

The Planning Board of the Village of Montebello held a workshop and a meeting on Tuesday, May 14, 2019 at The Montebello Village Hall, One Montebello Road, Montebello, New York.

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
Max Stach, Village Planner
Martin Spence, Village Engineer
Regina Rivera, Planning/Zoning Clerk

ABSENT

Anthony Caridi, Chairman

Member Iatropoulos made a motion to open the workshop of the Planning Board at 7:00 p.m., seconded by Member Ternquist, and upon vote, all were in favor.

Ms. Terhune announced that this will be a short workshop presentation of an upcoming project that as gone before the CDRC, a proposed office building at 5 Hemion Road, the approved site of Valley National Bank, which was never built.

Mr. Spence said the proposed building will be two stories and will house the property owner's insurance business as well as other tenants. Mr. Spence explained that this is the former site of Valley National Bank, which received site plan approval and filed signed plans with Village Hall, but the project was ultimately abandoned. There was a conservation easement under that proposal but it is unclear whether it was filed. In any case, he continued, this project proposes parking in that conservation easement area and since the last project was abandoned, it is likely this project will not be subject to the easement.

Ms. Terhune elaborated that legally, this is a new plan and it is up to this board to decide whether to allow parking in the easement. A conservation easement is a property right, and we must determine whether it was filed and therefore subject to a specific plan. If filed, it must be dealt with, she added. Mr. Spence said that Valley National Bank was approved in 2007 when the zone was designated Village Center. Now that the zone is Neighborhood Shopping, any changes in the requirements may affect any easement and should be explored. Ms. Terhune added that this new application is subject to the current zoning laws of the NS zone.

After some discussion of the bulk table in the NS zone, Member Iatropoulos suggested the Board pay a site visit to enable better-educated opinions. Ms. Terhune suggested they do this casually, each on their own and not as a whole, and the Board agreed.

Mr. Spence read through his preliminary review, as did Mr. Stach, who said that he is recommending this project be classified as an unlisted action under SEQR and the applicant may proceed with a short EAF. That applicant's Ms. Mele asked if they would be required to go back to CDRC to which Ms. Terhune answered yes. Ms. Mele said she would drop off renderings for each Planning Board member in any case, so they have a frame of reference when on the site visit.

Member Iatropoulos made a motion to close the workshop, seconded by Member Ternquist, and upon vote, all were in favor.

Vice Chair Burke called the meeting to order at **7:25 p.m.** and led everyone in the Pledge of Allegiance.

Member Iatropoulos made a motion to approve the April 9, 2019 Planning Board minutes, seconded by Member Ternquist and 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 n the Ramapo tax map as Section 55.10, Block 1, Lot 5.1 in the NS zone.

The applicant requested an adjournment to the June meeting. Member Iatropoulos made a motion to adjourn this application to the June 11, 2019 Planning Board meeting, 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.

The applicant requested an adjournment to the June meeting. Member Ternquist made a motion to adjourn the public hearing and the application to the June 11, 2019 Planning Board meeting., seconded by Member Iatropoulos. 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.

Present was the applicant's engineer Dave Zigler of Atzl, Nasher & Zigler, who presented an overview of the proposed parking expansion and explained that the current 29 parking spaces are simply not enough, that they are proposing the addition of another row of parking on the west side of the property and relocating the spaces in the front to the east side and adding two more spaces in the rear of the building. He noted that all requested variances were received and that the full ZBA resolution will be added to the site plan, as per the ZBA and this Board's request.

Mr. Zigler noted that the Rockland County Planning Department, in their GML review dated March 14, 2019, required a berm with evergreen plantings along the property line to shield headlights of vehicles parked in the spaces. As discussed during the ZBA meeting, there is little room for the plants and in any case, they will die within months of planting due to the direct proximity to cars' exhausts. Mr. Zigler instead proposed a fence along the length of the new parking area, to which the ZBA agreed. He and his client have no issues with other comments from the county, and that they will comply with the Rockland County Highway Department requirement of a highway permit.

Mr. Stach said his only comments are that an asterisk should be added to the development coverage, for which a variance was received, and that the full ZBA resolution should be added as a page to the site plans. All other comments are satisfied, he added. Ms. Terhune pointed out that the ZBA approval was conditioned upon Mr. Spence's approval of the drainage. Also, he added, this is a Type II action and therefore SEQR is not necessary.

Vice Chair Burke asked how left turn exits will be prevented. Mr. Zigler said that there will be a "no left turn" sign on the island and a six-inch raised curb to make it more difficult to make a left turn from the parking lot.

Ms. Terhune noted that the ZBA variances are conditioned upon shrubbery being installed on the eastern and western borders, but that here there is only mention of a fence. The GML said "living plant screen" and she suggested adding a vine to satisfy the county. Mr. Zigler said they will do whatever it takes to comply with the county.

Vice Chair Burke asked about the parking space size. Mr. Zigler said that there is a discrepancy in the village code about the parking space length, but that the ZBA granted a variance so that the size meets both in the code. Mr. Stach acknowledged that the definition of a parking space in the village code must be amended.

Mr. Spence said he submitted a memo dated May 13, 2019 and that he has no further comments, nor are there any issues with outside agency comments. Mr. Zigler noted that they need a work permit from the Rockland County Highway Department and that they will comply with the Department of Health's mosquito code.

Vice Chair Burke said that she was on this Board when this building was approved and that the resolution stipulates the following: "The applicant advises that the uses proposed for the office building will produce limited traffic and will agree to limitation for use...and a covenant for low-intensity use is to be filed." The use intensity has increased, which caused this need for more parking, she said, adding that the architect who designed and inhabited the building convinced the Board to approve the project partly because the use would be low-intensity and there would not be much need for parking.

Ms. Terhune explained that the types of uses approved have not changed, and that though the use has intensified, it's the same classification of use applying to a pre-existing non-conforming use that has expanded, and the ZBA was called upon to allow it.

Mr. Shipley asked if the covenant would apply in this case. Mr. Stach said that when this building was approved, the covenant was appropriate because they weren't providing the required 35 parking spaces, and now there is no longer a basis of the covenant. Ms. Terhune added that the purpose of that covenant was to allow the building to be built without the required parking, which no longer applies.

Vice Chair Burke asked if there will be signage and stated that should the applicant change his mind about adding signs, he would have to come back to this Board with a sign plan. Mr. Zigler said he understood, and that the owner has not yet decided on any signage. He reminded the Board that replacement signage is on this site plan, just a bit further back than the existing sign. Ms. Terhune suggested that site plan approval can be conditioned upon submission of a sign plan. Mr. Zigler expressed concern about not being able to move forward, citing the unsafe conditions of the parking lot. Ms. Terhune suggested that if the Board grants approval, and that if the applicant decides to add signage, they need to come back with a sign application. Mr. Stach clarified that the proposed sign location on this map can be approved here, but not a sign itself. Any sign will require another application for sign design and location.

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

Ms. Terhune asked if there should be any other conditions upon which these variances should be granted. Mr. Spence, referring to his May 13th memo, said the resolution should note the revised plantings along the western property line in order to comply with the ZBA conditions, and that the applicant should provide a cost estimate of the improvements and details on the island curb. Ms. Terhune determined that the applicant has complied with all county agency conditions, noted that a Rockland County Highway work permit is required, and instructed the applicant to include the ZBA resolution as a full page on the site plan.

Member Iatropoulos made a motion to approve the application as ,modified seconded by Member Ternquist. Upon vote, all were in favor.

Resolution PB 09 of 2019
Village of Montebello Planning Board
Granting Final Conditional Site Plan Approval to
Jersey Realty Management Properties, LLC, owner of H&S Office Building
49 North Airmont Road - SBL 55.08-1-4

WHEREAS, on or about May 1, 2018, Jersey Realty Management Properties, LLC (the “Applicant”) submitted an application to the Planning Board seeking site plan approval to reconfigure the parking lot at its property to increase parking from the existing 29 spaces to 42 spaces. The subject property is the H&S Office Building, located at 49 North Airmont Road, and is identified on the Tax Map as Section 55.08, Block 1, Lot 4. It is located in the Laboratory Office - Campus (“LO-C”) Zoning District, Use Group “L”; and

WHEREAS, on May 15, 2018, 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 March 14, 2019, identifying recommendations for approval; all of which were adopted by the Planning Board and made part of this approval as if reproduced in full herein; and

WHEREAS, the Application was also referred to the Rockland County Department of Health (“RCDOH”), Rockland County Sewer District No. 1 (“RCSD”), the Rockland County Highway Department (“RCHD”), and the Town of Ramapo Department of Public Works (“Ramapo DPW”). By letter dated April 5, 2019, RCDOH noted that the Applicant would be required to comply with the County Mosquito Code. By letter dated June 12, 2018, RCSD noted that the Applicant is required to sign and submit the Commercial/Non-residential Wastewater Questionnaire and the County Planning Information Certification must be submitted to and approved by RCSD. By letter dated May 21, 2018, the Rockland County Highway Department required the driveway to be reconfigured to provide a clear and safe environment for all road users, which the Applicant satisfied. The Ramapo DPW commented by letter dated May 23, 2018; and

WHEREAS, the Applicant received variances from the Zoning Board of Appeals on July 19, 2001, to allow for a decrease in the number of required parking spaces, among other bulk requirements. Although the proposed expansion of the parking lot would result in satisfying the number of required parking spaces, the expansion would reduce compliance with other bulk requirements as identified by the Building Inspector and Planning Board. The Applicant was referred to the Village of Montebello Zoning Board of Appeals, which Board granted the required variances subject to certain conditions on March 21, 2019; and

WHEREAS, after reviewing Part 1 of the Full Environmental Assessment Form (“FEAF”) dated May 3, 2018, the Planning Board determined that the expansion of a nonresidential structure or facility by less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, was a Type II action pursuant to 6 NYCRR 617.5(c)(9). No further SEQR action was required; and

WHEREAS, a duly noticed public hearing was convened on June 12, 2018, and adjourned to all subsequent meetings at which the Applicant appeared on the agenda, during which time the Board heard testimony from the Applicant and all those wishing to address the Board on the matter.

After hearing all those who wished to speak, and considering all comments from the public, the hearing was closed on May 14, 2019; and

WHEREAS, the Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law, all determinations made by the Village Building Inspector, and 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 site plan approval to Jersey Realty Management Properties, LLC to reconfigure the parking lot to increase parking from the existing 29 spaces to 42 spaces at its property, the H&S Office Building, located at 49 North Airmont Road, identified on the Tax Map as Section 55.08, Block 1, Lot 4, as shown on the Plan Set consisting of 7 sheets, entitled H&S Office Building, by Atzl, Nasher & Zigler P.C., dated January 2, 2018, last revised on April 15, 2019.

BE IT FURTHER RESOLVED, that this site plan approval is granted subject to the following conditions:

1. Full compliance with the Zoning Board Decision dated March 21, 2019, and placement of the Zoning Board Decision on a separate sheet of the plan documents.
2. No visual of a proposed sign was submitted with this Application. The Applicant's representative stated that the Applicant has not yet decided on signage, and further, requested that the project be approved in the absence of signage. Therefore, this Resolution does not constitute signage approval either to visual representation or location. Should the Applicant decide that a sign will be placed on the property, a new sign application must be filed with the Planning Board.
3. Application to the Rockland County Highway Department for a highway permit.
4. Full compliance with all of the Rockland County Planning Department recommendations and conditions as stated in its memorandum dated March 14, 2019, as set forth in the Zoning Board Decision, dated March 21, 2019, and incorporated herein as if set forth in full.
5. Provide a cost estimate of the proposed construction to the Village engineer.
6. Full compliance with any outstanding issue identified by the Rockland County Sewer District No. 1 in its letter dated June 12, 2018, regarding the wastewater questionnaire.
7. Compliance with the Rockland County Highway Department comments dated May 21, 2018.

8. Compliance with the Town of Ramapo Department of Public Works comments dated May 23, 2018.
9. Compliance with the Rockland County Department of Health (“RCDOH”) letter dated April 5, 2019 requiring that application be made to the RCDOH for compliance with the County Mosquito Code.
10. The Applicant shall comply with technical comments noted in the memorandum of Martin K. Spence, P.E., Village Engineer, dated May 13, 2019, with the exception of comment S-16, which is not applicable.
11. Compliance with the comments prepared by Nelson, Pope & Voorhis, LLC, dated May 10, 2019.
12. Add detail on the plan documents noting the height of the new island.
13. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.

MOTION: Member Iatropoulos

SECOND: Member Ternquist

MEMBERS PRESENT:

Jane Burke, Vice Chair, Member
Michael Iatropoulos, Member
Stan Shipley, Member
Thomas Ternquist, Member
Donald Wanamaker, Member

YEA or NAY

YEA
YEA
YEA
YEA
YEA

MEMBERS ABSENT:

Anthony Caridi, Chairman

Upon vote, the Resolution carried.

**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 dock and canopy.

Present was the applicant's architect Andrew Berger of di Domenico & Partners LLP, engineer Peter Fleming and Vice President of Operations for Manhattan Beer Mike McCarthy.

Mr. Berger reviewed the project at 20 Dunnigan Drive and gave an overview of the project and explained the proposal of adding a second train rail spur that would enable the unloading of twice as many train cars at one time thereby reducing truck traffic, and noted that the requested side and front yard variances were granted by the ZBA. A landscaping buffer to screen noise and visuals of the rail cars is proposed and a six-foot chain link fence with black-coated vinyl covers will be installed behind the landscaping so no one can encroach on the tracks, he said. The proposed platform will be 16-feet wide along the length of the building in front of four openings with rolling doors in the façade and the canopy will span over the entire platform. The unloading activity is no different than what happens now with trucks, he said, and reminded the Board that Manhattan Beer's intent is to reduce truck and overall activity in the service yard.

Vice Chair Burke asked how many cars will be unloaded at one time. Mr. Berger answer twelve cars explaining that the cars will be side by side and there will be a bridge plate between the two cars so the outer car can be unloaded through the inner car and into the building. All activity and noise will be screened by the rail cars themselves and by the canopy. Vice Chair Burke asked if the canopy will be lit. Mr. Berger said there will be 20 LED lights, lit from the underside of the canopy 28 feet from the edge of the platform. No light will go beyond the Dunnigan Drive curb nor will it bother any neighbors. Ms. Terhune pointed out that shielded, downward lights are among the conditions of the ZBA resolution. Vice Chair Burke asked if the lights will be turned off after hours of operation [7 am – 6 pm]. Mr. McCarthy said they should remain on for safety reasons. Mr. Spence offered that the lights could be put on motion sensor timers after hours of operations. The applicant and the Board were satisfied with this condition.

Vice Chair Burke asked the frequency of the trains and delivery times. Mr. Berger said they come about four or five times per week, acknowledged that it sometimes arrives in the middle of the night, but that Manhattan Beer has no control over the train schedule.

Mr. Stach, referring to draft Part 3 of SEQR on noise, said there was less detail on noise levels than he would have liked given that there will be coupling and uncoupling of train cars and rollup doors on the warehouse. There is lots of noise potential but no decibel categorization, but since noise is limited to hours of operation, the noise from the highway will be louder than any operational noises, he said. He then recommended that the Board grant a Negative Declaration of Environmental Impact (Neg Dec).

Mr. Spence said there are items in the ZBA resolution that should be addressed, such as the shielding of proposed and existing lights. Mr. Berger said that Manhattan Beer has agreed to put shielding on the lights and that all new lights will be down-facing. Ms. Terhune reminded everyone that the ZBA resolution should be put in the site plan to ensure compliance with all conditions.

Mr. Spence noted that the ZBA resolution prohibits the use of back-up beepers on skid-loaders or forklifts. Mr. Berger said that is a problem since the beepers are OSHA safety requirements and that the noise will be mitigated by the sound-attenuating landscaping and the rail cars. Ms. Terhune said that he should have mentioned that to the ZBA and now there is a condition of approval that needs to be met, and the alternative is to go back to the ZBA. Mr. Stach asked if they could use flashers or spotters instead. Mr. McCarthy said he was not certain and that he would see if OSHA will allow something different for platform operations. Ms. Terhune said that if they find they must comply with OSHA, then this application will need to go back to the ZBA to lift the condition. Mr. McCarthy said he will consult with OSHA to find a workaround.

Vice Chair Burke asked if the canopy will be sprinklered, as per the Tallman Fire Department's letter dated April 23, 2019. Mr. Berger said it will be. Mr. Spence said that was part of the building permit process. He then summarized his memo dated May 10, 2019, stating that comment S-3 on light spillage has been satisfied.

Vice Chair Burke opened the public hearing.

Gary Schwartz attended the meeting as a representative of Raymour & Flanigan that operates at the adjacent property at 30 Dunnigan Drive. Mr. Schwartz explained that 300 associates use Dunnigan Drive every day, along with 50 tractor trailers and 30 delivery trucks on average. His concern, he said was that it would take a much longer time to unload twice as many rail cars, and that the train will be blocking Dunnigan Drive for a longer duration thereby impeding Raymour & Flanigan's operations. Mr. McCarthy said that the proposed platform was designed for maximum unloading in a minimal amount of time, though he could not say exactly how long, only that the unloading time will be comparable to what it is now. Mr. Schwartz was still not convinced that the trains would not unduly impede traffic on the road. Mr. McCarthy explained that the first six cars cross the road at two miles per hour and arrive at Manhattan Beer in less than 5 minutes. Once the train backs in, it has already cleared Dunnigan Drive, he said. The train uncouples five cars, moves back out and then goes in again to uncouple the rest of the cars on the second track at which point the train is clear of the road.

Mr. Schwartz was satisfied with this analysis and said he wanted to be sure his business won't be negatively affected. Mr. McCarthy said their goal is to take trucks off the road.

No one else wishing to speak, Mr. Stach recommended that the Board adopt the SEQR Part 3 as prepared by Mr. Berger. Member Iatropoulos made a motion to accept the part three and issue a Neg Dec seconded by Member Ternquist. Upon vote, all were in favor.

Member Ternquist made a motion to close the Public Hearing, seconded by Member Iatropoulos, and upon vote all were in favor.

Ms. Terhune established that the application complies with all relevant county agency requirement, and upon determining that the Board was ready to approve the plan, summarized the conditions which included compliance with the ZBA resolution, compliance with Mr. Spence's review of May 10, 2019, submittal of a cost estimate, and an additional note on the plans that the lights on the platform will be on a time, actuated by motion detector and turned off between the hours of 7 pm

and 6:30 am. Mr. Berger wanted to clarify that they won't be complying with all of Mr. Spence's comments because some issues will go away. Mr. Spence agreed and noted that the post-approval check print process will resolve the rest of the issues, and once all are cleared, the site plan can be signed.

Member Iatropoulos made a motion to approve the application as conditioned, seconded by Member Ternquist. Upon vote, the motion passed unanimously.

Manhattan Beer - Architectural Review Board

Mr. Berger presented the colors, materials and a rendering of the façade, canopy and loading dock as well as photos of the test pits. Noting that this building matches the other Manhattan Beer building at 10 Dunnigan Drive, Mr. Berger said that continuity was the goal.

Vice Chair Burke expressed her satisfaction with the renderings, and Mr. Stach and Mr. Spence had no comments. Member Ternquist made a motion to approve the renderings dated May 14, 2019, the colors and the materials, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

**Resolution PB08 of 2019
Village of Montebello Planning Board
Granting Final Conditional Site Plan Approval and Architectural Review Board Approval
to Manhattan Beer Distributors-20 Dunnigan Drive**

WHEREAS, on or about December 24, 2018, Manhattan Beer Distributors (the "Applicant") submitted an application to the Planning Board seeking site plan approval to reconfigure the existing freight railroad track along the south property line by adding a second rail, thus increasing the number of rail cars that can be unloaded at one time from the current six (6) to twelve (12); construct a platform and canopy along the south façade, and remove the existing fence and landscape along the front of the property along Dunnigan Drive (the "Application"). The Property is identified on the Tax Map as Section 55.07, Block 1, Lot 12, and is located in the Planned Industry ("PI") Zoning District. The application was last amended on April 22, 2019; and

WHEREAS, on December 28, 2018, 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 January 25, 2019, identifying recommendations for approval; all of which were adopted by the Planning Board and made part of this approval as if reproduced in full herein; and

WHEREAS, the Application was referred to the Tallman Fire Department, which responded by letter dated April 23, 2019, stating that the FD had no objections to the proposed modification, but made seven (7) concerns, which the Applicant has addressed, or will address at as part of its application to the Building Department for a permit. The Application was also referred to the Rockland County Sewer District No. 1 ("RCSD") By letters dated December 20,

Manhattan Beer Distributors

2018, updated January 7, 2019, RCSD identified a concern as to the location of a 24-inch sanitary force main and commented that the prohibition of permanent structures could not be built over RCSD's facilities. RCSD's concerns were addressed by the Applicant and its comments shall be complied with as to notification and insurance. The NYS Thruway Authority reviewed the Application and responded by email dated March 22, 2019, stated that it had no comments; and

WHEREAS, the Building Inspector and Planning Board identified a number of area variances made necessary by the proposed construction, the Applicant was referred to the Village of Montebello Zoning Board of Appeals, which granted the required variances subject to certain conditions on January 17, 2019; and

WHEREAS, on January 8, 2019, after reviewing Part 1 of the Short Environmental Assessment Form ("SEAF") dated December 26, 2018, the Planning Board determined that this was an Unlisted Action pursuant to the Regulations implementing the New York State Environmental Quality Review Act ("SEQRA"), and declared its intent to be Lead Agency and conduct an uncoordinated review. Part 2 of the SEAF, dated April 4, 2019, was submitted to the Planning Board and reviewed by its consultants. Part 3 of the SEAF was prepared by the Planning Board and a Negative Declaration was issued on May 14, 2019, closing SEQR; and

WHEREAS, a duly noticed public hearing was convened on January 8, 2019, and adjourned to all subsequent meetings at which the Applicant appeared on the agenda, during which time the Board heard testimony from the Applicant and all those wishing to address the Board on the matter. After hearing all those who wished to speak, and considering all comments from the public, the hearing was closed on May 14, 2019; and

WHEREAS, the Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law, all determinations made by the Village Building Inspector, and 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 site plan approval to the property located at 20 Dunnigan Drive, SBL 55.07-1-12, for the purpose of constructing a new double railroad track, loading platform and canopy along the south façade of the building, relocating the driveway entrance to the west parking lot, and removing the existing fence and replacing it with landscaping along the front of the property along Dunnigan Drive, as shown on:

1. 24" by 36" Plan Set consisting of twelve (12) sheets, last revised May 14, 2019, prepared by Andrew Berger, AIA, di Domenico + Partners LLP;
2. 11" by 17" plan, Figure CF-1, by JMC Planning, Cut and Fill Analysis, dated 4/23/2019.
3. 24" by 36" Rendering by Andrew Berger, AIA, di Domenico Partners, last revised May 14, 2019.
4. 24" by 36" Plan Set consisting of 3 sheets, prepared by David P. Lombardi, AIA, di Domenico Partners, last revised April 23, 2019.

5. 24” by 36” Plan Set consisting of 2 sheets, prepared by Construction Consultation Services, with latest revision date of 4/19/19.
6. Gabion Retaining Wall Design, prepared by Peter Fleming, PE, Construction Consultation Services, LLC, dated April 19, 2019.

BE IT FURTHER RESOLVED, that this site plan approval is granted subject to the following conditions:

1. Full compliance with the Zoning Board Decision dated January 17, 2019.
2. The addition of a note on the plan stating the lights over the loading platform will be shut off between 7:00 pm to 6:30 am and operated during that time by motion detector.
3. The provision of a cost estimate of the proposed construction to the Village engineer.
4. Full compliance with all of the Rockland County Planning Department recommendations and conditions as stated in its memorandum dated January 25, 2019.
5. Full compliance with any outstanding issued identified by the Rockland County Sewer District No. 1 in its letter dated January 7, 2019.
6. The Applicant shall comply with technical comments noted in the memorandum of Martin K. Spence, P.E., Village Engineer, dated May 10, 2019.
7. Full compliance with Tallman Fire Department recommendations as stated in their letter dated April 23, 2019.
8. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.

MOTION: Member Iatropoulos

SECOND: Member Ternquist

MEMBERS PRESENT:

Jane Burke, Vice Chair, Member
Michael Iatropoulos, Member
Stan Shipley, Member
Thomas Ternquist, Member
Donald Wanamaker, Member

YEA or NAY

YEA
YEA
YEA
YEA
YEA

MEMBERS ABSENT:

Anthony Caridi, Chairman

BE IT FURTHER RESOLVED, that the Planning Board approves the architectural elements, materials and colors, as shown on the “Materials and Finishes” board, dated May 14,

2019, and presented to the Planning Board Andrew Berger, AIA, di Domenico + Partners LLP on May 14, 2019 by the Applicant and made a part of this Approval.

MOTION: Member Ternquist

SECOND: Member Iatropoulos

MEMBERS PRESENT:

YEA or NAY

Jane Burke, Vice Chair, Member

YEA

Michael Iatropoulos, Member

YEA

Stan Shipley, Member

YEA

Thomas Ternquist, Member

YEA

Donald Wanamaker, Member

YEA

MEMBERS ABSENT:

Anthony Caridi, Chairman

New business:

Mrs. Joy Irvine, 77 Mile Road, received a preliminary approval to subdivide her land from one lot into three. She has requested and received from the Board two 90-day extensions, the maximum allowed by Village Code. Mrs. Irvine has requested that the Board waive the inspection fee and the public improvement bond. Ms. Terhune explained that, in consultation with the Village Engineer, these fees are for public improvements. However, this parcel has been subdivided by the owner and is private, she said, adding that she has drafted a resolution clarifying and amending that original resolution from May 2018. For this particular subdivision, we are recommending the village waive the security and inspection fees, which will be passed on to anyone buying and building on the lot, she explained.

Mr. Spence agreed that in this case, the cost improvement is not required because the future buyer/builder will pull a building permit, construct the homes as per the subdivision plan, but will be unable to get a Certificate of Occupancy if they do not comply with the conditions of the subdivision. Mr. Spence said he found it unfortunate that the subdivision rules don't contemplate a smaller non-public improvement and that he was amenable to waive the fees, adding that the Planning Board has the implied authority to waive these conditions, in this case for two new lots and no off-site improvements.

Ms. Terhune read the draft resolution. Member Ternquist made a motion to waive security and inspection fees for the "Irvine" subdivision at 77 Mile Road, seconded by Member Iatropoulos, and upon vote, all were in favor.

**Resolution PB07 of 2019
Village of Montebello Planning Board
Resolution Amending Final Subdivision Approval of
"Irvine" Granted May 8, 2018 by Resolution PB-3 of 2018
SBL 48.19-1-17**

WHEREAS, on May 8, 2018, after duly complying with all state and local law, the Village of Montebello Planning Board granted conditional preliminary and final subdivision approval (the "Approval") to R. Gerald Irvine and Radosveta Topalova Irvine (the "Applicant") to create two additional single-family residential lots from the property located in Montebello, New York, identified on the Tax Map as Section 48.19, Block 1, Lot 17; and

WHEREAS, one of the conditions of the Approval required the posting an inspection fee of \$9,640.80 pursuant to § 163-16A of the Village of Montebello Subdivision Law; and

WHEREAS, § 163-15B also requires the subdivider to post security for "public improvements," prior to signing the subdivision plat, in this case in the amount of \$160,680.00; and

WHEREAS, although "public improvement" is not defined in the Montebello Subdivision Law the term is commonly used to describe infrastructure intended for dedication to the Village, such as a road, sidewalk, water mains, and so forth, and does not commonly refer to improvements to private lands; and

WHEREAS, the Irvine subdivision results in only two new lots, which inspection fee and security for private infrastructure, if deemed necessary by the Building Inspector, is contemplated to be paid by the future buyer and developer of each lot prior to issuing a building permit; and

WHEREAS, § 163-15B of the Village of Montebello Subdivision Law authorizes the Planning Board to waive the requirement that the applicant complete and dedicate all public improvements prior to signing the subdivision plat and, by implication, provides the Planning Board with the discretion to similarly postpone the payment of inspection fees until such time as the lot is developed and

WHEREAS, the Planning Board finds that where, as here, the subdivision results in only two new lots, it is reasonable to allow for the postponement of any inspection fees or security until such time as the developer applies for a building permit.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby amends PB-03 of 2018 to allow the subdivision plat to be signed in the absence of posting the inspection fee and security.

BE IT FURTHER RESOLVED, that Resolution PB-03 of 2018 is incorporated into and made a part of this Resolution.

BE IT FURTHER RESOLVED, that the Building Inspector shall determine the amount of the inspection fee and the amount of the security, if, in the Building Inspector’s sole discretion, he or she determines that security for infrastructure improvements are warranted.

MOTION: Member Ternquist **SECOND:** Member Iatropoulos

<u>MEMBERS PRESENT:</u>	<u>YEA</u>	<u>NAY</u>	<u>ABSENT</u>
Anthony Caridi, Chairman	<u> </u> Aye	<u> </u> Nay	<u> X</u> Absent
Jane Burke, Member	<u> X</u> Aye	<u> </u> Nay	<u> </u> Absent
Michael Iatropoulos, Member	<u> X</u> Aye	<u> </u> Nay	<u> </u> Absent
Stan Shipley, Member	<u> X</u> Aye	<u> </u> Nay	<u> </u> Absent
Thomas Ternquist, Member	<u> X</u> Aye	<u> </u> Nay	<u> </u> Absent
Donald Wanamaker, Member	<u> X</u> Aye	<u> </u> Nay	<u> </u> Absent

Upon vote, the Acting Chairman declared the Resolution carried.

It was decided that the next item on the agenda regarding Planning Board procedures and process, should be tabled to the June meeting when Chairman Caridi will be in attendance.

Member Ternquist made a motion to adjourn the meeting at 9:53 p.m., seconded by Member Iatropoulos. Upon vote, all were in favor.