, January 5, 2012.

**PRESENT:** Chairman Lorenzo Garner, presiding

**Members:**

Freddie Crump, Vice Chair  
Sylvestre Georges Michel  
Aaron Sternberg  
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 7:11 p.m.

**Minutes**  
**11/03/2011**

The Minutes from November 3, 2011 were tabled to the February 2, 2012 meeting.

**Public Hearing**  
**French Speaking Baptist Church**

Chairman Garner Opened the public hearing and the Clerk confirmed that all postings, mailings, and publications were completed for the application.

**Anthony Celantano 31 Rosman Road Thiells, NY 10984:**

I'm the engineer for the applicant, we been here a couple of times we went over a couple of different layouts. We obtained a layout, we submitted landscaping and lighting plans, we were referred to the Village Board for special permit for adding a parking lot in this zone which is a requirement. The Village Board granted us the special permits now were back in front of the Planning Board for final site plan approval so the church can build the parking lot.

**Mr. Katz:**

I have no additional comments at this time I think the Board is clear on what they are trying to obtain.

**Mr. Kauker:**

I just have two comments. The last time the applicant was before the Board there was just two minor modifications we requested. I don't think there would be a problem approving the site plan conditionally, the first is providing a "cross hatch" crosswalk, and then the second item is to separate parking spots 93 and 92 by an island that concludes my comments.

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**Mr. Booker:**

I have no comments.

Chairman Garner asked if there were any questions or comments from members of the Board for the applicant. There were no questions or comments from members of the Board Chairman Garner then opened the hearing up to members of the public if any wished to speak on the application.

**Ed Kirstein 31 North Madison Avenue Spring Valley, NY 10977:**

Asked whether the applicant's plan included making certain there was proper drainage to alleviate any backups in the drainage area.

**Anthony Celantano:**

We have provided a drainage plan, in which we are going to store water from the parking lot in big underground containers. Then we are going to slowly release it into that ditch. We feel that this is going to improve the area a lot and help with the flooding issues.

Chairman Garner asked if there was anyone else that wished to speak on the application. Hearing none, Chairman Garner then entered a motion to close the public hearing; this was so moved by Mr. Schwarz; and seconded by Mr. Sternberg, all in favor; all opposed the motion carries.

A motion was made to approve the site plan originally dated October 3, 2011 with the conditions that the markings for the crosswalk be placed and an island be placed in between parking spots 92 and 93 and proposed revised date of January 19, 2012, this was so moved by Mr. Schwarz and seconded by Mr. Sternberg, all in favor; all opposed the motion carries.

**Continuation of Preliminary Hearing  
Memorial Park Homes**

**Anthony Celantano 31 Rosman Road Thiells, NY 10984:**

I am the Engineer on the project and what the applicant is looking to put a multi-family 9 family dwelling unit on this parcel of property, each residence will have a (2) car garage. What we are looking for tonight is to get referred to the Village Board for special permit and also for a zone change from an R-2 to a PRD, and also to the ZBA for Variances.

**Mr. Katz:**

This is a continuation of a preliminary hearing on an application seeking site plan approval to construct a multi-family home on a parcel of property located in the R-2 zone. Before last month's meeting Mr. Kauker did not have an opportunity to review the application. The applicant has requested SEQRA review and referral to the Village Board for PRD designation and to the ZBA for variances. The Planning Board declared Lead Agency in December. Mr. Kauker has now reviewed the plans and submitted his review dated 12/29/2011. He has also prepared a part 2 SEQRA dated 1/3/2012 for the applicant to use in preparing a part 3. The R.C. Department of Planning has submitted its review dated 1/3/2012. They do not oppose allowing multi-family development on the site. However, they do oppose applying the PRD zoning designation as it is spot zoning. They want the Village Board to determine whether to extend the PRD overlay zone to include additional

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parcels and if the Village Board grants the zone change, the County wants no more than 7 units of housing and smaller rooms to meet the floor area ratio standard and also recreational amenities.

**Mr. Kauker:**

I have had an opportunity to review the application, and I was just speaking with Mr. Booker on what would be the best way to proceed. There are a number of questions I did have in my report, a couple of them Mr. Katz had mentioned with respects to the zoning and the actual approvals we got from the SEQRA. I think first of all the applicant needs to clarify whether they are seeking a zone change or a use variance. If the PRD zone is not near or adjacent to the subject property so I think that would be considered spot zoning as well. There are multiple family uses in the area, and look to see if the zoning might be more appropriate re-zoning with something that is more consistent with zoning in the area. As Mr. Katz said we did prepare a part 2 so we can start on the environmental review the applicant needs to prepare a part 3 now, and talking with Mr. Booker we think it would be best to schedule a CDRC meeting just to iron out the all the issues.

A CDRC meeting was set for Thursday January 12, 2012 at 10:00 a.m.in the Building Department.

Chairman Garner asked Mr. Booker if he had any comments, he stated that he concurred with Mr. Kauker. Chairman Garner then asked if there were any questions or comments from members of the Board, there were none.

Chairman Garner then enter a motion to adopt the SEQRA part 2 , this was so moved by Mr. Schwarz and seconded by Mr. Michel, all in favor; all opposed the motion carries.

**Public Hearing**  
**Avon Gardens**

**Chairman Garner:**

This application is before us tonight for final site plan approval, so I am going to go ahead and declare the public hearing open on this application.

The hearing was opened and the Clerk confirmed that all publication, posting and mailings had gone out on the application.

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

As the Chairman stated we are here tonight to ask for final site plan approval for Avon Gardens. I'm sure you are familiar with the project it's on the corner of Union Road and Viola Road the site occupies a little over 9 acres. The existing properties are over (50) years old, and according to our architect who is also here this evening along with the engineer has told us that they cannot be repaired, they have to be taken down and re-built. There are a (196) units the new plan calls for (190) units, the present parking area has (184) spaces with the revised parking lot plan having (210) spaces for an additional (26) spaces. The Number of units has been reduced by 6 to make room for the different type of entrances that we will talk about and also to allow for elevators within the building. The new plan calls for grading and safety changes that includes for the building to be equipped with new up to code sprinkler system which is required by state law fire alarms which are also required by code. A three lane entrance and exit off of Viola Road and a re-alignment of the parking area, the parking area Mr. Jackson will explain right now it is rather steep the new plan is for it to be leveled out with

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Some retaining walls and in order to allow the people to get from the parking area to the houses right now they have to go down a hill. What will happen now is that there will be bridges constructed from the parking area directly into the second floor of each building and the people will go into the building from the second floor it will be a straight shot for people with wheelchairs or strollers. Mr. Leonard Jackson is here and Mr. Robert Bernstein he is our architect, if you have any questions about the plans they will be able to answer them. As you can see the plan is pretty much the same as it was, the only thing is 2012 model built to 2012 requirements.

**Mr. Leonard Jackson, 26 Firemen Memorial Drive Pomona, NY 10970 (Engineer for the applicant):**

I will add to what Jim just said, we have in fact re-graded the parking lot. The existing parking lot grade at the site is too steep thereby limiting its usability and reducing its safety. The proposed site plan features a re-graded parking lot that is sloped in an appropriate manner meeting the current standards. Twenty-six additional parking spaces are proposed, all providing an environmental improvement at the site. We have also installed a two tiered large play area is proposed. One area will cater to toddlers: the second will cater to small children. The existing site offers no recreational opportunities. The proposal therefore provides this additional environmental benefit at the site. Also the renovated buildings will meet or exceed current building code requirements whereas the existing buildings do not. The renovated buildings will include safety features including sprinkler systems, fire alarms, and fire hydrants. There are fire walls, and now we are getting into architecture I let the architect speak about that, but there are firewalls between units so that if there is a fire it will not spread to other areas. In the front of the site on Union Road, we have cut outs in the street so that people can pull off and drop people off. After dropping of passengers on Union Avenue, drivers can continue to the parking area, all facilitating site access and improving current traffic flow on Union Road, all contributing to environmental improvement of the site.

**Robert Bernstein 55 Union Road Spring Valley, NY 10977 (Architect for the applicant):**

This project as existing now are two-story buildings, a lot of them are in disrepair most of it is because of the water over the years that go through the building because of the sloped increases in the parking lot. Two of the buildings really can't be saved the way they are now, and I believe one has already been condemned. The idea is to start with the existing foundation and put up buildings like you see in the plans. Three-story there are going to be one, two and three bed rooms on the first floor, and some town house style units throughout the development. Most of the units will be handicapped accessible and adaptable within the units which are a requirement of code. To get people from the parking area to the building was one of the biggest challenges, so what did is we provided bridges from the parking area where you can walk straight into the building at the second level because of the steepness of the parking lot take an elevator down and then enter the courtyard. That way everyone will have access from the parking area to their respective building. All the buildings are going to be brought up to code, fire sprinklers throughout, fire walls throughout, fire alarms throughout, everything is going to be tied to 44 control. We are also going to provide with all the new energy codes out there, we can now make the buildings more energy efficient as of right now it is almost impossible for us to do. All the appliances will be high efficiency appliances and all the appliances within the units are going to be energy star rated throughout. All of the plumbing fixtures are going to be low volume. So basically what we are doing is taken the buildings that are there now that cannot really be fixed and bringing them up to code standards.

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**Mr. Katz:**

I just want to advise the tenants of Avon Gardens who are present at tonight's meeting that the Planning Board does not have jurisdiction to hear or resolve tenant/landlord issues. The tenants will have extensive right provided to the by New York State Law. The Department of Housing and Community Renewal is the State Agency which guarantees their rights. After the applicant obtains all Village permission, the owners need to go to the DHCR to obtain permission to demolish the existing buildings. Before the DHCR will grant such permission, the owner has to agree to comply with State law which has many protections for the tenants of Avon Gardens.

**Mr. Kauker:**

We did have an opportunity to review the latest submission by the applicant they addressed the concerns that we had brought up. In addition to that there was one issue that we discovered when we were reviewing the plans and we did discuss it with the applicant engineering, and they have responded to that. That issue was in respect to the parking area, which they have corrected in the latest revision of the plans. That concludes my comments.

Chairman Garner then asked if any members from the Board had questions or comments for the applicant in regards to this application.

**Mr. Crump:**

When you start building, are you going to tear down the whole place or are you going to do it in sections.

**Mr. Licata:**

It is going to be a complete tear down.

**Mr. Crump:**

I thought at the time when you first came to us. You said that you were going to sections so that the people that live there would not be displaced.

**Mr. Licata:**

At the time we were contemplating it, but after discussing it with the insurance company, the engineer, and the builders it's not possible to. The entire parking area for example has to be re-graded so there will be nowhere for anyone to park. Also with construction vehicles there and working going on it is a hard hat area and the insurance company requires everyone there to wear a hard hat, it would be impossible to do it piece by piece. You would not be able to flatten half the parking lot at a time, if you see over here there are retaining walls that need to be built in order to flatten the slope, and there are bridges to be built. So there is no way like I said before to do it piece by piece.

**Mr. Fabbiani:**

I understand that these buildings are already in existence, and you are planning to put new buildings on top of existing foundation. There is no increase on the size of the buildings anywhere.

**Mr. Licata:**

To the footprint no there is not.

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**Mr. Fabbiani:**

Inaudible

**Mr. Fabbiani:**

The other question is the Handicapped parking, on that area that you were parking before you have (3) handicap parking spaces right there. Now the third parking space going from the top to the bottom the clear area is not a full clear area it's not a 9X18 it encroached by the retaining wall.

**Mr. Jackson:**

Stated he would comply with the changes he did not realize that was part of the law, and he thought it was incompliance because he was providing the required amount of spots and it was correct in dimension and size.

As there were no other members of the Board wishing to speak on the application, Chairman Garner opened the hearing to any members of the public wishing to speak on the application.

William Padilla, Rachel Lissade, Don Thompson, Ivette Caldron, Mirielle Vilcean, Angels Padilla, all tenants of Avon Gardens spoke about their fears of being evicted and having no place to go. They also asked if when the new building were built were they going to have first preference to the new apartments. They also spoke about the lack of proper maintenance and other matters.

**David Greenwald 16 North Riguard Road Spring Valley, NY 10977:**

Stated that he was either for or against the project, he was just wondering if there was any possibility that the property was not going to open up onto to Rigaurd Road. What I'm trying to say is if the level of privacy I have already is going to be maintained.

**Mr. Licata:**

Stated that project had no plans of spilling onto Riguard Road.

**L'Tanya Watkins, Esq 120-126 North Main Street New City, NY 10956:**

I have been contacted to pursue cause of action, not only the development of this building, but the people who failed to inspect the buildings that are now dilapidated. I think what's being missed here and I understand the Planning Board your hands are tied your incapable of doing anything to help this people. But what I think the Planning Board doesn't understand is what these people are telling you is that once you give the approval for this plan it's a done deal, and that's their feeling. The woman who spoke, who has one other tenant in her building all of the other tenants were located to other buildings, she is the only one who has not been relocated to another building. There are people here who are clearly involved in this project, so why she is not able even at a side bar to get any answers as to what the state of her homelessness is going to be is shocking to my conscious and I'm sure to the conscious of other people here. You indicated that the Planning Board responsible for any decisions, there only responsible for determining whether this site will be approved. My question to you is what needs to take place on behalf of the tenants to stop your decision, to get an injunction or file an order in court, what stops the Planning Board from making their decision. That's

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my first question, my second question is at what point does the Planning Board make their decision is that something that is done tonight or is that something that happens over time.

**Mr. Katz:**

Generally what happens is the Planning Board holds a public hearing, once they open the public hearing they have to close it. Or they could decide to continue it to another meeting; it's really up to the Planning Board on whether they make a decision tonight on this matter.

**L'Tanya Watkins, Esq:**

I appreciate your courtesy, but clearly counsellor I was not requesting that the Planning Board advise me on how to precede forward as an attorney. My question is what the process is when the Planning Board makes a decision. Does it go to the Village Board? Is this an independent body that operates in its autogamy, or is the Village somehow responsible to check the decisions from the Planning Board before there enacted.

**Mr. Katz:**

The answers to those questions are this Planning Board makes its decision; the next step for anybody that wanted to challenge it would be to go to the big court. The Village Board has no jurisdiction here, at this stage it is strictly a Planning Board decision.

**Arveh Frankel, 9 Elener Lane Spring Valley, NY 10977:**

My issue is with the play area on the west end of the lot. I live on Elener Lane which is directly behind that play area. What I am objecting to is putting the play area for a 190 families literally in my back yard.

**Mr. Jackson:**

The play area is 7 to 10 feet below this dwelling, so hopefully the noise will not be a problem. The reason for putting the play area over there is that it was the safest spot to put it. We put it over here because it is remote its away from the parking, kids can walk around the walks come up the elevators. So as far the location it is really the place that is dictated by the site plan for the play area. What we can do to address this gentleman's concern, is we can buffer the hill side, and if need be if the Board feels it is a wise decision put up a fence over here to further insulate the dwelling and the noise. But as far as the play area location it is the best place to put the play area, and it serves the entire complex.

**Chairman Garner:**

We thought when it came to us we thought it was a good plan, and we still think it's a good plan. But let me just tell you this here, this here is to make that area safe those buildings safe, and the purpose of this meeting here is so that we can get this plan approved. So that we can move on and do what we have to do in terms of making that area safe, those buildings need repair. The plan is what it is, they will try and mediate something to you, they are doing what they are supposed to do they are working with you in terms of the noise, and we don't even know what kind of noise is going to be coming from there were just speculating.

**Mr. Sternberg:**

As a member of this Board for many years, I have to tell you that I think the comments made towards our Chairman and the members of this board where distasteful.

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**Mr. Crump:**

My name is Freddie Crump, and comments were made that we on the Board don't care. A lot of people are friends of mine, and for you to come up say we don't care really hurts. I'm trying and everybody else on this Board is trying to do something to help you and you're condemning us.

Chairman Garner entered a motion to close the public hearing this was so moved by Mr. Schwarz; and seconded by Mr. Sternberg, all in favor; all opposed the motion carries.

**Chairman Garner:**

At this time would anyone else like to make a comment, and I don't want to hear anything else from the public that includes the back and forth conversation, I just want to hear from members of my Board.

**Mrs. Thompson:**

I just want to ask a question. Just as points of reference I know in the conversation we talked about the building getting in disrepair, because of the flooding or the water flowing through how did they get in such disrepair is what I am trying to ask.

**Mr. Booker:**

When a structure is exposed to water, for any length of time and it's not dried out if that structure is built of wood or stone it's detrimental. Over the years I remember Avon Gardens as being configured the same way, I don't remember any re-contouring, drainage being installed to try and alleviate the water problems. As you know we live in a tempered climate, snow falls salt is applied to the roadways, roadways are directly adjacent to the buildings, road salt degrades the grout between bricks allowing my water in and it's an ongoing cycle.

**Mr. Schwarz:**

My personal opinion is if they had to pay a fee tonight to speak they wouldn't have come why? Because they are all gone, this Board didn't even make a decision yet. All we did was close the meeting they left already they don't really care they said what they wanted to say and they left, and what they had to say does not belong on this Board.

A motion was made to approve the site plan originally dated September 26, 2011 and last revised December 22, 2011, subject to the applicant placing a fence around the play ground so moved by Mr. Sternberg and seconded by Mr. Crump, all in favor; all opposed the motion carries.

**Preliminary Hearing**

**Majestic Valley**

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

The applicant is proposing the construction of (2) three-story residential apartment buildings totalling (27) units, one will contain (15) units and one will contain (12) units. There are 54 proposed parking spaces located two separate curb cuts, we need a special permit from the Village Board, and we need variances from the Zoning Board and if we were so inclined to get those we would have to come back to this Board for final site plan approval. We do have to have this Board Declare Lead Agency. Mr. Kauker has reviewed the plan what we are proposing is referral to the Village Board and the Zoning Board tonight which will allow us to be able to begin submitting plans and applications. We would have to back here on the first Thursday of February for the Board to entertain a Negative Dec on the project; I know Mr. Kauker has made some

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comments on the property and were prepared to address those and if you are so inclined to refer us out we would be appreciative.

**Mr. Katz:**

I don't know how this Board will be able to accommodate all your requests tonight, because this Board has not even declared lead agency and without a declaration we cannot complete SEQRA and you can't go to the Village Board without SEQRA being completed.

**Mr. Licata:**

I spoke to Mr. Kauker about that and the way the Village Board works, is that the Village Board has a meeting and set a date for a public hearing. So our public hearing the soonest it could be would be the end of February, and we will be back here before that.

**Mr. Kauker:**

The applicant has provided me with a complete set of drawings and plans. I have prepared a part (2) SEQRA and ask if the Board would adopt it so that the applicant could provide a part (3).

Chairman Garner asked Mr. Booker if he had any comments the only comment Mr. Booker had was that he suggested that the applicant "flip" the buildings on the site to reduce the number of variances required.

Mr. Johnson the engineer on the project stated that the applicant considered doing so, but that it would not work.

Mr. Licata suggested that a CDRC meeting be scheduled, which everyone thought was a good idea. So a CDRC meeting was scheduled for January 12, 2012 at 10:30 a.m. to iron out the site plan.

Chairman Garner entered a motion to Declare Lead Agency this was so moved by Mr. Schwarz; and seconded by Mr. Sternberg, all in favor; all opposed the motion carries.

Chairman Garner entered a motion to adopt SEQRA part 2 this was so moved by Mr. Schwarz; and seconded by Mr. Sternberg, 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. Crump; and seconded by Mr. Michel, all in favor; all opposed the motion carries.

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

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 10:00 p.m.