

The Planning Board of the Village of Montebello held a meeting on Tuesday, June 9, 2020 on Zoom. Chairman Caridi called the meeting to order at 7:06 p.m.

PRESENT

Anthony Caridi, Chairman
Jane Burke, Vice Chairperson, Member
Thomas Ternquist, Member
Stan Shipley, Member
Howard Hochberg, Ad Hoc Member

OTHERS

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

ABSENT

Michael Iatropoulos, Member

Meeting Minutes Approval

Member Shipley made a motion to approve the minutes of the May 12, 2020 Planning Board meeting, seconded by Member Hochberg. Upon vote, all were in favor.

Hemion Land Lease LLC

Site Plan, 5 Hemion Road, Montebello, NY

Application of Hemion Land Lease LLC, 7-11 Suffern Place, Suffern, NY 10901 for a Site Plan entitled “5 Hemion Road.” The Applicant proposes two-story, 12,000 square-foot office building with parking. The Parcel is located on the west side of Hemion Road approximately 500 feet north of Route 59 in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.10, Block 1, Lot 5.2 in the NS Zone.

The applicant requested an adjournment to the July meeting. Member Shipley made a motion to adjourn the application to the July 14, 2020 Planning Board meeting, seconded by Member Hochberg, and upon vote, all were in favor.

Howard Hellman/84 Viola Road, LLC—Public Hearing continued

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, dam engineer Joseph Ruggeri, PE, and Traffic Consultant Ronald P. Rieman of Maser Consulting.

Mr. Atzl said that since their last appearance, they have been corresponding with the Army Corps of Engineers (ACOE) and the New York State DEC, they have reflagged the wetlands, and have submitted their revised traffic study in response to the village traffic consultant’s review (copy attached).

Mr. Lockman summarized his memo dated June 5, 2020, noted the revised traffic study that was submitted to the village traffic consultant and said that another review from him was expected imminently.

House of Worship, 84 Viola Road

Mr. Spence briefly went over his memo dated June 1, 2020 (copy attached) and said that he walked the property with Mr. Atzl to inspect the re-flagged wetlands. Referring to the short walking path inside the guardrail along a curve on Viola Road, Mr. Spence required more information on grading, rail relocation and maintenance. Member Ternquist questioned why they proposed such a short path and Mr. Spence explained that it is proposed only for the most dangerous part of the road between Canterbury and Lety Lanes.

Discussion turned to the proposed removal of the two existing dams. Chairman Caridi asked if there was definitive documentation on how the water velocity will be affected once the dams are removed. Mr. Spence said that on the site, the velocity would change because the pond is being returned to its natural state as a stream, but that offsite, the velocity will not change. Chairman Caridi said that if the ACOE and the DEC approve their removal, then this Board will too. However, he said, we do not have those approvals yet. He then asked if there was much change in the wetlands after re-delineation. Mr. Spence said that there were small changes in the wetlands to the west, and that the wetlands have increased on the east side.

Member Ternquist said that he wanted to visit the site to see for himself. Chairman Caridi asked the Planning Clerk to coordinate that visit for the entire Board. Ms. Terhune said that if the whole Board attends, it should be noted that it is not a meeting and that business will not be conducted during that visit. Village Counsel Jody Cross agreed, stating that it is vital to be clear that no business or deliberations will take place on the property, otherwise the open meeting law will be broken.

Chairman Caridi asked Mr. Atzl to flag the limits of the proposed parking lot, the building corners, and the outer curbs of the parking lot in time for the site visit. Mr. Atzl said he could flag anything in the field for the Board's benefit. Chairman Caridi asked if there has been any indication from the New York State DEC that they accept the wetlands re-delineation and the dam removals. Mr. Atzl said that they are still awaiting a reply.

Mr. Spence asked the dam engineer, Joseph Ruggeri, to address the dam removal process. Mr. Ruggeri said that by removing the dams, the stream is brought back to its natural state. Hydraulic analysis is included in the concept removal report (copy on file) which examines the impacts of the removal. Just as discussed earlier, the velocities will not change downstream because the dams in their current state provide very little water storage and in terms of flow rate, they are not providing much attenuation. Overall, the health of the stream and all life it carries will improve, and the New York State DEC recognizes this fact, he said.

Chairman Caridi said that further discussion on the dam removals, traffic and the proposed path will continue at the next meeting after the Board visits the site. He then opened the public hearing.

No one wishing to speak, Member Ternquist made a motion to adjourn the public hearing and the application to the July 14, 2020 Planning Board meeting, seconded by Member Hochberg. 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 proposes 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, Simon Bergson, President and CEO of Manhattan Beer and Mike McCarthy, Vice President of Operations, Manhattan Beer.

Mr. Berger explained briefly that they propose the construction of a loading deck and canopy that will straddle the new addition. The parking area between the two existing buildings will be eliminated and moved to the proposed parking deck to the north of the property facing the NYS Thruway. The existing ingress/egress at 10 Dunnigan Drive for cars and trucks alike will remain, and cars may proceed along the road to the rear parking deck and trucks can proceed to the loading berths below.

Mr. Berger shared his screen with the Board and illustrated the required and proposed setbacks and side yards, noting that there are several existing non-compliant areas that they were seeking to correct as well. For example, he continued, by removing a portion of the existing building to the north to build the addition, the non-compliant rear yard of 25 feet will be restored to the required 50 feet.

Mr. Berger reminded everyone that there are no changes proposed for 10 Dunnigan Drive. Earlier iterations of proposal showed the rail accommodating 14 cars, but after consideration, they have reduced it to 12, and shifted the platform and canopy to the west to create more distance from the property owners to the south. At the last ZBA meeting, he continued, the ZBA Chairman suggested that a solid buffer barrier along Dunnigan Drive would better mitigate sound and provide better screening than the proposed landscape barrier, and the Board agreed. Therefore, the proposal now includes a solid free-standing wall along Dunnigan Drive that varies in height from 10 feet to 15 feet due to topography, and the platform has been lowered to be consistent with the lowest elevation at 20 Dunnigan Drive.

Mr. Lockman summarized his memo dated June 5, 2020 (copy on file) and said that there were logistical changes after the application was circulated to all outside agencies. The differences from the first submission to the latest are great enough to warrant a new GML review, he said. The building now labeled as 113,000 square feet was labeled 82,000 square feet originally and even if the new label was a mistake, the addition is still somewhat larger. Another change is that the platform was previously centered on the new addition, and now it's straddling the new addition and the building at 20 Dunnigan Drive to the west and further away from the residences across the street, he said. Finally, a new metal wall is being offered, which changes the plans further.

Mr. Lockman advised the Chairman that this Board may want to wait and see what kind of variance treatment the ZBA will offer. This Board is the lead agency in a coordinated review, and therefore the ZBA cannot grant any variances until SEQR is complete. The variance for this design is still to be determined, he added.

To complicate matters, the SEQR classification as “Unlisted” is now called into question because the new building is bigger than originally planned and because new SEQR regulations are in effect, he said.

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The SEQR amendment classifies a new commercial building over 100,000 square feet or an expansion of a commercial building by 50,000 square feet as a “Type 1.” The GML comments and other agency reviews were based on a different design and classification, and Mr. Lockman advised that the application be re-classified Type 1 and re-circulated, but only after the ZBA had a chance to review the revised project.

Traffic is yet another issue to be addressed, he continued. The Applicant has been stating all along, due to the AS/AR and more train deliveries, that truck traffic will decrease despite the fact there will be a building addition and more loading docks. Mr. Lockman requested a trip generation study of the truck deliveries and more detailed traffic information before SEQR can progress.

Lastly, the visual impact drawings that were submitted are helpful, he said, but given the new wall, renderings of the entire building from an aerial view, from Dunnigan Drive and from the Thruway would help the Planning Board in its role as Architectural Review Board.

President of Manhattan Beer Simon Bergson, referring to the size of the addition, said that this Board is forgetting that a significant amount of square footage of the existing building is being eliminated, and that part of the addition is just replacing some of what is being removed. We are close to 50,000 additional square feet, he said. The additional loading docks are to be used only at night and maximizes efficiency so the trucks won’t be forced to shift around, back up or sit idly waiting to unload, which benefits everyone, he said.

Mr. Bergson explained that the AS/RS is a robotic machine that removes beer from the truck/train and stores it and the addition is being built solely to house it. He said he was frustrated and wanted everyone to understand the concept, noting that the ZBA Chairman said he would accept a wall. Ms. Terhune said she recalled that the ZBA Chairman and that Board asked for the wall and would consider the greater variance needed.

Mr. Lockman said that an engineering professional was needed to quantify the traffic changes that will accompany these improvements. Details like peak truck traffic hours and how truck traffic will be reduced should be submitted. Mr. Bergson said the engineer can’t tell us any of that until we know how many rail cars they will be able to receive. Chairman Caridi said at the very least they should be able to provide an affidavit from a certified traffic engineer to that effect. Mr. Berger said that in terms of off-street parking, there will be no change and in fact, car parking will be reduced from 155 parking spots to 131. What they are reducing is over-road trucking, he added. Mr. Lockman said that all we are asking is for a submittal to address the traffic questions. Mr. Berger said that he could do that, adding that he hopes this Board will inform the ZBA of their feelings toward this project because he and his client just want to avoid bouncing back and forth between the two Boards.

Chairman Caridi asked if the railroad had a preference on the proposed wall. Mr. Berger said he was no aware of any restrictions or opinions from the railroad to that end. Chairman Caridi said that a corrugated metal façade would be an eyesore and asked if there were any renderings or if it even had to be a solid screen. Ms. Terhune explained that the neighbors were very concerned about noise and the ZBA asked if the tracks could be enclosed. Norfolk Southern Railroad does not allow an enclosure overhead so the wall was suggested to mitigate noise.

Mr. Bergson took exception to the word “corrugated” and said the wall will be made from insulated metal panels like that on the building. Mr. Lockman clarified that the reason why people think the wall will be made from corrugated metal is because it is labeled as such on the drawings. If that is not the

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intention then it would be good to have a sample of the material you plan to use, he added. Mr. Spence said he would like to see a sample. Chairman Caridi said the notation on the plans should be changed to “composite sound attenuation paneled wall” for the next submission so that the Applicant is not limited to the materials as described

Chairman Caridi polled the Board. Martin Spence said he felt that it was a better idea than landscaping, but that it should be made of masonry materials which would help in long-term maintenance and avoid denting and rusting. It might be more aesthetically pleasing, he added. Mr. Bergson said he was opposed to that idea because the result would be a massive 15-foot high unsupported structural wall. Mr. Spence maintained it would have to be designed correctly like a sound barrier along a highway. Mr. Ternquist said he preferred the insulated metal.

Chairman Caridi asked if anyone had an objection to making these recommendations to the ZBA. No one objecting, the Chairman said the revised plans should reflect all that was discussed. He then asked if there are any photometrics. Mr. Lockman said there were, and that they should be circulated with the new plan set.

The Chairman enumerated what was expected of the Applicant: A new plan set, new renderings from above, north and south, a rendering of the wall, corrected labels on materials and square footage, a Full EAF Part 1 with the correct size of the building and description of the wall, and a traffic study. Chairman Caridi added that the site plan, in his opinion, was much improved overall.

Chairman Caridi opened the public hearing.

Shaina Peetie, 21 Stage Street, Airmont Road said she doesn’t feel that the wall will properly mitigate the noise of the train as it comes on average three times a week, at odd hours, and is very disruptive to her and her neighbors’ quality of life. Chairman Caridi reminded her that neither the applicant nor the Village has any control over the timing and frequency of the rail deliveries. Updated plans will have landscape plans and there will be more to review, but your comments will be taken into consideration he said, adding that the Village is aware of the noise impacts. Ms. Peetie asked if a decibel sound test will be conducted now that there will be more train cars to uncouple and unload. She explained that dropping train cars sounds are very loud and disruptive. Chairman Caridi said that sound attenuation will be reviewed further as part of the normal process.

Scott Milnamow, SVP of Real Estate Development for Raymour & Flanigan said there were a few issues he would like the Board to address. He said a traffic study is imperative, especially given the 73 loading berths proposed. It looks like there will be many trucks going in and out, he said, and trucks on Dunnigan drive are a constant problem. Raymour & Flanigan would like to gain an understanding of how these trucks will be accommodated, and an affidavit is not sufficient, he said.

Mr. Milnamow said the increased number of rail cars are concern as more rail cars will damage Dunnigan Drive as they cross the road and asked the Board include maintenance of that section of the railroad track in the resolution. We do not want our trucks bouncing around on broken roads and breaking furniture, he said.

He then asked where the employees will park during construction, where the construction materials will be staged and whether there will be any truck traffic restrictions for the duration of construction. Chairman Caridi said these were good points and that the road maintenance and construction sequencing will be reviewed and monitored.

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No one else wishing to speak, Member Ternquist made a motion to adjourn the public hearing and the application to the July 14, 2020 Planning Board meeting, seconded by Member Hochberg. Upon vote, all were in favor.

Montebello Crossing-- Site Plan/ Subdivision, Amended Site Plan—Public hearing 250 Lafayette Avenue, Montebello, NY

Application of Montebello Crossing, LLC, 100 Dutch Hill Road, Suite 340 Orangeburg, New York, for 250 Lafayette Avenue, Montebello, New York. The applicant is proposing a mixed-use development consisting of a 132-unit, 200-bed assisted living facility, a 14,600 square foot pharmacy with drive-through, and a 10,000 square foot office building. The project will also consist of amending the site plan for Hemion Holdings shopping center to the east of the site. The property is located at 250 Lafayette Avenue, on the North side of Route 59, approximately 350 feet west of the intersection of Hemion Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.10, Block 1, Lot 2 in the R59 DD Zone.

Present were the Applicant Howard Josephs, his attorney Paul Baum, and engineers Brian Brooker and Joseph Nyitray of Brooker Engineering. Mr. Baum explained that the Planning Board approvals of 2017 were challenged and the court annulled them. The plan before the Board now is the same except for the modifications to the ingress/egress on Route 59 and between Montebello Crossing and Hemion Holdings, he said.

Mr. Nyitray said that the traffic light originally proposed and approved at the Route 59 entrance is no longer in the plan because the New York State DOT no longer feels it is warranted. However, the traffic study allows all left and right movements in and out of the property, and the road behind Hemion Holdings will now be used for ingress/egress for Braemar, the assisted living residence, he said.

Mr. Lockman summarized his memos dated June 3, 2020, noting that Rockland County Highway Department asked the Applicant to submit the traffic study and drainage to their offices, and that a GML review was done for both Montebello Crossing and Hemion Holdings. In comment #6 of their letter dated May 19, 2020, the town of Ramapo suggested the installation of a barrier along the railroad tracks. (Copy of letter on file.) Mr. Lockman pointed out that there are other projects along the same railroad without any attenuation, e.g. the Esther Gitlow towers in Suffern, and that the Board should discuss whether they want to make the Applicant install such a barrier.

Chairman Caridi asked if there was a fence proposed along the tracks in 2017. Mr. Spence said the previously approved site plan showed a chain link fence along the tracks, but nothing for sound attenuation. Chairman Caridi said he doesn't see a reason to listen to the Town therefore. Ms. Terhune said it would be good to discuss to show it in the record, but that there is no reason to abide by their comment which is a recommendation, not a requirement. The Chairman agreed. Mr. Brooker said that the Braemar architects are aware of the railroad tracks and will take sound attenuation into consideration while designing the building. Mr. Baum noted that the town, in their letter, said the project will have a negative impact on the railroad. Mr. Lockman agreed that the letter stated such, but then reiterated there are projects all along the railroad with no attenuating fencing or barriers.

Mr. Spence summarized his May 8, 2020 memo that was circulated at the last meeting and stated that there are still comments that need to be addressed by the Applicant. (Copy on file)

Chairman Caridi opened the public hearing.

Attorney Richard Ellsworth of Balsamo, Byrne, Cipriani & Ellsworth, 16 Chestnut Street, Suffern, NY said he was attending on behalf of his client the Tagaste Monastery and that he noticed, with all due respect, that there is some bias in getting this property developed no matter what. Mr. Ellsworth said that the traffic study interests him a great deal and stated for the record that in 2016 the traffic study recommended a traffic signal on Route 59 and that the Board's professionals agreed with that recommendation. If the New York State DOT will not allow the traffic light then the study must be

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amended. Furthermore, he continued, the latest traffic study is dated April 9th which means all the data was collected in the middle of a pandemic and the data is likely not accurate. As an aside, he noted that his clients were not considered or counted during either Traffic study.

Mr. Ellsworth said that it was his understanding that there would be no left turn in or out of the property onto Route 59 in the absence of a traffic light, which is contrary to what the Applicant asserted during this meeting, and asked if the study or the plans have changed since it was conducted. Finally, he requested that the Board include in their deliberations the abutting project at 5 Hemion Road and thanked the Board for their time.

Chairman Caridi agreed with his last point and said that Rockland County's GML review also required that consideration. Member Shipley asked if the proposal at 19 Hemion Road should also be included in future traffic studies. Mr. Lockman said that typically the Village does not require projects that have not progressed at all to be included in such technical matters. This application (paper cup manufacturer) was still in the sketch plan stage and not far enough along to be counted. Furthermore, the project could only work if trucks could have access through Dunnigan drive and could not be supported or progress otherwise.

Mr. Baum asked his client if they would be ready for the July Planning Board meeting, and Mr. Brooker said they must first update the traffic study. Mr. Lockman, referring to the GMLs dated June 3, 2020 (copies on file), advised the Applicant to memorialize that they responded and took care of the county's comments.

Chairman Caridi said that 30 days have not yet passed and that they must wait until the next meeting to declare lead agency in any case. If you cannot meet the submission date, simply request an adjournment, he said.

No one else wishing to speak, Member Ternquist made a motion to adjourn the public hearing and the application to the July 14, 2020 Planning Board meeting, seconded by Member Hochberg and upon vote, all were in favor.

Member Ternquist made a motion to adjourn the meeting at 9:34 p.m., seconded by Member Shipley. Upon vote, all were in favor.