

The Planning Board of the Village of Montebello held a workshop on Thursday, September 24, 2020 via Zoom. Chairman Caridi called the meeting to order at **5:00 p.m.**

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  
Rivera, Planning/Zoning Clerk

OTHER ATTENDEES

Howard Hellman, Applicant  
John Atzl, Atzl Nasher & Zigler, PC

**84 Viola Road – House of Worship – SEQRA discussion**

Chairman Caridi called the workshop to discuss the remaining environmental issues to bring SEQRA to a conclusion. The chief issues: the dam removals, re-flagging of the wetlands, pedestrian traffic, and safety and the path to Emerald Lane that traverses the rear of the property.

Mr. Lockman said these have been issues throughout the life of the application and that his comments in the EAF part III relate to these issues (copy on file). Mr. Spence said that the Army Corps of Engineers (ACOE) have approved the dam decommissions and that the NYS DEC are expected to do the same, although their final response is pending. The Applicant provided a local design for the dam removal and soil erosion measures, but it is now up to the DEC at this point, he said. The other item of significance is the foot bridge along the path on Viola Road, which should be substantial in structure and have long-term serviceability since it is 40 feet long and very close to the road.

Member Shipley said he hoped the bridge design will fit in with the surrounding community. Mr. Spence said they haven't supplied details on that yet, although the aesthetics of the bridge are important as it will be located within the Scenic & Historic Road District. Mr. Lockman said that procedurally, they don't have to give architectural details until they are ready for ARB after the conclusion of SEQR and Site Plan review. Once ARB is complete, the Applicant must then go to HPPC for a certificate of appropriateness, he added.

Member Burke said that the Applicant made no mention of Suffern High School in their traffic impact report. Out of 1200 students, approximately 600 are new drivers, and they, and their families and friends of the home and visiting teams will drive to athletic events often on Friday nights and Saturdays, the times during which there will be high volumes of pedestrians. "Share the Road" signs and crosswalks are not enough, she said, adding that no one has considered that along the entire stretch of Viola Road there are only three traffic lights. Member Burke expressed her disappointment that, after the study was complete, the Village Traffic Consultant, Osman Barrie, Mr. Lockman and Mr. Spence observed traffic during the height of the COVID epidemic and felt that they did not get an accurate picture of how intense and dangerous the traffic can be. Finally, she said that the project is very big and that she was not sure how many people the multi-purpose room can really accommodate. Member Ternquist concurred and Chairman

Caridi said that most of the Board share these concerns. However, he said, Mr. Barrie's final report should guide the Board on traffic at this point. (Copy of memo attached.)

Moving to the subject of the dam removals, Chairman Caridi wondered whether they should require a supplemental flow analysis, citing the many concerns about the increased velocity and volume downstream voiced by residents and some Board members. Personally, he added, he felt one was warranted and the rest of the Board agreed. Removing the dams is not the issue, rather the effects the removals may have on properties downstream will need to be measured and controlled. Although the ACOE and probably the DEC approves, neither agency will comment on downflow effects other than this Board, he said.

Mr. Spence said the Applicant provided a hydraulic study and that there will be some slight increases in velocity on the property, but that off-site the velocity will not change. Calculating hypothetical downflow is difficult. The ponds on the property have not been maintained for many years and largely do not function as such, making calculations even more difficult, he said.

Member Shipley said that problems could arise as time passes, particularly with silting downstream. Mr. Spence said that happens all the time all over the place. Ponds become settling basins as time passes and many man-made ponds need periodic dredging to restore water quality. Member Burke worried that Viola Road and other surrounding roads can flood during major storms. Chairman Caridi said that Mr. Spence just indicated the opposite in that the dam removals will help the streams flow and prevent siltation.

Mr. Lockman asked Mr. Spence if he had any recommendations to assuage the Board on matters that the ACOE and DEC may not be addressing and asked what this Board can investigate that these regulatory agencies did not. Mr. Spence said that if both agencies issue permits, then any potential troubles may subsequently be abated. Mr. Atzl said that check dams are to remain during the removal of the dams and can remain in place indefinitely to alleviate silt build up downstream if that's what the Board wants. Mr. Spence said that would help mitigate soil erosion and silt transport during construction, and if there is no conflict with the ACOE and DEC permits, they may remain. However, he added, they will need to be maintained periodically by the property owners as the Village will not want that obligation. It won't be too different from any other storm water retention systems, he added.

Chairman Caridi asked if any further outside agency analysis will be required. Mr. Spence said the hydraulic reports already submitted and reviewed are satisfactory. Chairman Caridi asked what measures can be employed for the maintenance of other ponds downstream. Mr. Spence said that is out of this Board's jurisdiction and Ms. Terhune agreed stating that the Board cannot compel the Applicant to go onto other people's property. Chairman Caridi said that one of the biggest issues brought up during public hearings is how the Village can prevent impacts downstream, especially given the history of flooding in major storm events as Member Burke pointed out.

Ms. Cross asked Mr. Spence if the water will return to its natural flow once the dams are removed. Mr. Spence said yes, it is the reason why the ACOE and the DEC embrace the removal of dams in general. Ms. Cross said that if it's natural and they are in fact letting nature take its course, there is nothing the applicant can do if the ponds downstream overflow. It will occur regardless.

Ms. Terhune mentioned the check dams and requiring the Applicant to maintain them. Ms. Cross said this is a reasonable request, analogous to mitigating storm water runoff. Member Burke said that some of the ponds downstream are right next to homes. Ms. Cross said she would be concerned if the Applicant were proposing to artificially channel and change the flow. But the water is returning to its natural state and

therefore goes beyond what this Board can regulate. Member Burke countered that the dams are there to keep the water from flowing naturally in the first place. Ms. Cross said that the ACOE has approved the removals and confirmed that there will be a net 0 effect in terms of velocity, which has been confirmed by Mr. Spence. Volume cannot be controlled and the Village has no liability in this regard, she added, and Ms. Terhune agreed with that assessment. Member Shipley argued that the Village should at least mitigate downstream silting. Chairman Caridi asked Mr. Atzl to have his dam engineer confirm that the check dams will mitigate silting and any other adverse effects during and post-construction. Mr. Lockman clarified for the Applicant that the Board is seeking mitigation beyond what the regulatory agencies approve. Member Burke reminded him that the approval from the DEC has not yet been received. Ms. Cross reminded her that in addition to the ACOE, Mr. Spence is also examining the dam removals. Mr. Spence said it is part of the process for a Wetlands and Stream Protection Permit, which can be issued once all these reviews are complete.

The Discussion turned to pedestrian safety and the footbridge, and parking management. Ms. Cross shared here screen to show the location of the footbridge on the path along Viola Road. Mr. Ternquist asked the purpose of the path and who will use it. Mr. Lockman said the footpath is proposed for the inside of the guardrail and will be used by anyone coming from the direction of Haverstraw Road. Chairman Caridi asked if the path is necessarily a SEQR concern. Ms. Terhune said it was since the whole point of the path is to mitigate danger to pedestrians. Chairman Caridi, noting the path is on private property, said the public will be using it as well. Ms. Cross said that it is up to the Applicant whether they will allow public access. Chairman Caridi asked if the property owners must safeguard usage by outsiders. Mr. Lockman said that typically, places of worship allow the public to walk their grounds, and that the Applicant can be asked this question during the next Planning Board meeting. Ms. Cross agreed but cautioned that the Board cannot force them to allow public use of the path.

Chairman Caridi said that the Village does not allow sidewalks and suggested that the path is really a sidewalk. Mr. Lockman disagreed, stating that it is a path offset from the right-of-way not made of concrete material and with no curbing. It's important to note the differences between the two, he added. Ms. Terhune said that it acts as sidewalk for pedestrians, which are not allowed according to Village code, and that care must be taken in treating every application the same. Ms. Cross pointed out that the Village is accommodating a religious use in this case. We can't stop people from walking on public roads and we asked the Applicant to mitigate any dangers on their own property, she said. Mr. Lockman cautioned that if the Board decides that the path, as a mitigating factor, does not meet the standards of the Scenic & Historic Road District because it is too much like a sidewalk, then it will be working on this mitigation for many months to come, he said. Chairman Caridi agreed with Jonathan and that it's not worth re-imagining mitigation.

Member Shipley suggested that the path be made into an easement. Ms. Cross said the Village cannot require the Applicant to grant a public easement. Member Ternquist asked who would be responsible for the maintenance of the path should an easement be granted, and Mr. Lockman said that would depend on how the easement is written. Ms. Cross said that if the Board asks for an easement and the Applicant declines, it is up to the Applicant to protect the property. Mr. Spence said it would be difficult to install barriers and signage in an easement and that it would be easier to simply allow the public to use it. Mr. Shipley asked if the path could be moved further west away from the road. Mr. Spence said the bridge would be too high as the bank is steepest further in the property.

Member Burke asked about parking as noted in Mr. Barrie's review. Ms. Cross said that parking is not changing on the site plan and that Mr. Barrie is recommending instead that the Board require a parking

management plan. Mr. Lockman explained that adding spaces would cause major re-engineer and would not achieve any goals. Member Burke said that she felt that there is a chance that there will be more congregants than the maximum of 942 given the foot path from the rear of the property and wondered how they could calculate the number of people coming from Emerald Lane. Mr. Lockman said the foot path is hard to use and that more people will arrive from the front of the property. In any case, he added, they calculate the number of pedestrians from all directions. It is reasonable to assume that everyone within a mile in every direction will walk on Saturdays and Mr. Osman was satisfied with this pedestrian analysis.

The Board and consultants then reviewed Mr. Barrie's memo and agreed that the Applicant should provide more details on their pedestrian plan and should especially submit a parking management plan. Mr. Lockman said that the multi-purpose room can hold up to 520 people. The methodology used by Mr. Barrie states that if there are two people per car for an event, they would need 260 parking spaces, three people per car would require 174 spaces and so on. There are only 144 parking spaces and unless every single car has four people, there is not enough parking, a fact that Mr. Barrie identified. There is a note on the plan that the sanctuary and the multi-purpose room will not be used at the same time, he said, explaining that this enforcement issue can be applied to anyone. However, this is a specific analysis and with 520 seats available for an event, there is no way to control the number of people per car. Mr. Lockman said that the Applicant must either provide a parking management plan or reduce the number of seats in the catering facility. He stressed that this Board is not asking them to build more parking, only to provide a contingency plan.

Ms. Cross said that is a reasonable request, especially since it is a residential neighborhood and many residents are concerned about street parking in general. The Board can ask them to demonstrate a contingency plan that there are sites around that they can use, for example the Spook Rock Pool parking lot. Member Burke said that the March 16<sup>th</sup> narrative indicates that services and events will be occurring at the site almost all the time, a use that is more intense than usual for the neighborhood. There will be celebrations and lectures in addition to religious services and noise and traffic will be an issue. Ms. Cross pointed out that this is a permitted use under Village code but that Member Burke's concerns are valid. Mr. Lockman said that most places of worship of all faiths have events throughout the year and that here, the issue is mitigating any significant adverse impacts on the neighborhood. The bottom line is that the Village allows community places of worship in the zone, he said. Ms. Terhune said we recognize the huge impact this can have on parking in the neighborhood, which is why an off-site parking plan is required.

Member Burke still had concerns that large events and traffic will negatively affect the neighborhood. Chairman Caridi said the Village cannot restrain an allowed use if they are conforming to the use limits. Member Burke said she felt this use will be much larger than the code intended. Chairman Caridi said it is no different from the other houses of worship in the Village, and Member Burke countered that those are in the LO-C zone and this proposal is in a rural residential zone. Chairman Caridi said that simply it is an allowed use. Ms. Cross said that under New York State law, the benefit of religious use outweighs any inconvenience that use may cause. Member Burke reiterated her concerns about mid-week celebrations and events with loud music and lights. Ms. Terhune said that this Board has every right to mitigate excessive light and noise and that it is up to this Board to stipulate these mitigating measures.

Chairman Caridi said that the Board will require a contingency parking plan, a pedestrian safety plan, and light and noise mitigation. These measures, he reminded them, are not SEQR issues and will be covered under site plan review. Ms. Cross said that Member Burke's comments about the intensity of use are helpful in that they help the Board ensure that whatever parking plan is provided addresses everything, including modes of transport two and from the contingency parking lot, frequency of busses, what kind of

busses, and other factors. A brief discussion ensued about the parking contingency plans for the other two synagogues in the Village and it was noted that, though both plans are informal, the plans exist.

No other SEQRA items were raised. Chairman Caridi stated that all that was discuss in the workshop will be brought up again at the next Planning Board meeting to the exclusion of almost all other topics, and advised Mr. Atzl to provide what has been requested so SEQRA can be brought to a conclusion. Ms. Cross suggested the Applicant ask his clients their feelings on the easement as discussed.

Member Hochberg asked whether parking on public roads in the Village is allowed, noting that the streets all around the Montebello Jewish Center are lined with parked cars on some high holidays. Many agreed that almost all the street sin the Village allowed public parking, but Mr. Lockman said he would look at the code to see if there are any parking restrictions on Lety and Emerald Lanes.

No one else wishing to speak, the meetings ended at 7:00 p.m.



## MEMO

**To:** Village of Montebello Planning Board  
**From:** Osman Barrie, PE, PTOE, PTP  
**Date:** September 16, 2020  
**Project:** 84 Viola Road Synagogue  
**N+P No:**  
**Subject:** Review of responses to comments on Traffic Study prepared for 84 Viola Road Synagogue

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We are in receipt of your responses to our comments dated July 1, 2020 on the Updated Traffic Impact Study for the proposed 84 Viola Road Synagogue prepared by Maser Consulting PA. We offer the following comments on your responses dated August 13, 2020:

1. Comment 1 was adequately addressed.
2. Comment 2 was adequately addressed. As can be seen from the pedestrian analyses provided, approximately 251 pedestrians will be crossing Viola Road in the vicinity of the proposed access during the PM peak period. Approximately 90 pedestrians will be walking to the site along the northside of Viola Road east of Lety lane and approximately 81 pedestrians will be using the proposed path on the northside of Viola Road during the PM peak period. Therefore, a total of 422 pedestrian could be walking/crossing Viola Road at any point in time. This level of pedestrian activity should require a pedestrian management plan including traffic control personnel during all sabbath and holiday services (see below).
3. In addition to the pedestrian amenities proposed by the applicant (foot path on the north side of Viola Road extending from Canterbury Lane to the site, foot path connecting Emerald lane to the site, crosswalks at Lety Lane, pedestrian crossing warning signs and arrow signs, pedestrian and Share The Road warning signs, radar/speed flashback signs etc.) we recommend that the applicant use crossing guards/traffic control personnel to help control traffic during all sabbath and holiday services when congregants are not allowed to drive.

4. Based on the floor plans, the sanctuary will hold 422 seats and the first floor (reception area) can hold up to 520 seats. There is a likelihood to have more than 422 patrons in the facility during large planned events like weddings and funerals. Worst case scenario, the facility can accommodate up to 942 patrons requiring a total of 189 parking spaces (45 parking spaces in excess of the 144 parking spaces provided). Even assuming, as the applicant represents, that both the sanctuary and reception area will not be used simultaneously, the reception area alone can accommodate 520 seats. Assuming 2 people per car attend an event, 260 spaces would be needed. If there are 3 people per car, 174 spaces would be needed. Only if there are 4 people per car, would there be adequate on-site parking. It is not unreasonable to conclude that even events for only 520 people may require parking in excess of the on-site parking provided. Therefore, a Parking Management Plan (PMP) should be submitted for approval by the Planning Board as part of the special permit application establishing a community place of worship, pursuant to the requirements set forth in Item J of § 195-79.3. Community places of worship [Added 8-15-2018 by L.L. No. 6-2018] in the Village of Montebello Code. The PMP shall be used to address parking demand during the maximum projected attendance at the maximum building capacity, for holy days or other large planned events for the particular place of worship making the application. Such PMP shall be provided to the Ramapo Police Department, the applicable Fire Department and the office of the Montebello Village Clerk.