

The Planning Board of the Village of Montebello held a meeting on Tuesday, January 14, 2020 at the Jefferey Oppenheim Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Caridi called the meeting to order at **7:12 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Anthony Caridi, Chairman
Jane Burke, Vice Chairperson, Member
Michael Iatropoulos, Member
Don Wanamaker, Member
Howard Hochberg, Ad Hoc Member
Stan Shipley, Ad Hoc Member

OTHERS

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

ABSENT

Thomas Ternquist, Member

Meeting Minutes Approval

Member Iatropoulos made a motion to approve the Planning Board Minutes of December 10, 2020, seconded by Member Burke. Upon vote, the motion carried unanimously.

CDRC Report

Ms. Terhune noted that Montebello Crossing and Manhattan Beer attended the December CDRC (CDRC meeting minutes on file).

**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, attorney Terry Rice, Architect David Mayerfeld, and Traffic Consultant Ronald P. Rieman of Maser Consulting.

Mr. Atzl updated the board on progress made since their last appearance, noting that their dam engineer and wetlands expert were working together to address all the concerns outlined in the letter from the Army Corps of Engineers received on November 21, 2019 (copy on file). Regarding Rockland County Highway Department’s suggestion to install a pedestrian path behind the guardrail, Mr. Atzl proposed a stone dust path along Viola Road since sidewalks are not permitted anywhere in the Village. If the Board is willing to consider such, the path will be included in subsequent site maps, he said. Member Burke asked about maintenance of and snow removal from the path. Chairman Caridi said that question is premature because the path is merely a proposed solution to a problem. He then said he was pleased to see that the applicant addressed many SEQR items in this round of submissions. Mr. Stach agreed, adding that the most critical SEQR aspect for this application was and remains pedestrian and vehicular traffic.

To that regard, Mr. Atzl said that their Traffic Consultant, Ronald Rieman of Maser Consulting, PA, was present to address the Village's review of the traffic impact study (copy on file). Mr. Rieman summarized the study results and explained that a formal response to the Village's review was forthcoming. As far as any mitigating measures go, he said that speed reduction alert signs will be installed at the most dangerous sections of Viola Road as indicated in his report, and a pedestrian crosswalk will be installed at Lety Lane on Viola Road. With the County's help, he continued, these could ease the concerns.

Ms. Terhune said it is safe to assume that if the synagogue is full, then the number of pedestrians could be much higher than the numbers in the study, and asked how the Applicant can assume there would never be those capacity numbers of pedestrians, particularly on the sabbath and high holy days. Mr. Stach agreed, adding that on typical days there could be up to 75 pedestrians, and on high holy days there could be as many as 500 according to the capacity of the sanctuary. We need to broaden our view and know definitively where they are walking from and how many there will be in order to ensure that proper arrangements are made for their safety, he added. Mr. Rieman said that these issues are addressed in the study.

Member Iatropoulos wondered why the traffic studies were done on Sundays, noting that weekday traffic at 7 a.m. and 2:30 p.m. seems to be at its highest volume due to the high school. Mr. Rieman said in addition to the Sunday counts performed on Viola Road in 2016, the hours of study were expanded to weekdays via machine count. That data was subsequently combined with high school hours and projected synagogue peak hours. Mr. Stach noted that traffic was calmer during peak school hours than during peak commuter hours, adding that [Village traffic consultant] Osman Barrie's review indicated there was no analysis during that time. Mr. Rieman acknowledged that fact and said they were addressing the issue for their next report.

Mr. Rose summarized his memo dated January 10, 2020 (copy on file) and addressed the proposed walking path from Emerald Lane onto the rear of this property. Mr. Atzl said the path will follow the existing foot path. Chairman Caridi said he was concerned that there is a 25% slope on that path. Mr. Atzl countered that it is only a five-foot vertical slope and safe for walking. Mr. Rose then noted the open NYS DEC and Army Corps of Engineer items and said the village will wait for those agencies' comments before commenting further on the wetlands. Mr. Atzl reminded him that the wetlands will be re-flagged in the spring.

Mr. Stach summarized his memo dated January 10, 2020. Regarding wetland delineations, Mr. Stach advised the applicant that there are village wetland distinctions that fall outside of the DEC and Army Corps criteria, namely the EPOD (environmental protection overlay district) and WEPOD (wetland environmental protection overlay district). Mr. Stach felt it was important to make that distinction, as any hydro-vegetation is considered wetlands by this Village and the DEC and Army Corps have different standards.

Chairman Caridi advised the applicant to respond to all comments at the next meeting. Ms. Terhune reminded the applicant that at the last meeting she requested that square footage for individual spaces be added to the floor plans, and asked Mr. Atzl to also include the square footage of the patio for the next submission. Member Burke asked that square footage be added to the restrooms, coat room, stairways, foyer, and the like as well. Mr. Atzl agreed to include those measurements.

Member Burke referred to the driveway of the accessory clergy residence, noted that the parking is for clergy only, and asked how that could ever be regulated. Further, she continued, the site plan shows those parking spaces in the front yard, which is prohibited. Mr. Atzl argued that it is not the

front yard. Mr. Stach clarified that parking is not permitted between the front of the building and the street, adding that the rule is not an exclusion from the front yard but an exclusion from the street. Mr. Atzl said that the parking is actually behind the house. Mr. Stach said that this is a matter of interpretation and said that the Building Inspector must make a determination. If the Building Inspector determines parking is not allowed in that location, the applicant can either obtain a variance from the ZBA or change their plans.

Member Burke reminded him that this was also a Scenic and Historic Road which prohibits parking between the front of the building and the street. The loading berth and patio/courtyard are facing the road and she suggested that it would be better if the front of the synagogue faced the road instead of the rear of the synagogue facing the road, which would be in compliance with the Scenic and Historic Road District as well as Village code. She noted also that the fronts of the other two approved synagogues in the Village face the road and have their parking in the rear. Chairman Caridi advised the applicant to seriously consider a re-design according to Member Burke's suggestion.

Mr. Mayerfeld, the Applicant's architect, explained that the most intense use will be at the back of the building, aka the entrance, and felt it would be better to shield it from the road. Further, the loading area is not a loading dock, it's just an area adjacent to the patio for trucks to back up into, he said, adding that he is trying to make it look good on all sides. It works nicely and is more compatible with the neighborhood, and the back of this building is more aesthetically pleasing than most. The back and the front are interchangeable, he explained.

Member Burke asked for clarification of the data on the usage of the synagogue, stating that there was conflicting information given about the hours, days and frequency of operation. Mr. Atzl said that all that information will be included in the next narrative.

Chairman Caridi opened the public hearing.

Brian Sichel, 10 Viola Road, Montebello, NY said he FOILED this application and noted that the Village's very own traffic consultant commented that Viola Road is a 30 MPH zone. Very few cars drive at that speed, however, and these speeds are based on perfect weather conditions, he added. This stretch of Viola Road is the most dangerous in the Village and is made worse by bad weather. The sight distance on Viola Road is 80 to 90 feet, and on a rainy night such as this, a crowd of people walking on that road is a disaster waiting to happen. Mr. Sichel said his other concern is the removal of the existing dams, especially since there is already a silting problem, and he doubted the water course system will correct naturally after removals.

Dennis Plassart, 90 Viola Road, Montebello, NY said that he was concerned about the number of cars and the possibility of large crowds of people walking along the roads. The stone path does not seem like a viable solution, he continued, as there is not much room between the road and the stone walls. Mr. Plassart then stated his biggest concern was that his own property will be adversely affected by the proximity of the structure to his home.

No one else wishing to speak, Member Iatropoulos made a motion to adjourn the public hearing and the application to the February 11, 2020 meeting, seconded by member Wanamaker. Upon vote, all were in favor.

Member Iatropoulos made a motion to adjourn the meeting at 8:02 p.m., seconded by Member Burke, and upon vote, all were in favor.

