

The Planning Board of the Village of Montebello held a meeting on Tuesday, January 9, 2018 at The Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, New York. Vice Chair Jane Burke called the meeting to order at **7:17 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Jane Burke, Vice Chairperson, Member
Michael Iatropoulos, Member
Thomas Ternquist, Member
Donald Wanamaker, Member
Stan Shipley, Ad Hoc/Member

OTHERS

Ira Emanuel, Asst. Village Attorney
Max Stach, Village Planner
Martin Spence, Village Engineer
Regina Rivera, Planning/Zoning Clerk

ABSENT

Anthony Caridi, Chairman

Member Ternquist made a motion to approve the minutes of December 12, 2017, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

**Raymour & Flanigan —Public Hearing
Generator
30 Dunnigan Drive, Montebello, NY**

Application of Suffern CDC LLC, C/O Neil Goldberg, 7248 Morgan Road, Liverpool, New York 13088, for an Amended Site Plan entitled “Raymour & Flanigan, 22 Hemion Road” to add a generator to the site. The subject property is located on the east side of Hemion Road, 1300 feet north of the Piermont Branch Erie Lackawanna Railroad in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.06-1-3.1 in a PI Zone.

The applicant requested an adjournment until the February Planning Board meeting. Member Ternquist made a motion to continue the Public Hearing to the February 13, 2018 Planning Board meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

**84 Viola Road, LLC—Public Hearing
Wetland & Stream Protection Permit
84 Viola Road, Montebello, NY**

Application of 84 Viola Road LLC, 2071 Flatbush Avenue, Suite 22, Brooklyn, New York 11234, for a Wetland and Stream Protection Permit in order to allow a foot bridge installed on the property to remain. The subject property is located on the north side of Viola Road, approximately 500 feet west of Spook Rock Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 49.05, Block 1, Lot 17 in a RR-50 Zone.

The applicant requested an adjournment until the February 2018 Planning Board meeting. Member Ternquist made a motion to continue the Public Hearing to the February 13, 2018 Planning Board meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

Loren Ware – Public Hearing--Continued
3-Lot Subdivision and Stream and Wetlands Permit
10 Wilbur Road, Montebello, NY

Application of Loren Ware, 5 Cragmere Road, Suffern, New York, for approval of a Subdivision and Wetlands and Stream Protection Permit entitled “Ware Subdivision.” The applicant is proposing 3 separate lots each with a single-family dwelling with driveway access from Wilbur Road. The property is located on the South side of Wilbur Road, approximately 700 feet west of the intersection of Haverstraw Road (Route 202) in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 40.20, Block 1, Lot 5 in an RR-50 Zone.

The applicant requested an adjournment until the February 2018 Planning Board meeting. Mr. Emanuel reminded the Board that the applicant will have to re-notice and re-post the public hearing. Member Ternquist made a motion to continue the Public Hearing to the February 13, 2018 Planning Board meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

Stonehedge Heights Corporation – Informal Discussion
Stonehedge Farm Subdivision
220 Spook Rock Road, Montebello, NY

Application of Stonehedge Heights Corporation, 130 East Route 59, Spring Valley, New York, for an informal discussion on the proposed residential subdivision “Stonehedge Farm.” The property, consisting of 11 lots on 16.68 acres, is located on the east side of Spook Rock Road approximately 500 feet south of Topaz Court in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 49.13, Block 1, Lot 13 in an ER-80 Zone (Rural Preservation Overlay District).

Present were the applicant Mr. Marsel Amona, his Engineer, Stuart Strow of Brooker Engineering, and Mr. Amona’s attorney Ms. Deborah Loewenberg. Mr. Strow said that they requested an informal discussion to introduce, or re-introduce in some cases, the project and discuss the concept. This project was before the Board in 2008 and never gained any approvals. The process begins anew, he said, beginning with addressing the special zoning of the property.

The parcel, which was until recently used as a horse stable, is 16.6 acres located on the east side of Spook Rock Road across from the Spook Rock Golf Course located in the ER-80 Zone in the Rural Preservation Overlay District (RPOD). The purpose of the RPOD is to preserve the 200 feet from the right of way along the corridor of Spook Rock Road, he explained. The zoning in this district also calls for preservation of structures which is why the existing house on Lot #1 on the northwest corner of the property will be preserved, he said.

The plan now before the Board shows lots with a minimum of 25,000 square feet, the largest being 80,000 square feet. Mr. Strow explained the zoning procedure of the ER-80 Zone, the essence of which is the same as an average density. It calls for an applicant to plot out an RR-50 plan of lots and in order to compute allowable density, they must then plot out a map that conforms to the RR-25 regulations. Mr. Strow then showed the Board an example of a standard 11-lot subdivision in an RR-50 zone and explained that the RPOD allows the reduction in size of the 11 lots in order to place them in an area outside the 200 foot preservation area and, in effect, allowing them to conform to

the average density requirements of lots of approximately 25,000 square feet at minimum or, in other words, conforming to lot sizes in the R-25 zone. The Board has a little flexibility in terms of bulk requirements that would be allowed, he said, adding that the applicant is asking for some adjustments and waivers on these bulk requirements.

Mr. Strow said the layout of the development was designed to utilize the existing driveway to enter the property; in this case they are proposing to widen the road to 26 feet and therefore causing the least amount of destruction of the 200 foot corridor.

Regarding variances, Mr. Strow explained that the property has a wetland in the rear corner which reduced the lot area required. Waivers will be needed in order to reduce required road frontage on the lots around the curb of the road and around the cul-de-sac. The Code has a provision that allows for a 50% reduction in the road frontage, he said, so the applicant will also ask for lot width reductions for some of the lots.

Given an overview of the project, Mr. Strow said, we are here to answer all your questions on zoning and are interested in hearing feedback on the layout. We will then take all feedback into consideration and come back to the Board with a formal application for a Preliminary Subdivision, he said.

Mr. Emanuel discussed some procedural preliminary matters and offered some background on this application, stating that it appeared before the Planning Board (PB) five times in 2008. Back then, he said, the PB declared Lead Agency and approved the EAF Part II. Mr. Emanuel recommended that the applicant submit a new Long Form EAF as some things may have changed. With respect to RPOD, he continued, the Board must first look at the standard RR-50 layout to be sure it is an approvable layout, and, assuming the standard RR-50 layout appropriately yields eleven lots, they must keep in mind that eleven is simply the maximum number of lots. The applicant must still prove that eleven lots can be done appropriately as a cluster subdivision, he added.

Mr. Emanuel also said that Mr. Strow was correct in his description of relief granted under the Village Code with respect to lots on curves and cul-de-sacs, adding that the Code addresses the R-25 cluster with a lot of flexibility. Mr. Emanuel said that any Member on the Board during the Fant Farm Subdivision review will remember the application coming back a number of times to seek lot-line adjustments to accommodate drainage between lots, which the Board easily accommodated. There are many similarities here, he said, but asked the Board not to get tripped up on the number of lots in the bulk table in the R-25 zone for single-family homes. They should only be your guidepost, he explained, adding that if the bulk table demands a 35-foot setback but 5 is proposed, that would warrant further review. But if it's only a few feet difference, the Board is within their rights to accept it so long as it is properly explained, he said.

Member Iatropoulos requested to see all the CDRC minutes from the inception of this project until now. Mr. Emanuel said that they should have all received the minutes from the December 2017 CDRC during which the applicant said the plans had not changed from 2008, and agreed that the Board should familiarize themselves with all the past CDRC and Planning Board minutes to understand how the application got to where it is now, what choices were made and why, and whether or not these choices remain valid, he said. He then asked the Planning Board Clerk to send all past minutes for this application to the Board members.

Mr. Spence said that the plans back in 2008 were more developed than those presented now and asked if the layout is consistent to the original submittal. Mr. Strow said there are slight differences, specifically the entrance of the road is shifted a bit further north. However, he added, the 2008 plan was submitted as a formal preliminary subdivision which had all the necessary requirements and details.

Mr. Spence said that there are wetlands on the south part of the parcel and asked if there will be any encroachment into the 100-foot regulated areas that will necessitate a Stream and Wetlands Protection Permit. Mr. Strow answered that there is no disturbance to the wetland but there will be a disturbance in the 100-foot buffer for the sewer line that would run across the southerly lots, similar to the plan from 2008. Mr. Spence asked if all the dwellings have gravity sewer, to which Mr. Strow responded yes. Mr. Spence asked if this is within the Drainage agency jurisdiction. Mr. Strow answered it is not.

Mr. Emanuel said, with respect to the buffer area intrusion, that a separate wetland permit is not needed, but that all the requirements of the wetlands permit need to be addressed. He then advised Mr. Strow to review the wetlands law and return with a narrative that addresses all the requirements. There is a general permit that provides for all the exclusions similar to the [Army Corps of Engineers] Nationwide Permit, he explained, and it's in our Wetlands code. Mr. Emanuel advised Mr. Strow to explore all the ways of configuring the development to comply. Mr. Strow said he will look into it, particularly if it offers a way of possibly avoid disturbing the buffer with the sewer line.

Mr. Emanuel pointed out that the Wetlands are shown on the plans but the regulated areas are not. Mr. Strow said the regulated area will be included in the formal submission, adding that the wetlands were delineated in November 2017. Mr. Emanuel asked if anything came back from the Army Corps of Engineers, to which Mr. Strow replied no, but they will go back to the Corps to get jurisdiction.

Mr. Spence asked the planned use of the existing dwelling on Lot#1. Mr. Strow said it will remain a single family dwelling. Mr. Spence asked if any variances will be needed. Mr. Strow said it was plotted as part of the overall development and the setback lines and lot lines were set to avoid variances.

Member Ternquist asked about the accessory buildings on the property. Mr. Strow said that all the other existing dwellings associated with the horse farm will be removed as well as all pavement and pervious surfaces. Those areas will be reclaimed as landscaped grassed areas, he said, and the initial calculations indicate there will be a small reduction in pervious surfaces overall.

Referring to the bulk table, specifically the development coverage and floor area ratio (FAR), Mr. Emanuel noticed that the tables do not reflect the dimensions for each of the lots, and added that it would be appropriate to calculate them. Mr. Strow said the houses shown are reflective of the houses the applicant wants to build but agreed to provide measurements based on the houses per lot. Mr. Emanuel said that it would be helpful to the Board and in the long run, also to the applicant.

Mr. Stach said that the applicant would need to establish what the bulk requirements are on a lot by lot basis that provides for different standards, which is especially appropriate for a cluster subdivision with large and small lots and where development coverage and FAR will vary. While it is your right to calculate what you propose as an exercise, he said, the Board is interested in having

limits established for each lot to avoid having someone build a very large home that is not in keeping with the character of the community.

Mr. Stach reminded Mr. Strow that, as part of this zoning district, the Planning Board needs to review and approve the architectural style of the homes to ensure compatibility with the home that is to remain.

Mr. Stach then said that, while the applicant is here attempting to get an understanding of whether this layout is generally to the Board's satisfaction, Village code stipulates that a view shed analysis is required before site plan approval to establish whether or not this development accomplishes the goals of the district by maintaining the vistas along Spook Rock Road. Mr. Strow asked him to comment further on what he thinks would be satisfactory, noting that he has begun the process of such an analysis in order to illustrate what Spook Rock Road would look like before and after the development from several vantage points. Mr. Stach agreed that is what's needed, and offered that they should choose at least three locations: one approaching the site from the south, one from the north and one at the entrance.

Vice Chair Burke asked the number of houses currently on the property. Mr. Strow said there is a secondary structure formerly used as a guest house, and that the language in the code uses the word "homestead" and requires its preservation along with the original house in Lot 1. The lot was configured to do that, but everything else, including the horse stables, will be removed, he added.

Mr. Stach said that the RPOD stipulates the preservation of stone walls and fences. Mr. Strow said there are fence posts on the property. Mr. Amona said they were used for the horses but that they are falling apart. However, he added, since nothing is being disturbed in the first 200 feet, any fence posts or dead trees for that matter will not be touched

Mr. Emanuel said that the applicant and Board need to start off with the RR-50 plan and make sure it's compliant when they come in with a formal plan. There are no records indicating that the lot count was set at eleven, he added. Mr. Strow asked that be confirmed noting that he is sure the lot number was set. Mr. Emanuel said it will be checked and that he will check it against the current code to cover any changes made from 2008 until now.

Mr. Stach asked Mr. Strow if he looked at any other layouts as far as average density plan goes that would result in a more uniform lot size. Mr. Strow said he had but didn't see any better layouts primarily because they want to keep the existing entrance driveway, which is a valuable design element that also accomplishes the goal in preserving the corridor.

The Board and Mr. Strow discussed some variations as to the location of the main driveway, the possibility of some residential shared driveways and moving houses further back on the lots. Mr. Stach said currently the lots are deep and slim and there should be a way to space them out further apart. Mr. Strow agreed the houses are clustered together but noted that the layout minimizes the disturbance area. Mr. Emanuel said that on the other hand you're taking the required 20-foot side yard and dropping it down to 5-foot side yards in certain areas. Mr. Amona said this layout allows him to keep a certain look while preserving the view shed of Spook Rock Road. This configuration will also minimize the removal of bigger trees, particularly those along the entrance road, Mr. Amona added.

Member Shipley offered that there might be more room for the lots if the pool and its accessory structures were removed. Mr. Strow explained that those structures are part of the “homestead” and must therefore be preserved. Mr. Strow said another solution might be to add some flag lots, which are allowed under Village Code, to reconfigure the lot lines. Mr. Stach said the houses can perhaps be pushed further back on the lots. Mr. Strow said this was discussed but a concern is that the driveways will be very long thereby requiring a lot of maintenance. Mr. Spence said that comments at CDRC led to the idea that there could be minimum and maximum setbacks and staggering the location of the houses. Conversely, he said, a house can end up in the backyard of its neighbor that is set closer to the street.

Vice Chair Burke asked when the applicant might want to come back. Mr. Emanuel said in order for them to come to Planning Board formally, the applicant will need to have more detailed drawings. They came tonight to get a sense of what the Board wants before spending money putting together the drawings. Mr. Emanuel advised Mr. Strow to put together the preliminary drawings, a narrative and file an application, most likely in time for the March Planning Board. Vice Chair Burke said that she is not convinced this is the right configuration. Mr. Emanuel said that if she or other Members have some concerns, this is the time to discuss them. Vice Chair Burke said that she has trouble with it being an R-25. Mr. Emanuel said with all due respect, that has been imposed upon the Board, because the Village Board said that is how they want this zone to be developed. As a Planning Board member, you have to deal with the zoning code in all situations, he said, and the Village Board decided the tradeoff of the first 200 feet is worth the cluster development.

Mr. Strow asked the Board how they feel about the corridor project that is now Warren Berbit Park and about the existing structures across the street on the Fant Farm property, and asked if they think they meet the goals of the zone. This corridor looks the same as it did when I was young, he said, adding that if the Board is happy with that portion of the Spook Rock corridor, then they will be similarly pleased with this development.

Member Shipley offered that maybe a flag lot will help the configuration and alleviate the need for variances. Mr. Amona said they could do it but feels a flag lot will destroy the whole look of the development. Mr. Strow said he will create some drawings showing flag lots. The houses will be in almost the same positions but the side yard situation will be alleviated. Mr. Amona said it will not be as unified and that he prefers not to have any flag lots. Mr. Strow asked how important it is to strictly adhere to the R-25 zone and to minimize variances. Mr. Emanuel said that the primary concern is that the houses not look too close together. It may be hard to envision them based upon the scale of these drawings and it may be a good idea to look at Fant Farm Subdivision and compare the two, he said. It might behoove you to bring in plans for Fant Farm site plan for comparison.

It was agreed Mr. Strow would experiment with staggering the houses slightly to avoid crowding of the houses.

Montebello Realty LLC – ARB
Assisted Living Residence “Braemar at Montebello”
250 Lafayette Avenue, Montebello, NY

Application of Montebello Realty LLC, 800 Westchester Avenue, Suite 712, Rye Brook New York for Architectural Review for Braemar at Montebello, a proposed four-story, 200 bed assisted living residence at Montebello Crossing. The Property is located on the north side of Lafayette Avenue

(Route 59), approximately 500 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, Lot 2

Present were Mr. Richard Filaski Managing Director of the FilBen Group, operators of the Assisted Living Residence, David Mammina of H2M Architects & Engineers, and Jessica Cotellese, also of the FilBen Group.

Mr. Mammina presented the overall site plan for perspective, noting that he has spoken with CVS regarding architectural review and they confirmed that they are willing to work with FilBen on aesthetics so that the two buildings are complimentary from a design standpoint. He then went on to describe their esthetic proposal, stating that the actual form of the proposed Assisted Living Residence (ALR) building is a long U-shape that responds to the topography of the land, which has a steep drop-off in the back. The building will therefore be three stories in the front, and four stories in the back.

Mr. Mammina explained that the building is a natural traditional residential design and since the building is very long, the visual mass will be broken down by creating several staggered facades of alternating colors of architectural shingles and alternating gables and mansards, thereby causing varied height between the sections. Though the roof itself is flat, all equipment on the roof will be blocked by the gables, he added. The same rhythm of colors continues on the back of the building, and cultured stones will be used at the base of the building throughout on both the front and the rear of the building.

Vice Chair Burk said that she looked at their other facility in Wallkill on line and saw that there are deck structures on in the back and on the side of that building, and asked whether or not there will be similar outdoor recreation spaces for this building. Mr. Mammina said that in addition to the recreational space along the front of the building, some of which will be covered by pergolas, there will be a similar roofed deck at the second floor that will serve as recreational space for the general population. The memory-care unit on the grade level toward the back of the building will have their own cloistered patio space, he added.

There is some exterior recreation space along the front, some of which is covered by a pergola. Due to the topography of the site, the building is 3 stories in the front and 4 stories in the rear due to a steep drop-off.

Vice Chair Burke said the planting plan should be carefully reviewed, citing her concerns about the proximity of the Memory Care Unit of the Assisted Living Residence to the retention basins. Ms. Cotellese said the basins are a good distance from the Memory Care Unit, and explained that the planting plan is just for their own facility and was not designed for the overall Site Plan. Vice Chair Burke then asked whether they would design any plantings behind the building, particularly along the rear walking path. Mr. Mammina said that there will be a long retaining wall along the perimeter with no access to the lower portion of the land behind the building, and explained that all the mature trees around the property, particularly in the 100 foot conservation area, will be preserved thereby negating the need for landscaping. Member Shipley asked if there will be buffer plantings between the residence and the railroad. Mr. Mammina said the retaining wall will act as a buffer.

Member Iatropoulos asked what the view will be from the upper floors and wondered too if the Tagaste Monastery will be shielded from the Assisted Living Residence. Mr. Mammina said he didn't

think the Monastery could see the building. Member Iatropoulos asked if they could create a rendering which would show the view from the top two floors of the building. Mr. Mammina said they will put something together for the Board to see.

Mr. Emanuel said that the Montebello Commons Site Plan showed an approved planting plan that included the common areas of the overall site and, according to the plan that was approved, the area around the back is to be undisturbed. The existing tree line was delineated and would therefore not be part of a landscaping plan and is only there to show the tree line, he added.

Mr. Spence said that the narrative proposed either vinyl cement boards or vinyl siding, and noted they chose vinyl. Mr. Mammina said it was a question of cost, adding that the thick molding and the stone will enhance the look. Mr. Emanuel asked Mr. Mammina to prepare a schedule of materials with the understanding that if a certain material is not available, there could be substitutes of similar quality.

Mr. Spence said that the Wallkill building has gutters but this rendering does not show any. Mr. Filaski said they use them but only in areas where freezing is a concern. Mr. Mammina said he prefers the look of the building without gutters. Mr. Spence said there will be a lot more water around the foundation if there is nothing in place to catch the water and lead it to the drainage areas. If you propose no gutters, he continued, you will need to provide additional inlets around the perimeter of the building and show how drainage from the roof will not affect the foundation. Mr. Spence asked if there will be scuppers or something similar since this will be a flat roof. Mr. Mammina said there will be interior drains connected directly to the drainage system. Mr. Spence advised they should be sure the runoff does not create any sheet flow onto the railroad tracks. Mr. Mammina said he would take another look at that and speak with [engineer] Mr. Brooker, and added that it appears there are swales and other inlets within the property line that will prevent sheeting.

Vice Chair Burke asked about the maintenance of the detention ponds and wondered whether or not there should be trees or evergreens planted around them so they are esthetically pleasing. Mr. Spence said Montebello Crossing was asked to add "supplemental landscaping to be provided at completion as determined by the Village Engineer and the landscape architect" to the Site Plan notes for this reason, thereby providing a mechanism that requires plantings if there is not sufficient natural vegetation.

Mr. Stach noted that only a piece of the front of the building is shown because it's so long. The way it's broken up helps but, he said, he is concerned that the scale of the gables and the horizontal size of the breakup over such a long distance is going to look a little regimented. It's difficult to fathom the whole with only the snapshots provided, he added. The frequency of the pattern of the staggering might get overwhelming especially since you're only using two tones, and this much vinyl siding can look a little bit cheap, he said. Noting that the peak of the porte cochère and the framed columns look very nice, he suggested extending those details to the gables, as well using the cultured stone in more areas to elevate the quality of the look. Mr. Mammina said he will take all of Mr. Stach's advice into consideration.

Mr. Emanuel asked Mr. Mammina if he has sufficient direction from the Board. He answered he did. Vice Chair Burke reiterated that she would like to see a rendering from the view of the road at the main junction from where the whole building can be seen. She then noted that the Assisted Living Residence will be taller than the CVS and the medical office building and said she was concerned

that the residence will be forced to stare at the roof mechanicals. Mr. Emanuel offered that there will be some landscaping along the common driveway. Mr. Mammina said that he would look into some ways to screen the upper floors from such a view.

Mr. Stach said that the Architectural Review Board should now determine whether it wants the applicant to supply notification to the abutting properties, in this case the abutting properties would be the Monastery, the Railroad, Ozark Realty and the Good Samaritan Hospital. Mr. Emanuel asked if the Board felt this was necessary. The Board said they were in favor of notification. Mr. Emanuel instructed the Planning Clerk to draw up a notice, explaining that it does not need to be published or be posted.

Vice Chair Burke wondered when CVS was coming to ARB. Mr. Emanuel reminded the rest of the Board that this is part of a unified project and that all three buildings need to complement each other. Hemion Holdings will come in with façade changes so that must also be incorporated into the plan as well, he added.

Noting that the board will likely reject any type of design informally submitted by CVS, Mr. Stach asked Mr. Mammina if they had a specific style in mind when they were designing the Assisted Living Residence. Mr. Mammina said they were going for something traditional and less commercial, similar to their Wallkill facility. Mr. Stach said he likes the Adirondack details, and Mr. Emanuel said the 2017 Village Comprehensive Plan indicated the Adirondack look as being one of the preferred architectural styles. Mr. Stach suggested they go in that direction and said the features employed here can be transferred to the CVS and also to Hemion Holdings. Mr. Emanuel added that, along those lines, the stone walls prevalent throughout the village are very important and incorporating any stone would be helpful.

Vice Chair Burke told Mr. Mammina that they will need to submit a sign plan showing façade, wall-mounted and internal traffic signs that are not on the Site Plan. Mr. Emanuel agreed, and said the Site Plan shows circulation signs, pylon signs, but no internal signage for Braemar. You will want people to know who you are and where you are, he added, and the time to review signage is during ARB review.

New Business

Member Iatropoulos made a motion to adjourn the meeting at 9:45 p.m., seconded by Member Ternquist. Upon vote, the motion carried unanimously.