

The Planning Board of the Village of Montebello held a Zoom meeting on Tuesday, November 10, 2020. 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
Howard Hochberg, Ad Hoc Member
Thomas Ternquist, Member
Stan Shipley, Member
David Levine, Ad Hoc

OTHERS

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

ABSENT

Angus Mackenzie, Ad Hoc

Meeting Minutes Approval

Member Ternquist made a motion to approve the Planning Board Minutes of October 13, 2020 seconded by Ad Hoc Member Levine and upon vote, the motion carried unanimously.

**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 December 8, 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 next meeting. Member Ternquist made a motion to adjourn the application and the public hearing to the December 8, 2020 Planning Board meeting, seconded by Ad Hoc Member Levine 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 next meeting. Member Ternquist made a motion to adjourn the application and the public hearing to the December 8, 2020 Planning Board meeting, seconded by Member Burke and upon vote, all were in favor.

Chairman Caridi reminded the Board that a site visit was scheduled for Sunday, November 15, 2020 at 1:30 p.m.

**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 gave an update on the most recent submittals to the Board and said that he had no issues with Mr. Spence's and Mr. Lockman's review memos and that he was prepared to answer any further questions from the Board this evening.

Mr. Spence presented his memo dated November 4, 2020 noting that the Applicant submitted more construction sequencing details such as employee relocations and offsite loading as per the Board's request at the last meeting. Outside agency comments have been satisfied, the track realignment is now very close to the existing track configuration and is satisfactory, and the test pits and drainage design are acceptable, he said. The remaining issues are technical in nature and will be dealt with during the check print process. Mr. Spence noted that there is a proposed generator but that there is not yet a design or performance standard.

Chairman Caridi referred to the rigorous review done by this Board of the Generator application from Raymour & Flanigan and asked Mr. Berger if they have a proposed load capability requirement. Mr. Berger said they have not yet done that due diligence because they were focused on the site plan. However, he continued, they do not anticipate a very large load because the generator will be solely for the AS/RS (automated storage and retrieval system) which does not require great mechanical or electrical loads, and added that there is an existing generator on the far

side of the building which will remain. Mr. Berger said that they already identified that a level two sound attenuation enclosure would be the highest level of sound attenuation needed, which is specified on the drawings. Chairman Caridi asked if the proposed location of the generator was satisfactory. Mr. Spence said it was fine, especially since the nearest residential zone is over 400 feet away and the generator is about 45 feet from the property line. Mr. Spence recommended that 65-70 dBa's at the property line with the sound attenuation would be acceptable.

Mr. Berger said the generator is an off-the-shelf item with industry standards but that they will do their best to modify it to get it to 70 dBa's. Ms. Terhune suggested that Mr. Spence could be given the authority to approve the generator standards and to address any issues in the field. Mr. Spence agreed and said there are sound mitigating mechanisms like sound blankets but insisted that Mr. Berger start with a dBa level of 70 as a parameter. Ms. Terhune said she will note it in the resolution that the Village Engineer will have final authority over the generator and the authority from this Board to suggest mitigation if necessary. If any trouble arises that make mitigation impossible, Mr. Spence could then send the applicant back to the Planning Board, she said. Mr. Spence agreed with this proposed arrangement.

The rest of the Board members had no objections to this workaround and Ms. Terhune said the resolution will reflect all that was discussed.

Mr. Lockman said his memo dated November 2, 2020 clearly notes how the tracks were re-aligned to show how slight the deflection is on Raymour & Flanigan's property. As a result, the Planning Board attorney determined that neither Raymour & Flanigan's existing site plan nor the variances granted by the ZBA need to be amended. In fact, he continued, the track is in an even more favorable position than when the ZBA granted those variances.

Mr. Lockman said that the Board may reaffirm the Neg Dec determination issued on August 11th with any adjustments out of an abundance of caution if they so choose. Meanwhile, the Applicant has agreed to everything in the GML review and are willing to comply will all conditions of approval, he said.

Ms. Terhune confirmed that she studied the easements and the variances that were granted and did not find anything that would be problematic. Ms. Terhune cautioned that it will be up to Manhattan Beer to work with their neighbors, Raymour & Flanigan, to determine the best course of action during construction when the railroad is realigned. At that point, it will no longer be a Planning Board issue, she added.

Chairman Caridi wondered if the Applicant reached out to their neighbors. Mr. Berger said they have not communicated directly with Raymour & Flanigan but noted that they were at most of these meetings and submitted comments to the Board so they are familiar with the proposal. The most recent site plan is the least impactful, he added. Ms. Terhune agreed that Raymour and Flanigan is aware of the project and reiterated that the track realignment is still within the easement and any issues would be between the two neighbors.

Chairman Caridi was satisfied with this assessment and asked the Board if they had any remaining issues to discuss. Member Burke noted that there was no bulk table on the site plan. Mr. Lockman found it on the architectural drawings, and Mr. Spence asked the Applicant to put the bulk table on civil drawings to avoid any confusion.

No other Board members wishing to comment, Member Ternquist made a motion to reaffirm the Negative Declaration of Environmental Impact under SEQR that was issued on August 11, 2020, seconded by Member Burke. Upon vote, the motion passed unanimously.

Chairman Caridi said that he was pleased with the updated phasing plan and suggested that the Applicant reach out to their neighbors. He then opened the public hearing. No one wishing to speak, Member Ternquist made a motion to close the public hearing, seconded by Member Shipley and upon vote, all were in favor.

Ms. Terhune advised that the Board can now put the subdivision and site plan approval to a vote. Mr. Lockman offered to help Ms. Terhune with the resolution so they capture the voluminous background of the application.

Member Ternquist made a motion to approve the Subdivision and Amended Site Plan for Manhattan Beer, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Mr. Berger thanked the Board and invited everyone to the ground-breaking. Member Burke thanked Mr. Spence for being so conscientious throughout the Planning process.

**Resolution PB04 of 2020
Village of Montebello Planning Board
Granting Final Conditional Subdivision and Site Plan Approval to
Manhattan Beer Distributors- 10 and 20 Dunnigan Drive
SBL 55.07-1-11 and SBL 55.07-1-12**

WHEREAS, on May 14, 2019, the Planning Board (the “Board”) granted “Final Conditional Site Plan Approval and Architectural Review Board Approval” to Manhattan Beer Distributors (the “Applicant”) authorizing the construction of a new double railroad track, loading platform and canopy along the south façade of the building, relocating the driveway entrance to the west parking lot, and removing the existing fence and replacing it with landscaping along the front of the property along Dunnigan Drive (hereinafter, “Application I”); and

WHEREAS, by Application dated January 16, 2020, Manhattan Beer submitted a subsequent application to the Planning Board significantly modifying the plans approved on May 14, 2019, seeking subdivision, site plan and architectural approval to, merge the two subject lots at 10 Dunnigan Drive and 20 Dunnigan Drive (SBL 55.07-1-11 and SBL 55.07-1-12); join the individual buildings now located on each lot by constructing a new 2-story 113, 582 s.f. building between with a parking deck on the roof, over a new truck parking area below; construct a second rail siding, thus increasing the number of rail cars that can be unloaded at one time from the current six (6) to eleven (11); construct a new loading platform and canopy along the south façade; replace the existing fence with a sound-attenuating fence; and landscape along the front of the property along Dunnigan Drive; and

WHEREAS, the Application was duly referred to the Rockland County Department of Planning (“RCDP”) pursuant to General Municipal Law § 239-m, which Agency responded by letter, last revised on August 20, 2020, identifying recommendations for approval, all of which were adopted by the Planning Board and made part of this approval as if reproduced in full herein; and

Manhattan Beer Distributors

WHEREAS, in addition to the referral to RCDP, the Application was referred to several other agencies, including: The Tallman Fire Department, which responded by letter, last revised July 24, 2020, identifying several concerns, which the Applicant has addressed, or will address as part of its application to the Building Department for a permit. By letter, last updated August 7, 2020, the Rockland County Sewer District No. 1 (“RCSD”) identified a concern as to the location of a 24-inch sanitary force main and commented that the prohibition of permanent structures could not be built over RCSD’s facilities. RCSD’s concerns were addressed by the Applicant and its comments shall be complied with as to notification, insurance and the wastewater questionnaire. The Applicant shall comply with the requirement to comply with the County Mosquito Code, as required pursuant to the comment letter, dated August 7, 2020, from the Rockland County Center for Environmental Health. By letter, last revised October 28, 2020, the Town of Ramapo Department of Public Works stated that upon review of the application it found the plans satisfactory and provided an estimate of the sewer inspection fee. By email dated November 9, 2020, the NYS Thruway Authority responded that it had reviewed the Application and found no issues with the storm water drainage plan.

WHEREAS, the Building Inspector and Planning Board identified a number of area variances made necessary by the proposed construction, the Applicant was referred to the Village of Montebello Zoning Board of Appeals, which granted the required variances subject to certain conditions on August 20, 2020; and

WHEREAS, after reviewing Part 1 of the Full Environmental Assessment Form (“FEAF”) dated July 20, 2020, revised August 4, 2020, the Planning Board determined that this was Type I Action pursuant to the Regulations implementing the New York State Environmental Quality Review Act (“SEQRA”), declared its intent to be Lead Agency and conducted a coordinated review. On August 11, 2020, the Planning Board adopted the FEAF Parts II and III and issued a Negative Declaration closing SEQR; and

WHEREAS, a duly noticed public hearing was convened on June 9, 2020, and adjourned to all subsequent meetings at which the Applicant appeared on the agenda, during which time the Board heard testimony from the Applicant and all those wishing to address the Board on the matter. After hearing all those who wished to speak, and considering all comments from the public, the hearing was closed on November 10, 2020; and

WHEREAS, the Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law, all determinations made by the Village Building Inspector, and has been advised by its consulting engineer and planner as regards all materials submitted by the Applicant; and

WHEREAS, on September 8, 2020, on a motion by Member Ternquist, seconded by Member Hochberg, the Planning Board approved the architectural elements, materials and colors, as shown on the “Materials and Finishes, North and South” boards, dated August 3, 2020, prepared by Andrew Berger, AIA, di Domenico + Partners LLP and made a part of this Approval.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby declares the Approval of “Application I,” dated May 14, 2019, is rescinded and of no further force or effect.

BE IT FURTHER RESOLVED, the Planning Board hereby grants final conditional subdivision and site plan approval to the property located at 10 Dunnigan Drive and 20 Dunnigan Drive (SBL 55.07-1-11 and SBL 55.07-1-12) to merge the two subject lots; join the individual buildings now located on each lot by constructing a new 2-story 113,582 s.f. building between with a parking deck on the roof, over a new truck parking area below; construct a second rail siding, thus increasing the number of rail cars that can be unloaded at one time from the current six (6) to eleven (11); construct a new loading platform and canopy along the south façade; replace the existing fence with a sound-attenuating fence; and landscape along the front of the property along Dunnigan Drive, as shown on:

- 24” by 36” Plan Set, stamped by David P. Lombardi, P.E., di Domenico Partners, all with latest revision date of 10/20/2020.
 - C-010, Overall Existing Conditions Map
 - C-011, C-012, C-013, Existing Conditions Maps (3)
 - C-100, Layout Plan 200, Overall Grading Plan
 - C-201, C-202, Grading Plans (2)
 - C-300, Utilities Plan
 - C-400, Erosion and Sediment Control Plan
 - C-500, Truck Routing Plan
 - C-900, C-901, C-902, C-903, C-904, C-905, Construction Details (6)
 - C-906, Rockland County Sewer Details
- 24” by 36” Plan Set, stamped by Andrew Berger, AIA, di Domenico Partners, all with latest revision date of 10-20-2020.
 - T-001, Plot Plan and Drawing List
 - S-001, Neighborhood Site Plan
 - S-002, Vicinity Map
 - CP-001, Construction Phasing Plan (*new sheet*)
 - CP-002, Construction Phasing Notes (*new sheet*)
 - D-100, Existing/Demolition Plan
 - A-100, Proposed Site Plan
 - A-101, Proposed Floor Plans
 - A-110, A-111, Partial Plans & Elevation (2)
 - A-120, Proposed Roof Plan
 - A-200, Sections
 - A-300, A-301, A-302, Details (3)
 - A-400, Planting and West Entrance
 - A-401, A-402, Landscaping Part Plans & Schedule (2)
 - A-500, Canopy RCP & Lighting Plan
 - A-501, Platform/Canopy Light Level Analysis
 - A-502, 503, Lighting Plan & Light Level Analysis (2)
- Plan Set, 9 sheets, entitled “Suffern Warehouse Track Siding Reconfiguration, Manhattan Beer Distributors,” by C2S Construction Consultation Services, stamped by Peter A. Fleming P.E., with latest revision date 10-20-20, with the following sheets:
 - CT 200, Title Sheet
 - CT 201, Existing Plan & Profile
 - CT-202, Proposed Track Plan & Profile
 - CT-210, Retaining Wall Plan and Cross Sections
 - CT-211, Retaining Wall Sections and Detail
 - CT-214, Sanitary Utility Plan and Profile

- CT-215, Water Utility Plan and Profile
- CT-220, Track Details and Driveway Plan and Profile
- CT-221, Unloading/Loading Section & No. 8 Turnout
- Plan Sheet, entitled “Lot Line Modification, 10 & 20 Dunnigan Drive, stamped by Jay A. Greenwell, PLS, dated 10/10/18.
- Plan Sheet, entitled “Construction Phasing Notes,” by di Domenico + Partners and JMC, unstamped, with latest revision dated of 11.04.20.
- Submittal for Retaining Wall Design, Proposed Track Side Relocation, by Construction Consultation Services, LLC, stamped by Peter A Fleming P.E., dated September 3, 2020.

BE IT FURTHER RESOLVED that this final conditional subdivision and site plan approval is granted subject to the following conditions:

1. Full compliance with the Zoning Board Decision dated August 20, 2020.
2. The provision of an acceptable cost estimate of the proposed construction to the Village engineer.
3. Full compliance with all of the Rockland County Planning Department recommendations and conditions as stated in its memorandum dated August 20, 2020.
4. Full compliance with any outstanding issued identified by the Rockland County Sewer District No. 1 in its letter dated August 7, 2020.
5. The Applicant shall comply with any outstanding technical comments noted in the memorandum of Martin K. Spence, P.E., Village Engineer, dated November 4, 2020.
6. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.
7. Applicant shall contact the adjacent property owner, Raymour and Flanigan to discuss and coordinate railroad realignment to minimize conflicts during the work.
8. Applicant shall maintain a generator 70 dBA noise level at the property line or an acceptable level as determined by the Village Engineer including use of noise abatement methods.

MOTION: Member Ternquist

SECOND: Member Shipley

MEMBERS PRESENT:

Anthony Caridi, Chairman
Jane Burke, Vice Chair, Member
Stan Shipley, Member
Thomas Ternquist, Member
Howard Hochberg, Member

YEA or NAY

YEA
YEA
YEA
YEA
YEA

Member Ternquist made a motion to adjourn the meeting at 8:46 p.m. seconded by Ad Hoc Member Levine and upon vote, all were in favor.