

The minutes of the Village of Haverstraw Planning Board Meeting held on Monday, June 25, 2018, beginning at 8:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL	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

Chairman Joseph Natale introduced the first item on the agenda, Metro PCS Telecommunications, 21 Broadway, Haverstraw, NY 10927. **27.45-2-49**

Frank Ferraro, Attorney: Good Evening Mr. Chairman and members of the board. I'm the attorney for Metro PCS. We are back here tonight just to cover a couple of items with respect to Mr. Musso's comments and also to review with the board a draft resolution that has been prepared for perhaps an adoption tonight. The applicant submitted a supplemental Radio Frequency Emissions Compliance Report to Mr. Musso and we also updated the plans with some additional notes indicating what color the screen was going to be and what color the antennas were going to be. No subtenant changes, no changes to the design other than the fact that we moved the cables a little more to the center of the roof top as we discussed the last time just to make it a little safer incase the Fire Department needs to go up there.

Gil Carlevaro: Was that verb that you were referring to the cool gray?

Frank Ferraro: Yes, there are two different colors. So you have the cool gray that will match the building coping. Then, the warm grey will be for the antennas that are lighter and will blend in more with the sky. That will be color coordinated later on with the building permit process and we will make sure everyone's happy. I was provided with a copy of the preliminary resolution and I appreciate Mr. Musso preparing it so quickly. I had a couple of minor comments to it, would you like me to go through it?

Dennis Michaels: I don't need you to but I reviewed it and Mike Musso has reviewed it and we're comfortable with it.

Joseph Natale: Did everyone get a chance to read it?

Dennis Michaels: We should point out the insurance. You should all have the draft that has been reviewed and approved by Mike Musso, Mr. Ferraro and I. We tweaked it a bit. We're comfortable with the corrections. An additional tweak that was just made a

moment ago was on top of page 4 and it talks about the insurance. It's actually required under Section 243.17. The Village doesn't own any part of the facility property where it's going and to name the Village as an additional insured under the certificate of Insurance might not be possible because they have no interest in the property. So what I said to Frank was, it's right there in the code and I can't supersede the code. There is a waiver provision in Section 243-22 that empowers the Planning Board to waive certain requirements under Chapter 243 in the telecommunication facilities chapter. But it is all coming today and I'm not comfortable advising you to waive the insurance requirements literally from the hip and put you on the spot tonight. However, we've come to a compromise and added the phrase, "to the extent available" at the end of the first sentence. So it will read, "Public liability insurance for personal injuries, death and property damage and umbrella insurance coverage in the amounts indicated in the code has been secured that the Village is named an additional insured to the extent available." That should be parenthetical right? Because it only relates to the Village being named as additionally insured correct? Your client should be able to get insurance the only question is, is naming the Village as additionally insured ok?

Frank Ferraro: Correct. General commercial liability insurance and is required as a matter of lease. The land lord requires that we propose it. It's basically covering all the parties that have an interest to the property. This type of provision we see when the wireless facility is proposed on public property. Then you provide public insurance and you name the Village and all that but quite frankly the Village has no interest in the property so that was really the genesis of my question. I didn't want to have to come back to this board and ask you to amend your resolution if intact we had trouble naming the village as an additional insured.

Dennis Michaels: So we added parenthetically to the extent available. Any other tweaks?

Frank Ferraro: It was very minor.

Joseph Natale: Is everyone comfortable with that?

All board members agreed they were comfortable.

Dennis Michaels: Did you want me to read the entire Resolution?

Joseph Natale: Yes but before you read it, does anyone on the floor have any questions or comments for Metro PCS 21 Broadway?

No response from the public.

Dennis Michaels: I will read the resolution and EAF Form Part 3 quickly. Please refer to the end of the minutes to view the [Resolution and EAF Form Part 3](#).

Eve Mancuso: I just have a comment over on page 4, when it says, “the following are required periodic certification and inspections required as ongoing it shall be submitted annually” it should say to whom for example to the Building Department or whoever will receive it.

Dennis Michaels: Okay and Edwin brought up just to clarify, in the first line on the first page in the very first paragraph, it says wireless communication facility, you should put in parenthesis “WTF” because it was never defined. Anything else?

Joseph Natale: Do you want me to close the Public Hearing?

Dennis Michaels: I’m comfortable with you closing the Public Hearing anytime now as long as your questions are answered.

Chairman Natale again encourages any questions or concerns from the floor before closing the Public Hearing.

With no comments from the public, Mr. Natale entertains a motion to close the Public Hearing.

RESOLUTION 28-2018

Motion by: Gil Carlevaro
Seconded by: Edwin Molina
Carried by: All

Chairman Natale entertained a motion to move on the Metro PCS, 21 Broadway Resolution as recited by Council with noted changes made on the record.

RESOLUTION 29-2018

Motion by: Edwin Molina
Seconded by: Diogenes Dominguez
Carried by: All

ROLL CALL:

Joseph Natale	Yes
Gil Carlevaro	Yes
Diogenes Dominguez	Yes
Edwin Molina	Yes
Danny Scaffidi	Yes

Motion: Passed

Chairman Natale introduced the next item on the agenda, PAG Investments, Self Storage Facility, 217 Rte 9W, Haverstraw, NY 10927. **26.42-1-9**

Amy Mele, 4 Laurel Road, New City: I’m here as a council of Ira Emanuel tonight on this application. We’ve been before you I think twice on this application. We’ve been to CDRC. As we explained on the outside of this application, we’re looking to build a self storage facility on the corner of Gurnee Avenue and Route 9W. It’s a permitted use as

of right, in your code, but we do require a variance. We need 4 stories in order to make this facility work for us. A lot of our efforts before you and with the other boards we've been through was to try to get into the Zoning Board of Appeals (ZBA), to see whether or not they'll grant the variance for 4 stories because if they don't, the project won't proceed. At the last meeting, the board was reluctant to grant a "Negative Declaration" and asked us to come back tonight. We appreciate you setting this meeting. You also asked us to do a balloon test which we did and I hope you had a chance to see. We've been to the ZBA informally to get informal feedback. It was positive enough that we felt that we should go forward with the application. Of course we thought, we can't get there without the Negative Declaration. We also went to the Architectural Review Board (ARB), and they gave us some comments which we've incorporated and as I'll get to it in a minute, your planner also had some comments on the aesthetics of the building. Our position is to make the board happy, if you agree with the ARB fine, if you agree with Mr. Stach that's fine, if you have another idea we're happy to do that. Obviously within reason anything you want from a design stand point. I think that we're prepared to make it happen. The Planner at the last meeting had 3 issues standing in the way of the Negative Declaration which I think we've overcome. He sent you a recommendation with a proposed Negative Declaration attached to the Part 3. The key issues were first aesthetic; he had other ideas of what he thought would look nice. We did renderings according to their recommendations but we're happy within reason to make changes and add additional landscaping. We were asked to provide 2 scale renderings which our Architect has brought with him this evening. Zach Chaplin, from Stonefield Architecture and Bob Zumesky from Stonefield Engineering. Our applicant is with us here tonight as well. There was an issue that came up on the Environmental Assessment Form (EAF) map reform about habitat that there was possibly a rocky summit grassland community, both your planner and our engineer has confirmed that that's not an issue there at the site. It might have been a long time ago but it isn't now. Also SHPPPO, when we did the EAF there must be some historical site in the area. I'm not quite sure what it is but, since we will require a permit from the NYS Department of Transportation (DPW) because we are on 9W, that will have to be referred to SHPO. If there's any comments that we have, we will have to address them in order to get that DOT permit. So that's how we've addressed those issues and I believe Mr. Stach refers to them in his draft negative declaration that'd here before you. So that's my history. We're hoping to get the Negative Declaration. If we go to the ZBA and we do get the variance, we will get back before you on much more specific issues regarding design, planning and drainage in order to get our preliminary final site plan approval. With that I will turn it over to Bob Zumesky who has the renderings you had asked for.

Bob Zumesky: So what was asked of us before was a rendering showing the facility within a photograph of what exists. This is what was produced. It's a better scale than what we've presented to you before. Still incorporating the mansard roof which is something the ARB wanted to see. They thought that would bring down the perceived height of the building making it look like a roof line there. We've also broken it up when we first met with you with the tower and recessed things back to break it up a little bit more. Everyone had that issue that originally it was very flat and tall. So we've broken up the elevations still keeping the center focal point on the corner of Gurnee and 9W.

The other questions that were asked were in regards to the blazing windows. All the bow windows will be opaque glass. It's a foe window so there's nothing behind these. That's just to give it a homey look to fit in with some of the elevations you have here on Main Street where you have these windows. Again, you won't see through those windows. The flat windows here along 9W will be a clear regular store front glass and behind that glass, you will see foe doors to look like you're looking inside the storage building. You don't see people trying to move things into their units because they're just foe doors. People driving by will see the doors. The office area in the back which you won't see from either 9W or Gurnee, that will be again store front foe glass where you can see up to the office area but you'll only see that.

Gil Carlevaro: Will there be any signage on the outside of the building to let people know what it is?

Bob Zumesky: There will be signage but for right now, the indication that it's a self storage is when you would see the fake roll up doors through that clear glass. Whether a green, orange or red door will be used, that hasn't been determined yet. But, somewhere on here, yes there will be a sign that says self storage.

Joseph Natale: Did you have a chance to review Max Stach's memo that we received today?

Dennis Michaels: It was sent late in the afternoon. What would be helpful is if I read it. He does recommend a Negative Declaration. This is a memorandum from Nelson Pope and Voorhis, by Max Stach, AICP and Jonathan Lockman. As most people know, Max Stach is our Village Planner. The memo is dated June 25, 2018. Please refer to the end of the minutes to view [Max Stach's Memorandum and the EAF Form Part 3](#).

Joseph Natale: Do we need to work on these and fill it in?

Dennis Michaels: I don't believe there's anything to fill in. If you do adopt it, you would need to sign it where it says signature "Responsible Lead Agency," that would be you.

Joseph Natale: Ok. Does anyone have any questions from the board?

Edwin Molina: Yes, because Max's recommendations are contrary to the ARB, adopting this Negative Declaration will indicate that we agree with Max's position completely and we would not want that top portion to show the long roof? Is that what that means or is this something that we would review further down the line?

Dennis Michaels: Well you mentioned the ARB first, they're just an advisory committee I believe to the Planning Board so you can accept or reject or modify whatever they recommend to your discretion.

Ruben Berrios: It was also an informal.

Bob Zumesky: The original elevations for this particular site with renderings that we brought to the ARB were very similar to what Max shows in his samples here. In fact we do a lot of work for "Extra Space" and the Extra Space shown in the photo might even be one we worked on. I'd have to take a closer look. The original thought was no mansard roof, the ARB did like the bow windows but Max doesn't like it. I'll do whatever you want.

Joseph Natale: Well we got this today. Did everyone see the proposed buildings from Max?

Amy Mele: I only received two images from his memo.

Dennis Michaels: Let me back track and answer Edwin's second question which was, if we adopt a Negative Declaration, are we rejecting the ARB's suggestions and recommendations and adopting Max's? First of all, this is not a final approval this evening, they still have to go to the ZBA. If you do adopt the Negative Declaration you would still need to come back here.

Amy Mele: We would still have to go to ARB one more time and the ZBA. If I may expand upon Mr. Michaels point, all that Max is saying here is, it's his opinion that it can be designed in a way that can be more aesthetically appealing and because of that he's not using aesthetics as a reason to disapprove the Negative Declaration tonight but you're certainly free as the Planning Board. Neither Max nor the ARB is the ultimate arbiter of what this building is going to look like, it's you. If we are successful at the ZBA, we will be doing a lot of talking about the facade and as Mr. Zumesky said, when I saw Max's proposals I thought, this is very similar to what we originally had in the beginning.

Dennis Michaels: Lets get through SEQRA first before you say goodnight to the applicant this evening. It would be helpful if you do give the applicant some inclination of what design you're leaning toward. Again, this is not a formal adoption of any design but lets let the record reflect that there's a consensus of all the board members that they prefer the design, "Arora, CO +1", that was attached to one of the Village Planner Max Stach's emails. I will circle this option and say preferred design by Planning Board as expressed, dated June 25, 2018.

Danny Scaffidi: Will you guys consider 3 stories?

Bob Zumesky: It doesn't work. From a financial stand point 3 stories will not work.

Danny Scaffidi: I just feel like it's too high.

Bob Zumesky: Did you go out to see the balloons?

Danny Scaffidi: Yes and it still looked pretty high to me. I don't know how anybody else feels about it.

Gil Carlevaro: I thought it was pretty high too. My concern is, how close it is to 9W. It's about 10 feet off the road correct?

Ruben Berrios: It's 20 feet.

Gil Carlevaro: Oh ok 20 feet. There's enough room for the landscaping?

Zachary Chaplin, Project Engineer, Stonefield Engineering: It's exactly 21.2 feet.

Eve Mancuso: So 5 feet should be a side walk and you have 15 feet for landscaping.

Joseph Natale: This one is a little misleading based on the space you see.

Danny Scaffidi: Could you push it back?

Zachary Chaplin: The site has many constraints including specifically grading. The topography ranges to I believe about 20 feet from the Southeast corner at Gurnee Avenue all the way up top to the northwest corner of the site. This was a difficult site to design. We went through a lot of different iterations. We did look to meet the setbacks requirements for both Gurnee Avenue and 9W so we do meet the 20 feet setbacks there. If we could push it any further back we just run into issues with topography and of course we're getting closer to adjacent properties.

Bob Zumesky: Originally the facility was for 5 stories, this was narrower, but it was pulled back. To get away from the 5 stories and drop it down to 4 stories, this became fatter so we pulled it forward a bit and pulled all that back. This was just so we could maximize the amount of storage units inside the storage building. It's a finite line there and you really need a set number of storage units in order to make it a worthwhile investment.

Zachary Chaplin: Another component too is vehicle maneuver ability and getting vehicles up to this site into the loading spaces. Like I said, we're proposing a retaining wall at the western edge by the parking area. Really every part of the site was looked into the design to accommodate this kind of facility.

Bob Zumesky: Pulling the parking in the back is a nice feature because it hides that from you so you don't see it. You're then just focusing on the landscaping around the outside and the building itself.

Danny Scaffidi: Well right now you maxed out the property as it is with this structure.

Joseph Natale: Did you run the percent of the covers?

Bob Zumesky: The laid areas? Yes it's on there.

Zachary Chaplin: It's at 56.8% which does meet the requirement which is 60%.

Amy Mele: The only variances are the rear yard setback, the building height. The fact that this building is based upon the warehouse bulk, it requires more loading berths than what is necessary for our use. So we would ask for I believe 1 or 2 less loading berths than what is required. Otherwise, it's a permitted use as our warehouses and other things in this district. I appreciate your comments because for a long time I sat on the other side of the table and represented municipalities and I always heard builders and contractors say I have to have this or it doesn't work. Now that I have been doing work on this side for a while, I can tell you that these guys have done the math. There is a magic number for self storage facilities at 100,000 square feet. We originally came with 5 and you guys told us pretty much that wouldn't fly. We went to the ZBA with 5 and they told us that 5 wouldn't fly but maybe 4 would. So we redesigned it for 4 and we did the balloon test. It is at the bottom of the hill. Again, that's the ZBA's determination and if that's something that they don't feel is appropriate then there will be another applicant here one day for you to consider.

Joseph Natale: So in the next part of this, you would be answering the GML Review?

Dennis Michaels: I didn't suggest it because I think that's based on 5 stories.

Joseph Natale: This is dated May 14, 2018.

Bob Zumesky: It came down to 4 stories before that.

Dennis Michaels: So they received it April 11, 2018 so it may be 5 stories on April 11th.

Amy Mele: No it wasn't.

Eve Mancuso: No on the letter it states 4 stories.

Dennis Michaels: It'll have to be addressed when you're at a point where an approval is being considered.

Joseph Natale: Eve, do you have some considerations that you want to bring up?

Eve Mancuso, Village Engineer: Yes thank you Mr. Chairman. I prepared a review letter for the last submission. I didn't have the opportunity to re-issue a new letter. There was not a new plan submission so it wasn't really appropriate to re-issue a new letter. There was a response from the engineer item by item essentially complying with all of the issues that I had mentioned. Max had mentioned in his report that there was some basic information we were seeking as it addressed the proximity of the existing structure on the adjacent properties to be shown of concern is both immediately to the north and immediately to the west. The structure immediately to the north is very close to that new retaining wall so I had some questions regarding the feasibility of building that retaining wall. Maybe the applicant did address that in words but not on plans yet. Since the variance being sought is for reduction in the buffer to the residential property to the

west, it seems appropriate that a much more robust landscaping buffer should be provided, should the board consider reducing a buffer requirement to the residential to the west. That's where the engineer noted there was a grade differential and a retaining wall and things of that nature. So I guess the question would be for the engineer is, how feasible is it to increase substantially the buffer to the west of the property where the property abuts the residential zones?

Zachary Chaplin: There is a lot of existing vegetation that we'd like to keep. We do show some proposed planting as well. We could add some more landscaping where we can. But at the same time, we're going to look to preserve I guess the furthestmost western areas some those plantings as well. We did provide a nice buffer to the wall. I don't have the exact measurements in front of me but it's at least 25 feet from the western property line to the retaining wall. We're looking to keep some of the vegetation then increase the amount of plantings that are needed to the west.

Eve Mancuso: Ok because it doesn't appear to show any landscaping buffer plans there. There's a road along the Westside of the property but nothing in that buffer area.

Zachary Chaplin: One of the things we're looking into doing and actually it was a comment in the GML letter is that the retaining wall is very close to the northerly property line, so we will potentially relocate these two parking spaces to across the main parking area. So these 2 spaces will be closer to the main entrance. By doing so, we can reconfigure the retaining wall while providing more significant buffer to the property to the north. This will also help in terms of feasibility questions in terms of the construction standpoint of the retaining wall by relocating the two parking spaces to the main parking area across.

Eve Mancuso: I'm not so sure that's a good idea. Could we shift those further south? Then you'd be eliminating the nice entry landscaping. If you took those 2 and then shifted them south would that not work for you?

Zachary Chaplin: It could work. I mean again there would be a potential from a traffic stand point the vehicles circulating through the site. But, we could look into that, that might work as well.

Eve Mancuso: Yes that seems to be a potential solution. When we did visit the site a number of us went after the meeting. It seemed that the utility pole was very close to the driveway. Can you just point out to where that utility pole is on your plan and if in fact that was going to be relocated? We're trying to get a feel for where the property line actually fell in relation to the driveways.

Zachary Chaplin: I'm just going to grab another plan that would indicate that. The utility pole is at the northern location, northeast to be exact.

Eve Mancuso: Ok so towards the corner there, that's what we were trying to determine. So by introducing your driveway your actually separating the driveways more than they are today with the landscaping strip is that a correct statement?

Zachary Chaplin: Can you repeat that?

Eve Mancuso: With the proposed location of your driveway, you're actually providing more separation between the existing driveway to the north?

Zachary Chaplin: Correct we are actually going to increase the buffer.

Eve Mancuso: Then you'll separate with a landscaped island which is a benefit.

Zachary Chaplin: Correct.

Danny Scaffidi: Is that to scale?

Zachary Chaplin: Yes this is the site plan.

Danny Scaffidi: You're still missing a lot of stuff there. There's no drainage or other things needed on it.

Eve Mancuso: That's just the layout. He was just referring to that so we could see the utility pole on the plan. So along the west property line your saying you can provide more landscaping? That's the area where you're encroaching into the buffer and seeking a variance?

Zachary Chaplin: Correct and you might be referring to the northerly area as well when we were talking about the parking spaces?

Eve Mancuso: Yes the north line and the west line on the south point. That's where the building is encroaching.

Zachary Chaplin: Yes we can propose additional landscaping.

Eve Mancuso: In terms of drainage, they have demonstrated that they have a full underground system. They don't do the drainage detail until such it's time to move forward to make sure the layout is defined before we take the time to do the drainage. They have done extensive work in investigating the soils and designing a system that would be suitable for this particular site. So in my view the storm water impact has been mitigated by their proposed design. There was also one other plan submitted that was discussed and required at the last meeting before the vehicle wheel turning motion. They did show that a 40 foot truck can easily enter the site, do a k-turn back up to the loading dock, pull forward and then come out of the site as well.

Joseph Natale: I haven't looked at it but did you have a chance to review the parking situation?

Eve Mancuso: I didn't get to look at that in detail. I just received that today. I don't know if there's a parking person here that can go through that now with the board?

Zachary Chaplin: I spoke little bit about it in our last meeting. In summary, what the parking study provides is our office did comprehensive studies of 3 self storage facilities in Long Island all which have a similar gross square footage. At no point in time including week days and on Saturdays where there were more than 9 vehicles parked on the site. Additionally we did take a look at a couple of self storage facilities located within Rockland County where we basically look at how much parking was provided to these facilities. The results of our findings are that we provide pretty much right in the middle, the average amount of parking spaces for all of these self storage facilities. We also did look into "ITE" as well and if you consider the loading docks as spaces, we would need the "ITE" standards for parking requirements for what we are proposing.

Edwin Molina: This question is directed to Eve. You kept talking about the western side can you show us physically where you are talking about? Because, you have a diagonal coming from the northwest perimeter.

Eve Mancuso: The variance that's being requested is for a reduction in the buffer to the residential lot. So to mitigate the variance requested in terms of impacts to the adjoining residential properties, they should provide some sort of buffer.

Dennis Michaels: Is anyone in attendance interested in seeing what's being proposed? Or at least the latest of whats being proposed?

No answer from the public.

Joseph Natale: Are we comfortable to move forward with this Negative Declaration so they can move forward?

Gil Carlevaro: Yes, I think so.

Diogenes Dominguez: Yes, I think so.

Joseph Natale: I have one question for council that I would like to discuss with you in private.

Dennis Michaels: Oh so you have a legal question for me and you want to hear my answers in a confidential discussion in private?

Joseph Natale: Yes.

Dennis Michaels: Ok you have that right. So we will have a short recess and you can ask me questions and I'll give you my answers.

Gil Carlevaro: Could I come?

Joseph Natale: Yes you can come. It won't take long.

Amy Mele: Would you rather us leave or?

Joseph Natale: No it's ok.

Dennis Michaels: Do I need my code book?

Joseph Natale: I don't think you'll need it.

The board members went to a private room with the boards Village Attorney Dennis Michaels to discuss some questions confidently.

After several minutes, the board members and the Village Attorney returned.

Joseph Natale: So we are at the point where we can decide if we want to issue a Negative Declaration or not. Does anyone on the floor have any questions?

No answer from the public.

Dennis Michaels: The next step would be to render an environmental determination which would be a motion to adopt or not adopt the Village Planner Max Stach's proposed Part 3 of the long form EAF which I recited into the record earlier. He recommended or proposed a Neg Declaration under SEQRA which means that you find that there would be no potential for any significant adverse environmental impacts and based upon the part 3 and in there of course you heard earlier that you had the architectural design. Towards the very bottom of the part 3 says, "based on the visualization in the balloon test, the board is satisfied that an architecturally attractive building can be designed that will not result in adverse visual impacts or impacts on character." So that has not been designed yet and it says that in the part 3. That's something you are still waiting to see and you will give the applicant some guidance. Tonight you already did by pointing out you prefer the "Arora CO +1" design so that's where you're at.

Gil Carlevaro: Also the robust landscaping.

Dennis Michaels: Yes I just pulled that out as an example that it's not done as far as sealing on design and landscaping yet. In other words if you were inclined to issue a neg dec but you've never seen the design architecturally or landscaping that satisfies you, you could still potentially deny this project. One of the areas that your finding is that if there's an architecturally pleasing design and robust landscaping and whatever other

tweaks and you find there will be no potential adverse environmental impacts subject to those things but if that doesn't come before you there's a potential you can still ultimately deny the application.

Gil Carlevaro: So what is the next step?

Dennis Michaels: So the next step is the SEQRA determination whether it's a negative declaration or not.

Mr. Molina made a motion to declare a Negative Declaration based on Max Stach's full EAF Part 3 as recited by council.

RESOLUTION 30-2018

Motion by: Edwin Molina
Seconded by: Gil Carlevaro

ROLL CALL:

Joseph Natale: Yes
Gil Carlevaro: Yes
Diogenes Dominguez: Yes
Edwin Molina: Yes
Danny Scaffidi: Yes

Motion: Passed

Dennis Michaels: Ok so a Negative Declaration has been adopted by the Planning Board. Did you get enough guidance with the Planning Board that you would like to see in the design, building and landscaping? Or if you had any questions?

Amy Mele: Yes, they circled the design that they liked. I think it's similar to the one that we first brought to you. I think we like it too.

Gil Carlevaro: Is there any way we could incorporate the clock tower in that also?

Amy Mele: Sure.

Dennis Michaels: So clock tower and Aurora, CO + 1, robust landscaping as described by Max.

Amy Mele: Before we come back to you, I'll do a comment response to the GML on whether or not we agree and or request an override.

Joseph Natale: Is there any way we could get it before the day of the meeting? So we have time to read through everything?

Amy Mele: Yes of course.

Gil Carlevaro: Is there any way we could get a rendering like this of what we're proposing?

Eve Mancuso: You want a photographic rendering of the new design.

Bob Zumesky: Before I do the photographic rendering can I do some elevations first? This makes it easier.

Dennis Michaels: Well if you want one more visit to the Planning Board rather than 2 then sure.

Joseph Natale: If that's how you want to do it we are ok with that.

Amy Mele: Question for council, do we need a referral from this board to the ZBA?

Dennis Michaels: Like a recommendation? I was going to check the code on that. Do you know if it's required to give an advisory opinion to the ZBA?

Ruben Berrios: I don't think so.

Dennis Michaels: How about this, if an advisory opinion is required by our local law as far as the variance application for the ZBA, rather than recommend or not why don't we just offer no comment on that. Just so you have it on the record.

Amy Mele: I wasn't even asking for a recommendation. Just wondering if you need an official recommendation referral procedurally to the ZBA?

Dennis Michaels: No.

Amy Mele: So we did an application that was informal so would we have to redo that application or can we just be added to the agenda?

Michelle Ventura: I could add you to the agenda.

Amy Mele: So the ZBA meeting is on July?

Michelle Ventura: July 12, 2018 at 7:30pm.

Amy Mele: I will see if Ira Emmanuel can cover that because I will be away.

Dennis Michaels: Ok so I will see you all at the July 12th ZBA meeting at 7:30pm.

Eve Mancuso: Once the variances are approved, they can be in a position to update the site plan and make a full submission.

Amy Mele: Thank you very much.

Joseph Natale: Does anyone feel we need to make a recommendation to the Zoning Board or do we want to do the no comment on the PAG.

Gil Carlevaro: What would the recommendation be though?

Joseph Natale: We could say that we were in favor of the granting of the 4 story and we just want to let them fly and not make any comments.

Eve Mancuso: Well maybe they should have Max's letter where he states his concerns. So they understand you're not happy with its final form even though you're ok with the height, it's important that they mitigate it, the landscaping and the visual. Max did a very nice write up on it.

Joseph Natale: Ok so is that ok Dennis just so they have a copy of it?

Dennis Michaels: I'm not going to stop you. I don't know if our local law requires you to send a recommendation but you can. You are a member of the public as a body. You can actually sue the ZBA and the ZBA can sue you. But you have my blessing.

Joseph Natale entertained a motion that we forward Max Stach's response to the ZBA.

RESOLUTION 31-2018

Motion by: Gil Carlevaro

Seconded by: Diogenes Dominguez

Carried by: All

Chairman Natale introduced the final item on the agenda, a continued Public Hearing for Gary and Yvette Martino, 150 New Main Street & 11 Hillside Avenue. **26.60-1-21&20**

Amy Mele, Attorney: Hello again. I'm also representing the applicant for 150 New Main Street and 11 Hillside Avenue. The GML for this board was referred and addressed and everything is fine.

Dennis Michaels: The GML letter sent to the Planning Board was on October 11, 2017.

Amy Mele: We don't need an override. Actually, a lot of the comments were about the fact that it hadn't received a GML for the variance from the ZBA.

Dennis Michaels: Are you ok with all 6 modifications?

Amy Mele: Yes.

Dennis Michaels: So they've been satisfied then fine.

Amy Mele: I could address them each if you'd like.

Dennis Michaels: In other words, what Amy and John are saying, you only need overrides if the applicant wants you to override any of the modifications. Amy said that all 6 are ok with them. They've either been satisfied or will be satisfied. Therefore, they don't need any overrides. There's no reason to discuss them because they will be made conditions of the approval some of which have already been satisfied. Correct?

Amy Mele: Yes.

Dennis Michaels: So Michelle, if and when there's a motion to approve by this board, 6 conditions of your approval in addition to any other conditions you may have, will be the 6 modifications set forth in the Rockland County Department of Planning GML report of October 11, 2017.

Amy Mele: I don't want to raise anything that doesn't need to be raised but I just want to make sure because we will need a hook up to a sewer right?

John Atzel: No.

Amy Mele: Oh no nothing? Ok.

John Atzel: We do have to go to the County Drainage Agency for the subdivision sign off.

Amy Mele: Right. So for number 5, they basically said we need this variance for the 70% open space.

John Atzel: That's what we addressed at the ZBA.

Dennis Michaels: That's right; we addressed that in the ZBA GML report. They didn't get variances for that because they said they didn't need one right? You said we don't apply it.

Ruben Berrios: Right.

Amy Mele: So out of an abundance of caution we should override number 5. That's already been addressed by the ZBA and they agreed with your building inspector's determination. So you can put the reasoning for that as the Building Inspector respectfully disagrees with the County's interpretation of that particular provision that it applies to new instruction only in that district. The ZBA overrode this condition in their approval as well.

Dennis Michaels: So Ruben is here and based upon what he said at the ZBA meeting, in Section 245.21.D(2)(a) of the Village Zoning Code, it's Building Inspector Ruben Berrios interpretation that it only applies to vacant unimproved land to be developed not preexisting already constructed structures.

Amy Mele: With all due respect I think you could use the exact same language that you used in the ZBA resolution.

Dennis Michaels: I approve of that clerical tool as recommended by Amy. For the Planning Boards sake, you need to know why the reasoning would be for your own override. So that would be your reasoning.

Joseph Natale: You don't have that though do you?

Michelle Ventura: No, I would have to look it up in the minutes for the exact wording that was used.

Dennis Michaels: Well we just gave it to you anyways. We could go slower but Michelle will find it. To make it easier for Michelle, she could just copy and paste the reasoning's of this comment from the minutes that were drafted for the ZBA. It may not have been number 5 in the ZBA comments but it was mentioned in that letter.

Michelle Ventura: As spoken in the ZBA meeting on Thursday June 14, 2018 it was stated that, "It's the Building Inspectors interpretation of Section 245.21.D (2)(a) and 245.21.D(2)(b) of the Village Zoning code that those provisions are not applicable to this application because 1, it's an existing structure already and it doesn't apply and 2, it's just a lot line change and shifting a retaining wall."

Amy Mele: We went to the ZBA and the first time we went they didn't have the supermajority so that's why we were put off for another month. But thank you for putting us on the agenda for tonight we really appreciate it.

Joseph Natale: So should we move on this before we close the Public Hearing?

Dennis Michaels: It's a relatively simple motion because you're only overriding modification number 5 so you can make it as part of your motion to approve if that's what you're inclined as a board to grant the approval. So it would be something like, I hereby make a motion that we approve the application as submitted. As part of that motion, we also override the County Planning Departments GML report modification number 5 in their October 11, 2017 report.

Joseph Natale entertained a motion to approve the Erosion Control Retaining Wall design with details.

RESOLUTION 32-2018

Motion by: Gil Carlevaro
Seconded by: Edwin Molina
Carried: All

ROLL CALL:

Joseph Natale: Yes
Gil Carlevaro: Yes
Diogenes Dominguez: Yes

Edwin Molina: Yes
Danny Scaffidi: Yes

Motion: Passed

Joseph Natale entertained a motion to approve the lot line change/resubdivision/ final subdivision plaque review approval.

RESOLUTION 33-2018

Motion by: Diogenes Dominguez
Seconded by: Danny Scaffidi
Carried by: All

ROLL CALL:

Joseph Natale: Yes
Gil Carlevaro: Yes
Diogenes Dominguez: Yes
Edwin Molina: Yes
Danny Scaffidi: Yes

Motion: Passed

Dennis Michaels: You can now close the Public Hearing.

Joseph Natale entertained a motion to close the Public Hearing.

RESOLUTION 34-2018

Motion by: Gil Carlevaro
Seconded by: Danny Scaffidi
Carried by: All

Amy Mele: We thank you for your time tonight.

Joseph Natale: The minutes were so extensive; we will approve them on August 13, 2018. I haven't had a chance to read it all.

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

RESOLUTION 35-2018

Motion by: Edwin Molina
Seconded by: Danny Scaffidi
Carried by: All

The Clerk Typist to the Planning Board is hereby authorized, directed and empowered to sign these Minutes, and file a copy thereof in the office of the Village Clerk:

Michelle Ventura, Clerk Typist