

The Planning Board of the Village of Montebello held a meeting on Tuesday, January 8, 2019 at The Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, New York. Vice Chair Iatropoulos called the meeting to order at **7:15 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Michael Iatropoulos, Member, Chairman
Thomas Ternquist, Member
Stan Shipley, Ad Hoc Member

OTHERS

Alyse Terhune, Asst. Village Attorney
Max Stach, Village Planner
Bryon Rose, Village Engineer
Regina Rivera, Planning/Zoning Clerk

ABSENT

Jane Burke, Member, Vice Chairperson
Anthony Caridi, Chairman
Don Wanamaker, Member
Martin Spence, Village Engineer

Member Ternquist made a motion to approve the Planning Board Minutes of December 11, 2018, seconded by Chairman 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 February meeting. Member Shipley made a motion to adjourn the public hearing and the application to the February 12, 2019 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.

Chairman Iatropoulos noted that this application last appeared at the September 2018 meeting, that it has since stalled and that it was discretionarily adjourned to this meeting. The Planning Clerk stated that the applicant just made a submission to attend CDRC on January 29th and that they plan on attending the February Planning Board meeting. Member Ternquist made a motion to adjourn the public hearing and the application to the February 12, 2019 Planning Board meeting, seconded by Member Shipley. 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 0 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.

The applicant requested an adjournment to the February meeting. Member Ternquist made a motion to adjourn the public hearing and the application to the February 12, 2019 Planning Board meeting, seconded by Member Shipley. 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 February meeting. Member Ternquist made a motion to adjourn the public hearing and the application to the February 12, 2019 Planning Board meeting, seconded by Member Shipley. 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 his engineers Glenn McCreedy and Zach Kamm of Civil Design Works.

Mr. Stach said he was working with the applicant to finalize all outstanding SEQR issues. To namely, a Traffic Impact Study (TIS) was submitted to the Village in October 2018, the Village retained traffic consultants who submitted their comments in early December, the applicant responded and corrected any errors and the traffic consultants expedited their review which was received on January 7, 2019 (copy on file). The Village traffic consultants concur with the TIS results, which

indicate there will be no significant adverse impacts on the surrounding roadways. Additionally, he said,

the applicant provided a Part 3 EAF response to potential adverse impacts. However, he continued, more information was needed on potential community impacts on ambulance and senior center services. Documentation on other Sentinel facilities was subsequently provided and it was determined that, given the level of care that will be provided, the facility would not place extra burdens on the Emergency Ambulance Services nor will the nearby senior center be adversely impacted given the activities proposed at the facility. As such, Part 3 EAF was updated and received yesterday. Having received all necessary materials, Mr. Stach said he prepared a draft Negative Declaration of Environmental Impact (Neg Dec) and recommended its adoption.

Chairman Iatropoulos asked if the Village Engineer had any outstanding issues or comments. Mr. Rose said he and Mr. Spence worked extensively with Mr. Newhouse, and while some issues were resolved, the engineering still needs to be developed at a more detailed level.

Ms. Mele stated that she hoped the Board would issue a Neg Dec and a special permit this evening and proceeded to go through the general special permit standards as per Sec. 195-71 in order to put on the record why this application is entitled to one.

“The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and not be detrimental to the site or adjacent properties in accordance with the zoning classification of such properties.”

Ms. Mele stated that this use in this zoning district is harmonious with the surrounding environment and pointed out that some of these conditions are also considerations under SEQR in any case.

“The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous.”

Ms. Mele noted the extensive discussion about providing pedestrian access for any future bus stop at the last meeting, and added that they are willing, if requested, to modify the ingress and egress with respect to the columns in the middle of the road.

“The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings.”

Ms. Mele noted that the landscaping will enhance the neighborhood, and they will in fact be adding more landscaping as per the Board’s and consultants’ requests. Further, she said, they are not seeking any extra height to the building, which will be in full compliance with all zoning laws.

“The proposed use will not require such additional public facilities or services or create such fiscal burdens upon the Village greater than those which characterize uses permitted by right.”

Again, Ms. Mele said, such considerations are part of the SEQR process, and this proposal is not creating any burdens on existing facilities, services or infrastructure.

“As a condition of all special permits, a time limitation may be imposed.”

“In addition to the general standards for special permits as set forth above, the Planning Board or Village Board may, as a condition of approval of any such use, establish any other additional standards, conditions and requirements, including a limitation on days or hours of operation, as it may deem necessary or appropriate to promote the public health, safety and welfare and to otherwise implement the intent of this chapter.”

Ms. Mele said the Village can impose additional limitations, but that such limitations generally apply to facilities that have more impact on the environment and reiterated her request for a Neg Dec and a special permit, explaining that her client requires the latter in order to move forward with the financing.

Ms. Terhune said she could see no reason why the Board shouldn't adopt a Neg Dec this evening and said that she and Mr. Stach discussed closing the Public Hearing for the special permit and leaving it open for Site Plan review only. Ms. Terhune pointed out, however, that the Board was short-staffed this evening and offered to create a draft special permit approval resolution for the Board's review at the next meeting. Approving the special permit with three members missing would not be in anyone's best interest, she added.

Ms. Mele said that the special permit conditions are very straightforward and that they are not requesting any GML overrides. The fact that there are three members here is not an issue for us, she said. Ms. Terhune said that it is entirely up to the Board and that she understood the applicant needs the special permit for financing but said that the Board will be in a better position next month to grant both approvals with all the resolution drafts prepared. The Board members present agreed with Ms. Terhune's assessment. Ms. Mele asked if they needed anything further other than her testimony. Ms. Terhune said she didn't need anything and suggested that the consultant may have additional site plan requirements that can in turn be added to the draft resolution.

Mr. Stach advised that details on the roof style, roof-top mechanicals, bus stop and pedestrian pathway to 400 Rella, as discussed at the December meeting, should be submitted as soon as possible. Mr. McCreedy said he will have revised plans by the submission deadline of January 17th, and asked Mr. Stach to clarify the unresolved pedestrian walkway. Mr. Stach confirmed that map notes should be added to the plans that would bind the project to any future agreement should a bus stop comes into play. Mr. McCreedy said that they were hoping to get conditional site plan approval before the high-level engineering issues are resolved, offering that he could respond with a check print that would include all engineering corrections, signage and landscaping plans.

Mr. Stach asked about signage and Mr. McCreedy said that there will be a fieldstone sign at Rella Boulevard that will be up-lit from the ground, and an additional sign at the frontage of the property, details for which have been provided in the sign plan. Mr. Stach said he was favorable to the sign plan submitted.

Chairman Iatropoulos opened the public hearing. No one wishing to speak, Member Ternquist made a motion to adopt a Neg Dec under SEQR, seconded by Member Shipley. Upon vote the motion carried unanimously.

Member Ternquist made a motion to close the special permit public hearing, seconded by Member Shipley. Upon vote, the motion carried unanimously.

Member Ternquist made a motion to adjourn the public hearing on site plan approval to the February 12, 2019 Planning Board meeting, seconded by Member Shipley. Upon vote, the motion carried unanimously.

**Manhattan Beer Distributors, c/o Andrew Berger AIA—Public Hearing
20 Dunnigan Drive, Montebello, NY**

Application of Manhattan Beer, 20 Dunnigan Drive, Montebello, New York. Applicant proposes the relocation of the railroad track at the south property line and the construction of a loading deck and canopy.

Present was the applicant's architect Andrew Berger of di Domenico & Partners LLP.

Mr. Berger said he received comments from various agencies and will respond to all, whether here or in writing, and gave an overview of the project, explaining that his client owns both 10 and 20 Dunnigan Drive which they purchased 12 years ago. Showing an aerial map of existing conditions, Mr. Berger said the railroad comes across from the west to serve the Manhattan Beer property, specifically at 20 Dunnigan Drive, where the product is unloaded. Currently five cars are unloaded at a time. This proposal seeks to shift the tracks and add another spur so that two rows of six cars can be unloaded at a time. The tracks will be shifted outside the building to accommodate the extra cars and therefore a loading platform and canopy are also being proposed. Within the warehouse, the area where the rail spur currently sits will be decked over to bring it in line with the exterior loading deck. As a result, increased rail car delivery will decrease the number of trucks needed, he said, adding that for every railcar, five trucks can be eliminated. Mr. Berger stressed that his clients are proposing to increase the amount of rail cars but not the frequency of deliveries. Currently they received one rail delivery per day, just a few times a week.

He then handed out a series of photographs showing that 20 Dunnigan Drive is legally non-conforming in terms of setbacks, which was an existing condition at the time Manhattan Beer purchased the property. He noted that most properties on Dunnigan drive are legally non-conforming in this way. This application is currently before the ZBA for relief from the encroachment into the front yard to accommodate the platform and canopy, Regarding the letter from Rockland County Sewer District dated December 20, 2018 (copy on file) stating that no permanent structures are to be built in their easements, Mr. Berger said that the force main is located at the south west corner of Manhattan Beer's property and runs across Dunnigan Drive and directly under the railroad tracks and that no permanent structure will be built over the force main. This will be documented on a new survey and noted on proposed plans.

Mr. Rose asked if the train tracks could be considered a "permanent structure". Mr. Berger said he spoke with the Sewer District engineer who maintained that the tracks are not considered to be a "structure." Mr. Berger said that included in the proposal is some landscaping for screening, some relocation or replacement of trees, and the modification of the existing service entrance to accommodate the rail. Pointing to the existing and proposed elevations of the warehouse, he stated that there will be no changes to the square footage and height of the building.

Mr. Rose said the plans are preliminary and will need to be developed fully and stated the main concerns are over potential impact of the loading platform on drainage. Mr. Berger said he will provide a drainage analysis. Mr. Rose asked if the Railroad has any issues with this proposal. Mr. Berger said they will provide a letter from Norfolk Southern for the Board. Mr. Rose asked if the existing trees along Dunnigan Drive will be removed or replaced. Mr. Berger said they intend to transplant and to replace when replanting is impossible. Mr. Rose referred to the existing trees survey and said that the Village will require screening beyond what is there now; for example, some type of evergreen hedge and fencing. Mr. Berger said that currently the spur is not fenced off, and if this Board desires Manhattan Beer to install a fence it will be within the setback and

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would require an additional variance. Mr. Rose said a fence with a combination of evergreen screening would be ideal, and that there is enough room for one without a variance. Parking will have to be restriped, he added, and asked the applicant to provide a truck movement analysis. Mr. Berger said that some parking in that vicinity will be moved from one side to the other.

Mr. Stach said that the FAR on the zoning table on the maps should be corrected. He recommended that a complete landscaping plan be submitted and reminded Mr. Berger that this application will require Architectural Review Board approval. There are several site plan items still needed, many of which dovetail with engineering requirements, he continued, but mainly the Village needs to know how this will change the frequency of rail deliveries and how that will impact traffic. Additionally, he said that as part of SEQR, a description of all activity between the building and the right-of-way and all noises emanating from these operations, including frequency of operation, sliding doors, hauling, coupling of train cars and forklift noises, must be submitted. , Mr. Stach acknowledged that the applicant submitted a short EAF for SEQR but advised that, since the forms were changed as of January 1, 2019 a new EAF form populated by the EAF mapper should be submitted.

This is an unlisted action under SEQR which means the review can proceed as either coordinated or uncoordinated. Since the ZBA is doing their own uncoordinated review, we can follow suit and may even be able to adopt a Part 2 by the next meeting, Mr. Stach said.

Member Ternquist made a motion to declare the Planning Board as the lead agency in an uncoordinated review of this unlisted action under SEQR, seconded by Member Shipley. Upon vote, the motion carried unanimously.

Chairman Iatropoulos opened the public hearing.

Shaina Peattie, 21 Stage Street, Airmont, New York, said that she owns ½ acre of property adjacent to the railroad tracks where the trains filter into 20 Dunnigan Drive and said that the daily operations of Manhattan Beer and the railroad operations are affecting the quality of her and her family's lives. She then presented a number of grievances, the first of which were the lights on Manhattan Beer's property, which are neither screened nor facing downward and spill into her windows. The proposed canopy lights added to this concern, she said. Other disturbances emanating from the Manhattan Beer property include excessive noise not just from machinery and the trains, but from the workers loading and unloading product, talking, and loud music. The train noise has become more a problem, she continued, with trains arriving usually between 11 pm and 5 am with horns blaring at least five times per week, more frequently than in the past. Ms. Peattie described fumes and noise from idling trucks on Dunnigan Drive, and various types of garbage thrown on her property such as railroad ties, guard rails, and detritus from Manhattan Beer, all of which clog the storm drains thereby causing soil erosion and uprooting trees on her property. She said that the lack of a fence along the railroad tracks poses serious safety risks for anyone, including her young children. She said she hoped that Manhattan Beer, with this proposal, can possibly plant more trees to screen their activities, can abate the noise and will pay closer attention to the harm their operations are causing in the immediate environment.

Mr. Berger asked the Planning Board if they would be amenable to allowing Manhattan Beer to apply the same landscaping and screening to the other side of the tracks. Mr. Stach said that would be

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a matter for the Village of Airmont. Chairman Iatropoulos recommended that the Board should make a site visit to see the conditions first-hand.

Corinne Cohen, 53 Lackawanna Trail, Montebello, said that her property abuts the railroad tracks and that trains come through at 3 a.m. blowing their horns. The residents of Lackawanna Trail fought many months with Raymour & Flanigan to address their noise levels and it is disheartening to have to struggle again with these issues, she said. Ms. Cohen said she understands that the railroad is not the Village's responsibility and that she should address them directly. However, she said, the Village noise ordinance states that businesses can operate only between certain hours and Manhattan Beer has become a 24-hour operation. People in nearby homes should not be disturbed by any type of business at 3 a.m., she added.

Hugh Winn, 20 Lackawanna Trail, Montebello, echoed Ms. Cohen's sentiments and added that the trains have been coming later and later, more frequently, and mostly after midnight, sometimes stopping and idling on the tracks and rattling his whole house.

Chairman Iatropoulos asked the clerk to organize a site visit to investigate some of the conditions described by the residents and Mr. Berger agreed to coordinate to schedule a time.

Ms. Terhune advised Mr. Berger to speak to his client about reaching out directly to railroad's operations director to see if there is any kind of control about the time and frequency of deliveries.

Mr. Stach agreed with Ms. Terhune, then noted that several of the items raised tonight, such as the condition of the railroad tracks, are not the purview of this applicant, but they may ultimately be able to get the railroad to change their practices, particularly where the engine is idling waiting for things to happen down the track. It doesn't make sense to idle near homes, he said. Mr. Berger said he will bring the public comments to Manhattan Beer. If they are unable to get the railroad to clean up, to change delivery times and to make the tracks safer, there are other options to be better neighbors. There may be a way to facilitate improvements with Airmont Village as well.

Ms. Terhune said that anything his client can do to alleviate the situation will be appreciated. These are SEQR issues with noise and garbage and will be addressed at ZBA as well, she added.

Member Ternquist made a motion to adjourn the public hearing and to adjourn the application to the February 12, 2019 Planning Board meeting. The motion was seconded by Member Shipley. Upon vote, the motion carried unanimously.

Member Ternquist made a motion to adjourn the meeting at 8:56 p.m. seconded by Member Shipley. Upon vote, the motion carried unanimously.