

The Planning Board of the Village of Montebello held a meeting on Tuesday, February 14, 2017 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Caridi called the meeting to order at **7:15 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Anthony Caridi, Chairman
Michael Iatropoulos, Member
Donald Wanamaker, Member
Thomas Ternquist, Member
Stan Shipley, Ad Hoc

OTHERS

Ira Emanuel, Assistant Village Attorney
Martin Spence, Village Engineer
Maximillian Stach, Village Planner
Regina Rivera, Planning/Zoning Clerk

ABSENT

Jane Burke, Vice Chairperson, Member

Member Iatropoulos made a motion to approve the minutes of January 10, 2017, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

**Montebello Crossing – Public Hearing, continued
Site Plan/ Subdivision, Amended Site Plan
250 Lafayette Avenue, Montebello, NY**

Application of Montebello Crossing, LLC, 100 Dutch Hill Road, Suite 340 Orangeburg, New York, for 250 Lafayette Avenue, Montebello, New York. The applicant is proposing a mixed use development consisting of a 132 unit, 200 bed assisted living facility, a 14,600 square foot CVS pharmacy with drive-through, and a 10,000 square foot office building. The project will also consist of amending the site plan for Hemion Holdings shopping center to the east of the site. The property is located at 250 Lafayette Avenue, on the North side of Route 59, approximately 350 feet west of the intersection of Hemion Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.10, Block 1, and Lot 2 in the R59 DD Zone.

In attendance was the applicant Howard Josephs of Montebello Crossing and Hemion Holdings, Paul Baum, attorney for the applicant, and Brian Brooker, Engineer for the applicant.

Mr. Baum mentioned agency responses received to date, noting that the GML review has not yet been received. The Planning Clerk said it has not been a full 30 days, the time in which Rockland County Planning requires. Mr. Baum also noted that Mr. Ellsworth raised objections to the procedure through which the Village Board and the Planning Board are reviewing this application (copy of letter dated 2/14/17 from Richard Ellsworth, Esq. on behalf of the Tagaste Monastery on file).

Responding to comments by the Board at the last meeting, Mr. Baum stated that they have updated the site plan, revised 1/24/17, submitted a Traffic Impact Study completed by Maser Consulting dated January 16, 2017, and submitted a Drainage plan as well as an aerial of the property and the adjacent structures. (Copies on file) Mr. Baum said he hoped all the concerns were addressed and that the goal for this meeting is to be able to advance the SEQRA process, noting that the Planning Board will make a recommendation for an EAF Part 2 to the Village Board, which is having Public Hearing on this application February 21, 2017.

Member Iatropoulos noted that the Traffic Study did not seem as specialized as he thought it should be and wondered if it properly reflects the unique constraints of the locale. Mr. Brooker

answered that the Village Traffic consultant, Mr. John Sarna, is currently reviewing the study and that, being familiar with the Village traffic patterns, will be guiding the Board.

Member Iatropoulos directed a question to Mr. Stach, asking if this proposal will be part of the Village Comprehensive Plan currently being reviewed. Mr. Stach, who sits on the current Comprehensive Plan Commission, said that to his knowledge there has been no recommendation for a change to this site, adding that this proposal is consistent with the recommendations in the 2009 Comp plan and will likely be consistent with the revised plan.

Member Iatropoulos then asked if Tagaste Monastery, to the west of the parcel, serves as a Parish church with weekly masses citing his concerns about the traffic on weekends, which isn't reflected in the Traffic Study. Mr. Emanuel suggested that if the Board thinks a Sunday study is appropriate, it should be made known to the applicant and that Mr. Sarna, should be asked to consider a Sunday study in his review of the TIS. It may very well be that although you experience high traffic volumes on Sundays, Mr. Emanuel posited, it is nowhere near the volume of traffic at weekday peak hours. Member Iatropoulos noted there is a library, a hospital, and a church and that all can contribute to traffic congestion.

Mr. Emanuel asked Mr. Stach to ask John Sarna whether or not Sunday traffic should be included in the study.

Mr. Brooker then presented an overview of the requested changes to the Site Plan, including preliminary grading and general drainage for storm water to the retention basin, an additional sidewalk around the Assisted Living Residence and crosswalk, and alternate emergency vehicle access connections within the project. Mr. Brooker said they examined the alternate emergency access from the Ozark Realty property on Hemion Road but found no major advantage, noting that the elevation is higher, drainage would be a problem and they would need another retention basin. Mr. Brooker also mentioned the added grading and tree plantings, a proposed terraced berm at the western border, and an added fire truck turn-in for emergency vehicle access.

Ira Emanuel asked if these plans were sent to the FD. The Planning Clerk answered yes, and that the fire chief had planned to attend this public hearing

Mr. Baum added that, as per the Planning Board's request at the January meeting, they included a staffing chart for the Assisted Living Residence showing the number of employees and parking spaces for shifts illustrating that the proposed parking is adequate.

Chairman Caridi asked Mr. Spence to summarize his memo dated February 13, 2017 (copy on file). Mr. Spence noted that applicant has provided a 16 foot fence between the property and railroad, around the retention basin, and around the memory care ward in the rear of the building. He noted too that lighting and landscaping is not shown, adding that the Board will want to see the types of fixtures to be sure they meet specifications for site plans and subdivision as well as compliment the mixed use nature of the proposal. Most critically, he said, is drainage, adding that more detail is needed to provide further comments, particularly regarding the retention basin at the Northwest corner. Mr. Spence asked if they intended to extend the sidewalk all along Route 59. Mr. Brooker said they did.

Mr. Spence then noted that a Wetlands and Streams permit is required as part of the planning board process because there are several isolated wetlands on the property. Mr. Brooker interjected that Village law states that a permit is required for "any freshwater wetland one tenth of an acre or larger, adding that none of these patches of wetlands exceed that threshold.

Mr. Brooker reiterated that Village Local Law does not regulate wetlands below a tenth of an acre. Mr. Emanuel checked the wetland law during the meeting and conceded that Mr. Brooker's assertion is correct.

Chairman Caridi suggested that the applicant use Mr. Spence's report as a guide as they revise their Site Plan. Mr. Brooker asked about the timeline, stating that the comments will be addressed but wondered if revisions should be made before or after the zone change. Mr. Baum said he felt they would need to get the zone change approval.

Mr. Caridi reminded Mr. Baum and Mr. Brooker that procedurally and legally, they are right now reviewing this for recommendation to the Village Board, explaining further that these meetings are conducted for review of the current information, not for final Site Plan review. The focus for now should be on SEQRA Part II review, he said, and that there are a number of items that will be revisited once formal Site Plan review begins.

Mr. Stach provided a memo dated February 14, 2017 with his recommendations for Part 2 of the Full Environmental Assessment Form identifying and defining environmental impacts (copy on file). Chairman Caridi suggested the Board use Mr. Stach's concise report for this review and all agreed. After reviewing his recommendations, Mr. Stach advised the applicant that all areas of environmental impact should be addressed in a proposed draft Part 3, which will then be considered by this Board. Ultimately, he explained, the Village Board as Lead Agency is responsible for the information in Part 3 even if it's originally prepared by the applicant. Therefore, the Planning Board needs to ensure that all the elements in Part 3 reflect their intended recommendations. Mr. Stach added one item not identified in the draft Part 2, which is the need to consider the impact to archeological resources.

Mr. Stach said that if the Board concurs with the identified areas of potential impact on Part 2, they could make a motion to recommend this Part 2 be adopted by the Village Board, with the change that item 10b on page six be marked as a moderate to large impact on archeological resources.

Member Wanamaker asked why item 18f was not identified as construction will impact the large trees and the natural landscape. Mr. Stach answered that the trees are retained with a 50-foot buffer. He advised however that item 18f can be checked off as well if he wants the applicant to address this. Member Wanamaker said he would like to check off 18f as a moderate to large impact.

Member Ternquist made a motion to recommend Part 2 of the EAF to the Village Board, seconded by Member Iatropoulos. Upon vote the motion carried unanimously. Chairman Caridi opened the public hearing.

No one wishing to speak, Member Iatropoulos made a motion to continue the public hearing to the March 14, 2017 Planning Board meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Ozark Realty, LLC/Care Security Systems – Public Hearing
Amended Site Plan
7 Hemion Road, Montebello, NY

Application of Ozark Realty, LLC/Care Security Systems, 7 Hemion Road, Montebello, NY for an amended site plan. Applicant is proposing an addition on the side of the existing garage building on the property to provide medical and professional office space. The Property is located at 7 Hemion Road, on the west side of Hemion Road, approximately 200 feet north of Route 59 in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.10, Block 1, Lot 4 in the PO Zone.

In attendance were the applicants Abe Schwab and Nathan Schwab of Care Security Systems, and the applicants' engineer William Youngblood of Sparaco & Youngblood, PLLC.

Mr. Youngblood stated that many of the issues brought up at the last Planning Board meeting, as well as comments from the Town of Ramapo DPW and Sewer District #1 and Village Engineer Martin Spence, are being addressed. He noted further that he consulted with the Tallman Fire Department who confirmed that the turning radii presented in Site Plan as presented here are acceptable.

Mr. Youngblood reiterated that they are proposing a new two-story addition to the rear of the existing eight-car garage approved in 2012 by this Board. He maintained that parking has been an issue and that they commissioned a parking study as per the Board's suggestion. Referring to the parking study completed by Harry Baker & Associates dated January 30, 2017 (copy on file), he noted that Village Code requires 56 spaces for the existing and new building, and that they are providing 65 parking spaces.

Chairman Caridi asked Mr. Spence to summarize his memo dated February 13, 2017 (copy on file). Mr. Spence noted that the proposed emergency access at the western border of the parcel, through the Montebello Crossing project was, as evidenced by that applicant's previous presentation, not feasible, adding that that area will therefore remain green and untouched. He also noted that the applicant may want to reconsider the dumpster enclosure, questioning whether one dumpster was enough. Mr. Emanuel agreed, noting that since it is a medical office building, there may be more refuse generated than an ordinary office building. Mr. Abe Schwab suggested that they could perhaps have an extra garbage pickup per week, to which everyone agreed.

Mr. Spence, referring to the parking study, noted there is a low percentage of spaces filled and there are more spaces than the required minimum. Mr. Youngblood said they could reduce the number of spaces but feels more would be better, further pointing out that eight of those parking spaces are in the existing garage and meant for Care Security System vehicles only. When asked where the employees will park their own cars, Mr. Schwab said that the employees are encouraged to take the vehicles home to save parking spaces. Mr. Emanuel said that some of the numbers are of concern to him and advised that the parking study be sent to Village Traffic consultant Mr. Sarna for review.

Mr. Stach summarized his memo dated February 14, 2017 (copy on file) noting several corrections are needed on the application and the Site Plan. His first comment was based on Montebello Crossing's statements that it wouldn't be easy to interconnect, he said, and asking them to continue to propose the access doesn't make sense anymore. Mr. Stach also clarified that the items noted as planters in the parking lot are actually planting island and should be labeled as such on the Site Plan. The latest Planning Board application, he noticed, was modified, but the

date was not and should be corrected. The current description of the project in the EAF states this is an addition to the existing garage, but instead should be noted as “Site Plan approval for the construction of a 10,753 square foot office building.” Finally, he said, the Consolidated Rail Corporation was identified as an involved permitting agency when in fact they have no authority over this application.

Mr. Stach said he prepared a Notice of Intent to declare lead agency, explaining that this process will begin and can be adopted by the Board tonight and circulated to the Town of Ramapo DPW, Sewer district #1, and Highway Department. Once the EAF Part 1 is corrected, it will be added to the application for circulation. Part 2 of the EAF cannot be adopted at this time, he said, because the Board cannot assume lead agency status for 30 days after adoption of Notice of Intent, but he wanted to identify to the applicant what is needed, he said.

Part 2 identified two items: that they are in area of high archeological sensitivity and that there is a potential presence of endangered and threatened species. Mr. Stach explained that the protocol is for applicant to reach out to New York State DEC and Historic Preservation. If previous disturbance to site can be documented, he said, that is adequate. Otherwise the applicant will have to prepare a Phase I cultural, or provide evidence to this Board as to why there could not be significant impact to cultural resources. Likewise, he explained, they will either have to investigate the presence of endangered species or demonstrate there is no danger. Mr. Youngblood said he would get started and make the requested necessary changes to the Site Plan.

Member Iatropoulos made a motion for the Planning Board to declare Lead Agency, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Referring to the EAF Part 2, Member Wanamaker noted that 35 mature trees will be removed and asked the applicant to submit a tree schedule distinguishing between coniferous and deciduous trees, sizes, species and location.

Chairman Caridi noted that in 2012, the garage was approved as a stand-alone building solely for parking and added storage, and asked the applicants how they are now incorporating it into a new office building. Mr. Youngblood noted that the new building is actually attached to the garage. Chairman Caridi said that was his point and that he feels it is no longer just a stand-alone garage. Mr. Youngblood said that it would be an office building with an attached 8-car garage. Chairman Caridi said he should have submitted plans as a modified existing two story structure.

Mr. Stach said it was proposed in the EAF as an addition to the Garage. Mr. Abe Schwab asserted that the use of the garage is not changing at all. Chairman Caridi said it could easily be changed with some modifications. Mr. Emanuel pointed out that there is a fire wall between the garage and the addition. Chairman Caridi said he was concerned over the possibility of transforming the usage and suggested that they submit it as either a modification to the existing building, or as a stand-alone building.

Mr. Stach suggested to the Chairman that Mr. Youngblood provide a map note that states the existing garage will only be used for parking and there will be no restrooms or other facilities. Mr. Emanuel asked the applicants if they were planning any interior connection between the garage and the office building. Mr. Schwab said they were but for emergency access only. Mr. Emanuel suggested that, to address the Chairman’s concerns, they include a map note for the existing garage referring to the resolution from 2012 approving that garage. (Resolution attached)

Mr. Stach told the Board that this issue was discussed at CDRC. Prior to this, the Garage building qualified as an accessory use. After this, it will be considered a principal use.

Mr. Youngblood said that Note #13 on sheet one of the 2012 Site Plan contains the language suggested here. Mr. Emanuel said that note should have been carried over to the current Site Plan without the Board having to ask. He then advised that the applicants review the prior approved Site Plan and carry all appropriate notes from the prior approved Site Plan to the current proposed Site Plan, asking Mr. Spence to review the notes carefully once they are done.

Chairman Caridi opened the Public Hearing. No one wishing to speak, Member Ternquist made a motion to continue the public hearing to the March 14th Planning Board meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

New Business:

Member Ternquist made a motion to accept the corrections to the December 13, 2017 Planning Board Minutes concerning Suez Water of New York (attached), seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

Member Ternquist made a motion to adjourn the meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously. The meeting adjourned at **8:50 p.m.**

Resolution PB-02 of 2012
Granting Approval of a Final Amended Site Plan entitled
“Ozark Realty, LLC”

WHEREAS, an application for approval of a Final Amended Site Plan entitled “Ozark Realty, LLC,” consisting of 1 sheet, dated January 10, 2012, and last revised February 1, 2012, has been presented by Ozark Realty, LLC; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act this is a Type II action, as the proposed new construction is for less than 4,000 square feet of building area; and

WHEREAS, on February 9, 2012, the Rockland County Planning Department recommended modifications to the proposed site plan; and

WHEREAS, a public hearing on this application was held, pursuant to due notice, on February 14, 2012;

NOW, THEREFORE, be it

RESOLVED, that the Final Site Plan presented by Ozark Realty, LLC, entitled “Ozark Realty, LLC,” dated January 10, 2012, last revised February 1, 2012, consisting of 1 sheets, affecting premises known as Section 55.10, Block 1, Lot 4, 4.1 and 4.2 on the Tax Map of the Town of Ramapo, be and hereby is approved, subject to the following conditions:

1. Rockland County Planning Department recommendations and conditions as stated in its memorandum dated February 9, 2012, except recommendation #5, which was overridden for the following reason:

A review of the topography of the site shows that the elevation of the parking area nearest to Hemion Road is significantly lower than the pavement of Hemion Road. Therefore, any headlights shining from the parking area would shine onto the embankment, and not into vehicles traveling along the road. There is no need for mandated additional screening, although the applicant is not precluded from providing same.

2. Applicant is to add a new map note: "There shall be no habitable space created in the upper level of the proposed garage, nor shall it be subdivided by walls without the approval of the Planning Board."

3. Applicant to comply with items S-1 through S-5 of the Village Engineer’s memorandum dated February 13, 2012. If applicant is to improve and re-stripe the parking area, then applicant is to comply with additional items S-6 and S-7.

4. Applicant is to correct the property boundaries on the plan and to show the existing easement for parking and access across the former roadbed of Hemion Road.

5. The garbage disposal unit is to be relocated to the southwest corner of the parking area and enclosed.

6. Sign lighting shall be mounted on the top of the sign, facing downward onto the sign, in a manner similar to that used for the existing sign, subject to the approval of the Village Engineer.

7. The applicant has agreed to upgrade plantings around the entry drive, along the Hemion Road frontage, and within the site, subject to the approval of the Village Engineer.

8. All other applicable site plan requirements set forth in the site plan regulations of the Village of Montebello.

MOTION: Chairman Rubin

SECOND: Member Iatropoulos

Upon vote, the Resolution carried unanimously.

**Addendum to the December 13, 2017 Planning Board minutes, approved at the
February 14, 2017 Planning Board Meeting:**

**Buck, Seifert & Jost on behalf of Suez Water New York, Inc. - Public Hearing
Site Plan, Stream and Wetlands Permit
270 Grandview Avenue, Montebello, NY 10901**

Application of SUEZ Water New York, Inc., 360 West Nyack Road, West Nyack, NY 10954, for approval of a Site Plan and a Stream and Wetlands Permit, entitled “Water Treatment System, Grandview Well Nos. 67 and 78.” The applicant is proposing the installation of a new single arsenic removal treatment system. The subject property is located at 270 Grandview Avenue, on the south side of Grandview Avenue, approximately 1000 feet west of the intersection of Spook Rock Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 40.20-1-7 in the RR-50 Zone

1. During our testimony Mr. Spence asked if there is any storage of materials on-site. The SWNY team noted that sodium hypochlorite for disinfection and seaquest for corrosion control are currently stored on-site and this will remain unchanged for the new treatment system. The meeting minutes note the only chemical to be stored on site is sodium hypochlorite. We wanted to make sure the board and public understand that two chemicals are currently on-site and this will be unchanged after the new project is completed. We noted that both chemicals stored onsite will be relocated to the new building being constructed.
2. In addition, Board Member Burke asked if there is an emergency generator on-site. Our response was a quick connect panel is currently on-site and when needed a standby generator is brought to the site temporarily until power is restored, this will remain unchanged. A permanent stand-by generator is not being added as part of this project. It shall only be brought to the site during an emergency.
3. During the testimony, we noted that the wells are used mostly in the summer months for peak loads and the meeting minutes reflect this. However after reading the minutes, we wanted to be clear that they are currently operated this way in peak summer months, but SWNY reserves the right to operate them throughout the year or during times of emergency. We wanted to remind the board and public of this.