

The Planning Board of the Village of Montebello held a meeting on Tuesday, November 13, 2018 at The Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Anthony Caridi called the meeting to order at **7:15 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

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

OTHERS

Alyse Terhune, Asst. Village Attorney  
Max Stach, Village Planner (VP)  
Martin Spence, Village Engineer  
Regina Rivera, Planning/Zoning Clerk

ABSENT

Member Ternquist made a motion to approve the Planning Board Minutes of October 9, 2018, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

**Howard Hellman/84 Viola Road, LLC—Public Hearing  
House of Worship, 84 Viola Road, Montebello, NY**

Application of 84 Viola Road, LLC, c/o Howard Hellman, 100 Snake Hill Road, West Nyack, New York, 10994 for approval of a Site Plan entitled “84 Viola Road, LLC” proposing the construction of a house of worship.

The applicant requested an adjournment to the December meeting. Member Ternquist made a motion to adjourn the public hearing and the application to the December 11, 2018 Planning Board meeting, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

**Stonehedge Heights Corporation – Public Hearing, continued  
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).

The applicant requested an adjournment to the December meeting. Member Iatropoulos made a motion to adjourn the public hearing and the application to the December 11, 2018 Planning Board meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

**Jersey Realty Management Properties, LLC—Public Hearing  
Parking Lot Expansion  
49 N. Airmont Road, Montebello, NY**

Application of Aaron Berger of Jersey Realty Management Properties, LLC, PO Box 415, Monsey, New York 10952. The Applicant is proposing a parking lot expansion for the existing office building at 49 N. Airmont Road to accommodate overflow parking. The property is situated on the south side of N. Airmont Road, approximately 1000 feet east of Rella Boulevard in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.08, Block 1, Lot 4 in the LO-C Zone.

This application was last before the Board in June 2018. Ms. Terhune said she placed several calls to the applicant's attorney but has not heard back. Chairman Caridi asked the Planning Clerk to contact the Engineer to see if there is any intention to return to this Board and asked her to remind them that if they do wish to return, they must first re-notice the public hearing. Member Iatropoulos made a motion to adjourn the application and continue the public hearing to the December meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

**Joy Irvine  
Extension of Final Approval of a 3-lot subdivision  
77 Mile Road, Montebello, NY**

Application of Joy Irvine, 77 Mile Road, Montebello, New York for a 3-Lot subdivision on her property. The applicant is proposing to divide the land behind the existing house to create two extra lots each with a single-family dwelling with driveway access from Montebello Road. The existing house will remain. The property is located on the northwest side of Mile Road at the intersection of Montebello Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 48.19, Block 1, Lot 17 in the RR-50 Zone.

In attendance was Scott Albrecht, attorney for the applicant, who stated that a letter was submitted previously asking for one 90-day extension of the final subdivision approval that was granted by this Board on May 8, 2018 (copy of letter on file). The applicant failed to take the necessary steps to have the subdivision plat signed by the Chairman within the 180-day period and the approval has therefore expired. Chairman Caridi asked the Board and Consultants if they had any questions or comments for Mr. Albrecht. No one wishing to speak, Member Iatropoulos made a motion to grant one 90-day extension of the final subdivision approval, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

**McDonalds/SWA Architects  
ARB/Sign Plan/Amended Site Plan, 1 Indian Rock Plaza**

Application of SWA Architects on behalf of Indian Rock Holdings, LLC and McDonalds for minor signage and drive-thru updates to McDonalds. The property is located at 1 Indian Rock Plaza, on the East side of Hemion Road at the intersection of Route 59 in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.10, Block 1, Lot 5.1 in the NS Zone.

Present was the applicant Sergio Ali of SWA Architects. Member Wanamaker recused himself from the application due to a conflict. Mr. Ali said that the damaged bushes and curbing were replaced as per Mr. Spence's comments, the two damaged cherry trees at the terminus of the drive-thru lane were also replaced. Mr. Spence said that he updated his previous review and that his main comments are minor, detailing cleaning up the final plan, and especially changing the submission

date on the site plan. Most of the minor conditions could be carried through as conditions on the final resolutions, he added.

Mr. Stach said that he was satisfied and had no further comments.

Member Burke brought up item #7 of the GML review from Rockland County Planning Department dated October 4, 2018 (copy on file) having to do with signage allowed under Village Code. The County states that the proposed number of wall signs and the height of the mounted signs are not in compliance with Village Code, she said. The Planning Clerk showed her a subsequent memo from the Building Inspector stating that all proposed signage is compliant with Village code. Mr. Stach clarified that Rockland County Planning, in their comment, merely suggested that the Board should consider potential impacts of setting a precedent by allowing non-conforming signs. There is no directive, these are not non-conforming and therefore no override is required, he added.

Member Ternquist made a motion to approve the application, seconded by member Iatropoulos. Upon vote the motion carried unanimously.

**Resolution PB 06 of 2018**  
**Granting Approval of a Final Amended Site Plan entitled**  
**“McDonald’s USA, LLC”**

**WHEREAS**, on or about August 14, 2018, McDonald’s USA, LLC (the “Applicant”) submitted an application to the Planning Board seeking site plan approval to amend a previously site plan in order to comply with the Americans with Disabilities Act (“ADA”), make minor changes to the roof, including the replacement of the “golden arches,” update the drive-through lane and replace certain signs, on property located at 1 Indian Rock Plaza, Montebello, New York, identified on the Tax Map as Section 55.10, Block 1, Lot 5.1; and

**WHEREAS**, the application was duly referred to the Rockland County Department of Planning (“RCDP”) pursuant to General Municipal Law § 239-m, which Agency responded by letter dated October 4, 2018, stating various conditions of approval, which conditions were met except as relates to condition number 7, which the Planning Board finds inapplicable as more fully set forth below; and

**WHEREAS**, on October 9, 2018, after reviewing the environmental impacts of the proposed project, the Planning Board determined that this was a Type II Action pursuant to 6 NYCRR 617.5(c)(1), the Regulations implementing the New York State Environmental Quality Review Act (“SEQRA”), requiring no further SEQR action; and

**WHEREAS**, the application was duly referred to state and county agencies for comment including, but not limited to, the NYS Department of Transportation, the Rockland County Highway Department and the adjacent municipalities of Airmont, Suffern and Ramapo; and

**WHEREAS**, the Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law, determinations made by the Village Building Inspector, has been advised by its consulting engineer and planner as regards all materials submitted by the Applicant.

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Board hereby grants an amended final site plan approval to McDonald’s USA, LLC, as shown on the “Site Improvements” consisting of 10 sheets prepared by Core States Architecture and Engineering, last updated on November 24, 2018, together with all supporting materials submitted by the Applicant as documented and reviewed by the Planning Board consultants: Nelson, Pope & Voorhis, LLC, memorandum last updated October 5, 2018, and Spence Engineering, memorandum last updated October 3, 2018. This approval is granted subject to the following conditions:

1. Rockland County Planning Department recommendations and conditions as stated in its memorandum dated October 4, 2018, provided, however, that this Board hereby overrides the following item thereof:

Paragraph 7, relating to compliance with Village of Montebello signage standards. The Planning Board hereby finds and determines that the proposed signs are not “wall signs,” but have been determined by the Building Inspector to be fully compliant business identification signs. The Planning Board finds that because the Building Inspector has determined that the proposed signs are compliant with Village Code, the Board does not risk setting a “precedent” allowing nonconforming signs.

2. The Applicant shall comply with technical comments S-1 through S-7 of the memorandum of Martin K. Spence, PE, Village Engineer, dated November 13, 2018.

3. This approval is given subject to the requirements of the Rockland County Highway Department with respect to the requirement to obtain a Road Work Permit.

**MOTION:** Member Ternquist

**SECOND:** Member Iatropoulos

**MEMBERS PRESENT:**

Anthony Caridi, Chairman  
Jane Burke, Vice Chairperson  
Michael Iatropoulos Member  
Stan Shipley, Member  
Thomas Ternquist, Member  
Donald Wanamaker, Member

**YEA**

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Recused

Upon vote, the Resolution carried unanimously.

**The Sentinel of Rockland County – Public Hearing continued**  
**Assisted Living Facility**  
**200 Rella Boulevard, Montebello, NY**

Application of The Sentinel of Rockland for approval of a site plan entitled “The Sentinel of Rockland,” a 200-bed assisted living facility. The property is located at 200 Rella Boulevard on the south side of Rella Boulevard, ?? feet east of North Airmont Road in the Village of Montebello and designated on the Ramapo Tax Map as Section 55.08, Block 1, Lot 9, in the LO-C Zone.

Present were the applicant’s attorney Amy Mele, and his engineers Glenn McCreedy and Zach Kamm of Civil Design Works. Ms. Mele, after giving an overview of the project, said they were hoping for SEQR and Special Permit approval [to operate an Assisted Living Facility in the LO-C zone] in December because the applicant’s bank requires conditional approval of the project before any financing approvals.

Mr. McCreedy presented the renderings and elevations showing a false mansard, adding 10 feet to the height above the livable space, that will both add architectural interest and fully enclose all the roof-top equipment. He then said that as requested, they are doing surveying shots from the New York State Thruway exit, visual cross-sections, a tree survey within the disturbance zone of the property, site signage and designs for a stone sign entry way, all to be submitted for the December meeting. He then noted that a Traffic Report was submitted and shows no impact from this project and will result in minor improvements for the westbound off-ramp from the New York State Thruway. Mr. Stach recommended that they submit a recent aerial photo to establish where the tree line is.

Member Burke asked if the building could be seen from Airmont road. Mr. McCreedy said it will be below-grade and behind the tree line and therefore will not be seen from Airmont Road. Member Burke asked where the pylon sign will be placed. Mr. McCreedy said it will be inside Rella Blvd, not on North Airmont Road. Member Burke asked if they were planning to construct sidewalks to connect with the existing sidewalk further up Rella Blvd. Mr. McCreedy said there are no plans to do so currently but added that [the applicant] Mr. Newhouse is investigating getting a bus stop on the site in which case a sidewalk would be necessary. Ms. Mele interject that there was discussion at the last meeting about walking trails in wooded area, but the idea of making it a recreational area was abandoned given the type of residents who will be living there. She added that they will absolutely maintain the treed area to keep it aesthetically pleasing and neat.

Member Burke referring to the confusion at the last meeting over the number of proposed units, asked if there will be 182 as Mr. Newhouse thought, or 120 units as stated in the narrative. Ms. Mele said she spoke with the Village attorney and discovered that the Village defines a unit as being one two-bed bedroom, and at 200 beds this facility is below the threshold. Mr. Stach added that two beds constitutes a unit no matter the configuration. Chairman Caridi asked if the Building Inspector confirmed this. Ms. Terhune said that was not necessary as the Village code is very clear. She then instructed Ms. Mele to clarify this fact and to cite the definition of “unit” in the next narrative so all confusion is eliminated. Member Burke asked if this will affect the required parking. Mr. Stach said that one parking space per two beds is what is required.

Chairman Caridi asked what the SEQR status was. The Planning Clerk confirmed that the Notice of Intent was circulated on October 17<sup>th</sup> and that therefore the full 30 days have not lapsed. Ms. Mele said they will work on responses to the GML as well as on the EAF part 2 in the meantime so that there is time for a Part 3 by December’s meeting.

Mr. Stach said that if the goal is to receive a Neg Dec in December, it is not necessary to address all the technical issues now, only the major ones. Chairman Caridi asked if this application needs to go back to CDRC. Mr. Spence said it would not at this time. Mr. Stach stated that the Village Traffic Consultant retired, and a new consultant must be retained in order to review the Traffic Impact Study (TIS). Mr. Stach said that his own office maintains a relationship with several traffic engineers, he said, and asked if this Board would have any objections. Chairman Caridi said the hiring of a traffic consultant must be cleared with the Village Board of Trustees and instructed the Planning Clerk to forward the engineers' qualifications to the Village Attorney Warren Berbit in order to get this item on their next Board of Trustees meeting agenda.

Referring to the Full EAF Part 1, Member Burke asked why on page 9 the proposed action does not involve hazardous waste, given that there will be medical waste. Mr. Stach said that "hazardous waste" does not include medical waste. Member Burke then said that again, on page 9, the acreage as it exists after construction was not calculated correctly. Mr. McCreedy agreed there is a small error and said he would correct it for the next submission.

Chairman Caridi opened the public hearing. No one wishing to speak, Member Iatropoulos made a motion to adjourn the application and public hearing to the December 11, 2018 meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

**Sander Gerber – Public Hearing continued**  
**Addition of a Circular Driveway, Tennis Court**  
**556 & 558 Haverstraw Road, Montebello, NY**

Application of Sander Gerber, 558 Haverstraw Road, Montebello, New York. The Applicant owns both properties and as such is proposing the installation of a circular driveway connecting both residences and the construction of a tennis court. The properties are located at 556 and 558 Haverstraw Road, on the west side of Haverstraw Road, approximately ?? feet north of Coe Farm Road in the Village of Montebello and designated on the Ramapo Tax Map as Section 40.19, Block 1, Lots 34 and 33 respectively in the RR-50 Zone.

Present were the applicant's attorney Amy Mele, his engineers Glenn McCreedy and Zach Kamm of Civil Design Works, and Landscape Architect Michael Vergonia, of Kelly Varnell Vergonia, Inc. Ms. Mele said that the plans were radically changed from the last appearance before this Board, and that this time they are applying for a subdivision lot line change so the proposed tennis court does not straddle the lot lines. As such, this is an unlisted action under SEQR. This application will also go to the ZBA concurrently, she explained, so each Board will conduct uncoordinated SEQR reviews.

Mr. McCreedy walked the Board through the changes, noting the removal of the outlier side and front yards, the elimination of one of the driveway curb cuts on Haverstraw Road and the addition of an internal driveway loop.

The Landscape Architect, Mr. Vergonia, provided an overview of the layout which includes a proposed 6-foot wood fence along the setback line, new spruce trees and skip laurel hedges surrounding the tennis court and cedar and deciduous shrubs along in front of the fence and property lines that will create a double barrier. Chairman Caridi asked if all these plantings will reduce the light pollution from the tennis court lighting. Ms. Mele stepped in and said that, because

lighting for the tennis court is such a major concern for the neighbors, Mr. Gerber decided that, in the interest of being a good neighbor, there will be no tennis court lighting.

Chairman Caridi opened the public hearing.

Joan Cox, 544 Haverstraw Road, Montebello, said that drainage is her concern, especially since it seems like there will be more hard surfaces creating more runoff, and asked if this will be addressed. Mr. McCreedy said the property is currently experiencing uncontrolled runoff, particularly since there is nothing in place to mitigate it. Cascading water will be channeled through the driveway corridor, and the extensive landscaping and berms will channel the water into the extensive underground drainage system. This drainage system is a type often installed on commercial properties and will provide as much stormwater mitigation as possible, he said. Ms. Mele added that they are required by law to show zero net runoff and Village Engineer Mr. Spence will ensure compliance.

Mr. Leon Howorth, 562 Haverstraw Road, Montebello, asked if the existing fence along his and the Gerbers' property line is being extended. If so, he said, he opposes it particularly since the existing fence is not being maintained and is falling. It's not necessary and a natural vegetative barrier would be preferable, he added. Mr. McCreedy said that he will bring the issue to Mr. Gerber's attention, and reminded Mr. Howorth that, as long as it is set back one foot from the property line as it is shown on the plans, it is permitted by right.

Carol Van Hook, 5 East Gate Road, Montebello, said that she was very glad to hear that the tennis court lighting will be dropped, but said that she did collect 27 signatures of those opposed to the lighting. The Chairman instructed Mrs. Van Hook to submit the petition to the Planning Clerk for this and for the ZBA records. Mrs. Van Hook then asked if there will be a shower in the proposed pool house. Mr. McCreedy said that the plans have not been worked out. The issue of a shower will be resolved during the building permitting process, he explained, adding that his client is not seeking such at this time. Mrs. Van Hook then asked if there will be some kind of noise barrier around the tennis court fence. Mr. Virgonia said that nothing can rival the noise emanating from traffic on Haverstraw Road and that a barrier will be ineffective in any case because noise bounces upward. Mrs. Van Hook asked if there are other agencies that need to approve this proposal. Mr. McCreedy said the ZBA needs to grant variances, Rockland County Drainage Agency is requiring a permit due to the proximity of the Mahwah river, The Town of Ramapo DPW, the Rockland County Department of Health for mosquito control, and the Historical Preservation Committee because the proposal is on a Scenic & Historic Road.

George Cox, 544 Haverstraw Road, Montebello, asked if the stone pillars, which are currently placed above the sewer line, will be removed. Mr. McCreedy said they will, as well as part of the wall that is on Mr. Cox's property.

No one else wishing to speak, Member Ternquist made a motion to adjourn the application and public hearing to the December 11, 2018 Planning Board meeting, seconded by member Iatropoulos. Upon vote, the motion carried unanimously.

Member Ternquist made a motion to adjourn the meeting at 9:03 p.m., seconded by member Iatropoulos. Upon vote, the motion carried unanimously.