

The Planning Board of the Village of Montebello held a workshop on Monday, December 14, 2020 via Zoom. Chairman Caridi called the meeting to order at **6:00 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
Jonathan Lockman, Village Planner
Martin Spence, Village Engineer
Regina Rivera, Planning/Zoning Clerk

ABSENT

A workshop was convened to discuss a site plan application currently before the Board for Montebello Gateway, LLC. Applicant proposes a 3.5-story, 50,000 square foot office building at 34 N. Airmont Road, Montebello, NY. Three new concepts, A, B and E were recently submitted by the Applicant in addition to the original proposal in response to the Board's trepidations on several issues, including and most importantly on whether they would be willing to grant waivers.

The overarching issue is that SEQR cannot be closed until the Board can agree on a concept and any building or proposal smaller than the currently proposed building will require a recalibration of the already-advanced SEQR review.

Member Ternquist said he was leaning toward not being in favor of granting waivers after the last meeting. Chairman Caridi asked if any other Member felt that way. Member Shipley said he was in favor of granting some waivers but was not comfortable with granting all of them. Ad Hoc Member Levine said he was in favor of granting waivers. Member Ternquist asked which concept the Board favored. Chairman Caridi said he favored Concept E but reminded everyone that a concept for a 40,000 square foot, four-story building requiring no waivers was requested at the December Planning Board meeting and that it has not yet been submitted. Member Ternquist said he was concerned about the height of a taller building but that he would go along with the concept favored by the Board.

Chairman Caridi said that this Board needs to come to a consensus on granting waivers, and if it cannot, then the Applicant will need to come into conformance or be denied. Member Burke suggested concept E but at 40,000 square feet instead of 50,000 which would eliminate parking spaces. She then asked the size of the office suites and who would be monitoring their uses given that it is being presented as half office space and half medical. Any transition would affect parking, and if it evolved more toward medical use, more parking would be required, she said. Mr. Lockman calculated that parking for a 40,000 square foot building would require 51 less spaces, and assured Member Burke that any interior alterations would not go undetected because building permits are required. Member Burke said that the pandemic causes her concern because office spaces are emptying out and medical uses can take over. Ms. Terhune said that this Board cannot approve or deny this or any proposal based on future hypotheticals. Member Burke said she was mainly concerned about parking.

Regarding the Board's desire for a smaller building, Mr. Lockman said the Applicant stated many times that anything less than 50,000 square feet would not be profitable and may force them to abandon the project. Ms. Terhune agreed but said there has not been an absolute "no" from the Applicant on a smaller building.

Chairman Caridi said that if the building is reduced to 45,000 square feet, then 25 parking spaces can be eliminated. Attorney for the Applicant Paul Baum asked to speak and the Chairman granted permission. Mr. Baum acknowledged that his client cannot go down to 40,000 square feet as the Board requested but they are planning to submit two new concepts at 46,000 square feet, both including full landscaped buffers to the residential zone and to Airmont Road, the latter for which waivers would be required and would encroach into the Scenic & Historic Road District.

Mr. Lockman said that the Applicant was trying to avoid encroachment into the Scenic District in the first place so they would not have to go to the HPPC for a Certificate of Appropriateness. Further, the building would have to match the surrounding architecture of the district which is why the building was oriented toward Executive Boulevard early on.

Chairman Caridi said he welcomed these new concepts but reminded him that the basis for this workshop remains the issue of granting waivers and wanted to know if the Board is willing to grant waivers no matter the concept. Ms. Terhune said granting waivers may very well depend on the concept, and that the question is being asked in the absence of a final plan. Chairman Caridi acknowledged the dilemma and said that when he posed the question at the last Planning Board meeting, everyone was silent except for Member Burke, who said she was opposed. Ms. Terhune maintained that an application cannot be denied simply because some members are not willing to support a waiver, and any decision must be based on careful review of a particular plan. Member Burke agreed and said they do not know what they are even reviewing at this point. Chairman Caridi countered that there is a full proposal before them along with three additional concepts.

Ms. Terhune stated that the Board asked for a 40,000 square foot building, the Applicant is offering alternatives to get closer to that number, and once submitted there will be something substantive on which to judge. The waiver questions can be asked and Board members can answer generally, but beyond that, it is all speculative, she said.

Chairman Caridi said he did not agree that they were speculating because he is concerned the Board will find excuses to not offer waivers no matter the concept. Ms. Terhune said it was still too speculative and said perhaps the Applicant can present three concepts they are willing to build and ask the Board which deserves the waivers. The Applicant has been responsive throughout the process and when they stop responding, the Board must decide. Meanwhile, there will be negotiations consisting of discussion and discretion, and if this Board will only consider an as-of-right building in terms of footprint, there can be no confidence in any basis of that determination, she said. Mr. Lockman added that the Board should be looking at the proposed building that goes along with the waiver before granting such, and to say "yes" or "no" no matter the proposal is indefensible.

Member Burke took issue with granting waivers because the County, in their GML review, disapproved the proposal and recommended a smaller building. Ms. Terhune said that Rockland County Planning does not make the final decision. Member Burke said that nonetheless she is concerned about the size of the building, particularly regarding stormwater issues because there are drainage problems all along Montebello Road. Mr. Spence said that the Applicant has submitted a Stormwater Protection Plan (SWPP) that satisfied the code, and curbing along the

parking lot will only improve the drainage and result in a general reduction in storm water damage. Member Burke asked if there will be a drainage basin. Mr. Spence said there is no need for one because they are proposing subsurface retention chambers under the parking lot that will store any runoff which will then be released in the same direction as Executive Boulevard.

After some discussion, the Board agreed to allow the Applicant to return with the two additional options. Mr. Lockman advised the Chairman that he can use parliamentary procedure during a regular session to make a motion and if someone seconds that motion, he can call the questions and put it to a vote. Member Shipley said he was not in favor of that procedure and Ms. Terhune said the Board was not yet at that point and that, in the absence of a plan, it is not a good idea. Mr. Lockman said he was suggesting that if there is a plan that requires a waiver, the Chairman can take parliamentary action instead of prolonging the discussion. Ms. Terhune said that she could not think of a scenario when an interim vote is required on something like a waiver. When SEQR is closed, only then can the Board vote on an approval, she added.

Chairman Caridi agreed and explained that he was just trying to curtail endless submissions and discussions and that his actions were not meant to pigeonhole the Board members. To Member Burke's point, he said he was also concerned about the County GML review because he did not want to set a precedent and because he was concerned how the building will be perceived from Airmont Road which he considers to be the "gateway" to the Village. The Chairman concluded that he did not want to belabor the issued simply because there is no consensus on waivers. No one else wishing to speak, the Chairman requested that Mr. Baum get the two concepts to the consultant and Board as soon as possible and adjourned the workshop at 6:55 p.m.