

The Planning Board of the Village of Montebello held a meeting on Tuesday, April 9, 2019 at Montebello Village Hall, One Montebello Road, Montebello, New York. Vice Chair Burke called the meeting to order at 7:15 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 Member

OTHERS

Alyse Terhune, Asst. Village Attorney
Jonathan Lockman, Village Planner
Jody Cross, Village Counsel
Martin spence, Village Engineer
Regina Rivera, Planning/Zoning Clerk

ABSENT

Anthony Caridi, Chairman

Member Ternquist made a motion to approve the March 12, 2019 Planning Board minutes, seconded by Member Shipley and upon vote, all were in favor.

**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.

The applicant requested an adjournment to the next meeting. Member Iatropoulos made a motion to adjourn the public hearing and the application to the May 14, 2019 Planning Board meeting, seconded by Member Ternquist. Upon vote, all were in favor.

**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.

Amy Mele, summarized application and pointed out the two deficiencies with the site plan that plagued them at the last meeting. The first issue was that the landscaping plan was neither legible nor thorough, but the Landscaping Architect has since submitted a new plan based on the site plan, removed the proposed path along the Mahwah River and included a comprehensive planting plan. The second issue, she continued was that the information submitted for the Stream and Wetlands Protection Permit was deficient. A substantive narrative has now been submitted that clearly explains everything being done in

the wetlands and the floodplain in accordance with Section 191 of the Village code, and thereby proving there will be no adverse environmental impact.

Vice Chair Burke asked if the Rockland County Drainage Agency approval was needed. Ms. Mele said a permit from that agency was necessary but that they could not submit that application until Planning Board approval is given.

Mr. Spence summarized his April 8, 2019 review, noting that all previous engineering comments were addressed, and that the drainage design is sound. Any remaining comments in the memo are minor and include conditions under which approval should be granted. Mr. Lockman's memo of April 5, 2019 showed that the applicant has complied with all earlier comments.

Vice Chair Burke opened the public hearing. No one wishing to speak, Member Ternquist made a motion to close the public hearing, seconded by member Iatropoulos. Upon vote, all were in favor.

Ms. Terhune read the prepared draft resolution into the record, noting one override of item #9 of the Rockland County Planning Department GML review dated December 6, 2018. Mr. Spence reminded everyone that the New York State Department of Transportation must issue a work permit, and that the Rockland County Department of Environment Health approvals are also needed.

Member Ternquist made a motion to grant approvals for the amended site plan, subdivision and Stream and Wetlands Protection permit as conditioned in the draft resolution, seconded by member Iatropoulos. 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 and engineer Peter Fleming. Mr. Berger stated that the ZBA granted the front yard setback variance, noting that the setback was already non-conforming when Manhattan Beer purchased the building. He explained that the footprint of the building will not change, and that they are relocating the exiting railroad spurs to the outside of the building to accommodate twelve train cars for off-loading at one time instead of five cars.

Mr. Berger explained that the ZBA conditioned their approval on the inclusion of a seven-foot hedge and a guardrail along the frontage of Dunnigan Drive, and a retaining wall along the perimeter of the site for sound attenuation purposes, adding that he accepts all comments from the Village Planner and Engineer and will revise the plans accordingly.

Referring to comment S-28 of Mr. Spence's memo dated April 5, 2019, Mr. Berger said that the purpose of the pipe is to collect water running off the new canopy. The pipe will be located underneath the building floor and will lead out to the stormwater system. There is not enough room to do it any other way, he said, adding that it is not a significant amount of water. Mr. Spence said this plan is not ideal but deemed it acceptable since the applicant had no other choice and stated that there is no negative impact to the Village.

Jonathan Lockman, in summarizing his memo dated April 4, 2019, said he was satisfied with the landscaping submission, and reminded Mr. Berger that since this is a commercial project, Architectural Review Board (ARB) approval on colors, material types, and renderings will be needed. He then asked Mr. Berger to include a lighting plan and color elevations in the next submission. Mr. Lockman noted that a short EAF Part 1 was submitted, that the application is an unlisted action under SEQR and that he prepared a Part 2 on which #3 is checked indicating potential impacts to the character or quality of the existing community. To this end, he asked the applicant to address how noise will be controlled at the loading platform within the limits of hours of operation of 7 a.m. to 6 p.m. We anticipate that residents who live nearby could be impacted from the loading noise, he added.

Vice Chair Burke opened the public hearing. No one wishing to speak, Member Ternquist made a motion to adjourn the public hearing and the application to the May 14, 2019 Planning Board meeting, seconded by member Iatropoulos. Upon vote, all were in favor.

**Indian Rock Holdings, LLC/Columbia Doctors
30 Indian Rock Plaza, Montebello, NY**

Application of Gabe Alexander of Indian Rock Holdings, LLC, 16 Squadron Boulevard, New City, New York, 10956 on behalf of Columbia Doctors/Hudson Heart Associates of Hudson Valley for approval of a Site Plan entitled "Columbia Doctors Expansion" which proposes the demolition of the outback Steakhouse and the construction of a two-story medical building in its place. The property is located at 30 Indian Rock Plaza, on the north side of Route 59 approximately 500 feet east of the intersection with Hemion Road, which is designated on the Ramapo tax map as Section 55.10, Block 1, Lot 5.1 in the NS zone.

Present were the applicant's attorney Amy Mele, his project manager Jake Berdugo, engineer Bill Johnson of Sparaco & Youngblood PLLC and his architect Todd Rosenblum. Ms. Mele introduced the proposal to the Board explaining that the applicant was looking to bring new tenants to the vacated Outback Steakhouse and that they wish to replace that building with a two-story 17,000 square foot medical building on a footprint just slightly larger than what exists now. All the feedback received at the two CDRC appearances were incorporated into the plan now before the Board, she said, and the biggest issue the proposal faces is parking, noting that Mr. Harry Baker, author of the parking study, will explain his findings.

Mr. Johnson presented the site plan and explained that any parking spaces to the rear of the building are in the Village of Airmont and though they will remain they are not included on the plans nor are they being counted in the aforementioned parking study. The original footprint was 6,450 square feet, and the proposed footprint is 8,600 square feet, he said. Vice Chair Burke expresses her concern over the increase. The applicant's architect Mr. Rosenblum clarified that the new building will be within the existing envelope with the addition of a side entrance for emergency access and the addition of some walkways. He then distributed elevations and renderings of the building and explained that the original elevations showed a pitched roof but that Village height restrictions would then allow only 12 feet of height on the first floor and 10 feet on the second which cannot accommodate their medical equipment. A flat roof is now proposed, he continued, which will allow both floors 14 feet while maintaining the 30-foot limit.

Vice Chair Burke asked where the mechanicals will go. Mr. Rosenblum said they will go between the suspended ceiling between the floors and the ceiling structures. He then showed the full color renderings of the proposed building from several angles. Vice Chair Burke, upon viewing the renderings, said the building will block any view of the rest of the shopping center from the street and that the look of the building does not tie in with the rest of the shopping plaza. Mr. Rosenblum offered that it is hundreds of feet away from the rest of the plaza and therefore separate, and the new building will enhance the look of the shopping center which is moving toward medical tenants. Ms. Mele added that shopping centers are attracting more medical office clients and that medical offices are now allowed unrestricted in the NS zone in keeping with the market. She also explained that her client explored adding a second story to the plaza to accommodate such offices but abandoned the idea when Outback did not renew their lease.

Vice Chair said that nonetheless, the look of the shopping plaza is the result of long and thoughtful deliberations by the Planning Board and the ARB when it was built, and that the two outlying buildings, McDonalds and Outback, are intrinsic parts of the plaza which is apparent in their architectural similarities. Mr. Rosenblum countered that was in the 90's and that they are pursuing a fresher look. Member Shipley said that this look could set a precedent for the evolution of the whole shopping center. Mr. Rosenblum said he agreed but reiterated that the building is separate from the rest of the shopping center in any case. Vice Chair Burke disagreed stating that all three buildings make up one cohesive shopping plaza.

Indian Rock Holdings, LLC/Columbia Doctors

Mr. Spence gave an overview of his April 5, 2019 review, touching upon drainage, landscaping and lighting plans, and then noted that the green space in the renderings seemed a bit generous and that the proposed building would be much closer to Route 59 than the renderings suggest.

Mr. Lockman summarized his memo dated April 4, 2019. Key among the issues was the request by Rockland County Highway Department, in their March 21, 2019 letter to connect the sidewalk in front of the property to the existing sidewalks. This is not feasible, he said, as that portion of the sidewalk is in the Village of Airmont. Regarding architectural renderings, Mr. Lockman said this Board is looking for a brick façade and a green roof to match the rest of the shopping plaza, and advised they seek a new architectural style. The parking analysis has some typos and math errors, he continued, and shows that during peak hours 60 percent of all the parking spaces will be used by Columbia Doctors. Mr. Lockman said that during testimony tonight, he heard mention of Columbia Doctors keeping one suite in the main building. Mr. Berdugo, project manager for this proposal, clarified that one of the suites will move to the new building and the other will remain occupied by Columbia Doctors, and that they hope to lease the empty suite to another medical practice. Mr. Lockman said that fact was not clear in the narrative, and in any case, the current mix of tenants is very different from that of 2017 when the parking study was done. With more medical tenants, parking will be impacted, and the applicant must demonstrate that there will be enough parking with the mix of tenants by, for example, showing how the peaks would be staggered to share parking for all. To this end, Mr. Lockman said that he was recently at the site at lunchtime and found much of the lot full, and any empty spaces were by McDonalds, in which case pedestrian circulation and safety would have to be addressed.

Mr. Lockman wrapped up his comments by noting that the Full EAF part 1 was received, that this is an unlisted action under SEQR, and that he recommends the Planning Board assume lead agency.

After some discussion with Mr. Baker about the parking study, changing tenants, and pedestrian and traffic safety, Vice Chair Burke advised the applicant to heed the Village Planner's advice and re-do the parking study. Ms. Mele said they would go back to the drawing board.

Member Iatropoulos made a motion for the Planning Board to assume lead agency for SEQR, seconded by Member Ternquist, and upon vote, all were in favor.

**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.

Present were the applicant Howard Hellman, his engineer John Atzl of Atzl, Nasher & Zigler, Joseph Scarmato his attorney and his architect David Mayerfeld.

Mr. Scarmato explained that the LLC [that owns the property] represents the interests of a religious congregation whose members are currently worshipping nearby in dispersed locations, and that they are seeking a venue in which to hold their services. They acquired the property about three years ago and were waiting for the moratorium to end and once it did, they met with the CDRC, he said.

Mr. Scarmato said his clients have been careful to address any issues that may cause the need for variances, and this design is the result of several trips to the CDRC and site plan variations. The parcel itself is substantial at 10 acres, and the bulk table in this zone permits a building larger than the one now proposed. However, because there are significant wetlands, streams, ponds, and slopes, and because the Scenic and Historic Road District requires a setback of 250 feet, the originally proposed building was downsized and the result is a building having little impact on the surrounding viewshed, with parking in the rear and heavy landscaping at the frontage to provide screening. Further, he continued, the proposed two-story building will be sunken below grade by about one half a story so it will appear smaller from the road.

There is a farmhouse on the property that was designated a historic landmark by the village Historic Preservation Commission (HPC), which will be preserved, restored and used for clergy, and the older dilapidated structures on the property will be removed, he said.

The upper level will be used as a sanctuary with smaller meeting rooms, and the lower level will serve as a gathering area for special events and services and will include a small kitchen area. Mr. Scarmato emphasized that these floors will not be used simultaneously and that the proposed parking reflects total usage of the site. Acknowledging that there are issues with the Scenic and Historic Road District that does not allow sidewalks, Mr. Scarmato said they intend to fully comply with the district and noted that the building will house weekday religious prayer services on off-hours for 20 congregants or so who will drive there, as well as larger gatherings several times a month to which congregants will both drive and walk.

Mr. Atzl touched on several engineering points regarding drainage, setbacks and DEC wetland requirements, and explained that this house of worship is a use by right by special permit in the RR-50 zone and reiterated there are no variances required. The building footprint is 28,000 square feet, he said, and the parking is based on seating, with one space per five seats. Mr. Atzl said they had no issues with the Planner’s or Engineer’s comments and that he and his clients are eager to hear the public’s and this Board’s comments before they delve deeper into the engineering details.

Mr. Mayerfeld, architect for the applicant, presented the elevations and explained that there will be 422 seats in the main event space, several classrooms, a coat room, bathrooms, a canopy in the front and a space for security detail, an unfortunate necessity. All will be ADA compliant. The

multi-purpose room will have a warming kitchen leading out to a sunken patio and hidden below-ground will be a mikvah.

Vice Chair Burke asked Mr. Spence to summarize his memo dated April 6, 2019. Mr. Spence said the plans submitted are preliminary and the level of engineering detail is not advanced and therefore his comments are generalized. The Applicant is also seeking a Wetland and Stream Protection permit, he continued, and a New York State DEC review is required. Mr. Atzl said that a slope analysis was done and that a local wetlands expert walked the property with Mr. Spence to ensure the wetland delineations are correct. Mr. Spence acknowledged that site visit and stated the delineations are correct, consistent and representative of the conditions. He then noted that a dam engineer inspected the existing dams on the property and recommended they be removed, a process that will be overseen by the DEC. Vice Chair Burke asked if the Army Corps of Engineers (ACOE) needs to review the wetlands and the proposal. Mr. Spence said there was a delineation from the ACOE as well.

Finally, Mr. Spence stated that the traffic and pedestrian circulation report must be updated to reflect the latest revisions to the proposal. Mr. Atzl said he has retained the services of a traffic engineer and will update the report based on the new size of the building. We look forward to working with Mr. Spence on this and take no issue with any of his other comments, he added.

Mr. Lockman summarized his memo dated April 4, 2019, noting that there were small discrepancies with the number of seats, particularly in the sanctuary, which should be corrected for the next submission. The narrative says there will be 144 parking spaces, he continued, but it is not clear if that depends on the two rooms not being used at the same time. There should be a note on the plans explaining as much, he said. Vice Chair Burke asked how the usage of both spaces could be monitored. Mr. Lockman explained that this is a standard condition on places of worship of all kinds in all communities and that it is not a problem and requires only a note on the plans.

Mr. Lockman continued his review, stating that lighting and signage plans should be included in the next submission, and that this application will need to go the HPC for a certificate of appropriateness given its location in the Scenic Road district. Finally, Mr. Lockman advised that they submit a parking management plan for very large events, should they occur. He then recommended to the Board that they declare lead agency for the SEQR review. Member Ternquist made a motion to declare lead agency, seconded by Member Iatropoulos, and upon vote, all were in favor.

Vice Chair Burke opened the public hearing.

Judith Langley, 163 Spook Rock Road, Montebello, asked what impacts the noise and lights would have on the surroundings. She said she hoped the natural screening would be significant enough so that she does not see the parking lot, which is proposed 50 feet away from her property line. Ms. Langley was assured from the Board that the applicant must conform to village noise ordinances and that any ambient light must not spill onto adjacent properties.

Mr. Langley, 163 Spook Rock Road, Montebello, said that he was very concerned about noise, drainage and especially traffic, citing his concerns over whether these small winding roads could accommodate more vehicles.

Jill Goldstein, 1 Canterbury Lane, Montebello, explained that she lives across the street and that she was worried about traffic too if many more cars would be added to the morning and afternoon school bus traffic. Further, she said, there will be lights and noise and her and her neighbors' peace will be disturbed.

Deborah Munitz, 5 Rose Hill Road, Montebello, said she was very happy to see there are no variances requested but said she did have concerns over the size of the facility, particularly regarding tree clearings, landscaping, visual impacts, and the safety of drivers and pedestrians alike. She gave the Board a three-page document with all her comments and concerns for the record. She then suggested that the Board consider visual comparisons with the two other houses of worship in the Village to use as a guide in order to conform and mitigate any visual impacts.

Janson Weinger, 1 Canterbury Lane, Montebello, said that the village should scrutinize the traffic study since most worshipers will drive there on weekday mornings, the same time students are waiting for busses and driving to school. The corner of Lety Lane and Viola Road is a particularly busy intersection in the mornings and safety is a real concern.

Gary Di Matteo, 124 Spook Rock Road, Montebello, said that traffic is his main concern and asked the Board to do its due diligence.

Rick Parker, 6 Golden Road, Montebello, asked if the dam that created the pond will be removed. Mr. Atzl said that there are two dams and they will both be removed. Mr. Spence concurred, explaining that he is awaiting details on those removals. Ms. Terhune asked why they were removing the dams. Mr. Spence said that a dam engineer was hired by the applicant and the report showed that neither is stable, reiterating that he is awaiting details on removal impacts to be submitted for review. Mr. Parker said the three-foot stream flows between his and the neighbor's and is bordered by rock walls. During storms the water drains into the gully, he said, and asked what will happen once the dams are removed. It is a steep grade and he said he is worried Golden Road will be washed out. Mr. Atzl said the dam removal is subject to DEC guidelines and Village Engineer approval. Ms. Terhune asked if they will be studying the impact on neighborhood properties and if, once the dams are removed, there will be just a stream left. Mr. Spence answered yes. Mr. Atzl reiterated that everything will be studied and supervised by the DEC and by Mr. Spence.

Dawn Conklin, 4 Penny Lane, Montebello, said the existing farmhouse on the property is being used as a house of worship, that the lights are on for 24 hours from Friday night to Saturday night and during that time she noticed a lot of foot traffic. It's dangerous for pedestrians, especially at night, she said, and added that she certainly does not want anyone to be hit by a car, nor does she want to hit anyone.

Dennis Plassart, 90 Viola Road, Montebello, said he lives at the property next door and asked how close the parking lot is to his parking area. Mr. Spence said the dimensions show parking 51 feet from Mr. Plassart's property line. Mr. Plassart said he appreciated the other public comments, particularly regarding the drainage and the aesthetics.

Steve Lipton, 9 Diamond Court, Montebello, asked how close his property was to the proposed parking. Mr. Atzl, referring to the site map, said it was 240 away due to the DEC wetlands.

Maya Schmutter, 22 Golden Road, Montebello, said she loves this proposal because she welcomes more lighting and appreciates the architecture, noting that with all the landscaping, this proposal will only improve what is now a community eyesore.

Mike Parietti, 6 Spook Rock Road, Wesley Hills, said that a house of worship is a use by right in this zone but that he thought it would be difficult to maintain the rural character of the area, which is a weighty consideration. There are many people who have lived here for many years, he said, and this proposal will impose a considerable change upon their lifestyles. Mr. Parietti then wondered how big this congregation will be considering it offers a large capacity for regular worship. Noting there is a demographic shift and several very small houses of worship nearby he asked if this is being built to service a higher future population, which, he posited, could have a block-busting effect. Ms. Terhune asked Mr. Parietti to focus his comments on the application itself and not on some future hypothetical. Mr. Parietti said that a special permit is required for this project. Ms. Terhune said that it is a special permit that allows this board to require very specific conditions on the building. Mr. Parietti said that in any case, his comments about the size and utilization of the building are relevant to the project.

Max Jacobs, 220 Willow Tree Road, Wesley Hills, stated that he has lived here for 42 years, has seen many changes, has sat through many similar Planning Board meetings in Wesley hills, and said that most people are living happily there and that nobody has been hit by a car when walking along the road. He then pondered why anyone should suggest that this building should conform to other synagogues in the village, stating that he has worked in Nyack for many years, a municipality in which there are 15 churches, none conforming to each other architecturally.

Austin Ware, 2 Tanchak Court, Montebello, said he liked the architecture of the building and did not object to the project, but expressed his genuine and heartfelt concern for safety on Viola Road, adding that pedestrian and traffic safety should be deeply and thoroughly reviewed.

No one else wishing to speak, Member Iatropoulos made a motion to adjourn the application and the public hearing to the May 14, 2019 meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

New Business

A discussion ensued about 77 Mile Road, a three-lot subdivision that was approved by this Board several months prior. The Rockland County Drainage Agency will not sign off on the plat until a discrepancy regarding a GML review from the Rockland County Planning Department is resolved. The Board agreed that the issue of the root cellar in the side yard was a non-issue and agreed that a second resolution should be drafted to clarify. Meanwhile, the applicant stated that she intends to sell the two new lots to builders and requested a waiver of the security for the infrastructure.

Mr. Spence said that subdivisions usually mean the creation of roads and such bonds are required to prevent any developer from abandoning a project but acknowledged that these are individual private lots and infrastructure is not an issue. Member Shipley said that if this Board granted the waiver, it may set a bad precedent. Ms. Terhune said Mrs. Irvine's attorney cited the incorrect code and that there exists a deferral under 163-20B.

Mr. Spence said there is no public infrastructure, that it's only two lots and there is no roadway, street trees or curbing needed. Mr. Lockman agreed, saying that infrastructure is installed for the benefit of everyone and if not installed, everyone suffers. This is not the case, he said. After further discussion, the Board decided to table the decision until the Drainage Agency issue was resolved.

Member Ternquist made a motion to adjourn the meeting at 10:45 p.m. seconded by Member Iatropoulos. Upon vote, all were in favor.