Lange Planning and Consulting

Land Use, Environment, & Sustainability Planning

**DATE: 7/8/2024**

**Re: NPV Comment Letter regarding Stonehenge 12 Lot Subdivision**

**To: Village of Montebello Planning Board**

This office is in receipt of a letter received earlier this morning from Jonathan Lockman, Village Planner from Nelson Pope Voorhis. Please find a point by point response to the salient comments.

Comment 1: It appears that no changes to the Montebello zoning code have been made that would affect the compliance status of the 2019 lot pattern, road layout, and table of bulk requirements.

Response: Concur

Comment 2: Per comment 2 of our previous memorandum dated June 3, 2024, Sheet 5, the existing conditions plan should be updated with a new revision date and stamped by the engineer of record to reflect the removals of the horse barn and pens which already occurred several years ago.

Response: On sheet 1, Note 21 indicates that the buildings were removed and that the demolition permit by the Village has previously been closed out.

Comment 3: Regarding comment 3 of our previous memorandum, a version of the Final Subdivision Plat has been submitted, dated July 1, 2024. Note 30 indicates that the survey was performed on November 20, 2018. Section §163-31.B.(9) states that “All information submitted shall be based upon a certified survey made within one year of the filing of the application for preliminary approval with the Clerk.” At its June 11, 2024, meeting the Planning Board requested an updated survey. The applicant should request in writing a submission requirements waiver from the Planning Board if it wishes to rely upon the 2018 survey information or provide an updated survey.

Response: We have requested that the original survey be used; we provided a letter from the surveyor that the boundary remains unchanged

Comment 4: Per comment 5 and 11 of our previous memorandum, the applicant has made a SEQRA part III submittal in response to the Part II form adopted by the Planning Board at its June 11, 2024, meeting. We have no problem with this submittal. According to §163-11. A.(4).(a), the Planning Board must first issue a Negative Declaration of Environmental Significance, prior to finding the Preliminary Plat application to be complete. Once the Village Engineer is satisfied with the SWPPP submission, we can prepare a negative declaration document for the Planning Board’s consideration. See SEQRA comments below.

Response: A negative declaration should be prepared for the meeting as all required items have been provided and the Village Engineer informed us that he has no issues with the SWPPP.

Comment 7: Per comment 10 of our previous memorandum, willingness to serve letters for water and sewer should be provided from Veolia and RC Sewer District #1 and Town of Ramapo DPW. We had previously received willingness to serve letter for the 12, 24 and 19 lot versions previously submitted.

Response: Veolia, RCSD #1, and the Town of Ramapo have issued letters – copies are attached. No capacity issues exist so that the NEGDEC can be prepared for the meeting with any conditions required.

Comment 11: Water and sewer utility agencies must review and approve utility construction details.

Response: Noted; Veolia approvals for construction plans are still valid.

Comment 12: Covenants to protect the preservation area and historic buildings on lot 1, as well as the preservation area on lot 12 should be prepared and submitted. The applicant should discuss with the Planning Board attorney at what point such deed wording should be prepared.

Response: Discussions have been initiated between attorneys and will be finalized prior to the map being signed.

Comment 13: Note 21 of the plat indicates that the road will be dedicated prior to the issuance of the CO for the last two dwellings. The form and timing of the road dedication documents required to be submitted should be discussed with the Village Attorneys.

Response: Discussions have been initiated between attorneys and will be finalized prior to the map being signed.

Comment 14: The applicant has indicated that it will make payment in lieu of land to meet the recreation standards required by §122-2. This should be a condition of the signing of the final plat.

Response: Agree

Comment 15: Section §163-12.A.(1).(h) requires that the final subdivision application be accompanied by all required inspection fees.

Response: Agree

Comment 16: Section §163-12.B states that endorsement of the County Health Department is required before Final Planning Board approval.

Response: Agree; according to Ms. Mello, she will stamp approval by the Health Department prior to the map being recorded.

Comment 17: Section §163-12.E states: “All public improvements shall be installed and dedicated prior to the signing of the subdivision plat by the Chairperson of the Planning Board. The Planning Board, in its discretion, may waive such requirements and require instead that prior to signing of the subdivision plat by the Chairperson of the Planning Board, adequate security shall be posted in an amount established by the Planning Board based upon the recommendation of the Village Engineer, which security shall be submitted by the applicant at the time of application for subdivision plat approval.” The applicant should indicate how the installation of improvements shall be guaranteed, whether by bonding, a letter of credit, or by fully constructing all improvements prior to signing the final plat. See §163-15. The form and timing of any documents required to be submitted should be discussed with the Village Attorneys.

Response: This will be a condition of approval

Comment 19: Please submit a revised FEAF part 1 form, with the following changes…

Response: This was previously submitted to the Village – a copy is attached.

Comment 21: We recommend the acceptance of the Part III submittal once the engineer has completed his review of the SWPPP. Once the Village Engineer is satisfied with the SWPPP submission, we can prepare a negative declaration document for the Planning Board’s consideration.

Response: The Village Engineer has indicated no SEQRA related issues and a NEGDEC should be prepared for the meeting.

Comment 26: Regarding comment 6 of our supplemental memorandum of May 13, 2024, the private home proposed for lot 12 will now contain a stormwater treatment pond which will serve the entire subdivision. The maintenance of such a pond typically is the joint responsibility of the homeowners. The lot also includes a 2+ acre preservation area. An email from Michael Klein, Esq., the applicant’s attorney, to Alyse Terhune, Esq., the Planning Board attorney states: “While the developer, Mr. Amona, originally contemplated having the eventual homeowner of Lot 12 be solely responsible to maintain this (stormwater treatment pond), he now proposes to create a homeowner’s association of all 12 lot owners for the limited purpose of maintaining the drainage area. The HOA, to be created upon Planning Board approval of this arrangement, will accept an easement to be recorded specifying its ongoing maintenance/repair responsibility, and Lot 12 will be encumbered by this easement. Hopefully, this arrangement will allay concerns some Planning Board members expressed about a responsible entity being in place in perpetuity for this purpose.” We find this to be a welcome development. HOA documents allocating responsibility for maintenance of the stormwater pond should be submitted prior to signing of the final plat unless the Planning Board wishes to review these documents prior to preliminary approval.

Response: Since the HOA will be created, this can be included in the conditions for approval.

Since the issues remaining can be addressed by either our responses or by conditions of approval, we look forward to receiving both preliminary and final approvals as the Village has done in the past.

Should you have any further questions, please do not hesitate to contact this office.

Kind regards,

John F. Lange,

Project Planner