

FINAL MEETING MINUTES

VILLAGE OF SLOATSBURG

PLANNING BOARD

December 19, 2023

The Village of Sloatsburg Planning Board Meeting was called to order on December 19, 2023, at 7:30 pm by Chairman Glenn Thompson at the Village Offices, 96 Orange Turnpike, Sloatsburg, New York.

Attendance: Glenn Thompson
Lynn DelDuca
Tom Dodrill
Joe Hardiman
Susan McDonagh
Doug Volpicella

Ryan Jagard, Alternate

Richard Ellsworth, Village Attorney
Eve Mancuso, Village Engineer

Chairman Thompson called the meeting to order at 7:30 pm, opening with the Pledge of Allegiance.

100 Sterling Mine Road LLC

The applicant's attorney, Brian Sinsabaugh of Zarin & Steinmetz, 81 Main Street, White Plains, New York and the engineer, David Getz of Lehman and Getz, 17 River Street, Warwick, New York addressed the Board. The application was submitted to the Zoning Board of Appeals late November 2022 and was approved on November 16, 2023 for changes including variances for off-street parking with 58 spaces with additional 1 land banked spaces for a total of 59 spaces. The floor plan for the first and second floors was presented explaining the need for increased storage of 165%. The updated land delineation was shown to have no changes. The Planning Board declared lead agency at the November 22, 2023, meeting. A public hearing was requested for January 16, 2024. The ZBA approved the variances with authority overriding the Rockland County Planning Department. In the GML process there was no response from the Rockland County Highway Department and Rockland County Drainage. A permit from the Rockland County Drainage Agency is required, the applicant has submitted permit application. A joint application with the New York State Department of Environmental Conservation (DEC) and the Army Corps of Engineers was made. The DEC is currently reviewing the application. At the Zoning Board meeting of November 16, 2023, the applicant had requested overrides on Rockland County Planning's application response for #1 through 5, #8 and #10 through #12.

The Village Engineer commented that the variances were granted conditionally. A proposed easement with the change in location is needed.

The Chairman stated there was no response from the Village Department of Public Works and the Fire Department. He questioned the storm drainage and David Getz responded that the new grading has alleviated the drainage problem and they will not be increasing impervious surfaces.

The Village Engineer reviewed her comments as follows –

We have completed our review of the submission of documents entitled: • Engineering Plans entitled, “Existing Conditions and Removal Plan, 100 Sterling Mine Road”, sheet C101- C-104, C-201, C-301 – C-303, last dated 12/7/23, prepared by Engineering and Surveying Properties. The applicant is proposing to construct an addition to the existing manufacturing and storage building. A parking variance, and relief from parking within the front yard has been granted by the ZBA has been received. The recently approved ZBA Plan for Parking Variances, schedule of Parking Requirements, and the date of the ZBA approval shall be included in the plan set, noting all conditions of the ZBA approval. Our comments are as follows: 1. The current application is for Amended Site Plan approval; the plans should be titled as such. 2. A signed, stamped Survey of the property shall be included as part of the Amended Site Plan submission. The most recent submission shows a 30 feet wide utility easement along the northwestern building line whereas the prior submissions did not show the easement in this location. A portion of the existing building is now shown within this easement; the proposed addition is immediately adjacent to this easement. The feasibility of constructing the building on line with the easement is extremely questionable. Review and approval of this plan from the beneficiary of this easement shall be obtained. 3. The limits of the permanent sewer easement shall be clearly shown. 4. There is a water main that traverses the property. Any easement associated with this utility shall be shown. 5. The proposed sanitary sewer appears to be in close proximity and cross the water line. Required separation distances, and protective measures shall be implemented and details provided on the plan. Verification is required regarding any water easement that may be existing across the property. 6. The re-configuration of the 30 feet wide access to the Village DPW facility is shown on the plan. Submission and approval by the Village Board will be required. The metes and bounds description for this reconfiguration shall be submitted for review, and appropriately filed with the County Clerk. 7. The 100 year Flood Plain line and elevation shall be clearly shown. The plan note stating “see notes 9 and 11 on sheet 1” does not appear to relate to flood plain issues. This shall be clarified. 8. The site is encumbered by wetlands and a wetland buffer. This buffer area was previously disturbed and improved with pavement. The current plan further disturbs this area by constructing the building within the buffer, and staging the trash dumpsters within the buffer. A Wetland Permit is needed from the Village as well as approval by outside agencies. 9. The existing contours are not clearly visible. There appears to be 2 – 4 feet cut towards the rear of the site in the vicinity of the rear truck dock. Existing and proposed grades shall be clearly shown. The impacts on the cover over the existing water line shall be evaluated. 10. A Lighting Plan has been provided indicating 4 new wall packs. A comprehensive plan shall be submitted including the existing lighting. There are currently spot lights that cause excessive glare and light intrusion. All lights shall have the ability to be shielded, and be contained within the property lines. 11. The Erosion Control Plan shall be enhanced to protect the water of Nakoma Brook, as well as protect the open ditch along Sterling Mine Road from illicit discharges occurring during construction. 12. The limit of disturbance shall be realistically shown to allow for construction of the addition. 13. The plans note the existing planter is to be reconstructed. A planting plan for this area shall be included. 14. The location of the proposed trees as noted on C-102 Note 11, shall be shown. 15. The detail sheet reflects a timber guide rail, pavement arrows, and an 8 feet chain link fence. Where are these items proposed? 16. The limits of the proposed 4 feet chain link fence shall be shown. The type of gate shall be noted. The Village DPW shall review and confirm the location and height of the fence is appropriate for use of the DPW yard and DPW security. 17. The limits of pavement resurfacing shall be shown. 18. Outside agency review letters were received for a number of Site Plan issues, most notably RCDA. These comments should be addressed during the Planning Board review.

There were no Board member comments.

A motion was made by Lynn DelDuca and seconded by Joe Hardiman for a Wetlands Public Hearing on February 20, 2024. All in favor. None opposed. Motion carried.

101 Sterling Mine Road – BB&D Properties

The applicant's attorney, Ira Emanuel of Emanuel Law, 4 Laurel Road, New City, New York requested to reschedule the public hearing until February 20, 2024.

A motion was made by Doug Volpicella and seconded by Lynn DelDuca to schedule a public hearing on February 20, 2024. All in favor. None opposed. Motion carried.

Wintergreen Subdivision

The Village Engineer recused herself from this application. Dennis Letson of Letson Engineering, Central Avenue, Pearl River, New York will be the alternate engineer.

The applicant's attorney, Ira Emanuel of Emanuel Law, 4 Laurel Road, New City, New York asked for an adjournment until January 16, 2024. The biodiversity study has not been completed to date. The status of Wintergreen Road is Private, there is a map on file. Four new lots will abut to Wintergreen Road but will not have access to Wintergreen Road. 12 Wintergreen Road will be able to use Wintergreen Road which will be stated in a legal document.

A motion was made by Joe Hardiman and seconded by Susan McDonough to adjourn the public hearing until the January 16, 2024, meeting. All in favor. None opposed. Motion carried.

Tuxedo Farms

Presentation of application by Brad Schwartz of Zarin & Steinmetz, 81 Main Street, White Plains, New York and David Getz Engineering, Warwick, New York seeking reapproval of the site plan to construct a portion of Quail Road located in the Village. The public hearing was opened in July 2023 and closed in August 2023. Ashley Ley of AKRF Environmental, stated the project location off Route 17 as the secondary entrance in Sloatsburg with Quail Road being the connection road. The Active Adult Community was explained by a representative of Lange Engineering explained Quail Road was redeveloped in 2005 and the drawing to date is the same as is the grading/clearing, driveway configuration and stormwater also remaining the same. Ashley Ley stated that the New York State Department of Transportation (DOT) should be finalizing the right-of-way within the next 3 months. The lighting and landscaping of the area will be approved by the Town of Tuxedo. Member Hardiman stated a major concern regarding the drainage status in light of the most recent catastrophic flooding at the intersection, which is a low point in the road, during the most recent storm. Lange Engineering will be evaluated the situation. Member Hardiman will supply pictures of the flooded area.

The Village Engineer stated major improvements under Route 17 were required to correct the flooding problems as they continue to worsen. The previous owner of Tuxedo Farms forecasted work in this area would begin in 2023, which hasn't happened. A new agreement is needed with the new owner. Engineering comments as follows –

There has been no re-submission of plans or documents.

1. Engineering Plans entitled "Proposed Private Road for Tuxedo Farms", prepared by Lehman & Getz, PC. Consulting Engineers, dated 4-11-2018, sheets 1 through 16 of 16. Please confirm the date and sheet numbers of the latest plan set for which you are seeking re-approval.

2. The most recent As Built Plan shall be submitted as part of the plan set.

The subject project, Tuxedo Farms, consists of a major development of 2,247 acres the bulk of which is in Tuxedo, with 42 acres being located within the Village of Sloatsburg. The current project consists of multiple residential units of various building types, and a commercial component. This project, previously known as Tuxedo Reserve, was approved by the Village of Sloatsburg in 2005. The construction on the Sloatsburg property consists of an entry road, and drainage improvements to date. Tuxedo Reserve was also committed to construct a traffic signal improvement at the intersection of the new Quail Road with Route 17 (aka Orange Turnpike), a road connection to Park Ave, drainage improvements along Park Avenue continuing under Route 17 and the railroad, discharging to the Ramapo River and concrete sidewalks along Route 17 for the full property frontage. As the development plan has substantially changed since the 2005 approval, the applicant is now returning to the Planning Board for Amended Site Plan approval. Our comments are as follows:

1. The applicant provided testimony that the traffic signals on Route 17, both in Tuxedo and in Sloatsburg at Quail Road remains a requirement of the NYSDOT. The northern , or Tuxedo signal will be constructed first. Traffic conditions will continue to be monitored. There are specific triggers, namely number of constructed units, worked into the traffic mitigation plan that was reviewed under SEQRR with the Town of Tuxedo as Lead Agency, and approved by the NYSDOT.

2. A signal at the entrance at the intersection of Eagle Valley Road and Sterling Mine Road remains to be determined. Traffic conditions will continue to be monitored, and if warranted a signal installed at this location.

3. The applicant has offered testimony that all of the components of the previously approved Site Plan remain substantially consistent. The connection between Park Avenue and Qual Road will be constructed.

4. The drainage improvements on the acreage within Sloatsburg, and discharging to the Ramapo River will be constructed.

5. Concrete sidewalks along the full frontage on Route 17 remain to be required to be constructed. The NYSDOT provided bituminous walks for pedestrian a connectivity but these were intended as a temporary measure.

6. The applicant stated a 3000 SF farm stand would potentially be constructed on the 42 acres of land within the Village sometime in the future. An application for Site Plan approval would be required to be submitted to the Village Planning Board.

7. The applicant had previously stated construction would commence in late 2023. The schedule and duration of the project should be provided.

8. The Stormwater Maintenance Agreement should be updated and executed to reflect the new property owners, and updated to reflect the current stormwater system design and features. This remains to be submitted.

9. SWPPP inspection reports should be submitted to the engineer and to the building department when construction work commences.

10. All erosion control measures shall be installed, inspected and maintained in accordance with NYSDEC requirements..

11. A final As-Built will be required to be submitted at the time of completion.

12. A Lighting and Landscaping Plan shall be submitted. This remains to be submitted.

13. Is there any proposed signage at the Qual Road entrance. This remains to be submitted.

We recommend all documents and previously executed agreements between the prior owners of Tuxedo Reserve and the current owners of Tuxedo Farm and the Village, be reviewed and updated as needed to reflect the new property owners, including but not limited to Developers Agreements, Easements, Maintenance Agreements and escrow accounts.

The Village Attorney wants assurance of the maintenance of the stormwater.

Brad Schwartz stated the stormwater, lighting and signage plans will be submitted to the Village at the same time they are submitted to the DOT. All lighting and signage will be the same as the Tuxedo entrance. All signals on Route 17 will be changed to adaptive lights. Lange Engineering will look into the flooding and supply the Village with some answers.

Chairman Thompson asked about the water situation on various Park Place properties. The Lange representative feels the beaver dam caused the change in water on Park Avenue.

The Village Attorney would like a timetable for the roadway construction. Brad Schwartz said this depends on the DOT. He will submit periodic updates on the DOT process.

Chairman Thompson asked for a motion to approve application with a conditional approval.

The Village Attorney is requesting a letter from applicant to seek an extension while awaiting DOT approval, if necessary. The conditions from the 2005 agreement are – stormwater, maintenance of covert at Park Avenue and Quail Road, concrete sidewalks, scheduling of drainage improvements, signment to client. Attorney asked if Quail Road will be used as a temporary construction entrance. Ashley Ley responded that there will be two temporary access areas.

The Village Engineer would like to be kept informed of all activity with DOT; updated designs and traffic signals must all be resubmitted to DOT.

Ashley Ley requested approval to do tree clearing this winter. The Village Engineer requested the tree location law be adhered to, trees marked, have a tree removal plan and schedule and limit property disturbance. No tree removal until the Board has the schedule. Ashley Ley responded that there is no firm schedule.

Member Hardiman and the Village Attorney expressed concern with drainage and would like no tree removal until the drainage situation is remedied. Brad Schwartz responded that the stormwater facilities have not changed since the original approval of road improvement at the intersection. The tree clearing is necessary at this time so construction can commence when DOT gives approval—the trees will be cut but the stumps will not be removed to limit land disturbance. The active SWIFT was transferred to the new owner and is being updated. Village Engineer has seen no changes for SWIFT since 2017. Sediment control will be in place prior to dropping trees.

A motion was made by Joe Hardiman and seconded by Susan McDonough for reapproval of site plan subject to 2005 which is the obligation of the new owner including -- tree removal, sediment control, sidewalk improvements, signage, lighting, all updates forwarded to the Planning Board, all drainage improvements on site plan prior to the use of Quail Road. All in favor. None opposed. Motion carried.

Petition to Amend the Village's Comprehensive Plan and MU-1 Zoning Code

Ira Emanuel of Emanuel Law, 4 Laurel Road, New City, New York along with Brian Brooker of Brooker Engineering/Weston Sampson, Lafayette Avenue, Suffern, New York, presented the petition. This petition was referred to the Planning Board by the Village Board after the applicant's initial presentation. The MU-1 district is located on the northern part of Route 17 on the West side. There is a multi-family component to zoning. Road improvements have been made as well as sewer installation. The request is for a new use in MU-1 as multi-family residence with 200,000 square feet

per assemblance and land width of 100 feet with a density of 12 units per 8 including on-site parking of 2.2 spaces per unit plus guest parking. The total acreage is 6.02 acres net after elevation feature subtraction. This petition needs Planning Board recommendations to the Village Board to proceed. Village Attorney stated the Planning Board is not here to approve but to give feedback to the Village Board. The Village Board is addressing this proposal with a planner. The Planning Board will wait for the Planner's input before presenting recommendation to the Village Board.

A motion was made by Joe Hardiman and seconded by Susan McDonough to approve the July 18, 2023 meeting minutes. All in favor. None opposed. Motion carried.

A motion was made by Joe Hardiman and seconded by Lynn DelDuca to approve the September 19, 2023 meeting minutes as amended. All in favor. None opposed. Motion carried.

A motion was made by Tom Dodrill and seconded by Lynn DelDuca to approve the November 21, 2023 meeting minutes as amended. All in favor. None opposed. Motion carried.

A motion was made by Lynn DelDuca and seconded by Doug Volpicella to adjourn meeting. All in favor. None opposed. Motion carried.

Jane Thompson

Jane Thompson, Clerk