

The Planning Board of the Village of Montebello held a meeting on Tuesday, February 11, 2020 at the Jefferey Oppenheim Community Center, 350 Haverstraw Road, Montebello, New York. Vice Chair Michael Iatropoulos called the meeting to order at **7:06 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Michael Iatropoulos, Member  
Thomas Ternquist, Member  
Don Wanamaker, Member  
Howard Hochberg, Ad Hoc Member

OTHERS

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

ABSENT

Jane Burke, Vice Chairperson, Member  
Anthony Caridi, Chairman  
Stan Shipley, Ad Hoc Member

**Meeting Minutes Approval**

Member Ternquist made a motion to approve the Planning Board Minutes of January 14, 2020, seconded by Member Hochberg. Upon vote, the motion carried unanimously.

**CDRC Report**

Village Planner Jonathan Lockman said that CDRC met on January 28<sup>th</sup> to review four applications. The office building at 5 Hemion Road returned with a smaller building because an existing conservation easement rendered less room for parking. They will likely appear before this Board in a few months.

A proposal for a medical office building at 34 N. Airmont Road, which is directly across from Village Hall, appeared for the first time. However, he continued, they hadn't considered the Scenic & Historic Road Overlay District and the building was aesthetically deficient. The applicant was advised to revise the size and look of the building and to add proper screening, among other things.

Applicants for 5 Plum Hill Drive, another new project, propose to replace the existing house. A wetlands permit is needed because some wetlands will be disturbed during construction. Ms. Terhune added that the existing house has a front setback of 35 feet, down from the required 50 feet for the zone, as per the original subdivision resolution which waived the requirements to preserve the wetlands. This application proposed that the new house also have a setback of 35 feet. However, she continued, that was 25 years ago and the applicants were advised to re-flag the wetlands.

Mr. Lockman said the Montebello Crossing, the fourth application, is being held up due to legal matters. The Article 78 decision was handed down and the judge did not like the procedures by which the Village Board of Trustees and the Planning Board operated. This calls into question how to proceed in the future, he explained, adding that the applicant's attorney, Paul Baum, and the village attorneys will meet to determine the best way to proceed without getting into trouble again.

**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, 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.

The applicant has requested an adjournment to the March meeting. Member Ternquist made a motion to adjourn the application and the public hearing to the March 10, 2020 Planning Board meeting seconded by Member Iatropoulos, and upon vote, all were in favor.

**Manhattan Beer Distributors, c/o Andrew Berger AIA  
Subdivision/Amended Site Plan, 10-20 Dunnigan Drive, Montebello, NY**

Applicant proposed a lot line merge, the construction of an addition to the two existing buildings, the relocation of the railroad track at the south property line, and the construction of a loading deck with canopy and a parking deck on the north side of the parcel. The property is located on the north side of Dunnigan Drive, approximately 1000 feet west of the intersection of Airmont Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.07, Block 1, Lots 11 and 12

Present were Andrew Berger, principal with di Domenico & Partners, LLP, and Alex Bergson and Mitchell Bergson of Manhattan Beer.

Before going into details, Mr. Berger gave a brief history of this project, stating that Manhattan Beer recently received site plan approval at 20 Dunnigan Drive for a platform and canopy, and ZBA approval for front and side yard setbacks. However, in their efforts to improve operational efficiency, the applicant decided to employ the use of an automatic storage and retrieval system (ASRS) which will be housed in the proposed structure connecting the two existing buildings. The previous approval was abandoned in favor of a more robust plan. Mr. Berger clarified that this new center piece of the building will house the ASRS only and will not increase the amount of space for individual workers.

Although the proposal is compliant with zoning, he explained that both properties have front setbacks, side yard and rear yard (10 Dunnigan only) that are legally non-conforming. The applicant will therefore seek a variance for a 44’ front setback for the platform canopy at 20 Dunnigan Drive, and a 10’ side yard setback at 10 Dunnigan Drive. The railroad will remain as proposed earlier, but it will be further east and will now allow 4 of the 14 rail cars to slide inside the building which will mitigate light and noise pollution.

The new site plan configuration also takes advantage of two existing ingress/egress locations, eliminating the two center access points and allowing for a loop circulation for delivery trucks, he said. All parking will move to the rear of the building facing the NYS Thruway with the addition of a parking deck.

Member Wanamaker asked if there will be a second floor of the building addition. Mr. Berger said that it is one very high single story that will contain the ASRS and will be compliant with the height zoning. Member Wanamaker asked if truck traffic will increase now that more inventory can be stored. Mr. Berger said that truck traffic will decrease because more will be delivered via

railroad. The frequency of the railroad deliveries will remain the same, but they will be able to bring in and unload 14 cars, up from five cars. In any case, he continued, the Village Engineer requested a traffic analysis, which is forthcoming.

Village Planner Jonathan Lockman reviewed his letter dated February 3, 2020 (copy on file). Mr. Lockman said that the biggest concerns were truck and employee car circulation and it seems that all concerns have been resolved, although there is one small issue noted in comment #2 regarding the number of loading berths. Mr. Berger said that there are two more inside the building and that he checked the numbers and they appear to be accurate. Mr. Lockman acknowledged he didn't see those two and that he was therefore satisfied.

Mr. Lockman, in comment #3, noted that the application will need Architectural Review Board (ARB) approval and advised they bring in siding materials and colors for discussion at the next meeting. Aside from other very minor issues, the CDRC in general felt the design was workable, he said.

This will be an unlisted action under SEQR because the building is under the 100,000 square foot threshold, Mr. Lockman continued and recommended that the Planning Board issue a Notice of Intent to be lead agency in a coordinated review with the other approving authority, the ZBA. Part 1 EAF questions were acceptably answered and the Board can adopt Part 1 and work on issuing a Part 2, he added.

Vice Chair Iatropoulos asked Ms. Terhune if she agreed with Mr. Lockman's SEQR assessment. Ms. Terhune said that she didn't feel that waiting was feasible and that it would be fine to make that declaration. She said, however, that it was too soon in the application to set the Public Hearing and that the Board should wait for at least one more meeting. Mr. Berger asked why she felt the application was deficient for a public hearing since he accepts all comments and there won't be any significant changes. In fact, he said, this plan is equal if not better than the originally approved project because all activity will be moved to the back of the property and the loading will take place partially inside the building. Ms. Terhune asked if it were possible to enclose more of the train cars for unloading. Mr. Berger said it was but that would increase the setback and they prefer to maintain the 60-foot setback across both parcels. Ms. Terhune said that in any case the Board was short a few members during this meeting and they may have comments that prompt further changes.

Village Engineer Bryon Rose summarized his memo dated February 7, 2020 (copy on file), and asked Mr. Berger if the western service entrance will be used regularly. Mr. Berger said that it will be an open ingress/egress for delivery trucks only.

Member Wanamaker asked if the hours of operation would change to which Mr. Berger replied no, and that he was aware of the sensitivity of that question due to the proximity of the Lackawanna Trail community. Member Wanamaker asked if any work took place over night. Mr. Berger said it did, but only internally. All external operations end at 6 p.m., which was included in the last resolution, he said. Vice Chair Iatropoulos asked if the ASRS was noisy. Mr. Berger said it was relatively quiet and it will be housed within the building.

Member Ternquist made a motion to notice the Planning Board's intent to be lead agency, to type the action as Unlisted and to accept the EAF Part 1. The motion was seconded by Vice Chair Iatropoulos and upon vote, all were in favor.

**New Business:**

Member Ternquist asked the status of the Article 78 filed against the Planning Board by the Tagaste Monastery. Ms. Terhune said the issuance of site plan/subdivision approval [for Montebello Crossing] was challenged but that the Special Permit issued by the Village Board of Trustees was not. The court annulled the Planning Board approval because it felt that we did not conduct SEQR investigations thoroughly enough and did not like the process by which both Boards operated. In any case, she continued, the Village professionals and the attorney for Montebello Crossing will meet to decide how next to proceed.

Mr. Lockman offered that the Village of Montebello really adopted something special with the establishment of the Rte. 59 Development District. For Montebello Crossing, the Planning Board and the Village Board worked together to develop customized zoning and one would think that a judge would appreciate something so collaborative. Perhaps he would have preferred an ordinary zone with an established bulk and not the exciting, hybrid, complex and nuanced zone that the Village presented, he added.

Member Wanamaker asked if the Village consultants were aware of the changes and updates to the Clean Water Act and how future land use decisions may be affected. Mr. Lockman said they were aware of recent changes but that the Village need not be concerned because federal laws have a big impact on state regulators such as the DEC. However, he continued, there is nothing that would change existing regulations. While the changes [in the Clean Water Act] promote stricter regulations, local municipalities will not see much change unless the state regulations change.

Member Ternquist made a motion to adjourn the meeting at 7:51 p.m., seconded by Vice Chair Iatropoulos and upon vote, all were in favor.