

The Planning Board of the Village of Montebello held a meeting on Tuesday, September 8, 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
David Levine, Ad Hoc Member

OTHERS

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

ABSENT

Meeting Minutes Approval

Member Ternquist made a motion to approve the minutes of the August 11, 2020 Planning Board meeting, seconded by Member Burke and upon vote, all were in favor.

**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.

The applicant has requested an adjournment to the October meeting. Member Ternquist made a motion to adjourn the application and public hearing to the October 13, 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 has requested an adjournment to the October meeting. Member Ternquist made a motion to adjourn the application and public hearing to the October 13, 2020 Planning Board meeting, seconded by Member Shipley 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 said they were there this evening for site plan approval and Architectural Review, noting new renderings and elevations were included in the submission packets and sample materials for the wall and new building were dropped off at Village Hall for Members to inspect.

Mr. Lockman summarized his September 4, 2020 memo (copy on file). SEQRA was concluded at last meeting, a Neg. Dec. was issued and the public hearing was closed. The Applicant addressed most of the flagged issues. A construction phasing report ensuring that traffic on Dunnigan Drive is not impacted during construction was submitted as requested but Mr. Lockman said that M. Spence should comment on that submission. Mr. Rose said he did not receive the construction phasing, prior to this meeting, but that in any case, he said there should be a survey with more topography and information on track realignment location and how the railroad spur will be constructed without traffic disruption.

Chairman Caridi asked the applicant to elaborate on the issue of the railroad, and the recent revelation that Metro North also owns the railroad (as per Metro North's correspondence with Manhattan Beer and Rockland County Sewer District on August 20, 2020). Mr. Berger said he submitted the survey and site plans to both Metro North and Norfolk Southern and both said in writing that they do not see any problems. Further, both entities approved it conceptually, are performing their technical reviews and a formal response is forthcoming, he said. Mr. Rose said he will want to see the new alignment of the railroad and that the easement will need to be aligned properly.

Chairman Caridi thanked the Applicant for submitting the construction plan phasing, stating that it is critical to the execution of this project. Dunnigan Drive cannot be disturbed, day or night, during construction and all operations must be confined within Manhattan Beer's site, he said. He asked Mr. Rose if the SWPP was complete. Mr. Rose said it was submitted and needs some minor drainage corrections and signatures of relevant outside agencies, and he confirmed that the New York State Thruway Authority is also in receipt of the SWPP and that they responded in writing that it was satisfactory.

The discussion turned to Architectural Review and Mr. Berger shared his screen. Member Burke asked if the canopy extends onto the old building. Mr. Berger said the canopy spans the length of the new building only. Member Burke asked why the color was not uniform throughout all three buildings. Mr. Lockman explained that the Village code criteria encourages large surfaces to be broken up in texture and color. Mr. Berger said the existing buildings are sizeable and would be overwhelming were they all the same color, and though they are not identical, they are connected aesthetically in color. Member Burke

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said that perhaps the two colors of green clash, but Chairman Caridi said he liked the color combo. Mr. Berger said the panels vary with light and dark green to convey depth. Two similar colors provide a tone-on-tone effect that is found in nature, he added. Mr. Lockman noted that the green ties in with the Storage Post colors. Chairman Caridi said he liked it overall and commended Mr. Berger on these aesthetic accomplishments.

Ms. Terhune asked if the surface of the wall would allow the ivy to cling to it. Mr. Berger said it will be textured enough. Chairman Caridi seemed slightly concerned that the ivy would grow up and over the wall, but Mr. Berger assured him that it would be maintained so it would not.

No one else wishing to comment, Member Ternquist made a motion granting ARB approval, seconded by Member Hochberg. Upon vote, the motion passed unanimously.

The discussion turned to the track survey and construction phasing, the latter of which Mr. Spence and Mr. Rose had yet to review. The track location, however, appeared to be the larger issue and Mr. Spence noted that the track realignment requires approval from Raymour & Flanigan as it is on their property. Mr. Berger asked if that approval could be made a condition of [Planning Board] approval to avoid another Planning Board appearance. Ms. Terhune said that was possible since any refusal to grant access from Raymour & Flanigan would effectively bring the project to a halt. Mr. Lockman agreed, but noted that the construction phasing plan still needs to be reviewed by the Village Engineer to his satisfaction. Ms. Terhune asked the Board how comfortable they were granting conditional approval before hearing from Mr. Spence. Chairman Caridi said he asked for the phasing because he does not want the other businesses on Dunnigan Drive to have any impacts from the construction and that he was fine with a conditional approval. Ms. Terhune said that the only potential problem would be if Mr. Spence found issues and was not satisfied. Mr. Rose said that there are other issues outside of the phasing that can potentially affect site plan approval. The soil was not tested and the track re-alignment still needs to be worked through, he said.

Mr. Berger said that they will begin soil borings shortly. Mr. Rose said that even so, off-site track realignment details are still needed. These are two big engineering conditions to grant. Mr. Berger said that he can submit the deed with regards to the layout modifications of the rail tracks crossing the Village right-of-way. Ms. Terhune said the Board should ask if Mr. Spence is comfortable with making these two items a condition of approval. Upon hearing Mr. Rose and Mr. Spence, Chairman Caridi said it would be unfair to make the Village Engineers oversee these conditions after approval and said he was now inclined to adjourn the application until the Applicant submits the requested information and the Engineer has time to review. He added that until Mr. Spence issues his approval, he would not feel comfortable granting any conditional approval.

Mr. Berger countered that the project cannot go forward without the condition of the railroads in any case, and therefore conditional approval makes sense. He then stated that had Mr. Spence's office told him earlier in the process that soil borings were needed he would have begun the process sooner. Mr. Rose said that the soil information is always part of the drainage plan, noting that the Applicant submitted their drainage plan relatively recently. We always request soil borings, he added. Mr. Spence said the much bigger issue is the track realignment and the impact it will have on Dunnigan Drive. There is still no survey of the area that will be impacted, he said. Mr. Berger pointed out that a survey was submitted and that [Manhattan Beer] has repaired the railroad track on Dunnigan Drive several times over the decade with no impact to either neighbor.

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Mr. Spence requested the location of the realignment be indicated on the survey, noting that it is a fair request and that other uses of that area must be considered. Mr. Berger said he understood and asked that it be made a condition of approval. Chairman Caridi asked what they would do if the information submitted after approval was not satisfactory. Mr. Berger said they would then come back to the Board. Ms. Terhune said that post-approval, they could return for an amended site plan and would essentially be starting all over again. She asked Mr. Berger how soon he was able to submit the soil borings test results and the realignment survey. Mr. Berger said two-three weeks possible. Ms. Terhune said that if they could get it to the Board in a few days, she would suggest adding it to the items for discussion at the September 24th workshop. She was not sure the Board would be willing to wait so long to review the submissions, however. Chairman Caridi asked Mr. Berger if he was comfortable coming back for an amended site plan approval should problems arise. Mr. Berger said he would not. Chairman Caridi advised him to submit the soil report and the survey for the next Planning Board meeting.

Mr. Bergson said he could understand the Chairman's concerns but reminded him that the track in that area of the road was replaced and repaired with no disruptions. Chairman Caridi acknowledged that fact but said it was his intent to ensure that everyone's best interest is considered. No one's business on Dunnigan Drive should be disrupted, he added.

Member Shipley made a motion to adjourn the public hearing to the October 13, 2020 Planning Board meeting, seconded by Member Ternquist and upon vote, the motion carried.

Member Ternquist made a motion to adjourn the application to the October 13, 2020 Planning Board meeting, seconded by Member Shipley and upon vote the motion carried.

**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, and his surveyor John Atzl of Atzl, Nasher & Zigler, P.C. Mr. Atzl said the Board conducted another site visit where they viewed the ponds, the existing foot path to Emerald Lane and the proposed site of the new foot path that was recently added to the plans. The Army Corps of Engineers (ACOE) issued the permit for the removal of the dams, which will surely be followed New York State DEC approval shortly, he said. There were minor revisions to the current submission which will likely be the last round of changes for this proposal, he added.

To the foot traffic issues, Mr. Atzl said that pedestrian safety plans were issued to the Board and they include such mitigating measures as new crosswalks, “Share the Road” signs, radar speed signs and pedestrian traffic warning signs. Until a review from the Village Traffic Consultant [Osman Barrie] is received, this is the most that can be done, he added.

Member Ternquist asked why the path only spans the length of Viola Road between Canterbury and Lety Lanes. Mr. Atzl said not only is it the most dangerous curve, but it is the one spot where they own the frontage.

Chairman Caridi said that Mr. Barrie’s comments are eagerly anticipated and until they are received no progress can be made on that traffic issue. He said that reading through the FEAF has convinced him that a workshop is necessary so the whole Board understands in detail the work the Applicant has done and what still needs to be addressed so that they can come to a SEQR determination. He then asked the Planning Clerk to schedule the workshop and said he hoped Mr. Barrie’s report arrived before then. Ms. Terhune and Ms. Cross agreed wholeheartedly that a workshop should be held to move SEQR along as expeditiously as possible.

Mr. Rose asked if the pedestrian sign plans had been submitted to the Rockland County Highway Department for review and Mr. Atzl said they were not. Mr. Rose asked him to submit them right away because it is that agency’s road and they must have a say.

Member Burke if there should be another GML review noting that the last one was dated April 2019. Mr. Lockman said that if the FEAF has changed significantly since, then yes. However, the Board accepted Parts I and II of the FEAF in September 2019, and Rockland County Planning’s comments have largely been about pedestrian traffic. He then suggested that the Board wait for responses from the traffic consultant and the Highway Department, after which they could ask the county for another GML review.

Chairman Caridi opened the public hearing.

Erika White, 5 Emerald Lane, Montebello, NY said that she was concerned about traffic safety because Viola Road is so dangerous, and about overflow parking for events taking place in the

proposed multi-purpose room. Non-worship events have the potential to change the character of the neighborhood with cars, traffic, noise, and lights, she said, adding that she hoped the Village ensures that noise ordinances are obeyed. Chairman Caridi said that code enforcement is the responsibility of the Village Building Department, and of the Ramapo Police when issues arise after hours.

No one else wishing to speak, Member Ternquist made a motion to adjourn the public hearing and the application to the October 13, 2020 Planning Board meeting, seconded by member Shipley and upon vote, all were in favor.

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