

The Planning Board of the Village of Montebello held a meeting on Tuesday, August 11, 2020 via Zoom. 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, Member
Stan Shipley, Member
Thomas Ternquist, Member
Howard Hochberg, Member
Angus Mackenzie, Ad Hoc Member

OTHERS

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

ABSENT

Meeting Minutes Approval

Member Ternquist made a motion to approve the [corrected] minutes of the July 14, 2020 Planning Board meeting, seconded by Member Shipley and 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.

The applicant has requested an adjournment to the September meeting. Member Ternquist made a motion to adjourn the application and the public hearing to the September 8, 2020 Planning Board meetings, seconded by Member Shipley and 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.

Present were the Applicant’s attorney Amy Mele, Engineer Matthew Trainor of Brooker Engineering, Traffic Consultant Harry Baker of Maser Engineering and Stefano Gagliano of Aufgang Architects. Ms. Mele said they have provided everything that was asked of them by the consultants and agencies, including a more robust landscaping plan, and that the traffic issues were largely resolved. The Applicant agrees with all GML comments and they are not requesting any overrides, she added. Ms. Mele, noting that there will be an architectural review at this meeting, said that the architect dropped off samples at Village Hall for the Board’s review.

Hemion Land Lease, LLC, 5 Hemion Road

Mr. Trainor said that, in response to public and Board comments, the landscaping plans have been augmented with an additional 14 deciduous trees, more evergreens, and a longer boxwood hedge to mitigate headlight glare.

Mr. Baker gave a synopsis of his traffic report and said that [Village Traffic Consultant] Osman Barrie found the analysis acceptable in his memo dated August 11, 2020 (copy on file).

Mr. Gagliano presented his latest renderings and stated that the decision was made to remove the green roof and replace it with a white membrane roof with built-up insulation. He assured the Board that the rooftop mechanicals, which will be centered in the middle of the roof, will be hidden behind the 3' 6" parapet.

Mr. Lockman summarized his memo dated July 30, 2020 (copy on file) and stated that all issues have been satisfactorily addressed and that the Board, if they agree, may proceed with Architectural Review. The landscaping is also satisfactory, he continued, the streetlights are warmer, and the Village Board has approved the very small encroachment into the conservation easement. The Board adopted the FEAF Part 2 at the last meeting, the traffic issues were cleared up today and a draft Neg. Dec. for SEQR has been prepared for the Board's consideration.

Chairman Caridi asked for confirmation that the engineering plans address all the consultant and agency comments. Mr. Lockman said they do, that Brooker Engineer submitted a response narrative stating such, and that there are no open issues with their engineering materials. Mr. Spence agreed, as stated in his memo dated August 3, 2020 (copy on file) and added he was satisfied overall and that the only item left to address is the irrigation system that will maintain the landscaping.

Member Burke noted that page one of the most recent narrative indicated that the height of the basement will be 6'3" and will be used solely for storage, but that page five of the same narrative indicates "...if cellar space is changed into storage space, we will comply with 2020 New York State Building codes which establish a minimum of 7' for storage space." Ms. Burke asked the Applicant to clarify the basement's use. Mr. Gagliano said that it will be a cellar which must meet the 6'3" maximum height requirement and will have no function or use. Member Burke asked why they stated it could be changed to storage space, which was an important distinction because that will affect the overall square footage. Mr. Lockman agreed and said that more than 6.5' in height would count towards square footage. Mr. Gagliano reiterated that it will be under 6'3" and will be entirely designated a cellar with the exception of the utility spaces, which must meet the New York State Building Code height requirement of 7' and will not be counted against the gross square footage. Mr. Lockman advised that since the issue was raised, it should be documented so there is a point of reference in the resolution. Ms. Mele said it will be in the map notes and apologized for the confusion.

Member Ternquist wanted to know the purpose of the cellar space. Mr. Trainor said they wanted to include the space in the Floor Area Ratio for required parking spaces, but also needed part of it for storage and servicing of the utilities. Chairman Caridi said that the Resolution should be clear about the use as a cellar.

Hemion Land Lease, LLC, 5 Hemion Road

Member Burke asked how the hot box near the entrance can be made less conspicuous, and noted it is right behind the entrance. Mr. Trainor said that they can plant box hedges around it so that it will only be visible from the parking lot. Mr. Brooker explained that hot boxes are required

everywhere for new buildings, they are about 3.5 feet tall, 4 feet wide and house all the valves and equipment needed.

Chairman Caridi opened the public hearing. No one wishing to speak, Member Ternquist made a motion to close the public hearing, seconded by Member Hochberg and upon vote, all were in favor.

Chairman Caridi asked if anyone had any comments before issuing a decision on SEQR. Member Burke asked if there would be greenery between this property and the abutting Care Security property because, she said, it looked like they are not clearly separated and she worried that there would be parking issues. Mr. Spence said there is landscaping all around, existing and proposed, and that the two parking lots are clearly separated.

Satisfied, the Board voted. Member Ternquist made a motion to adopt a Negative Declaration of Environmental Impact (Neg Dec) under SEQR seconded by member Shipley. Upon vote the motion passed unanimously.

Mr. Lockman recommended that the Board conduct their Architectural Review. Chairman Caridi established that renderings, elevations, and materials were presented properly and asked if anyone has a problem with the very large address #5 emblazoned on the wall. Mr. Lockman said there is a lot going on at that intersection so it might be better to have the address writ large. Chairman Caridi said the building is lower grade and hoped the pylon sign will give the initial view of the address. Mr. Gagliano said they are proposing a monument sign, not a pylon sign.

The Board having no further comments, Member Ternquist made a motion to grant architectural approval, seconded by Member Shipley and upon vote, all were in favor.

Chairman Caridi announced that he saw nothing preventing the Board from voting on site plan approval. Ms. Terhune asked if there were further comments from Rockland County Highway Department regarding the easement to lot #4 as stated in their review letter dated May 18, 2020 (copy on file). Mr. Trainor stated that he discussed this conflict with the Highway Department and remains certain that that agency, who stated that there is a conflict of interest in the easement between the two properties, is incorrect. He explained that they were using the GIS tax map, which shows the tax line overlapping onto the Care Security property, which is not the case if one looks at the survey. The GIS maps are not always accurate, he said. Mr. Lockman agreed and said that the stamped survey is the gold-standard guide. Ms. Mele said she was not sure if this is a comment requiring an override. Ms. Terhune said that the wording in the resolution could indicate that if an override is required, this Board overrides that comment based on the survey. Member Burke asked if there were any easements requiring clarification in the resolution. Mr. Spence said those issues will be cleared up before the final prints are signed, and that yes, it should be in the resolution.

Chairman Caridi said he was not comfortable with the Highway Department's issue. Ms. Terhune reiterated that they were using the GIS mapping which is not as accurate as a field survey. GIS mapping is for taxation and not relied upon for easements, etc., said Mr. Lockman. Ms. Mele noted that the GIS mapping has a disclaimer.

For clarity's sake, Mr. Trainor explained that the GIS mapping shows the adjacent parking lot on *their* site. Chairman Caridi said he does not doubt these facts and that he merely would like to avoid any potential problems with the county. Mr. Lockman said that the site plans are based on stamped, signed surveys. Chairman Caridi said that hypothetically any domain can ask for proof that they are not in their right-of-way. Ms. Terhune said that while this does not preclude the property owner from making a claim, that would be between the two property owners and would not involve the Village. Mr. Trainor shared his screen showing the GIS mapping overlap. Chairman Caridi said that nonetheless he would like clarifying language included in the resolution.

No one else wishing to speak, Member Ternquist made a motion to grant site plan approval, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Ms. Mele said she would submit a hard copy of the GIS map and metes and bounds. Ms. Terhune said she will draft the resolution and distribute to the Board and consultants for comments. If there are no problems, the applicant does not need to return to this Board, she said.

**Montebello Gateway LLC—Site Plan, Special Permit
34 North Airmont Road, Montebello, NY**

Application of Montebello Gateway, LLC, PO 782, Monsey, NY 10952. The Applicant is proposing the construction of a 3.5 -story, 50,000 square-foot medical office building with 253 parking spaces. The parcel is located at 34 North Airmont Road, on the northwest side of Airmont Road at the intersection of Montebello Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.07 Block 1 Lot 3 in the LO-C Zone.

Present were the Applicant Berel Karniol, Principal of Montebello Gateway, LLC, his attorney Paul Baum, engineers Joe Nyitray and Brian Brooker of Brooker Engineering PLLC, Traffic Consultant Harry Baker, and Architect Gabe Einhorn of AB Design.

Paul Baum stated that the application was last before this Board on May 12th for an informal discussion to gather the Board's impressions on the layout. Since then plans were developed further, and a traffic study and a response memo addressing comments from outside agencies and consultants was submitted. Mr. Baum noted that three Board members were absent from that last meeting and gave a brief overview of the proposal, a 3.5 story 50,000 square foot medical office building with 250 parking spaces between Montebello Road and Executive Boulevard, abutting Airmont Road to the East and an RR-50 Residential zone to the west.

Mr. Baum explained that due to feedback from the CDRC, the building, which originally sat squarely in the middle of the parcel between Montebello Road and Executive Boulevard, was shifted towards Executive Boulevard with ingress egress on that road and keeping out of the Scenic Historic Montebello Road entirely. Mr. Baum said that this project has developed thus far under CDRC guidance but that the re-location is not without issues. The applicant will request two waivers from this Board (front yard reduction and loading berth reduction) and five variances from the ZBA. Mr. Baum said they will apply to the ZBA as soon as possible and that the Applicant requests this evening that the Board circulate their notice of intent to be lead agency under SEQR, offer a resolution on tree mapping and waiver requests and allow them to hold a public hearing at the next meeting.

Mr. Nyitray said that the latest set of plans have minor changes since May. For example, snow storage, which conflicted with landscaping and drainage, has been cleaned up, and 31 parking spaces along Montebello Road have been land banked. We will shortly submit two topographical studies—with and without the land banked spaces—which will clearly define the property lines and requested variances, he said.

The Applicant's traffic consultant Harry Baker gave an overview of his traffic study which, he explained, made use of traffic data from 2018 at the intersections of Rella Boulevard, Montebello Road and Executive Boulevard, and the west- and east-bound on/off ramps to the New York State Thruway. Morning and evening peak times were calculated and numbers were based both on the new building being used as a medical office and administrative office space, he said, adding that he spoke with [Village Traffic Consultant] Osman Barrie during the preparation of the report to account for increases in traffic flow throughout the county.

Mr. Spence gave an overview of this memo dated August 10, 2020 (copy on file). Mr. Nyitray said he had no issues with any of Mr. Spence's comments. Chairman Caridi said that one of the items discussed at the May meeting was banking the 31 parking spaces to meet the buffer requirement,

Montebello Gateway LLC, 34 North Airmont Road

and that the Applicant was supposed to provide a berm configuration. Mr. Nyitray said there is no updated grading and drainage because the topographical survey was not completed in time for this meeting. It will be addressed in more detail in the next submission, he added. Chairman Caridi said he felt that Mr. Spence's comments about repairing the stone walls should be addressed, and Mr. Spence said it should be made part of the approval, adding that the landscaping along the east should be bolstered and developed further.

Mr. Lockman summarized his memo dated July 30, 2020 (copy on file) and said he had no issue with the tree survey reduction request because the Applicant has shown extensive areas that will remain undisturbed. He then recommended that the Board send out their notice of intent to be lead agency for SEQR.

Chairman Caridi said he was in favor of granting waivers of buffer areas provided the Applicant install enhanced landscaping and a berm. He asked the Board members for comments. No one wishing to comment, Member Ternquist made a motion to declare lead agency under SEQR, seconded by Member Hochberg and upon vote, all were in favor.

Ms. Terhune asked if the Board was planning to make a motion on the waivers this evening or wait for a detailed landscaping plan. Chairman Caridi said they would wait for the landscaping plan and asked if the information at hand was sufficient for a GML review. Mr. Lockman said there was enough information and that at this point, land banking aside, any changes that may occur in the site plan will be minor. Member Shipley made a motion to grant permission to the Planning Clerk to circulate the plans for a GML review, seconded by Member Ternquist. Upon vote, the motion passed unanimously.

Chairman Caridi noted several renderings from which the ARB can choose. Mr. Lockman said that since the building was now oriented toward Executive Boulevard, the Board may want to consider the glass building. Member Shipley said he agreed as long as it is not reflective glass. The rest of the Board agreed. Ms. Terhune asked if the Board was directing the applicant to proceed with the glass building, and Chairman Caridi confirmed. Mr. Lockman reminded everyone that there were three renderings and suggested that the Board review all the renderings in preparation for ARB.

Chairman Caridi said that he took no issue with only one loading berth, and Mr. Lockman agreed, adding that a medical office building has little use for more than one.

Mr. Baum reiterated that he would like the board to act on the tree reduction survey so the Applicant can proceed with more detailed engineering. Mr. Lockman said he had no objections as noted in his memo.

Ad Hoc Member Mackenzie made a motion to accept the tree reduction survey seconded by Member Shipley and upon vote, all were in favor.

Member Ternquist made a motion to adjourn the applicant and to set the public hearing to the September 8, 2020 meeting, seconded by Member Burke and upon vote, all were in favor.

There was some discussion about whether the Applicant would be ready for the September meeting. Ms. Terhune advised that the Applicant can always request an adjournment to the

October meeting, which would dovetail with an application/public hearing in the same month as the ZBA.

**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.

Present were the Applicant Howard Josephs, his attorney Paul Baum, and his engineers Joseph Nyitray and Brian Brooker of Brooker Engineering PC. Mr. Baum said they were last before the Board on June 9th, that they submitted a detailed response letter to all the agency comments and that they were still waiting for the New York State DOT to respond with their traffic allowances regarding the ingress/egress onto Route 59 and possible left-hand turn onto Route 59. Traffic issues aside, Mr. Baum said that all other issues were addressed and they are hoping the Board would declare lead agency and provide a Full Environmental Assessment Form (FEAF) Part II. Mr. Nyitray added that there were no significant changes to the plans since their last appearance and that most of the issues were cleaned up.

Chairman Caridi said that the Board is at the point at which they approved the project originally. Mr. Baum agreed but noted that the traffic light, or lack thereof, is the exception and that there is now an alternative traffic flow and ingress/egress. Mr. Lockman said that his memo dated July 28, 2020 (copy on file) notes the numerous comments from Rockland County Planning, which were addressed by the Applicant, and that they are asking for three overrides, one for Montebello Crossing and three for Hemion Holdings. Mr. Lockman said he agreed with the overrides and advised the Board to examine the issues further. He prepared for consideration by the Board a FEAF Part II found on page 6 of his memo, which indicates potentially moderate to large impacts for A through M (Montebello Crossing) and no impacts as such for Hemion Holdings.

Mr. Spence noted the issues in his memo dated July 30, 2020 (copy on file). Mr. Nyitray said he had no issues with any of Mr. Spence's comments and said that his biggest concern remains the DOT issue.

Member Shipley said that without input from the NYS DOT and the Village Traffic Consultant, it is not possible to proceed with SEQR and the Board agreed. Mr. Baum also agreed and said the Applicant fully intends to address any potential traffic impacts in a FEAF Part III and that they will have everything in order before seeking a Neg Dec.

Member Burke asked to review the Part II before making a motion to adopt. Mr. Lockman directed everyone to page six of his memo and reminded them that the Applicant is responsible to address all impacts in Part II. Ms. Terhune asked to what extent the Board can rely on materials submitted the first time around, other than traffic. Mr. Baum said that the Village Board was lead agency the first time, and that they approved the Part III. However, he continued, due to the court's decision,

the Applicant prefers that the Planning Board performs its own SEQR review and therefore will submit a new Part III. The Applicant does not want to rely on anything submitted the first time, he added.

Member Ternquist made a motion to Adopt the FEAF Part II and to declare lead agency under SEQR, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Chairman Caridi opened the public hearing. No one wishing to speak, Member Ternquist made a motion to adjourn the public hearing to the September 8, 2020 Planning Board meeting, seconded by Member Shipley and upon vote, all were in favor. Member Ternquist made a motion to adjourn the application to the September 8, 2020 Planning Board meeting, seconded by Member Burke 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 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, Engineer Steven Woo, also of di Domenico & Partners, Simon Bergson, President and CEO of Manhattan Beer and Mike McCarthy, Vice President of Operations, Manhattan Beer. Mr. Berger noted they were last before the Board on June 9th and said that all comments from outside agencies and the Village Consultants have been addressed since then. Updated drawings and a traffic report proving the reduction of truck traffic have been submitted, the number of requested variances has been reduced from three to two (height and front setback), and new renderings showing robust landscaping and screening have also been submitted. Mr. Berger then showed the physical samples of the materials proposed for the new building and the free-standing wall along Dunnigan Drive.

Mr. Lockman summarized his memo dated July 21, 2020 (copy on file), and stated that the Applicant has satisfactorily clarified the exact dimensions and square footage of the new building and created renderings that show the sound attenuation/screening wall with landscaping, mitigating much of the concerns the Board may have had. The Applicant must return to the ZBA but cannot receive any approvals from that Board before this Board issues a Neg. Dec. A Part II was shared with Applicant, who responded with a Part III submittal. With the addition of the wall, Mr. Lockman said that Manhattan Beer has gone to great pains to mitigate their noise issues, provided specific reduction in truck trips, and presented their staging issues. Accordingly, a draft Neg Dec has been prepared that covers the history of this application with a special focus on noise and traffic impacts and mitigation.

Mr. Spence read through his memo dated July 30, 2020 (copy on file). Regarding the comment S-42 Mr. Berger countered that the wall is 10 feet from curbside, which is a significant distance. Anything closer would cause the snow removal to pile up against the wall and he said that he did not anticipate any pile-up of snow or salt from that distance. Mr. Berger showed the materials to be used in the wall, detailing its sound-mitigating properties, addressed the realignment of the railroad vis-à-vis its proximity to the Orange and Rockland transmission pole noting that the rails have been relocated further away, and stated that they have included a maintenance protection traffic plan for the benefit of their neighbors Raymour & Flanigan.

Chairman Caridi asked Mr. Lockman if there were any other issues to be considered. Mr. Lockman reiterated that he felt the Applicant went to great pains to address all potential impacts and advised that the Board must decide if the significant impacts outlined in the FEAF Part II—truck traffic and noise chief among them—have been properly addressed. If they feel they have, a Neg Dec may be issued. Mr. Spence agreed and said he had no further comments on the FEAF parts II and III. Chairman Caridi said that he was concerned about operations during construction and asked that the Applicant provide a construction sequencing plan. Mr. Berger said he would submit that separately but explained that since employees will park off-site and be shuttled in, there will be minimal car traffic. Truck traffic will hardly be impacted as most deliveries take place in the

Manhattan Beer Distributors

perimeters of the property he said and assured everyone that there will be no traffic back-up on Dunnigan.

Chairman Caridi asked him to put that in a narrative. Mr. Berger said he would and that the Applicant's goal is to continue commerce throughout construction as smoothly and seamlessly as possible.

Member Ternquist made a motion to adopt the FEAF Parts II and III, seconded by Member Hochberg and upon vote, all were in favor.

Mr. Lockman recommended that the Board could issue a Neg Dec conditioned upon the Applicant submitting a supplemental construction sequence and traffic plan. Ms. Terhune said that would be a separate issue and that they can issue a Neg Dec after the public hearing is closed.

Chairman Caridi opened the public hearing:

Scott Milnamow of Raymour & Flanigan said he appreciated the construction plan request. If there are vendor trucks delivering to Manhattan Beer parked illegally on Dunnigan Drive, the one lane restriction turns into a blockage, he said, adding that he would like to know how they plan on discouraging such. He then said that since the rail tracks will have increased usage, there will be more wear and tear to the pavement around the tracks and asked the Board to mandate that Manhattan Beer be responsible for making all necessary repairs. Chairman Caridi said that Manhattan Beer made it clear that they will maintain that part of the track and road and added that it could be made a condition of approval. Regarding illegal truck traffic on Dunnigan Drive, the Chairman said that the Village Board, together with the Ramapo Police Department, will make every effort to curtail parking and idling.

No one else wishing to speak, Member Shipley made a motion to close the public hearing, seconded by Member Ternquist and upon vote, all were in favor.

Member Ternquist made a motion to issue a Neg Dec, seconded by Member Shipley. Upon vote, the motion passed unanimously.

The Applicant confirmed they will go to ZBA in August and will return to this Board in September.

Member Shipley made a motion to adjourn the application to the September 8, 2020 Planning Board meeting, seconded by Member Ternquist and upon vote, all were in favor.

New Business:

CDRC synopsis:

Application made by Garden State Lumber for warehousing and corporate offices at 100-300 Rella Blvd. They will go to CDRC two or three more times and will possibly appear before the Planning Board in a few months.

Member Ternquist made a motion to adjourn the meeting at 9:45 p.m. seconded by Member Shipley and upon vote all were in favor.