

The Planning Board of the Village of Montebello held a meeting on Tuesday, September 10, 2019 at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Caridi called the meeting to order at **7:00 p.m.** and led everyone in the Pledge of Allegiance.

**PRESENT**

Anthony Caridi, Chairman  
Jane Burke, Vice Chairperson  
Michael Iatropoulos, Member  
Thomas Ternquist, Member  
Donald Wanamaker, Member

**OTHERS**

Alyse Terhune, Asst. Village Attorney  
Jonathan Lockman, Village Planner  
Martin Spence, Village Engineer  
Regina Rivera, Planning/Zoning Clerk

**ABSENT**

Stan Shipley, Ad Hoc Member

**Report CDRC activities**

Village Planner Jonathan Lockman gave a summary of two current CDRC applications, one proposing a warehouse and office space at 100-300 Rella Boulevard which is not likely to go before the Board any time soon, if at all, and an application for a parking lot expansion for the existing office building at 400 Rella Boulevard. There was some banked unbuilt parking in front when it was approved 32 years ago, and the applicant wishes to construct them now as parking is now very much needed, he explained, adding that the village consultants are examining the legal question of whether they can build the spaces based upon their original approval.

**July 9, 2019 Planning Board Minutes**

Member Iatropoulos made a motion to approve the July 9, 2019 Planning Board minutes, seconded by Member Ternquist, and upon vote, all were in favor.

**Ware Subdivision**

**10 Wilbur Road, Montebello, NY**

Request by Loren Ware, 5 Cragmere Road, Suffern, New York, for an extension of the final approval of a 3-lot subdivision entitled "Ware Subdivision" which was originally granted on September 4, 2018. The property is designated on the Ramapo Tax Map as Section 40.20, Block 1, Lot 5 in an RR-50 Zone.

The Applicant, Mr. Loren Ware, has requested a third 90-Day extension of the final subdivision approval. Village Engineer Martin Spence said that the infrastructure and improvements are proceeding, that the curbs, subgrades and drainage have been installed and that there was a minor field change that was released the day before. Mr. Ware needs more time to complete the road extension, Mr. Spence said, explaining that it is a slow but consistent process and that he expects its completion within 45 days approximately. We support the approval of the extension, he added.

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

**Resolution PB 11 of 2019**  
**Village of Montebello Planning Board**  
**Granting One 90-Day Extension of Final Subdivision Approval to**  
**Ware Subdivision**  
**10 Wilbur Road, Montebello, New York**  
**Section 40.20, Block 1, Lot 5**

**WHEREAS**, on September 4, 2018, after a duly noticed public hearing and compliance with SEQRA, the Village of Montebello Planning Board granted conditional preliminary and final subdivision approval ("Approval") to 10 Wilber Road, identified on the Town of Ramapo Tax Map as SBL 40.20-1-5, ("Applicant"), known as the "Ware" subdivision; and

**WHEREAS**, pursuant to Village of Montebello Subdivision Regulations § 163-12D, a conditional approval of a final subdivision approval expires 180 days after the date of the resolution granting conditional approval unless the conditions set forth in the approval have been completed; and

**WHEREAS**, the conditions of the Approval have not been met and, therefore, the Chairman of the Planning Board is not authorized to sign the subdivision plat; and

**WHEREAS**, Section 163-12D of the Village of Montebello Subdivision Regulations authorize the Planning Board, upon written request of the applicant, to extend the time of conditional approval for two additional periods of 90 days each if, in its opinion, such extension is warranted by the particular circumstances thereof; and

**WHEREAS**, by letter dated February 5, 2019, the Applicant requested and received one 90-day extension from March 3, 2019 to June 1, 2019; and

**WHEREAS**, by letter dated May 16, 2019, the Applicant requested a second 90-day extension from June 1, 2019 to September 1, 2019; and

**WHEREAS**, the Applicant appeared before the Planning Board on September 10, 2019 and sought a 3<sup>rd</sup> 90-day extension; and

**WHEREAS**, in the absence of the Chairman's signature, the Applicant is prohibited from filing the subdivision plat with the County of Rockland; and

**WHEREAS**, Section 163-12D of the Village of Montebello Subdivision Regulations authorize the Planning Board, upon written request of the applicant, to extend the time of conditional approval for two additional periods of 90 days each if, in its opinion, such extension is warranted by the particular circumstances thereof; and

**WHEREAS**, New York State Village Law § 7-728(7)(c) was amended to authorize planning boards to "extend for periods of ninety days each the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted by the particular circumstances"; and

**WHEREAS**, the Planning Board heard testimony from its engineer that the Applicant has diligently pursued the completion of all the conditions of approval but has been

hampered by the weather and other conditions beyond their control and that the necessary infrastructure improvements are nearing completion.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby finds and determines that the Applicant has stated reasonable grounds for requesting an extension of the subdivision Approval and hereby grants a third 90-day extension from September 10, 2019 to December 10, 2019 or as soon thereafter as the Planning Board meets, to 10 Wilber Road, identified on the Town of Ramapo Tax Map as SBL 40.20-1-5, known as the "Ware" subdivision.

**MOTION:** Member Ternquist

**SECOND:** Member Iatropoulos

**MEMBERS PRESENT:**

**YEA or NAY**

Anthony Caridi, Chairman

**YEA**

Jane Burke, Member

**YEA**

Michael Iatropoulos, Member

**YEA**

Thomas Ternquist, Member

**YEA**

Donald Wanamaker, Member

**YEA**

Stan Shipley, Ad Hoc Member

**Absent**

**Stonehedge Farm Subdivision  
220 Spook Rock Road, Montebello, NY**

Request by Marsel Amona of Stonehedge Heights Corporation, 130 East Route 59, Spring Valley, New York, for an extension of the final approval for the 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).

Mr. Amona explained that his cost estimates were still being determined and therefore more time was needed before the plat could be signed. Member Iatropoulos made a motion to grant a 90-day extension of the subdivision approval, seconded by member Burke. Upon vote, all were in favor.

Mr. Amona asked if he could submit the required money in-lieu-of land per lot, one at a time during the building permit process. Ms. Terhune said that this Board does not have the authority to address this issue, adding that there are reasons why many municipalities require that money up front. She suggested he make his request in writing to the Village Board of Trustees who could in turn confer with Mr. Spence should any questions arise.

**Resolution PB 12 of 2019  
Village of Montebello Planning Board  
Granting One 90-Day Extension of Final Subdivision Approval to  
220 Spook Rock Road  
SBL 49.13-1-13**

**WHEREAS**, on March 12, 2019, after a duly noticed public hearing and compliance with SEQRA, the Village of Montebello Planning Board granted conditional preliminary and final subdivision approval ("Approval") to Stonehedge Heights Corporation, owners of the property located at 220 Spook Rock Road, identified on the Town of Ramapo Tax Map as SBL 49.13-1-13, ("Applicant"), known as the "Stonehedge" subdivision; and

**WHEREAS**, pursuant to the Village of Montebello Subdivision Regulations, § 163-12D, a conditional approval of a final subdivision approval expires 180 days after the date of the resolution granting conditional approval unless the conditions set forth in the approval have been completed; and

**WHEREAS**, the conditions of the Approval have not been met and, therefore, the Chairman of the Planning Board is not authorized to sign the subdivision plat; and

**WHEREAS**, the Applicant appeared before the Planning Board on September 10, 2019, and requested a 90-day extension of the Conditional Final Subdivision Approval in order to secure financing; and

**WHEREAS**, the Planning Board heard testimony from the Applicant as to the need for said extension; and

**WHEREAS**, in the absence of the Chairman's signature, the Applicant is prohibited from filing the subdivision plat with the County of Rockland; and

**WHEREAS**, Section 163-12D of the Village of Montebello Subdivision Regulations authorize the Planning Board, upon written request of the applicant, to extend the time of conditional approval for two additional periods of 90 days each if, in its opinion, such extension is warranted by the particular circumstances thereof.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby finds and determines that the Applicant has stated reasonable grounds for requesting an extension of the subdivision Approval and hereby grants one 90-day extension from September 10, 2019 to December 10, 2019 or as soon thereafter as the Planning Board meets, to 220 Spook Rock Road, identified on the Town of Ramapo Tax Map as SBL 49.13-1-13, known as the "Stonehedge" subdivision.

**MOTION:** Member Iatropoulos  
**SECOND:** Member Burke

**MEMBERS PRESENT:**

**YEA or NAY**

Anthony Caridi, Chairman	<u>YEA</u>
Jane Burke, Member	<u>YEA</u>
Michael Latropoulos, Member	<u>YEA</u>
Thomas Ternquist, Member	<u>YEA</u>
Donald Wanamaker, Member	<u>YEA</u>
Stan Shipley, Ad Hoc Member	<u>Absent</u>

## **Indian Rock Holdings, LLC**

### **30 Indian Rock Plaza, Montebello, NY**

Application of Gabe Alexander of Indian Rock Holdings, LLC, 16 Squadron Boulevard, New City, New York, 10956 for an amended site plan. The applicant proposes the gut renovation of the former Outback Steakhouse building to accommodate up to four existing tenants from the main shopping plaza. 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.

Present were the owner of Indian Rock Holdings, Gabe Alexander, his attorney Amy Mele, his project manager Jake Berdugo, Engineer Bill Johnson and Architect Todd Rosenblum.

Ms. Mele explained that the original plan to knock down the building that formerly housed the Outback Steakhouse was abandoned in favor of an amended site plan that entails a gut-renovation of the existing building and some minor exterior alterations. This barely rises to the level of site plan approval necessitating a full traffic/parking impact study, but an analysis of the current tenants will be conducted she said. She then noted that this was determined to be a Type II action under SEQR but requires a GML review due to the proximity to State and County roads and other municipal boundaries. She then asked that the Board set a public hearing for the October meeting.

Mr. Lockman Summarized his memo dated September 6, 2019 (copy on file) which included a request for a lighting plan, landscaping plan and a reminder that though the changes are minor, Architectural Review Board approval is required. He said that though the proposal is overall simpler than the previous proposal, parking is still a problem. There are 293 spaces in Montebello, and 15 in the Village of Airmont in the rear of the building. Fourteen spaces are necessary in order to solve the parking issues, he said.

Mr. Lockman found issues with that analysis because the calculations assume that the tenants who move into the newly vacated spaces will be the same type as those that moved out. The analysis should be adjusted to show a mix of types of tenants into the vacated spaces, he explained, for example there is more office and less medical use in the vacated spaces and a combination requiring 14 fewer spaces can be reached. Or, he continued, those proposed uses can remain the same and an application can be made to the Village of Airmont for the 15 parking space behind the building. Ms. Mele was adamant that they do not appear before the Airmont Planning Board and reminded him that those 15 spaces are not included on the site plan nor were they included in the parking analysis. The Planning Board has discretion to lower the parking requirements, she added. Mr. Lockman said that if a case was made that there is enough sharing of parking at different peak times for different types of businesses, the Board might be willing to do that. Ms. Mele agreed on this last point. Mr. Johnson said that there are actually 323 parking spaces, and after some discussion, Mr. Lockman and Mr. Johnson agreed to talk about this further.

Member Burke asked how the tenants will be relocated and how these relocations will affect the parking. Mr. Lockman said that the applicant is asking for approval for the existing tenants to move into the renovated building and Columbia Doctors to take over the vacant spaces. Mr. Berdugo noted that some tenants are leaving altogether, such as M&T Bank. Mr. Johnson said that the plans depict the spaces that will be taken by the relocated tenants and by those in the mall, which count toward the future occupancies. Ms. Mele offered that if the use changes to a degree that requires more parking, the applicant will return to the Planning Board. Member Burke said that she feels this is a good proposal but is worried about parking. Ms. Mele said that she will submit the hours of operation for each business to better understand the parking needs.

**Indian Rock Holdings, LLC**

Member Ternquist made a motion to set a public hearing for this application for the next Planning Board meeting and to refer this application to Rockland County Planning for a GML review, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

Member Iatropoulos made a motion to adjourn the application to the October 10, 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 subject property is located on the north side of Viola Road, approximately 500 feet west of Spook Rock Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 49.05, Block 1, Lot 17 in the RR-50 Zone.

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 summarized the proposal and said the applicant is presenting revisions based on the Village consultants' previous comments. Mr. Atzl stated that the Planning Board held a workshop on July 22<sup>nd</sup> to discuss State Environmental Questionnaire Review (SEQR) in detail, specifically, the Full Environmental Assessment Form (FEAF) Part 1. The requested were made and, as requested by the Planner and Engineer, the joint application to the Army Corps of Engineers (ACOE) and the New York State DEC for the removal of the dams were submitted and the plans have been further refined. The Applicant would very much like to keep this project moving forward, he added.

Chairman Caridi said that there are still several major items to be addressed and asked if there has been any response from the ACOE. Mr. Atzl said that the joint application also refers to the ACOE and that their response is pending. Chairman Caridi asked Mr. Atzl when the updated traffic impact study is expected. Mr. Hellman said that they could not start the study until school was back in session and traffic resumed its normal patterns.

Mr. Lockman summarized his memo dated September 6, 2019 (copy on file). Regarding the dam removals, copies of all correspondence with the ACOE and DEC should be submitted along with any progress reports of the application process. The Landscaping plan should include a narrative describing more thoroughly how it meets the standards of the Scenic and Historic Road District, particularly regarding the eastern part of the lot he said, adding that this will eventually need to go to the Historic Preservation Committee for a Certificate of Appropriateness. SEQR is the most important aspect of this application and the workshop to discuss the FEAF Part 1 was thorough, the applicant revised it and we in turn must revise our Part 2 response, he said. He then reminded the Applicant that parking for large events and traffic during construction have not been addressed, and advised they give details on mitigating any moderate to large impacts, including: Actions in adjoining fresh waters and streams; The removal of the dams; Visibility along Viola Road; The use of the Johnson Farmhouse on the property; The increase in pedestrian and vehicular traffic; Architectural scale in relation to the rest of the neighborhood. For Comment 10e of the FEAF Part 1 regarding pedestrian traffic and safety, he continued, possible mitigation along the Scenic and Historic Roads is problematic. Mitigation calls for sidewalks, but the district prohibits the construction of such, unless the applicant proposes walking paths behind a stone wall, or something to that effect.

Mr. Lockman then said that once Part 3 has been submitted and reviewed, then this Board can decide on whether to issue a negative declaration of environmental impact, (Neg Dec), or a positive declaration.

Chairman Caridi said that he will call for another workshop, but in the interest of time, he advised the Applicant to perform the pedestrian and traffic study in the meantime which will help to expedite the Part 3 response. Member Burke said that there was not mention of the intersection at Viola Road and Mile Road, suggesting that this was too important to omit from the Part 2. Mr. Lockman said he feels it is important, as does the Village Traffic Consultant, who stated as much in his September 3, 2019 memo (copy on file). Ms. Terhune said that the FEA Part 2 will be reviewed at the workshop and that they will subsequently properly advise on this aspect.

Member Wanamaker said that he wanted to consider the impact on groundwater in the FEA. Mr. Lockman did not see the proposal imposing extra impact on the use of ground water. One well is being decommissioned, and the other will be used by the existing Johnson Farmhouse, he said, adding that the proposed synagogue will be hooked up to municipal water. Mr. Wanamaker said he was concerned because this parcel was formerly a working farm, and the chemical and fertilizer sedimentation will be disturbed with any construction and can leach into the ground water. The Chairman said this can be explored during the workshop. Mr. Lockman said that Question 16 of the FEA relates to this issued and advised Member Wanamaker to examine closely whether this proposed use applies.

Mr. Spence summarized his memo dated September 9, 2019, which is comprised of 39 comments. In it, Mr. Spence asks for additional details on the proposed stone path providing pedestrian access from Emerald Lane, explaining that no maintenance or lighting plan has been provided. The Wetlands are also a concern, he said, and requested that wetland buffers be more clearly identified. The rest of his comments are detailed and will be resolved through further site plan submittals.

Chairman Caridi opened the public hearing.

Gary Goldberg, 24 Viola Road, Montebello, New York said he suspected that his words at the last planning board meeting may have been misconstrued and wanted to say definitively, on the record, that he feels strongly that this proposal is a business, not a house of worship, and therefore not appropriate for a residential neighborhood. He said that [the Applicant] Mr. Hellman is understating the fact that he is primarily proposing a catering facility with over 500 seats and 144 parking spaces. He then suggested that the Village track the number of traffic accidents on Viola road. The number is significant, and there have been several fatalities, he added. It is the worst road in all of Montebello for this facility, he said.

Melissa Rino, 20 Viola Road, Montebello, New York said she moved to their current address because she and her family wanted to live in a bucolic and peaceful area. She is concerned that this proposal will shatter that serenity and will adversely impact the waterways, the wildlife, and the rural residential feel of the neighborhood. She then agreed with Mr. Goldberg that this proposal is a for-profit business that has no place in this quiet community.

Dawn Conklin, 4 Penny Lane, Montebello, New York said that Spook Rock Road and Penny Lane used to flood until storm drains were installed, which carried the runoff into the wetlands of this property. She asked where the storm runoff will go once a large parking lot is installed. Chairman Caridi said that storm runoff is and has been a major concern of this Board and that the Rockland County Drainage agency, along with the Village Engineer, will advise on such during the extensive environmental review for the property.

Ms. Conklin said that she believes the existing Johnson Farmhouse is being used as a house of worship Friday night to Saturday night every week, a belief which she brought up at the last two public comment hearings for this proposal, and reminded the Board that the Chairman advised her and others to file complaints with Village Hall, which they have done. She inquired as to whether anyone has applied for a special permit for that use. Chairman Caridi said that there have been such complaints filed but that no application for a special permit has come to this Board yet. For now, he said, this is a Building Department issue. Ms. Terhune said that she spoke with the Applicant's attorney twice to explain that, if the house is being used as a gathering place without a special permit, it violates the Village code and that he promised to investigate this claim. She then stressed the fact that the Planning Board has no authority to enforce the Village code and that all complaints should be directed to the village Building Department. Ms. Conklin asked if they should complain to the building department every week. Ms. Terhune said the procedure is to notify the village of any perceived violations.

Robert Rino, 20 Viola Road, Montebello, New York, said that he built his house on Viola Road for the peace and quiet. However, he continued, there are many accidents and some fatalities on this road, and common-sense dictates that this proposal is insane. He said he was also worried about the environmental impacts, stating that he is dedicated to keeping the environmental community healthy, and felt that this proposal will destroy the whole area and therefore should not be considered at all.

Joan Goldberg, 24 Viola Road objected to the scale of the building and stated that the size is outrageous. She then asked what the criteria were for issuing a positive declaration of impact. Chairman Caridi said that every property owner has the right to develop their property, but within reason. This is a complicated proposal with potential environmental impacts that need to be examined carefully before moving onto the aesthetics. Ms. Terhune agreed with the Chairman and added that everyone has the right to develop their property according to the zoning laws. This Board determines whether a proposal is compliant and if it is, the review may proceed.

David Lapa, 10 Cobblestone Farm Court, Montebello, New York, said that everyone is entitled to speak their truth. On behalf of all members of his community, he said that everyone has the right to live the way they want. There is a need for this synagogue, and it is important to understand that there are many residents of Montebello who would like to have a place to congregate.

Deb Munitz, 5 Rose Hill Road, Montebello, New York said she previously submitted comments but never received any direct response to those comments. Regarding the issue of scale, she said it would be helpful to do a comparative visualization against the other two synagogues in the Village, which would give a sense of the how the building will look from the street and fit in with its surroundings. Ms. Munitz then said the proportion of use of the sanctuary and the multi-purpose room is reversed in this proposal because the multi-purpose room seems to be more than ancillary. Among her other concerns she cited potential flooding and impacts on the environment and asked to see the joint application to the ACOE and DEC for the removal of the dams. Chairman Caridi, responding to her first point, said that the consultants and Board are not required to respond to every public comment directly. To her comments on scale and aesthetics, he said that would be the purview of the Architectural Review Board, which is also the Planning board.

Jill Goldstein, 1 Canterbury Lane, Montebello, New York said that the second paragraph of the March 2019 narrative for the proposal states that the proposed synagogue will be used mainly for

weekday worship, but, she continued, the house on that property, which she believes is being used as a house of worship, is used mainly on the Sabbath, with a lot of people walking to and from the house from Friday to Saturday. This contradicts the narrative, she said, and asked what use is really being proposed. Chairman Caridi said that in due time all questions will be answered as part of the process.

Dennis Plassart, 90 Viola Road, Montebello, New York said he lives next door to the parcel and believes this will be a catering hall primarily and that he will be negatively impacted by noise and music, traffic, and lights flooding his property from cars in the parking lot.

Sam Diaz, 3 Sycamore Lane, Montebello, New York stated that he has lived here for 23 years and that he understands the treacherous nature of Viola and Spook Rock Roads. If project moves forward, he said, someone if not several, will be killed on these roads, particularly pedestrians, and he asked everyone present to remember what he just said.

Bryan Sichol, 10 Viola Road, Montebello, New York, said he was concerned about water quality, especially since he has observed flooding and silting in all the surrounding waterways over the years. This proposal, with its large catering facility, should be in a commercial zone, not in a residential neighborhood. It should be on Route 59 and not on Viola Road, he added.

No one else wishing to speak, Member Iatropoulos made a motion to adjourn the public hearing to the October 10, 2019 meeting, seconded by member Ternquist, and upon vote, the motion carried unanimously.

Mr. Scarmato asked if the Village Planner and Engineer were ready to offer an EAF Part 2 based on the revised Part 1, or if the Board was considering holding another workshop to review. Chairman Caridi said that the Board will conduct another workshop for an in-depth and thorough review of Part 2 which will hopefully be ready for the next meeting. The Chairman then directed the Planning Clerk to coordinate and schedule the workshop, with a date to be determined.

Member Iatropoulos made a motion to adjourn the application to the October 10, 2019 Planning Board meeting, seconded by member Ternquist. Upon vote, all were in favor.

Member Iatropoulos made a motion to adjourn the meeting at 8:42 pm seconded by Member Ternquist and upon vote, all were in favor.