

The Planning Board of the Village of Montebello held a meeting on Tuesday, July 14, 2020 via Zoom. Chairman Caridi called the meeting to order at **7:02 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Anthony Caridi, Chairman
Jane Burke, Vice Chairperson, Member
Stan Shipley, Member
Thomas Ternquist, Member

OTHERS

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

ABSENT

Michael Iatropoulos, Member
Howard Hochberg, Ad Hoc Member

Meeting Minutes Approval

Member Burke referred to the second line of the second paragraph and asked that the record be corrected to reflect the accuracy of the discussion. The Planning Clerk corrected the line to read *“Mr. Spence said that the velocity would change on-site because the pond is being returned to its natural state as a stream, but that offsite, the velocity will not change.”* Member Ternquist made a motion to approve the [corrected] minutes of the June 9, 2020 Planning Board meeting, seconded by Member Shipley and upon vote, all were in favor.

**Montebello Crossing-- Site Plan/ Subdivision, Amended Site Plan
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.

The Applicant requested an adjournment to the August meeting. Member Ternquist made a motion to adjourn the application and the public hearing to the August 11, 2020 Planning Board meeting, seconded by Member Burke. 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.

The Applicant requested an adjournment to the August meeting. Member Ternquist made a motion to adjourn the application and the public hearing to the August 11, 2020 Planning Board meeting, seconded by Member Shipley. Upon vote, all were in favor.

**Howard Hellman/84 Viola Road, LLC—Public Hearing
Site Plan, 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 surveyor John Atzl of Atzl, Nasher & Zigler, PC, attorney Terry Rice, Architect David Mayerfeld, dam engineer Joseph Ruggeri, PE, and Traffic Consultant Ronald P. Rieman of Maser Consulting.

Mr. Atzl explained that the Planning Board conducted a site visit on June 29th and was able to see the ponds and the proposed building location but not much else as the visit was cut short by the onset of a thunderstorm. Referring to the consultants’ reviews, Mr. Atzl said there were many comments from the Village Engineer in his memo dated July 13, 2020 (copy on file) that were mostly technical in nature, and that the Building Inspector Larry Picarello had a comment regarding the location of the proposed loading berth, which will be relocated to the other side of the building as per the code. Mr. Atzl did want to discuss further the possible variance needed for the foot path to Emerald lane as per Mr. Picarello’s memo dated July 13, 2020 (copy on file) because the path leads to a public road providing access to the site, and not to a property line.

Ms. Terhune said that she also wanted to address Larry’s comments and to have a discussion with him about the proposed path for her own edification so she could render a more informed interpretation. She added that she will ask him to clarify his comments for the next meeting.

Members Burke and Ternquist requested that the Board conduct another site visit because they did not have a chance to see much. Member Burke asked Mr. Atzl to flag the entrance driveway to the existing farmhouse on the property and the main entrance to the proposed structure as well as the corners of the patio. Member Ternquist urged everyone to stay in one group at the next site visit for coherence. John Atzl agreed to flag these areas for the Board’s benefit. Chairman Caridi asked the Planning Clerk to schedule another site visit.

Chairman Caridi stated that the review of the traffic study by Village Traffic Consultant Osman Barrie is critical and that the Applicant should carefully consider all his comments. He also advised them to pay special attention to Mr. Spence’s suggestion for a more traversable pathway to Emerald Road because the slopes are somewhat treacherous. As of the date, the final comments from the Army Corps of Engineers (ACOE) and the New York State DEC on the dam removals are pending, he said, adding that the Applicant’s idea to raise the elevations and staying further away from the slopes was a very good one. To that end, Member Burke said that she was concerned that the removal of the dams will cause sedimentation of the neighbors’ ponds downstream as well as increase the volume of water that

will adversely affect the floodplains of the Mahwah River. Member Shipley shared her concerns and requested some sort of matrix or chart that considers various weather conditions on the watercourse without the dams. Mr. Spence explained that once the dams are removed, there will be an increase in flow on-site but not downstream. He further explained that there are mitigating measures in the proposal for removing the dams that will prevent siltation down-stream, and once the dams are removed, the stream will load naturally. Village Planner Jonathan Lockman said that even a small dam is a maintenance issue and silt will form if not properly maintained. These ponds are not really ponds anymore because they are so filled with silt and there is very little water, he added. Mr. Atzl pointed out that the northern dam is not working at all and the stream flows right through it. Mr. Spence said that the pond will have to be dredged periodically if the dams are to remain and have any value at all.

Chairman Caridi noted that the dam maintenance would be the property owner's responsibility. Ms. Terhune said that whether the dams stay or go is the determination of the New York State DEC and the ACOE. Mr. Spence agreed and added that those two agencies are taking the lead on this though the Planning Board does have some jurisdiction because the dams are within the WEPOD [Wetland Environmental Protection Overlay District]. Chairman Caridi noted that the Applicant's design modification for the stream includes riprap retention. Mr. Lockman said that it is highly likely that the outside agencies will approve the Applicant's plan to remove the dams and restore the stream to its natural state, and the Planning Board will have to accept these experts' reviews, especially since they are looking at this plan very thoroughly.

Chairman Caridi asked if there will be a downflow effect. Mr. Lockman said no because the SWPP [Storm Water Protection Plan] addresses any runoff issues. Mr. Spence agreed, and said he made similar remarks in his review of the SWPP.

Chairman Caridi advised the Applicant to provide a follow-up study of downstream effects of the dam removals once the determinations by the ACOE and the NYS DEC are received. Member Burke said she noticed that the removal of obsolete dams and restoring waterways is a hot topic with the DEC and Mr. Lockman agreed because that agency is promoting removal of dams in general to improve stream habitats for fish. Mr. Atzl said the ACOE told him they were close to approving this project, and that he has also made inquiries to the NYS DEC about their progress. Member Burke said that nonetheless, there are many homes in the Village built on flood plains and dam removals are a real concern for many residents.

Chairman Caridi referred to the Village's review of the traffic study dated July 1, 2020 (copy on file), noting that [Village Traffic Consultant] Mr. Osman Barrie advised that the Applicant investigate a traffic signal at the Viola Road and Spook Rock Road intersection. Mr. Atzl said he spoke with the Rockland County Highway Department about this and had his traffic engineer forward all recent traffic data, and that they are hoping to receive a determination shortly on whether there is a warrant for a traffic signal.

Chairman Caridi then referred to the aforementioned July 13th memo by the Building Inspector in which he determined that the paved path in the rear yard leading to Emerald Lane requires a

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variance. A discussion ensued on the accuracy of this assessment and Ms. Terhune said that she will discuss with Mr. Picarello and ask him to clarify before the next meeting.

Member Burke asked for a clarification of the usage of the synagogue because the stated frequency of use has not been consistent in the various narratives submitted, particularly with regards to the multi-purpose room. She said the amount of people that can attend any program or event can be upwards of 450 – 500 many times throughout the year, a fact she finds overwhelming due to the rural residential nature of the neighborhood, and asked if there will be plans to accommodate overflow parking or if there will be large numbers of pedestrians for larger events. Chairman

Caridi said that the Board previously requested an overflow parking plan as well as pedestrian analysis for full-capacity events, as has Mr. Lockman in many of his reviews. Ms. Terhune agreed this was not a new request and that if these events are recurring, the request is not unreasonable. She strongly urged the Applicant to revise the analysis to show full-capacity pedestrian numbers and how they might ensure the safety of pedestrians. Mr. Atzl said he would take this under advisement.

Mr. Lockman said that he mentioned the trees in the parking lot in his June 26th memo (copy on file), explaining that the Village does not require every single tree to be inside the parking lot and that trees planted around the lot is also adequate. Mr. Spence said he too raised that issue in his memo and that he thought there were eight islands inside the lot and eight on the outside. He asked Mr. Atzl to increase the number of trees on the islands to twelve. Mr. Atzl said he does not want to crowd the trees on the islands but said that will be up for discussion with the landscaping architect. Chairman Caridi noted the May 19, 2020 date on the landscaping plan and requested an updated plan. Member Burke asked Mr. Atzl to include the proposed walking path along Viola Road in the next landscaping plan revision.

Chairman Caridi opened the public hearing.

Richard DiFalco, 18 Lackawanna Trail, Montebello, NY said that he is attending this meeting for another application and that this is the first time he has heard of this proposal. Chairman Caridi said this project has been a main topic of discussion for many months. Mr. DiFalco said he felt that this is a dangerous road on which to build and for pedestrians to safely walk.

Dr. George Cox, 554 Haverstraw Road said that as a doctor, he was concerned about the safety of the dozens and dozens of people walking on Spook Rock and Viola Roads with no sidewalks. This is a rural community with a lot of car traffic, he added. He then thanked the Board for the opportunity to speak.

No one else wishing to speak, the Chairman said that the ACOE and DEC reviews are among the last items on the SEQR review. Mr. Atzl said that he will discuss with the Applicant and will let the Planning Clerk know when they plan on returning. Member Burke made a motion to adjourn the public hearing to the August Planning Board meeting, seconded by Member Ternquist and upon vote all were in favor. Member Ternquist made a motion to adjourn the application to the August Planning Board meeting, seconded by Member Shipley and upon vote, all were in favor.

**Hemion Land Lease LLC – Public Hearing
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.

Present were the Applicant’s attorney Amy Mele, engineers Matthew Trainor and Brian Brooker of Brooker Engineers PC, architect Stefano Gagliano of Aufgang Architects, and traffic consultant Harry Baker of Maser Engineering.

Ms. Mele noted that more than 30 days have passed since the Board noticed its intent to become lead agency under SEQRA, and that she was hopeful the Board would issue a Negative Declaration of Environmental Impact (Neg. Dec.) this evening if not an approval of the project. Mr. Trainor gave an overview of the project, noting that the Village Board gave their approval for the small encroachment into the conservation easement for maintenance of the curbing and that no variances are required for this proposed 2-story, 12,000 square foot office building. All agency review letters were addressed satisfactorily and there are no objections to any comments, save for one item about landscaping in the frontage of the property and how it will affect the line of sight. Mr. Spence gave some good recommendations to that end which will be implemented, he said.

Mr. Gagliano submitted a package for the Board’s review and shared his screen so the renderings and elevations could be discussed. Mr. Gagliano pointed out that the proposed brick and stone mimic the architectural details around the Village and that the roof will may be a living green roof if the property owner decides to go that route. He showed the elevations from the east and south which are the two primary façades seen on the approach to the building, and the renderings with the landscaping which is now in line with the civil drawings. Member Burke said she thought the building was lovely but that all one would see from Hemion Road is the parking lot and that she wished the parking was behind the building.

Mr. Spence reviewed his memo dated July 10, 2020, in which he mentioned the trees blocking the sight distances. There is new grading along the front, and to speak to Member Burke’s point, he said, there is room for more landscaping and trees in addition to what is being shown here. He then advised that the bottom branches of the street trees should be trimmed for better sight distance. Mt. Trainor said that they had no objection to adding more trees. Member Burk asked if there would be a berm along the frontage that would prevent headlights from spilling onto the road. Mr. Trainor said there will be a berm with boxwoods. Mr. Spence recommended that the spacing between the boxwoods should be decreased so it could grow into a hedge. He then said he had no further comments since all other engineering issues have been addressed.

Mr. Lockman summarized his memo dated June 26, 2020 in which he notes that the Applicant provided a FEAF Part 2 and that the Board can proceed with their Part 3 and issue a Neg. Dec. Regarding the traffic study, he explained that the Village traffic consultant, Osman Barrie, submitted his review on July 9th in which he requested traffic figures about the adjacent Montebello

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Crossing traffic patterns, as well as a site distance analysis and more crash data. These are technical issues to which the Applicant should prepare a response, he said. The Applicant's traffic consultant, Mr. Baker, said they provided all that Mr. Barrie requested the day after they received his memo. Chairman Caridi suggested to Mr. Lockman that he advise Mr. Barrie to respond in kind sooner rather than later.

The Board having no further comments, Member Ternquist made a motion to declare lead agency under SEQRA, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Mr. Lockman advised that the Board can adopt the Part 2 and then make a Neg. Dec. once Mr. Barrie's comments are received.

Member Ternquist made a motion to adopt the Part 2 FEAF, seconded by member Shipley. Upon vote, all were in favor.

Chairman Caridi asked about the impending Architectural Review. Mr. Lockman said that since revised renderings and elevations were received along with the details of materials of colors, the Board may proceed with their architectural review imminently.

Member Shipley asked if there were any local or state regulations on green roofs. Mr. Lockman said these roofs are relatively new and not codified in the Village, and that he feels they are wonderful additions because they are cost-effective and lovely to look at. Ms. Terhune noted that the Applicant stated that they are not yet committed to installing the green roof and that it would be up to the property owner. She cautioned that they should make their wished known now if they want to keep the green roof. Mr. Lockman agreed, adding that they should be specific about this and all materials in their ARB application. He also advised that they should present an alternative roof so the Board has a choice, otherwise they would have to amend their application should the property owner decide against the green roof.

Mr. Gagliano clarified that the roof would not be visible from the ground. Mr. Lockman said he had not realized that because the very first rendering submitted showed tall grass on top of the building visible from grade. If it cannot be seen, then it may not be much of an issue, he added.

Chairman Caridi asked how they would maintain the vegetation on the roof. Mr. Gagliano said that the vegetation will consist mainly of low-growing sedum that requires very little maintenance. The roof would need to be watered once or twice per year and that minimally, one person would have to go up there. To that end, he emphasized that the plants would not take up the entire roof and that any maintenance person would not need to go anywhere near the edge of the roof.

Chairman Caridi asked if there will be equipment on the roof. Mr. Gagliano explained that there is a placeholder for an air conditioner unit but that they were still deciding. The Chairman advised they decide before ARB. Member Burke asked if the mechanicals on the roof will be seen from the road or from other properties. Mr. Gagliano said that most of the mechanicals will be in the back of the building and that the air conditioner may be comprised of smaller units, which is still to be determined.

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Member Burk asked if the offices will be rentals, citing her concerns that there will be too many individual air conditioning units. Mr. Gagliano said the entire top floor will be one suite occupied by the property owner, and that there will be several rental suites on the ground floor. He assured her that should there be multiple units, they will be located out of any sight lines. Mr. Brooker emphasized the fact that the parapet around the roof line will, at 3'6" will shield any mechanicals on the roof, and that anything taller will be positioned further back on the roof.

Chairman Caridi opened the public hearing.

Richard DiFalco, 18 Lackawanna Trail, Montebello, NY said his housing development sits directly across the street from this site. He said he thinks the building is ugly and shared Member Burke's concerns of seeing only the parking lot from the street. Traffic is already an issue at this intersection, he said, and this project will only exacerbate the problem. He said also that he would like to see more landscaping along the frontage of the property.

Dr. George Cox, 554 Haverstraw Road, Montebello, NY said he appreciated all the comments from the Board and the consultants. He said he felt that more professional medical buildings are needed in the area to care for the growing population. He said too that he agreed that the parking lot should be shielded from the road as much as possible. [This project's] proximity to the adjacent strip mall containing the Kindercare and the renal care center is appropriate, he said, adding that he hopes that the building is designed thoughtfully and with great care regarding the aesthetics and landscaping.

Chairman Caridi reiterated that the applicant should supply updated landscaping plans as discussed earlier because the next meeting will entail both ARB and site plan review. Mr. Trainor said that he acknowledged comments from all outside agencies, responded, and that they have no other issues and are ready for ARB.

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

**Craig Pepper—Amended Site Plan
Circular Driveway, 17 Coe Farm Road, Montebello, NY**

Application of Craig Pepper, homeowner of 17 Coe Farm Road, Montebello, NY 10901 for an Amended Site Plan for a circular driveway. The Parcel is located on the east side of Coe Farm Road approximately 1755 feet south of Grandview Avenue in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.20, Block 1, Lot 37 in the RR-50 Zone.

Present was the Applicant's contractor Steve Saffer of Pomona Enterprises.

Mr. Lockman, explaining why this application was before the Board, said that there is nothing in the Village Code that refers directly to circular driveways but that they are not part of the original subdivision, and though they are not strictly prohibited, parking in the front yard is. This is an amendment to a subdivision which requires Planning Board review, he continued, and in this case, there is an elderly person needing to be dropped off at the front door, and the driver will park on the side of the house in the original driveway, not in the middle of the driveway.

Mr. Lockman said that for the record, he is letting the Board know that moments before the start of this meeting, a revised drawing was submitted pursuant to comments made in his review memo. He said he would recommend that the Planning Board authorize this amendment.

Ms. Terhune said that given the classification and the scale of the application, a public hearing is not necessary unless the Board feels it is. She noted that the application should be revised to reflect that it is an amendment to a subdivision and a site plan.

Mr. Lockman said that the drawings submitted cover that last point. Ms. Terhune said that it is not something that needs to be clarified before action is take, but the correction should be made. Mr. Lockman agreed and further recommended that the Board waive the public hearing. Ms. Terhune asked the Board to weigh in. Member Shipley said that he felt that neighbors should have the right to know.

Chairman Caridi said he did not think a public hearing was necessary. Mr. Spence noted that many people have installed circular driveways without permission, and that he was happy that the Building Inspector saw the note on the plat and concluded that this requires Planning Board approval. Member Burke said that historically the Village frowns upon circular driveways, however common they may be, because of the second curb cut. Mr. Lockman said that he would recommend adopting the amended request whether there is a public hearing or not. Member Burke said she did not think a public hearing was necessary but remained concerned that people will park in the front yard. Chairman Caridi said the resolution could be conditioned to prevent that from happening. He then expressed his frustration that many people already had circular driveways without the Board's permission. Mr. Lockman said that if the Planning Board wants to prohibit them, he would bring that issue to the Village Board.

Member Ternquist made a motion to waive the public hearing, seconded by Member Shipley and upon vote, all were in favor.

Member Ternquist made a motion to approve the application, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Chairman Caridi said explicitly that there is to be no parking in the front of the driveway and that this should be stated clearly in the resolution. Ms. Terhune said she will draft a resolution that will state that condition clearly and that will refer to the Consultants' reviews.

New Business:

Member Ternquist said he would like to memorialize in the minutes the many years of service on this Board and to the Village provided by Member Michael Iatropoulos, who announced his retirement from the Planning Board last month. This would have been his last meeting after 30 years and it is unfortunate that he was unable to attend this evening, he said. Member Burke said that Michael will most certainly be missed and the rest of the Board wholeheartedly agreed.

Chairman Caridi mentioned that Michael's departure follows on the heels of Don Wanamaker's departure and that there are now two vacancies—one ad hoc and one full member position. He said that he has someone in mind for the new ad hoc position and will give that candidate's resume to the Village Board of Trustees.

Member Ternquist made a motion to adjourn the meeting at 9:04 p.m., seconded by member Burke, and upon vote, all were in favor.