

The Planning Board of the Village of Montebello held a meeting on Tuesday, December 11, 2018 at The Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, New York. Vice Chair Jane Burke called the meeting to order at **7:23 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

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

OTHERS

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

ABSENT

Alyse Terhune, Asst. Village Attorney
Anthony Caridi, Chairman

Member Ternquist made a motion to approve the Planning Board Minutes of November 13, 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 January meeting. Member Iatropoulos made a motion to adjourn the public hearing and the application to the January 8, 2019 Planning Board meeting, seconded by Member Ternquist. 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 January meeting. Member Ternquist made a motion to adjourn the public hearing and the application to the January 8, 2019 Planning Board meeting, seconded by Member Iatropoulos. 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.

Chair Burke noted that this application was left off the agenda in error for this meeting, that the application and public hearing were adjourned to this meeting and that the applicant has not appeared before the Board since September 2018. The applicant was advised by the Planning Clerk that subsequent appearances before the Board must be re-noticed. Ms. Cassidy recommended that, in an abundance of caution, the public hearing should be left open and adjourned to the January meeting, and should they fail to submit either revised plans or a formal adjournment, the Public Hearing should be closed. If the applicant still does not provide the requested information, the Board will have 62 days to render the application abandoned and thus terminated.

Member Ternquist made a motion to adjourn the application to the January 8, 2018 Planning Board meeting under the terms explained by Ms. Cassidy, seconded by Member Iatropoulos. Upon vote, the motion 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 engineers Glenn McCreedy and Zach Kamm of Civil Design Works. Ms. Mele recapped the SEQR process to date, adding that an EAF Part 3 was submitted by the applicant. The Traffic Impact Study was also submitted with the EAF Part 1, she explained, but more information has been requested by the Traffic Consultant hired by the Village. Nonetheless, she continued, there is enough information to show that there are no adverse impacts on the environment.

Mr. McCreedy said that their latest narrative took the form of a response letter directly addressing all comments from the the Village consultants and Rockland County Planning.. . A meeting with the Village Engineer Martin Spence narrowed down many outstanding engineering issues, and the latest plans reflect all the necessary changes while maintaining the integrity of the original proposal. A sewer impact study was also conducted, he continued, which was submitted to the Ramapo DPW and the Rockland County Sewer Districts. Finally, renderings of visual sightlines of

the building show that there will be very low impact on the view shed from Airmont Road as it will be nestled far back into Rella Boulevard.

Chair Burke asked if there would be a balloon study. Mr. McCreedy said, given that there is a natural screening of trees, a surveyor photographed the tops of the tree line along the roads leading to the building, which is depicted on the sightline profiles and can be used as a gauge against the elevation of the building. The results illustrate how little of the building can be seen from the road. Chair Burke asked if the trees providing the screening are all deciduous. Mr. McCreedy noted that this is the perfect time of year to conduct such a study because the deciduous trees are bare thereby providing good visualization through the woods.

Member Iatropoulos asked about the waste water questionnaire sent by Rockland County Sewer District #1. Mr. McCreedy explained that it is a standard form that any facility not deemed fully residential and that would generate kitchen waste is required to submit. It provides information on typical discharge, the subsequent impact on the sewer system and whether any mitigating measures need to be installed, he said.

Member Shipley asked why there are no sidewalks planned for Rella Boulevard. Mr. McCreedy said there is no motivational driver for sidewalks as neither the residents nor staff require or demand them. Member Shipley asserted that a sidewalk would be beneficial since there is a park on the other side of Airmont Road. Mr. McCreedy said that they considered on-site walking paths for the residents but the denizens, though generally ambulatory, will not be walking unsupervised, nor would they be able to cross busy Airmont Road to get to the park. Member Shipley said nonetheless now would be the time to add a sidewalk for any future use, for example, if there were to be a bus stop installed at Rella Boulevard. Mr. McCreedy said that he and his client do not disagree entirely with the installation of a sidewalk, but the need for this infrastructure and the added expenses it will incur does not at this time exist.

Mr. Newhouse said that he was exploring the possibility of adding a bus stop to Rella Boulevard with the Rockland County Department of Transportation, and if one were to be installed, a sidewalk would be feasible. Chair Burke expressed interest in a new bus stop particularly for staff who may rely on public transportation from Route 59. Member Ternquist asked if he would consider a shuttle bus for the staff. Mr. Newhouse said there is a shuttle service now at his other facilities but it's not popular and poses logistical challenges. He then said that he personally did not like the idea of a sidewalk for the residents.

Assistant Village Attorney Elizabeth Cassidy said that one compromise would be a declaration, enforceable by the Village, stating that if a bus stop were to be installed on Rella Boulevard, the owner of the parcel agrees to install a sidewalk from the building to the bus stop. Mr. Newhouse was amenable to that suggestion and said that if the Board wishes, he could submit ideas and a location for a bus stop. Mr. Stach offered that Rella Boulevard between the office building at 400 and this parcel would be the best place for a bus stop because that existing office building is filled to capacity and they have a popular café that generates a lot of traffic. With respect to Rockland County Transit, he said, the need for a stop may be on its way, and in that event, there will be a need for a sidewalk.

Mr. Newhouse brought up the height of the building, explaining that he prefers an option that doesn't require requesting a discretionary waiver for the additional height from the Planning Board. He then referred to the latest alternative elevations that show a lower parapet and the elimination of the sloped mansard roof. The only downside is that the roof mechanicals will not be screened as thoroughly, he said. Member Shipley noted that the alternate elevation lends itself to

solar panels and Mr. Newhouse agreed, adding that any solar panels will not be visible. Mr. Stach said the building style lends itself to a flat roof but advised that a mansard roof could better hide solar panels, depending on what types of panels will be used. Mr. Newhouse said that he would prefer there are no opposing comments from the Board vis a vis the extra height. Mr. Stach said that since the building will be at the top of the hill, any potential project across the street will not see the mechanicals or panels on the roof. However, he continued, it would be a problem if the equipment could be seen from the ground level because that is a public view point. Mr. Newhouse and Mr. McCreedy agreed to submit information on number and height of roof-top mechanicals and solar panels for the next meeting. Mr. Stach recommended they update the rendering.

Mr. Stach summarized his memo dated November 26, 2018 (copy on file) and explained there are potential community impacts reflected in the EAF Part 3 on emergency ambulance services and on the Montebello Senior Center that need to be clarified. He then noted that a Traffic Engineer was approved by the Village and hired to review the Traffic Impact Study submitted in early November, stating for the record that his firm, Nelson Pope & Voorhis, LLC, has not been selected to perform the Traffic review, rather the consultant is from an associated firm. A draft review of the study was prepared and will be submitted to the Board once some outstanding questions have been answered, for example the signal timing changes on the road from the Thruway leading to Rella Boulevard.

Mr. Spence summarized his memo dated December 5, 2018 (copy on file), explaining that his 57 comments are very detail oriented and that there are no significant obstructions in the plans. Issues like landscaping, drainage and pedestrian traffic are addressed in the memo but will be resolved as the plans progress, he said.

He then brought up possible signage at the beginning of Rella Boulevard as discussed at the last meeting. Mr. Newhouse said he was pursuing various sign options that can be seen from both directions on Airmont Road. Chair Burke said she would like to see a free-standing stone wall along that frontage like the one at Indian Rock Plaza. Mr. Newhouse asked if he could propose signage for the median. Mr. Spence said that was in the right-of-way and Mr. Stach said he would investigate it. Mr. McCreedy said that the intention is to create a free-standing sign at the median with stone walls flanking on both sides of Rella Boulevard. Mr. Stach noted that it is the Village's stance that stone walls throughout the Village should be mirrored on major roads in the LO-C zone wherever possible. Mr. Newhouse said they will present signage at the next meeting.

Ms. Mele confirmed that they will propose a map note regarding a sidewalk declaration, submit signage and enhanced landscaping plans, provide a flat-roof rendering for consideration under the provisions of the Architectural Review Board, enhance the EAF Part 3 regarding ambulance services and the Montebello Senior Center, address the traffic comments, especially the signal timing, and define the height of the units on the roof. She then stated that they would like to come to the January 8th Planning Board meeting with the intention of receiving a Neg Dec and asked if this Board would consider granting a Special Permit even if the site plan is not ready for approval, noting that all special permit conditions have been met. Mr. Newhouse explained that there are financing conditions dependent upon site plan approval, and that at least a special permit will allow the financing to proceed. Ms. Cassidy said that any special permit issued could be conditioned upon site plan approval.

Member Iatropoulos made a motion to adjourn the application and the public hearing to the January 8, 2018 Planning Board 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, and his engineers Glenn McCreedy and Zach Kamm of Civil Design Works. Ms. Mele reminded the board that originally, the tennis court was to straddle the lot line, and that they are now instead requesting a lot line shift in order to keep the tennis court on one lot and thereby reducing the number of requested variances. This application is on the December ZBA agenda, she added, and after several discussions with [Village Assistant Attorney] Alyse Terhune and Planner Max Stach, it has been determined that this is an Unlisted Action under SEQR.

However, she continued, in 22 days, the SEQR rules for lot line shifts will change, rendering this a Type II action. Still, a Neg Dec determination is required by the Planning Board before the ZBA can render any decisions. Mr. Stach said that he doesn't think this will result in any adverse environmental impacts, especially since it is merely an addition of an accessories to a single-family house. But since it is at this moment an unlisted action, he said he had no objection to adopting a Neg Dec.

Member Ternquist made a motion to issue a Neg Dec, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

Mr. Stach at that point remembered that the SEQR reviews for each Board were to be uncoordinated and that the ZBA therefore did not require a Neg Dec from the Planning Board. He then advised that the Board rescind the Neg Dec.

Member Iatropoulos made a motion to rescind the Neg Dec for reasons as provided by the Village Planner, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Mr. McCreedy asked for affirmation to the ZBA Chairman about the proceedings at this meeting, noting that the ZBA does not do many SEQR reviews. Mr. Stach then recognized that area variances are Type II actions under SEQR and that therefore an environmental review by the ZBA is not necessary. Ms. Cassidy said she and Ms. Terhune will prepare a memo to the Chairman of the ZBA to explain the thought process on this application.

Mr. Stach confirmed that there is no SEQR determination at this meeting, and that by the next meeting this application may be classified a Type II action under SEQR and no Planning Board review will be necessary.

Mr. Spence asked if they will be presenting both the Site Plan and Subdivision to the ZBA. Mr. McCreedy said it was necessary to do so since the area variances are based on the presumption

that the lot line shift subdivision is granted. Ms. Mele agreed, adding that it is the reason why they must proceed to both Boards in tandem.

Member Iatropoulos made a motion to adjourn the application and the public hearing to the January 8, 2018 Planning Board meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

New Business:

Chair Burke addressed page 9 of the Land Use Application Review Form that all applicants to this and other village Boards must submit. The application requires LLC applicants to list officers and major stockholders, but the language is vague, and asked if the application can be enhanced to require such applications to list the principals of the LLC.

Ms. Cassidy said that many municipalities have such requirements in the spirit of transparency and often require applicants with a certain percentage of ownership to be identified specifically. Mr. Stach noted that this is actually affidavit ethics law (GML 809) and that if it's an LLC or a Trust, a list of the owners, beneficiaries and members should be provided. Ms. Cassidy agreed that the language should be beefed up and that the Village should require identification of shareholders at a certain percentage of ownership. She then offered that she and Ms. Terhune could coordinate to change the form accordingly.

Chair Burke then brought up the bulk table in the LO-C zone for Assisted Living Residences and Facilities, stating that she has concerns about Line N of the Bulk Table for such proposals. Mr. Stach said that Line N refers to other uses as well. Chair Burke noted that there are only 30 feet of frontage and that a developer can come in and put in a narrow building. Mr. Stach said that there are no properties in the LO-C zone that have 30 feet of frontage and that he didn't think anyone would put in an Assisted Living Facility on a 30-foot wide lot and suggested that she look at other uses included in line N and see if they make sense.

Member Iatropoulos made a motion to adjourn the meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously. The meeting ended at 9:20 p.m.