

The Planning Board of the Village of Montebello held a meeting on Tuesday, October 13, 2020 via Zoom. Chairman Caridi called the meeting to order at **7:05 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
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 September 8, 2020 Planning Board meeting, seconded by Member Mackenzie and upon vote, all were in favor.

The Planning Board conducted a workshop on September 24, 2020 to discuss an application for a house of worship at 84 Viola Road which is currently before the Board. Member Ternquist made a motion to approve those minutes seconded by Member Mackenzie and upon vote, all were in favor.

CDRC Report

Village Planner Jonathan Lockman gave a brief synopsis of the two applications that went before the September 29, 2020 CDRC meeting: 1. Application for a special permit for a residential house of worship at 6 Grist Mill Court; 2. Application for a subdivision/site plan to construct a school for 700 students. It was the first CDRC appearance for both. CDRC minutes are available for inspection upon request.

**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 next meeting. Member Ternquist made a motion to adjourn the application and the public hearing to the November 10, 2020 Planning Board meeting, seconded by Member Mackenzie 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 next meeting. Member Ternquist made a motion to adjourn the application and the public hearing to the November 10, 2020 Planning Board meeting, seconded by Member Mackenzie and upon vote, all were in favor.

**The Sentinel of Rockland Assisted Living Facility. – Site Plan Approval extension
200 Rella Boulevard, Montebello, NY**

Final Site Plan approval that was granted on March 12, 2019. As per Sec. 108.2 of Village Code, the Applicant, is performing infrastructure/improvements before the site plan may be signed by the Planning Board Chairman. As per the Village Engineer’s assessment, improvements are not yet complete and the Applicant is requesting an extension of the final approval.

Eric Newhouse, principal of The Sentinel of Rockland explained that ground was broken ten months prior and that they have been performing infrastructure and improvements until COVID brought things to a halt, setting them back by several months. Mr. Newhouse opted to perform the improvements over submitting a substantial performance bond, after which the site plans could be signed by the Chairman. The approval expired on September 12, 2020. Mr. Newhouse said the site work should have been completed by now and that he is requesting an extension of the Site Plan approval for however long the Board feels is adequate, but certainly not longer than six months.

Chairman Caridi asked Village Engineer Martin Spence if there was any reason not to grant an extension. Mr. Spence, who had been overseeing the project since September 2019, said there are no issues, that the drainage is almost complete and that things were proceeding smoothly until COVID struck. He said he had no concerns and that the extension request has merit and recommended that a six-month extension would be sufficient.

Ms. Terhune noted that the Applicant requested the extension on September 12th and therefore the extension will be valid six months from that date.

Member Ternquist made a motion to grant an extension a six-month Site Plan approval extension, seconded by Member Mackenzie and upon vote, all were in favor.

**Manhattan Beer Distributors, c/o Andrew Berger AIA—public hearing continued.
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, Mike McCarthy, SVP of Operations of Manhattan Beer Distributors and Simon Bergson, President and CEO of Manhattan Beer Distributors.

Mr. Berger said they received ARB approval at the last meeting and that the Board and consultants asked for more information before granting site plan approval. Information on soil was one request, and Mr. Berger said that soil borings were initiated and completed with positive results, allowing them to move forward with the final SWPP details. The rail crossing easement was another issue, he explained, and after conferring with Mr. Spence, they decided to maintain the existing rail road alignment and grade crossing with the exception of a slight northerly curve which will require a slight shift of the platform and free-standing wall to the east and a reduction of rail car service from twelve to eleven cars.

Mr. Spence noted that the drainage design is acceptable and needing only minor adjustments. However, the plans submitted for the track realignment left them with some questions, and on October 1st, he had a phone conference with the Applicant's design team. Mr. Spence's report dated October 6, 2020 (copy on file) was not supportive of the track realignment as it moved very close to Dunnigan Drive and so the Applicant again re-aligned the track very near to the existing position with some adjustments. These plans reflecting the latest track re-alignment were received by Mr. Spence's office on Friday, October 6th, and a set of plans from the railroad engineer were received on Monday October 8th. It is a location we can support and shows no impact on Dunnigan Drive, Mr. Spence said, adding that the Applicants will need to work out a construction timetable with their neighbors at Raymour & Flanigan. The two major issues have been addressed and the balance of his comments are technical in nature to be satisfied prior to any construction, he said.

Member Ternquist asked Mr. Spence if he was comfortable that Raymour & Flanigan would not have any issues with the re-alignment. Mr. Spence acknowledged that their property is in the track easement and that Manhattan Beer should communicate with their neighbors on construction scheduling.

Ms. Terhune asked if the tracks are still in the center of the easement, and Mr. Spence said there are more toward the north side of the easement. Ms. Terhune said she recalled asking the applicant for a copy of the easement noting her concerns that Raymour & Flanigan be notified that part of the easement is on their property in case they were not already aware. Mr. Berger said that the realignment is merely a foot or two of the original and that Raymour and Flanigan saw the previous alignment and did not comment. Mr. Lockman said this was a far superior layout and the only difficulty is the elimination of one parking space and one railcar. However, he continued, the Board is not ready to take any actions because there is a slight change and the variances that were granted from the ZBA may need to be modified. There is also a slight chance that the changes, though minor, may necessitate a site plan amendment for Raymour & Flanigan. He explained that though these may be non-issues, he

Manhattan Beer Distributors

and Ms. Terhune need to research and discuss further to advise the Applicant properly. Ms. Terhune concurred, adding that she would like an opportunity to review in detail all the recent submissions and to be sure the Board has also reviewed all the materials thoroughly before granting approval.

Chairman Caridi said he and the Board believe this is a good application. However, he continued, it was brought to his attention by the Ramapo Police department that trucks park and idle on both sides of Dunnigan Drive, and that “truck staging” signs were affixed to the “no parking” signs by Manhattan Beer, which is illegal. This truck activity obstructs traffic flow on Dunnigan Drive, he said, and asked the Applicant to submit a detailed report of all the vehicular traffic during all phases of construction that does not require any operational staging along Dunnigan Drive. He described a recent visit to the site where he personally witnessed 18 Manhattan Beer trucks parked on either side of the road. While traffic and parking enforcement is not the purview of this Board, Chairman Caridi was adamant traffic is never to be disrupted for anyone on Dunnigan Drive.

Mr. Bergson said he did not feel that trucks parked on either side of the road were obstructing traffic. Chairman Caridi said he disagreed, especially since both sides of the road have several “no parking” signs. This has been an issue in the past, he added and wondered where employees will park once construction commences. Mr. Bergson said that they will relocate all the office workers to Manhattan Beer’s other facilities before demolishing the offices. By doing so, fifty cars that park there on a regular basis will be eliminated. Mr. Bergson said that, with all due respect, he did not interpret the truck parking as traffic obstruction. He said he guessed that their neighbors [Raymour & Flanigan] made this complaint and noted that their trucks have idled on Manhattan Beer’s side of the street as well but that he never complained. Chairman Caridi said it is not an interpretation, he witnessed the interrupted traffic flow. Mr. Bergson said that in any case, he thought they were doing a service by enhancing the signs, and promised to take them down the next day by 5 p.m.

Ms. Terhune said that, though the Planning Board is not the enforcing agency, they are right to be concerned that traffic could be disrupted during construction and therefore should be taking a closer look at the issue. Mr. Bergson said he never once assumed it would be business-as-usual during construction. Manhattan Beer operates five warehouses in total and many routes from this facility will be re-routed until all the work is complete. He promised to submit all construction staging and phasing as requested.

Mr. Lockman said the consultants and Board Members should have more time to study the new drawings that were submitted at the last minute, and advised Mr. Berger to re-submit all drawings that came after the deadline, along with the construction staging plan, for the next meeting. Chairman Caridi and the rest of the Board agreed, and Ms. Terhune said this request is appropriate and would allow more time for this Board and the consultants to do their due diligence.

Chairman Caridi opened the public hearing.

No one wishing to speak, Member Ternquist made a motion to adjourn the public hearing and the application to the November 10, 2020 Planning Board meeting, seconded by Member Mackenzie. 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.

Present were the Applicant, Berel Karniol, his attorney Paul Baum, engineers Joe Nyitray and Brian Brooker of Brooker Engineering PLLC, Traffic Engineer Harry Baker of Maser Consulting, and Blythe Yost of Yost Design Landscape Architecture. Mr. Baum explained that the parcel is unique to the village in that it has frontage on three sides—on Montebello Road, North Airmont Road and Executive Boulevard—and is burdened with buffers and special permit and overlay requirements for which the Applicant will seek waivers from the Planning Board and variances from the ZBA. These waivers from the Planning Board include relief from front yard setbacks on North Airmont Road, Montebello Road and Executive Boulevard, for a buffer reduction to the residential zone to the west, and for a reduction in the required number of loading berths.

The Applicant's engineer Joseph Nyitray said that it is their goal to have the Planning Board declare Lead Agency for SEQR review and adopt the draft Part II EAF at this meeting so that the environmental review can commence. Mr. Nyitray went into more detail regarding the requested waivers as set forth in their narrative:

- 1. Yard requirements: Montebello Road = 10.1 feet (a 50' landscape buffer is proposed); Airmont Road = 0 feet (a 23' landscape buffer is being proposed); Executive Boulevard = 24.5 feet*
- 2. 75-foot buffer requirement to a residential district boundary: proposing a reduction of the buffer to 50 feet with a 30' side yard. The building itself will be setback 149' from the residential boundary. With the proposed 30' side yard, there will be no parking withing 80' of the residential boundary line and the majority of the area will be left undisturbed and in its natural state. Additional landscaping will be installed as approved by the Planning Board to limit any potential impacts from the reduction of the buffer.*
- 3. Two required loading berths: One loading berth is proposed on the southeasterly side of the building facing Airmont Road. There is no need for a second loading berth based upon the usage of the site.*

He noted that the plans have been updated to include the 32 land-banked parking spaces as discussed as the previous meeting. Two grading and drainage plans, one with the land-banked spaces installed and one without were also submitted along with details on the underground stormwater filtration system. An updated and detailed landscaping plan by Landscape Architect Blythe Yost and a tree preservation survey near the residential zones and along the roads were also included. Mr. Nyitray said they were in receipt of comment letters from the Village Planner dated October 7, 2020 and the Village engineer dated October 9, 2020, a GML review from Rockland County Planning Department dated August 17, 2020 and a review from the Village Traffic Consultant Osman Barrie dated October 8, 2020 (copies on file). There are no issues with Mr. Barrie's comments and they will be addressed for the next submission, he said.

Landscape Architect Blythe Yost said she submitted a robust planting plan for all sides of the property, for the parking islands and for the foundation along the building. There are more decorative plantings along the interface between the front of the building and the road, she explained, and provided images of all proposed

plant materials. Addressing Mr. Spence's comments to provide cross-sections and to show setbacks for snow loading, Ms. Yost said that she will submit all changes as per his suggestions.

Chairman Caridi asked if a berm was proposed along Montebello Road. Mr. Spence said the plans show plantings and landscaping features twenty feet behind the land-banked parking. Ms. Yost said it was not intended to interfere with land-banked parking, rather to provide a berm for screening purposes. Mr. Spence asked for a cross-section of that area as well for clarity. Chairman Caridi asked if the berm would follow the existing grade so that nothing can be seen from Montebello Road. Ms. Yost said she would provide a "not-to-be-less-than" planting plan to screen everything completely, especially the headlights from cars, and noted there will be plantings on top of the berm for further screening. Chairman Caridi said there are a lot of waivers being requested from this Board and so the Board will be exacting and demanding on all screening issues.

Mr. Lockman said that item No. 6 of his memo notes that the existing stone wall and greenery on the Montebello Road site is to remain within the 50-foot buffer, but said the note on the landscaping plans should clarify that only the first ten percent of the Scenic & Historic Road buffer will be left alone and the rest will be planted. The note on the plans say the first fifty feet will be left as natural, which is not exactly true. Ms. Yost promised to amend the note.

Chairman Caridi, referring to the buffer to the residential zone, said that the 50-foot buffer along with the 30-foot side yard would result in an 80-foot buffer. Mr. Nyitray agreed with that assessment. Regarding the GML letter in which the County gives their objections to the Board granting any waivers, particularly for the Airmont Road buffer, Chairman Caridi said that while this Board is not bound to accept their recommendation, there must be solid and compelling reasons for any GML overrides. Mr. Baum said the property is the only parcel in the Village burdened with three setbacks and buffers. We are proposing a buffer reduction to Airmont Road from fifty feet to twenty-three feet, but the parking starts at the buffer, which is why we are requesting a 0-foot buffer, he said. However, the parking will be lower than the road and the landscaping will significantly screen the parking lot, he said, adding that the last plan approved on this site by the Board in 1992 only provided a 20 foot buffer.

Mr. Lockman mentioned, for the record, receipt of a letter dated October 12, 2020 by Michael Klein, attorney for the surrounding commercial property owners, in which he described similar objections to those of the county. (Copy on file.) Mr. Baum said he received it as well and that the applicant and their traffic consultant are prepared to address all issues raised by their neighbors and by Rockland County Planning.

The Applicant's traffic consultant Mr. Harry Baker said that Mr. Klein's letter mentioned two project, one at 7-9 Executive Boulevard that was approved in 2009 but never built and the other at 100-300, which has been before the CDRC but has not yet advanced to the Planning Board. Mr. Baker said that the projects do not need to be factored into the traffic study as suggested by Mr. Klein. Ms. Terhune agreed and said that this proposal is ahead of 100-300 Rella Boulevard in the planning process and therefore there is no impact to be considered. And anything approved ten years ago that was never built would not be valid today in any case, she said.

Member Burke asked for clarification of comment #5 of the GML review regarding the significance of the required variances and waivers and felt that all the GML items should be addressed and explained whether or not they require an override. Mr. Lockman agreed with Member Burke and said comment #5 will absolutely require an override because they disapprove the project. Member Burke said they could alternately reduce the size of the building thereby minimizing the variances. Mr. Lockman agreed that reducing the building size by thirty percent would eliminate the variances and satisfy the County.

Ms. Terhune said the County is positing that granting the project would set a land use precedent but reminded the Board that every application and every property is unique. If this Board and the ZBA decide to override the County, they will have to set forth very specific reasons for doing so and will need to do that with a supermajority. She strongly disagreed with the County's assertion that a precedent will be set, particularly because the property is unique with three road fronts. Chairman Caridi said he agreed with Ms. Terhune, and Mr. Lockman said there were specific techniques added to the code to help this property be developed such as the waivers. Regarding the GML overrides, Mr. Lockman suggested that Mr. Baum prepare a response letter to the County that includes specific and sound reasons for the overrides. Mr. Baum agreed and said it will be incorporated into the Part 3 as well.

Member Shipley said he remained concerned about the proximity to Airmont Road and suggested the Board conduct a site visit to the property. Mr. Baum agreed and asked Mr. Nyitray to stake the four building corners and to flag the parking curb lines beforehand.

Chairman Caridi requested they submit a concept plan for a smaller building that would meet the setback to Airmont Road at the very least. Mr. Baum said that they originally placed the building squarely in the middle of the property facing Airmont Road, but after CDRC it was moved toward Executive Boulevard to keep out of the Scenic History Road District. If we were to make it smaller, the square footage would be lost which is central to this project, he said, adding that his client determined that this is the minimum size needed to make it an economically feasible space. Chairman Caridi said that nonetheless he would like to see a concept that would satisfy the County. Mr. Baum said they will see what they can come up with but said again that the building size drives the whole project.

Mr. Spence summarized his October 9, 2020 review memo in which he had no major engineering issues and in which requested more robust landscaping plantings at the northeast and southeastern corners of the property as well as drainage details for the stormwater system. Chairman Caridi said they should submit an outline construction sequencing plan and a construction traffic plan.

Chairman Caridi opened the public hearing:

Nick Charles, 1 Finnegan Lane, Montebello, NY said they live at the western boundary of the property and while he understands that economics drives the project for the developer, this project will impact his house, his family and his life. We are not against development, he said, but there are certain things that concern us and we would like to address them here for peace of mind. Mr. Charles said that there are always traffic issues at peak hours on Montebello Road and he could not imagine the situation improving with the addition of a 50,000 square foot building, and hoped that there will be no access from Montebello Road. Chairman Caridi said the only ingress and egress will be on Executive Boulevard. Mr. Lockman said he thought [the Applicant] has done a good job of staying away from Montebello Road by sliding the building forward to Executive Boulevard.

Mr. Charles said the buffer is another major issue as he and his family find living next to the wooded lot comforting and he is concerned that the project proposes an even shorter buffer than required. Mr. Lockman explained the difference between a setback and a buffer, and Chairman Caridi noted that in total, they are asking for 80 feet from your property line, which includes the 50-foot buffer. A normal setback would require 100 feet, he added. Mr. Lockman concurred and said the Applicant is only asking for 20 feet less but it is still far from their property and there will be plenty of vegetation in between. Mr. Charles wanted to know if a view of the building and the parking lot will be obscured from his property. Mr. Lockman said that is the

point of the buffer, and the property is at a lower elevation. There may be a berm installed as discussed which will be heavily planted specifically to screen the building from your view, he added.

Mr. Charles said he knows that the proposal is a use allowed in the zone but was wary that the developer will change that use once the building is up. Chairman Caridi assured him that would never happen in this Village.

Mr. Charles said his wife is especially concerned about light spillage from the property. Chairman Caridi said the Village in general and this Board especially is absolutely against light pollution and will require this applicant to baffle fixtures and point them downward. We have been successful mitigating this potential problem with other projects, he added.

Mr. Charles asked if the environmental review considers the wildlife now living on the property and said he believes some black bears live there right now. It is upsetting to know they will be displaced, he said. Chairman Caridi asked that the presence of bears be incorporated into the SEQR review. Mr. Lockman said that any impacts would show up on wildlife maps of this property. Ms. Terhune said she was not sure that black bears are protected and asked Mr. Lockman to check on that. Mr. Charles said that when the Planning Board does a site visit, they are welcome to come to his property for perspective.

Deb Munitz, 5 Rose Hill Road, Montebello, NY said she had not seen any renderings and therefore has no idea of the visual impact of the building, which is her greatest concern. She said she requested under FOIL the submitted materials but could not find a site plan that actually shows what the lot will look like with all the required setbacks and buffers to accurately gauge visibly the level of relief from the bulk table involved. Given the number of variances and waivers being requested, she wondered what efforts on the part of the Board and consultants were being made to understand the impacts of this project.

Ms. Munitz acknowledge that it was a constrained site but said she hoped there will be an effort to preserve more trees by reducing the footprint of the building. She said she understood the Board's willingness to accommodate the Applicant but she hoped they would not be overly accommodating.

She then asked if the Board obtained copies of the plans that were approved prior to this application for comparison, adding that it could help justify the variances being sought. Chairman Caridi said he did not see the sense in that since the codes have changed since 1992. Ms. Terhune said those plans have no relevance whatsoever to this new application.

No one else wishing to speak, Member Ternquist made a motion to declare Lead Agency for a coordinated SEQR, seconded by Member Mackenzie. Upon vote, the motion passed unanimously.

Mr. Lockman said the proposal is categorized as an unlisted action under SEQR and that after the Board has had time to review, they can adopt parts I and II. Chairman Caridi said the Applicant should return with an updated traffic study and landscaping plan for the next meeting. Mr. Baum said he would try to submit in time for November but did not think they would make that deadline. If not, they will return in December with revised plans and the requested information as well as for the adoption of Parts I and II.

Member Ternquist made a motion to adjourn the public hearing and the application to the November 10, 2020 Planning Board meeting seconded by member Mackenzie and upon vote, all were in favor.

Member Mackenzie made a motion to adjourn the meeting at 9:40 p.m. seconded by member Ternquist. Upon vote, all were in favor.