

The minutes of the Village of Haverstraw Planning Board Meeting held on Monday, April 9, 2018, beginning at 7:00 PM.

PLEDGE OF ALLEGIANCE

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| <u>ROLL CALL</u> | Joseph Natale-Chairman | -Present |
| | Gil Carlevaro | -Present |
| | Diogenes Dominguez | -Present |
| | Edwin Molina | -Present |
| | Danny Scaffidi | -Present |
| | Ruben Berrios, Bldg. Inspector | -Present |
| | Eve Mancuso, Village Engineer | -Present |
| | Dennis Michaels-Attorney | -Present |
| | Michelle Ventura | -Present |

Joseph Natale: Mr. Chairman introduced the first item on the agenda, a continued Public Hearing for Gary and Yvette Martino, 150 New Main Street and 11 Hillside Avenue, Subdivision, Erosion Control and Retaining Wall design.
26.60-1-21&20

Amy Mele, Attorney: My name is Amy Mele and I've just been added to this application so everything was fairly new. To get a better understanding we decided to meet at your Technical Advisory Committee (TAC), and met with your new Village Engineer Eve Mancuso and Building Inspector Ruben Berrios to get a better understanding before moving forward. This started off as a lot line change application because Mr. Martino wanted to do a lot line shift. He had a family compound on that corner. When his mother passed away, he wanted to include her area with the pool and incorporate it into his lot and then leave his mothers single family home as it is. We came to the board for the lot line change and somewhere during the course of our appearance for the board we made a mistake by putting in a retaining wall and were cited with a violation. We should've come before the board for a land disturbance permit under the provisions of your code and we did not. Basically the clearing, filling and grading permit under 112 got incorporated into this lot line shift and the application became more complicated than necessary. We did go to the Zoning Board of Appeals (ZBA) and received variances. This board did issue a negative declaration before we went to the ZBA. In discussing this project, originally your previous engineer had discussed with Mr. Atzel and Mr. Martino some drainage improvements that would have involved offsite drainage improvements. So at the

TAC meeting last month, we all sat down and came to the understanding that we do have to cure this violation of the retaining wall but also simply ensure that in hearing that there's no zero net increase runoff and that this doesn't rise to the level of requiring off site draining improvements. What we're here for tonight is, we'd like to get a sign off of what we proposed with respect to the drainage in connection with the undoing and rebuilding the retaining wall. We'd like to get approval in connection with that and we're prepared to do it. We believe we could get that done within a week or two. If we get approval to do that, you can hold the lot line shift until you're satisfied with the work that we've done and we can come back for final approval and lot line shift afterwards. If you'd like for us to do that all at once, we can too, but we thought it would be better to cure the violation first. Some procedural points, we did get a letter from Rockland County GML dated October 11, 2017 and I'm unsure if it was addressed at some previous board meeting but I'm prepared to address it now. With the exception of correcting the retaining wall which sprung from the violation, we're not constructing an additional square foot of space, moving or adding anything. Number 1 states, "A review shall be completed by the New York State Department of Transportation and any required permits obtained." That isn't a problem because we understand the proximity from 9W. I would imagine when you first refer this out for SEQRA review that it was referred to the Department of Transportation (DOT). I don't believe there are comments from the DOT but if there are we'll address them. Number 2, "As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed." We understand that's a requirement of the subdivision and we don't have a problem with that. Number 3, "The bulk table on the site plan indicates that variances were granted on July 14, 2016 to allow subdivision application. This department has no record of having received a variance application for our review, as is required by General Municipal Law. The Village must confirm that any variance applications for this property were properly approved. If they were not, an application must be resubmitted, and the County be given an opportunity to review it. If the site plan is incorrect, it must be corrected to indicate the variances are required, not previously granted." I think the site plan is correct and it does show which variances were required and were granted. I cannot tell you whether it was ever referred to the County under GML, only you can tell us that. If you can prove that it was and they didn't comment within the 30 day time period then I think you can disregard this comment. If it

wasn't, we could resubmit it for comments and address any comments that were made. It's possible it was referred and it slipped through the cracks but we would just like a confirmation.

Dennis Michaels: If there's an application subject to the GML that was not sent to the County Planning Department, but got their approvals from all the boards, when they go to the County Drainage Agency to get their permit or license the County will refuse. An Executive Order was passed that will prohibit County Departments from issuing permits for developments that have not complied with GML requirements. I went through the ZBA file, and there's no evidence based on that file that we sent the letter out. Our clerk at the time, Sandra Castro handled that and she's no longer with the Village.

Ruben Berrios: I'm almost certain she sent it out.

Dennis Michaels: But we have no proof so if you want to roll the dice on this we can.

Amy Mele: No, because I have to get the County Drainage Agency to sign off on the subdivision.

Dennis Michaels: Because there may be overrides, I suggest we schedule a Public Hearing for the ZBA and discuss the GML. While these documents are pending for the Planning Board, you'll have a dual track and go to the ZBA. We won't get information back for our April 12, 2018 ZBA meeting but we should hear back by May 10, 2018.

Amy Mele: I'm not sure it has to be a Public Hearing because we already got our variance and we are just re-referring it for the purpose of the GML comments only.

Dennis Michaels: As the ZBA, they only act by Public Hearing if you look at the NYS Village Law that governs it. I know you're saying you already got the variances but this board really only functions by public hearing.

Amy Mele: Can we set up a public hearing for the purpose of the GML comments only?

Dennis Michaels: The way I'm treating it is to go before the ZBA as an amended approval application for the purposes of referring it to the Rockland County Planning Department NYS GML and to consider the County's comments. I will make it clear that you are not starting from the beginning.

Ruben Berrios: I'm pretty sure Sandy sent it.

Dennis Michaels: The alternative is, we override that comment that this board approves this application and the reason for this would be that we sent this to you and you must've messed up on your end.

Amy Mele: If you had anything to show that you sent it then sure.

Joseph Natale: Chairman Natale does not feel comfortable overriding something without proper proof to back up the information. He is not on the ZBA to know for certain if it happened or not.

Amy Mele: I agree with the Chairman and it's also in the best interest of my client.

Dennis Michaels: Mr. Michaels asked the Clerk to the board if she can make a list of all notices that are sent to the County with dates for record purposes from here on out.

Amy Mele: Going back to the letter, number 4 states, "The vicinity map must contain a north arrow, and the directional bearing of the proposed new lot line is incorrect and must be corrected."

John Atzl: I looked on the vicinity map and it's the same direction as the subdivision. We can always add a north arrow that's not an issue.

Amy Mele: Number 5 we disagree with. This talks about your requirements under the Mountain Protection Overlay District. I can't imagine preexisting residents being located in the mountain protection overlay district and could not do anything to their property without all of a sudden freeing up 20% open space. If you look at this from the lot line change perspective, there's nothing going on. On

the filling and grading, that's actually a chapter outside of zoning that requires a permit from this board but we would ask for an override on that.

John Atzl: The whole neighborhood has been established for 20-30 years. I think that comment is for new construction and new homes.

Amy Mele: I think the County looked at this quickly and saw subdivision and land disturbance and thought new construction. On number 6, John and I were debating whether we needed an override. It reads, "This department is generally not in favor of creating undersized parcels. Permitting development that does not comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The ability of the existing infrastructure to accommodate this increased residential density is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, storm water management systems, and the public water supply will be overburdened. The Village must consider the cumulative and regional impacts of permitting such development." They're just reminding you what your duties are. I don't think an override is required because I believe you have complied with that condition. But, I will defer to Mr. Michaels on whether or not he agrees with me.

Dennis Michaels: I agree and I believe if you're inclined to approve this application at that juncture, you can discuss and chat about what the concerns of the County are and say we feel these concerns are not applicable. Amy you can just keep it and condition the approval.

Amy Mele: Procedurally, how do I resubmit to the ZBA?

Dennis Michaels: So the application is for an Amended Decision/ Approval of the July 14, 2016 ZBA grant area variances, for the sole purpose of referring the application to the Rockland County Planning Department, as per NYS General Municipal Law §239-m, and for allowing the ZBA to consider the disapproval (if any), or approval with modifications, from the County Planning Department. Michelle, that's how it will be published plus whatever else you provide in the publication notice.

John Atzl: Will we need a new application since it's already part of the record?

Dennis Michaels: The County will need a new application of the drawings.

Amy Mele: So the previous application with a cover letter explaining everything will work?

Dennis Michaels: So you would have to get it out 35 days ahead in order to receive a response. The next Zoning meeting would be on May 10, 2018 so sooner you get it in we can send it out.

Ruben Berrios: We will send it out as soon as we receive the information.

Amy Mele: So we will bring in 10 sets by tomorrow.

Dennis Michaels: We will still have the Public Hearing on May 10th, and hopefully we will hear feedback by then and we can move forward.

Amy Mele: Can we continue this Public Hearing for the Planning Board after the Zoning meeting?

Dennis Michaels: Yes we can.

Eve Mancuso: The initial application given to the Zoning Board, did that originally have the retaining wall on that plan or just the subdivision?

John Atzl: I believe it was strictly the subdivision at that time.

Eve Mancuso: Procedurally my concern is, should you be acting on something if there's a violation of a retaining wall in the soil or can that be resolved before all this moves forward?

Amy Mele: That was clearly on this referral that they got for the planning but there's no ZBA involvement in the Land Disturbance Permit so I believe so.

Dennis Michaels: I say yes. Many applications that have come before us are in court for violations. Part of the process of going through the Land Use board is for the purpose of remedying the violations.

Eve Mancuso: But you don't need the application for subdivision to remedy the violation for the retaining wall. They're two entirely separate actions. Procedural what do you guys do if there's a violation on the property?

Dennis Michaels: We let it go through the Land Use Board.

Ruben Berrios: Yes because it doesn't get corrected until it's dealt with.

Eve Mancuso: So you deal with it at the board and if there's another action you allow that to proceed?

Ruben Berrios: Correct.

Danny Scaffidi: What about the drainage?

John Atzl: We met with the Village Engineer, Mr. Berrios, Mr. Martino, and Mr. Natale was there and at that point, we established that we had gone and done a lot of drainage improvements which would've ended up costing Mr. Marino tens of thousands of dollars because he would've had to pipe it all the way down to a catch basin on route 9W. The water is not Mr. Martino's water. A lot of the water is coming from the north west direction and on the west side of Hillside Avenue. So since it's not his water, why is he responsible for mitigating it?

Danny Scaffidi: As Mr. Scaffidi points to the plans, he states, "well right now you're going to open this up. You have a wall right next to this building so as you open it up 10 feet more, you will have some run off. "

John Atzl: We are cutting back the retaining wall that was constructed on the west side garage on the neighboring property. We're proposing to remove the wall and bring that wall back so he has room to maintain it and get it away from the property line and garage. By doing that and leveling off the property, we're actually slowing down the amount of water that goes towards the east on that side. There isn't much velocity going down the slope because it's in the flat area. It'll naturally percolate into the ground. The pool deck is at elevation 136 and the top of our elevation wall is 136.

Danny Scaffidi: I'm talking about in between here. You have an empty space now so if you're at 155 at the top of the road then what?

John Atzl: But that's only for the water.

Dennis Michaels: Eve did you do a report on this?

Eve Mancuso: I did submit a letter so when he's finished presenting his application then I'll offer my opinion.

Dennis Michaels: For better clarification, Eve has reviewed this application so she might address what sounds like an engineering concern.

Eve Mancuso: So the natural flow of the land is from West traveling East down the hill. That's the existing condition. They built a wall, we're addressing the condition of the wall not so much the placement and the condition. The fact that it's leaning up against the garage is not acceptable. So you have a slope that comes down a hill. By building the wall, you're actually leveling the property into two plains which in fact does slow down the water. The water that's existing now is not being increased. The amount of water coming across the land is sort of existing historical flow. It's coming across from up the hill and across the property. They're not constructing anything new that's causing more water to come off the property. If anything, the quantity of water is the same but as John mentioned, the velocity is actually slower. So the nature of what he's proposing doesn't rise to the level of requiring this extensive offsite improvement. If he was building a house, a pool, a new driveway or some feature that was increasing the amount of water, most definitely. But by doing this, this doesn't affect the drainage. There is an existing concern and that is to try to direct the flow towards new Main Street to the best of your ability if possible. But he's not obligated to resolve a neighborhood drainage problem.

Danny Scaffidi: What I mean is, they're going to separate the wall next to the garage and take the wall and all that dirt and put a new wall in that will be 4-6 feet high. In between the garage and the wall there's a lot of space.

Eve Mancuso: Correct and that should be graded and planted and stabilized.

Danny Scaffidi: They should try to put something to catch any water that goes down there because it's downhill.

Eve Mancuso: The best thing to do would be maybe to level it and terrace it a little bit more.

John Atzl: Terrace the area from the east side of the wall to the property line?

Eve Mancuso: Yes from the back north corner.

Joseph Natale: It drops about two feet doesn't it?

Eve Mancuso: It's not much of a drop if anything. I have 135.4 and it goes down to 134. Maybe add a return?

John Atzl: We do have a return on the proposed wall. It's going to match up with the other wall that's been there for years. The part that will be removed is part of the railroad tie wall that was constructed.

Eve Mancuso: It's actually already very flat then. I thought there was about a foot but there's not that much at all.

Edwin Molina: But you're also not changing the surface correct?

John Atzl: Well we're matching the old surface.

Edwin Molina: I'm not talking about the elevation but the actual surface material is staying the same correct?

Amy Mele: Yes correct and you make a good point. By terracing it, you're actually making it better and an overall improvement for the homeowner. So if we never did anything and just left it slope downwards, would that be more water running down? Doesn't the retaining wall actually lessen because of the terrace affects?

Eve Mancuso: It does slow down the flow.

Amy Mele: It does slow down the flow. We are just fixing the retaining wall that is to close to the property line. If Mr. Martino wasn't talking about a lot line shift and had just come to you guys for a permit to do a retaining wall, I think this would be something we're talking about, under Chapter 112.

Chairman Natale asked Danny Scaffidi if he feels more comfortable.

Danny Scaffidi: Mr. Scaffidi does feel more comfortable now after discussing it further.

Dennis Michaels: For the record, the board has received and reviewed a correspondence from the Village Engineer Eve M. Mancuso, P.E., Brooker Engineering, PLLC dated April 6, 2018. We also referenced the October 11, 2017 Rockland County Planning Department NYS General Municipal Law §239-m because it's a subdivision referral, two pages signed by Douglas J. Schuetz, Acting Commissioner of Planning.

Joseph Natale: Mr. Natale asked if the Department of Transportation was satisfied.

John Atzl: Mr. Atzl explained they're not subject to any DOT permits.

Dennis Michaels: Anything they're not asking you to override must be made conditions of the approval. So they're agreeing with that comment. So in item number 1, that will be a condition of the approval so they will have to either get a permit from the State DOT or not if it's not required. You only need to be concerned with modifications from the County Planning Department if the applicant wants you to override.

Amy Mele: When is the next Planning Board meeting?

Dennis Michaels: May is too soon so you'll be ready for the June 11, 2018 meeting.

Amy Mele: We thank you for your time. With your guidance we will refer this back to the ZBA.

Dennis Michaels: Does anyone in this meeting room want to address the Martino lot line change application?

No response from the public.

Dennis Michaels: For the record, the Gary and Yvette Martino, 150 New Main Street and 11 Hillside Avenue, lot line change's Public Hearing will remain open and continue to the June 11, 2018 meeting of the Planning Board, 7:00pm here in this meeting room. Due to this announcement, no new public notices need to be sent out.

Chairman Joseph Natale entertained a motion to adjourn the continued Public Hearing for Gary and Yvette Martino to June 11, 2018. Due to this announcement, no new public notices need to be sent out.

RESOLUTION **11-2018**

Motion by: Gil Carlevaro

Seconded by: Diogenes Dominguez

Carried by: All

Chairman Joseph Natale introduced the next applicant of the night, Orange and Rockland Utilities, 144 Maple Avenue, Haverstraw NY 10927. **27.62-1-9**

Joseph R. Ridgeway, PE O'Brien & Gere Engineering: We're here tonight for the review and approval of the Clearing, Filling and Grading permit. A couple of administrative items, we do have the form Michelle was looking for as part of our application that needed to be notarized. When we met with TAC there was a request of some photos of what the project might look like. So we put together some slides to show the board tonight. There were other projects that we've done in similar nature.

Joseph Natale: What exactly are you doing?

Maribeth McCormick, Orange & Rockland Manager: I'm the manager of their remediation group at O&R. We've come with a permit application to conduct remediation at the former manufacture gas plant site that we have on Maple Avenue. We met with TAC and prepared the application and submitted some drawings. It's going to be a large excavation project. We thought it might be

helpful by putting together a power point presentation that walks through what we will be doing on site. This will give you a better understanding of what you may see on site, such as the air support system, the building that we will be digging under. So this is just to give you a visual over view. This is located on 144 Maple Avenue next to Head Start. Just for everyone's benefit, prior to natural gas being available, utilities used to actually manufacture gas by heating coal. We did a similar remediation on a much smaller scale in 93B Maple Avenue. There was a small backyard and there was a plant there that we dug out. We actually found contamination that went through the backyards and had additional work there. That was the earlier plant that was here in Haverstraw. Since we needed more area for more gas as it built up, we moved down to the site that is in now; 144 Maple Avenue. We are under consent order with the DEC to do remediation. We've gone through numerous iterations of investigations and even had a public meeting about the different alternatives that we had and at the end of the day we had the State DEC issue a record of decision that requires us to excavate the contaminated soil that's there on the site. To be complete, there is contamination that is also across the street where the apartments are that will require remediation at another time. Since it would require a third party and there's a lot more issues associated with it, we are doing this first as Operable Unit 1 because we own the property.

Danny Scaffidi: What kind of contamination was found?

Maribeth McCormick: It's called tar. It has an obnoxious odor, it has a lot of petroleum constituents in it, and it has impacted the ground water but no ones using the ground water. We will be removing the contaminated tar and soil. We started around the year 2002 and finished around 2005. It turned into a bigger project because we found contamination while we were doing the excavation. O'Brien & Gere is the engineering company for the project. Kyle Merkosky is with Charter and they will be our construction contractors who will be doing the remedial construction. Tom Frisby is with Orange and Rockland's project manager group, who will be overseeing the actual construction.

Joseph R. Ridgeway: There will be other subcontractors for air monitoring, surveying, and transportation disposal in addition to the DEC and DOH who are involved as a regulatory agency for the project. Mr. Ridgeway shows a slide of the site location between Clove and Maple Avenue. So to go through the steps of

the project the first thing we will do is mobilize the site. This will involve establishing lay down areas, getting the office trailers on site and getting the construction equipment onto the site. Then, we will move on to preparing the site. Site preparation will involve putting soil erosion and sediment control measures in place, getting the temporary fencing set up, constructing decontamination facilities and getting stabilized construction entrances. Then we'll start some clearing to prepare the site for the work.

Eve Mancuso: So the entrance will be from Clove Avenue and not from the Maple side?

Joseph R. Ridgeway: That is correct. One important part of the project is the community air monitoring program or camp. This will involve up to 8 air monitoring stations around the perimeter of the site. This will be measuring voc's in dust in real time. It's connected with an alarm system that notifies the people working on the site when any action levels are met. Real time data allows us to respond at real time as well. Mr. Ridgeway showed the board photos of what the real time camp equipment might look like. The next big faze of the work will be setting up the excavation support system, the earth retention system. This project involves as part of the rod moving materials as deep as 20 feet. Part of this is putting in an earth retention system. This is a unique approach as discussed in TAC, installing this retention system. It's hydraulically pressed sheeting which is a vibrations technique which is different than the hammering or laboratory methods that you might see in other projects. This will minimize disturbance in the community. Then, we will be constructing the temporary fabric structure. Large portions of the remediation will be taking place within a structure. This structure includes air handling equipment that pumps all the air out and treats it and will be monitoring the air inside and outside the structure. The blowers used to handle all this air will have some noise abatement structures to minimize that noise.

Maribeth McCormick: Just to add the temporary fabric structure, the air handle units are constructed and sized so that negative pressure is maintained inside the building so the trucks can go in and out without odors escaping. That's the whole premise of the building in addition to controlling odors and any vapors. There will be air handling units attached to the building that will operate 24/7.

Mr. Ridgeway showed photos of air handling equipment.

Maribeth McCormick: The fabric structure shown on the slide is from Gedny Street, Nyack NY, which was used for the project that we did. We also used that structure when we did the work in 93B on Maple Avenue.

Joseph Natale: So you have enough power down there where you won't need extra generators?

Tom Frisby, O & R Project Manager: Yes.

Maribeth McCormick: There may be a short period of time when we first get on site where we might be using generators on a temporary basis but the power to run the building and all of that will definitely have to be supplied.

Joseph R. Ridgeway: The excavating and impact material we will be transporting it to be disposed. The excavation will take place in 3 different phases. Phases 1 and 2 will be the deep phases under the fabric structure. The 3rd phase is just a shallow dig surface scrape on some of the remainder of the site as well as portions of the drainage swale. All the trucks that come to the site to haul the material are lined and covered before being sent off site. They're decontaminated and prepared with appropriate documentation. We anticipate about 6-8 trucks making 2-3 turns each day. We're looking at about 12-24 loads on a typical work day.

Eve Mancuso: Do you know where you're bringing them yet?

Joseph R. Ridgeway: There's a couple approved disposal facilities being considered but I don't believe that was selected yet.

Kyle Merkosky, Charter Project Manager: Yes they have. As of right now we will have about 7 trucks making 2 rounds a piece to Clean Earth of southern Pennsylvania and then approximately 9 trailer dumps heading up to Fort Edward on a daily basis. We're expecting approximately 500-600 ton offsite a day.

Eve Mancuso: I didn't know of any facility around here that would accept that locally, that's why I asked.

Maribeth McCormick: We send them to facilities that do thermal desorption where they actually heat the soil and drive off the contamination.

Danny Scaffidi: How long will this project take?

Joseph R. Ridgeway: The project will take about 8 months with the estimated schedule.

Kyle Merkosky: From start to finish. I should add, with the excavation and back fill portion is sandwiched in the middle. We aren't going to have trucks driving in and out for 8 months.

Danny Scaffidi: So this is a confined space?

Maribeth McCormick: This is strictly on that property. The limit of excavations has been defined, and all the excavations other than the shallow digs will be done within the air support system.

Joseph Natale: How many years did the plant operate for?

Maribeth McCormick: It started in the late 1800's and most of them stopped operating in the mid 30's, but the holder wasn't demolished until about the 60's.

Joseph R. Ridgeway: Phase 1 will be one half of the structure, and phase 2 will be the other side of the structure.

Kyle Merkosky: The entire excavation is plus or minus 220 feet by 120 feet. So essentially what we did with our sheeting is put a wall down the middle to create two 100 foot by 100 foot plus or minus cells that way we go down and up on one side during phase 1 and down and up on the other side during phase 2.

Joseph R. Ridgeway: There are a number of advantages to that and we can cover that a bit more. Here's the site location as well as the planned truck route.

Maribeth McCormick: So they will be coming in on Clove down Tor and back out.

Joseph Natale: They will use the new overpass?

Maribeth McCormick: Correct, right out onto 9W and not through the Village.

Joseph R. Ridgeway: So another important component of the project that's worth mentioning is obviously since we are digging that deep there will be a lot of ground water it will come in contact with. We need to dewater the excavations to keep them stable and to keep track of what we're going after. In addition, we will be controlling any rain water that might come impacted with anything outside contact water. All the ground water or any contact water will be contained onsite and treated. It's going to be treated with an onsite treatment system and discharged to the sewer line under Maple Avenue under permit with the Joint Regional Sewage Board that we've been in communication with. Also, the connection to the sewer under Maple Avenue is going to be scheduled to minimize any impact to some of the high traffic times of buses in the area that go by there or drop off times at the Head Start. We will work closely with the DPW to schedule the best times to minimize impact of traffic flow. Another thing is there's drainage swale that runs on the north western portion of the site. Part of the rod and quick removal of 2 feet of material in that drainage swale way will be done is, when rain is not forecasted. Generally speaking, there will an opening enough where it can be stabilized each night. We won't be operating where any water is going through it while working in it. We have multiple ways of controlling that including the outside treatment system, but really it'll be more of a scheduling routine to avoid any contact with rain water.

Kyle Merkosky: The way we can also perform that is, as we remove portions of what's there, we immediately chase ourselves with replacing it. That way at the end of each day, we're sealed up in the event there is unscheduled rain. We do not impact the surrounding area.

Joseph R. Ridgeway: Storm water control will be a big part of this job. The storm water pollution plan was submitted as part of this application as well for your review. We will basically burn swales, hay bales etcetera. I'm following a NYS Best Manager Practices for the storm water control. It'll involve inspections and documentation and make sure we are keeping an eye out. Another big component of this job is controlling odors, vapors and dust and there's a number of ways that we do this. The temporary fabric structure is really the first line of

defense with all that work taking place in there. But in addition to that, odor suppressant foams can be applied to the material. This acts as a barrier to prevent any emissions. If needed, stock piles can be covered with sheeting to make sure that emissions are minimized. Water can be applied to the site to control dust. Some construction practices will be implemented such as limiting the amount of excavation, minimizing the amount of stock piles on site and controlling things in a proactive way to avoid odors, vapors and dust. Once the removal is complete in each phase, we'll begin the back fill and site restoration. This includes bringing material from off site that has been tested, compacting it, some specifications and grading it to meet the site restoration plan, and then ultimately placing top soil and seeding the site. You may be aware along Maple Avenue, there's quite a steep slope there. The plan is to put erosion control blankets in while vegetation is being established there to make sure the slope is appropriately stabilized. The swale will be restored as discussed. The demobilization will be decontaminating all the construction equipment, getting the temporary facilities off site. Once everything is stabilized, getting the soil erosion sediment controls off site and getting our post construction surveys and performing final clean up. The plan schedules work day will be Monday through Friday, 8am to 5pm. The total project is expected to last about 8 months.

Joseph Natale: What's your target date for starting?

Joseph R. Ridgeway: By the end of May.

Eve Mancuso: When you are excavating in the deeper end of the cut where you're going to have ground water, where will you dewater your stock piles? Is it within the tent?

Kyle Merkosky: Yes. After we install our SOE but prior to the tent installation, we will have a drilling contractor out there to install deep wells for us to pump two on each side supplemented with some localized sumping in the middle of the excavation. In turn, it will pump to an effluent frac tank that is outside of the tented structure through an oil water separator; some carbon vessels to an effluent tank. There will be filter bags in the mix as well. Then from that effluent tank, it will run down parallel to the existing swale that's out there and tie into the existing structural on Maple.

Eve Mancuso: So you're running by pipe?

Kyle Merkosky: Correct.

Joseph Natale: At that point is it flammable?

Kyle Merkosky: No.

Eve Mancuso: So you're anticipating that the dewatering will allow you to excavate in relatively dry conditions?

Kyle Merkosky: Yes that is correct. The deep sumps are going to go substantially below the excavation and draw the water down within that.

Maribeth McCormick: Things don't have to be too dry but we are supposed to be excavating in the dry.

Eve Mancuso: No my concern is the smelliest part of the project and that's when you have to dewater or do deep excavations even if it doesn't have all these chemicals in it. Even if we do a pond we get the most complaints when we do water and excavation from the organics so I can just imagine what this will smell like.

Maribeth McCormick: Yes so again that should all be done within the structure, loaded in the truck and taken right away.

Eve Mancuso: Excellent.

Kyle Merkosky: It's worth noting that the frac tanks are closed top. So when the water leaves the structure it should never even see the atmosphere.

Joseph Natale: We never really had problems when they did the last one on the other site.

Maribeth McCormick: No we didn't other than that it expanded. Again, controlling the ground water and the air support system close to the road are really a big challenge that's associated with this. Otherwise, it's an excavation project within

the structure. We've done several and successfully completed large excavations down in Nyack, remediation work in Port Jervis area, also in Suffern by the ball field and at 93B. We feel that we learned a lot from previous work so we're hoping this goes smoothly.

Gil Carlevaro: In the event that we get hit with a catastrophic hurricane like when we had Hurricane Sandy a few years back, what provisions do you have in place to handle something like that?

Maribeth McCormick: We do require our contractors to prepare a contingency plan. If you were to see that forecasting, we would take measures to shut the job down. The building itself has to meet certain specifications.

Kyle Merkosky: Correct so the building itself that's going over the excavation with a standard mounting system into the soil is capable and engineered to handle 95-100 miles per hour winds. We will also be supplementing some additional strapping in certain areas to our SOE which should increase that rating. All this will be backed by a P.E. stamped Engineer.

Eve Mancuso: Could you describe how the property will be left when everything is completed?

Joseph R. Ridgeway: The original site restoration plan is to vegetate the entire site however we did discuss leaving some portions of the flatter areas of the site closer to Clove Avenue opened for potential support areas for future work.

Maribeth McCormick: Depending on where we are in terms of moving forward with the remediation on the property across the street, operable unit 2, we may want to be able to use that site as a support or lay down area and possibly provide parking for those people. One of the challenges will be managing parking and traffic. Presumably, this site will be top soil and potentially some areas left as gravel until we're done across the street. It is being cleaned up for DEC's standpoint to restricted residential which will allow that property to be used for anything other than single family construction. Single family homes require unrestricted but anything else could be built over there for example, a park, parking, and multifamily construction. There will be a site management plan and an environmental easement attached to it. We are cleaning it up to allow the

most options for potential future use of the property. So now, process stand point what happens with the permit?

Ruben Berrios: The board would have to approve the Grading, Clearing and Filling permit and then we could issue the permit.

Eve Mancuso: The Village Board is the lead agency on this? Do we have to do a SEQRA action for that?

Dennis Michaels: It actually might be Type II.

Joseph R. Ridgeway: We determined that because it's under a record of decision that a SEQRA option doesn't apply because we're under consent order.

Dennis Michaels: Since you're only doing an environmental cleanup and doing the opposite of potentially adversely impacting the environment, you're trying to fix it. So it is Type II so SEQRA is exempt.

Maribeth McCormick: Also so that you all are aware, once we have a definitive date we are planning to hold a public information meeting. We will be sending out a facts sheet to residents in the area and will be presenting a similar arrangement of pictures and explanations about what MGP sites are, and what contaminants are out there.

Dennis Michaels: It is my legal opinion that any of you can adopt as your own motion pursuing to SEQRA regulations, §617.5 Paragraph C, Subparagraph 1: Maintenance or repair involving no substantial changes in existing structural facility, Subparagraph 2: Replacement rehabilitation or reconstruction of a structural facility inclined on same site including upgrading buildings to meet building or fire codes unless such actions meets any of the thresholds in the section, Subparagraph 29: Civil or criminal enforcement proceedings whether administrative or judicial including a particular course of action, specifically required to be undertaken pursuant to judgment or order or the exercise of prosecutorial discretion. Under those subsections my legal opinion is this application, O & R Utilities 144 Maple Avenue, Clearing Filling and Grading Operable Unit #1 is a Type II action under the State Environmental Quality

Review Act which means it's exempt and not required to undergo environmental review. You may adopt that as your motion.

RESOLUTION 12-2018

Motion by: Gil Carlevaro

Seconded by: Diogenes Dominguez

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|------------|------------------------|----------|
| ROLL CALL: | Joseph Natale-Chairman | -Yes |
| | Gil Carlevaro | -Yes |
| | Diogenes Dominguez | -Yes |
| | Edwin Molina | -Excused |
| | Danny Scaffidi | -Yes |

Motion Carries by super majority vote. Edwin Molina is excused due to working for O&R.

Ruben Berrios: This application does not need a public hearing with the Planning Board.

Eve Mancuso: The applicant said they will have their own public information meeting.

Dennis Michaels: Legally this is not subject to public hearing. If it were subject to a public hearing, you'd have an informal and then you send it to a public hearing the following month. When the applicant comes in for the public hearing it then becomes the formal review. This application is not subject to the formal review so you can approve it as an informal.

Maribeth McCormick: Our facts sheets will be going to neighboring properties in English and Spanish. We will be doing a separate outreach with Head Start.

Joseph R. Ridgeway: So what are the next steps of approval?

Dennis Michaels: Under the open meetings law we post our meeting dates, time and place. Once that information is posted, you just complied with the open meetings law. Since we complied, does this application need to be conducted by public hearing? It is my legal opinion it does not. Therefore, they can approve it. The State law says, "Zoning Board of Appeals must always be by public hearing. The only application by the Planning Board that is mandated to be by public hearing is for subdivisions." This means, you can approve anything that's in front of you if it's not a subdivision and as long as you're in compliance with the NYS open meetings law. Once a year, the Village Clerk should send a notice to the

Rockland Journal News saying this is when the Village Planning Board will meet in 2018. Calling the Journal News is sufficient as well and no agenda is required. If you reschedule a meeting, you have to send it to sunshinenotice@lohud.com.

Joseph Natale: The applicants are mandated to do it for this specific application.

Chairman Joseph Natale entertained a motion to approve the Clearing, Grading and Filling permit application for Operable Unit #1 at 144 Maple Avenue, a gas manufacturing plant site remediation project. Section 27.62 Block: 1 Lot: 9.

RESOLUTION 13-2018

Motion by: Gil Carlevaro
Seconded by: Diogenes Dominguez
Carried by: Super Majority Vote
Abstained: Edwin Molina

| | | |
|------------|------------------------|----------|
| ROLL CALL: | Joseph Natale-Chairman | -Yes |
| | Gil Carlevaro | -Yes |
| | Diogenes Dominguez | -Yes |
| | Edwin Molina | -Excused |
| | Danny Scaffidi | -Yes |

Joseph Natale: Mr. Natale read out loud a letter that was sent to the Planning Board from the Rockland County Center for Environmental Health on April 3, 2018 to all Town and Village Planning and Zoning Boards, all Building Inspectors and Building Clerks our Senior Public Health Engineer, Eve Mancuso, P.E. Subject: Mosquito Breeding Suppression Plans Article 19 of the Rockland County Sanitary Code. It states, "Article 19 of the Rockland County Sanitary Code (Mosquito Control) requires engineering plans for all new Storm-water Facilities (catch basins, retention/detention basins, dry wells, etc.), be submitted to and approved by this office at least 30 days prior to installation. While this Department does not regulate what type of facility may be built, Article 19 does require that the owner control mosquito breeding in these structures. This law has been in effect since 2000. In efforts to assist property owners and applicants in complying with the law and reducing the issuance of late fees, legal action and fines, we request that your municipality consider providing a copy of the application in the packets for the building permits and board approvals. Attached please find copy of the latest Stormwater Facility/Mosquito Breeding Suppression Application for your use." I will pass the application around.

Chairman Natale entertained a motion to approve the February minutes.

RESOLUTION **14-2018**: Motion by: Edwin Molina
Seconded by: Danny Scaffidi
Abstain: Gil Carlevaro
Carried by: Super Majority Vote

Chairman Natale entertained a motion to approve the March minutes with necessary corrections.

RESOLUTION **15-2018** Motion by: Diogenes Dominguez
Seconded by: Gil Carlevaro
Abstain by: Edwin Molina
Carried by: Majority Vote

With no further business to be discussed by the Planning Board, Chairman Natale entertained a motion to adjourn the meeting.

RESOLUTION **16-2018** Motion by: Danny Scaffidi
Seconded by: Diogenes Dominguez
Carried by: All