

The Planning Board of the Village of Montebello held a meeting on Tuesday, July 9, 2019 at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Caridi called the meeting to order at **7:03p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

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

OTHERS

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

ABSENT

Don Wanamaker, Member

Member Iatropoulos made a motion to approve the June 11, 2019 Planning Board minutes, 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 surveyor John Atzl of Atzl, Nasher & Zigler, and architect David Mayerfeld.

Mr. Atzl noted that this application was last before the Board on April 9<sup>th</sup> where they received public and Board comments, and that he has supplied responses to all along with a SWPP and more developed plans that include lighting and landscaping. The building remains the same size at 28,000 square feet with 144 parking spaces, he continued, adding that it will be used primarily as a synagogue with a multi-purpose room to be used for after-service functions. Either room will be used separately and never at the same time, he stressed. The Johnson Farmhouse, a Village historic landmark, will remain on the premises and serve as a residence for the rabbi. Since the property is within the Scenic and Historic Road District, Mr. Atzl acknowledged that this application will at some point need to go before the Historic Preservation Committee for a Certificate of Appropriateness. Finally, he said, more public input is welcome, and we are happy to answer any questions.

Chairman Caridi said that there are many components to this application requiring in-depth review and analysis on the part of the consultants and the Board, which will necessitate several Planning Board workshops. The Chairman then directed the Clerk to arrange the first of such workshops, and noted that the focus then, as tonight, will be on the Environmental Review, specifically the FEAF (Full Environmental Assessment Form) which has progressed to Part 3.

Village Planner Mr. Lockman summarized his memo dated June 21, 2019, and the July 3, 2019 review of the Traffic Impact Study by village traffic consultant Osman Barrie (copies on file). Mr. Lockman touched on the main points of his memo, noting that sign details must be submitted, lighting should be clearly defined right down to the types of lightbulbs to be used, that the FEAF parts 1 and 3 should match the newest set of drawings, and Part 3 should address the visual impact on the neighborhood

and traffic. Details on the two dam removals were submitted and will be reviewed by the village engineer, he continued, and since this application must go before the HPC, Mr. Lockman said that the applicant will need to present materials, colors, architecture and a detailed landscaping plan.

Regarding the traffic study review, Mr. Lockman said that Mr. Barrie found nothing wrong with the traffic study's methodology, although he did recommend that a worst-case scenario, e.g. a full house in the multipurpose room, should be explored. Mr. Lockman acknowledged that the recommended eastbound left turn lane from Viola may not work as the sight distances are short. Pedestrian traffic on Shabbos and high holidays poses a problem as there are no pedestrian amenities and Mr. Barrie suggested the applicant present a plan to improve pedestrian safety that is consistent with the character of the road and to provide crosswalks, such as a path behind a low stone wall.

Mr. Atzl said that new traffic counts cannot be done during the summer because traffic patterns are not typical, and that the Rockland County Highway Department has no issues with the project. He said he agreed that a left turn lane is not warranted but that he will leave that to the traffic engineers. Chairman Caridi nonetheless advised that a new traffic study be conducted sooner rather than later.

Mr. Spence summarized his memo dated July 5, 2019 (copy on file), noting that the applicant provided further re-engineering details, including the designation of a five-foot wide foot path and foot bridge leading from Emerald Lane to the rear of the property. Mr. Spence said more details on this path are needed, particularly on how it will be maintained in the winter. Mr. Spence stated that the applicant proposes to abandon scrims and restore streams, which will impact the wetland and that therefore DEC permits are required. Chairman Caridi asked if any wetlands were under the Army Corps of Engineers' (ACOE) jurisdiction. Mr. Spence said there were, that the DEC and ACOE wetlands overlap. Chairman Caridi said that the ACOE must therefore complete a review of the proposal. He then asked if the Drainage agency reviewed the proposal. The clerk said plans were sent to the Rockland County Drainage Agency for comment, but that there has thus far been no response. Chairman Caridi said that a subdivision called Emerald Pines was approved for this site over ten years ago, and that he recalls that the ACOE required the reconstruction of the dams. This proposal seeks to removed them, he said, which requires further investigation. He then instructed the clerk to find and distribute the resolution for Emerald Pines to the Board and consultants. Mr. Spence said that he will reach out to the Drainage Agency and Mr. Atzl said he will contact the ACOE.

Chairman Caridi, turning to the traffic study, said that the line of sight on Viola and Spook Rock Roads is very tricky, especially for pedestrians. Mr. Spence asked if any agencies requested a crosswalk at Lety Lane. Mr. Atzl said that the Rockland County Highway Department did not require one. Chairman Caridi found that odd and asked for verification from the Highway Department.

Mr. Spence, getting back to his memo, explained that he had 41 comments, most of which have to do with drainage, the dam and the SWPP requirements, as well as vehicular and pedestrian traffic. Chairman Caridi said those comments are technical and do not need to be addressed this evening, adding that for the moment he wanted to focus on the ACOE jurisdictional determination.

Member Burke said that the owners of the lots surrounding the parcel are incorrect on the maps. Mr. Atzl said that each lot is labeled n/f, meaning "now or formerly." Member Burke said that the property next to Lety Lane is labeled "Town of Ramapo" even though it lies within the Village. Mr. Atzl said he would investigate that. Member Burke had a long list of issues to address but acknowledged this might not be the right forum and Chairman Caridi advised that they can be addressed at the workshop. Ms. Terhune suggested that she provide her questions to Mr. Lockman who can prepare responses for the workshop, and Member Burke agreed. She then asked about the

wells on the property. Mr. Atzl said the one close to the proposed building will be decommissioned, and the one next to the farmhouse will remain in use.

Member Burke, addressing the pedestrian issue, noted that there was no mention of pedestrian traffic in the earlier narratives, but the latest narrative states that there will be fifty to seventy-five pedestrians during Shabbos and holidays. Mr. Atzl acknowledged that there will be people walking to the synagogue from the adjacent neighborhoods. Member Burke reminded him that the original proposal was primarily synagogue for ordinary daily worship. Mr. Hellman said that, with all due respect, there are residents in neighborhoods close by who require a house of worship and that they will walk to synagogue on Shabbos and holidays.

Chairman Caridi noted that the plans call for a 25 X 50 turnaround to be abandoned on Emerald Lane. Mr. Atzl said that was a carry-over from the proposed subdivision but that he can remove it from the plans, the T-turn will remain, and a note will be added to the plans. Chairman Caridi said that the proposed path through the wetlands will lead people directly to that turnaround and asked what pedestrian safety measures, if any, will be in place. Mr. Atzl said it is a public road and not often traversed. Member Burke asked how congregants will get through that path in the dark and the snow and asked if it will be lit up. Chairman Caridi said that these issues will be addressed at the workshop. Member Burke said that nonetheless she fears for all pedestrian safety, particularly by Lety Lane which has a terrible sight distance. Member Ternquist agreed, adding that Canterbury Lane is closed to vehicular through-traffic because there is no sight distance at all. Member Burk noted further that cars can only make a right turn out of the Suffern High School Viola Road exit, sending traffic in the direction toward this property. Among the drivers will be inexperienced teenagers which will add to the pedestrian danger and this traffic is not limited to school hours, she continued. There are sports and extracurricular activities at the high school every night of the week, particularly on Friday nights. All these factors should be considered, she said. Member Ternquist added that there have been several fatal accidents on this stretch of Viola Road over the years. Chairman Caridi asked Mr. Atzl whether he would propose any pedestrian safety measure on Viola Road. Mr. Atzl said pedestrians will mainly be coming via Emerald Lane. Chairman Caridi said the traffic study needs to consider traffic and pedestrian flow from all four directions. Mr. Ternquist added that it should also include different weather conditions and seasons.

Member Shipley asked if they have any information on changes in water flow and how it will affect surrounding properties once the dams are removed. Chairman Caridi said downstream flow was a concern and that the ACOE should weigh in.

Chairman Caridi opened the public hearing:

**Gary Goldberg, 24 Viola Road, Montebello, NY** said he has lived in the Village for 34 years and reminded the Board that Montebello seceded from the Town of Ramapo in 1986 for a reason. As an aside, Mr. Goldberg said this Board, and Member Burke in particular, reviewed his development at Ryan Mansion thoroughly and vigorously, and that he expects the same rigor with this and all other applications. Mr. Goldberg said there will be catering, lights, noise, and parties at this facility. Religious facilities are allowed in residential neighborhoods, but this large building with a large catering kitchen, he said, does not make good business sense, and will not provide a good return on investment. He then said that Mr. Hellman once gave him a reflective vest so he could be safe during his morning runs. The point, he said, is that Viola Road is a dangerous road.

**Harvey Eilbaum, 4 Canterbury Lane, Montebello, NY** said that traffic studies were done when Montebello Pines subdivision was being built, which determined that Canterbury Lane was not suited to accommodate the increased traffic from the new subdivision, hence the reason for the gate at Canterbury and Viola, and the sight line from Lety Lane is not much better, he said. While he has no problem with a house of worship, Mr. Eilbaum said the application narrative is disingenuous because the ancillary multi-purpose room that seats 500 people seems more than ancillary.

**Brian Sichol, 10 Viola Road, Montebello, NY** stated that he felt this project is completely inappropriate for the area and will be an environmental disaster. He explained that the stream traversing the property is spring-fed and begins north of Spook Rock Road, meanders over the dams, and fills several ponds as it picks up more spring-fed water. Mr. Sichol said he was concerned that so much impervious surface of the building and parking lot will cause storm water runoff that will pick up road salts, sand and silt and deposit it into the streams, thereby destroying the ecology of the stream along Viola Road. This semi-commercial building, he continued, with a catering hall, parking and lights, is not at all in keeping with the character of the neighborhood, and the traffic will be treacherous for pedestrians and cars alike. This is the worst site in the Village, and possibly in the entire County, for this proposal, he added.

**Veronica Chillino, 3 Emerald Lane, Montebello, NY** said she is alarmed about the dam removal, explaining that her home, along with other houses in the neighborhood have all had water issues throughout the years. Sewers have collapsed, basements have flooded, and hearing that the dams will be removed has her very worried, she said. Further, she said, this building will surely bring with it overflow parking up and down surrounding residential streets. Ms. Chillino then told the Board that she regularly witnesses many people crossing over a path from Emerald Lane onto the property, and that the pathway is strung with lights.

**Dennis Plassart, 90 Viola Road, Montebello, NY** said that the proposed size of the building alarms him and asked if any variances are required. Ms. Terhune said it is an allowed use subject to this Board's approval, and that no variances are requested, so the ZBA is not involved. Mr. Plassart said that he was also concerned that his property, immediately adjacent to 84 Viola Road, will flood during storms due to storm runoff from the parking lot. Also, he said, he's worried that the headlights from cars in the parking lot will shine into his home.

**Joan Goldberg, 24 Viola Road, Montebello, NY** said that she did not hear anything about the intersection of Mile and Viola Roads during the traffic study discussion, adding that there have been four accidents in that location so far this year. She said she cannot understand how this project can seriously be considered at this dangerous location and that the application is really putting people at risk. It is this village's responsibility to take people's safety into consideration and said that she felt the applicant should look elsewhere to build this house of worship.

**Yael Holand, 9 Canterbury Lane, NY** said she was the mother of three teenagers and that she drives to and from Suffern High School several times per day. She stated that Viola Road is dangerous even in good circumstances. She said she was concerned about pedestrian and traffic safety since this proposal accommodates so many people and cars. She stated that the proposed kitchen is almost the size of her entire house and wondered how these functions will impact the environment and character of the neighborhood. Ms. Holand then encouraged the Board to seriously question this project and said she hoped they handle it suitably.

**Dawn Conklin, 4 Penny Lane, Montebello, NY** said she believed the farmhouse on the property is currently being used as a place of worship, since she has witnessed many parked cars and lots of foot traffic from Friday to Saturday nights. She said that people are walking from Penny Lane, Linda

Drive, Rose Hill Road and Spook Rock Road to this site every Friday and asked if the congregation will increase in numbers. Chairman Caridi explained that if she is witnessing this use, which is only a use by permission of the Planning Board, then she should file a complaint with the Village Building Department. Such an on-going use of that private home beyond its normal use as a residence should be documented by the Village Building Department. Chairman Caridi then explained that every property owner has a right to develop their property. Some improvements require only a building permit, while others such as this fall under the jurisdiction of this Board, which is here to protect the environment and to promote safety, among other things. This is a highly detailed application that requires an enormous amount of scrutiny. Public comments are part of this scrutiny, he added, and he encouraged all there to continue to attend and participate in every meeting.

**Minna Greenbaum, 7 Briarwood Lane, Suffern, NY** said that she specifically wanted to address the ancillary use of the multi-purpose room, which proposes 500 seats while the sanctuary will seat less at 422 and asked what the purpose of this big room is exactly. She said she assumes there will be catering with a kitchen that is 17,086 square feet, a size appropriate for a catering hall, and asked if it will be used by the congregants only or will it be rented out, and what the hours of operation will be. Ms. Greenbaum said that on her block, there was a problem with Yeshiva of Spring Valley, who wanted to operate a full-time catering hall. The proposal was blocked she explained because there is case law ruling that use of social halls as an accessory may not be greater than the primary use. Ms. Greenbaum said it is within this Board's purview to place restrictions on the use of the multi-purpose room, such as the hours of operation and number and times of day it can be used. She then thanked the Board for its time. *(Note: Floorplans submitted show a proposed kitchen and storage room approximately 2,000 square feet in area.)*

**Steven Holand, 9 Canterbury Lane, Montebello, NY** cited his concerns over the dangerous conditions for drivers and pedestrians on all the surrounding roads.

**Debra Munitz, 5 Rose Hill Road,** said her primary concern lies with the visual impact on the neighborhood and asked the Board to consider asking the applicant to look at images of the Hampton Synagogue in Westhampton Beach, New York as an aesthetic model which, in her opinion, is more appropriate to this neighborhood. Regarding reports of worshiping at the farmhouse on the property, Ms. Munitz said she felt the reason why people haven't reported this activity is because they want to be good neighbors. Coexistence can be successfully done without the catering facility that will bring excess traffic, noise and lights and it is a use that does not fit the character of a residential neighborhood, she said.

**Kevin Meagher, 3 Canterbury Lane, Montebello, NY** said that garbage cans were frequently left outside the farmhouse on the property. After calling the village, the property was posted with a violation and the garbage cans were removed. In any case, he continued, this kind of behavior, or worse, could manifest itself in the future with the addition of the catering hall.

No one else wishing to speak, Member Iatropoulos made a motion to adjourn the public hearing and the application to the August 13, 2019 Planning Board meeting, seconded by Member Ternquist. Upon vote, all were in favor.

Member Ternquist made a motion to adjourn the meeting at 9:12 p.m., seconded by Member Iatropoulos and upon vote, all were in favor.