

The Planning Board of the Village of Montebello held a meeting on Tuesday, January 12, 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
David Levine, Ad Hoc Member
Angus Mackenzie, Ad Hoc Member

OTHERS

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

ABSENT

Meeting Minutes Approval

Member Ternquist made a motion to approve the minutes of 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 February 9, 2021 Planning Board meeting, seconded by Member Burke 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.

Present were the Applicant, Howard Josephs, his attorney Paul Baum, engineers Joseph Nyitray and Brian Brooker of Brooker Engineering PLLC, and traffic engineer Ron Reiman of Maser Consulting, P.C.

Mr. Baum noted that the one remaining SEQR issue, the traffic study, was reviewed by the NYS DOT, Rockland County Highway Department and the Village traffic consultant Osman Barrie and all

found that any issues were resolved and the report is acceptable. At this point, he continued, we request that the Board issues a Neg Dec as well as site plan and subdivision approvals.

Member Burke said she still had concerns about Hemion Road because that secondary access road received a poor rating in the traffic study. Hemion Road will be the real main entrance to Braemar [assisted living facility] and the stacking of cars will be held up there, she said. and Mr. Reiman said the traffic analysis was reviewed by the state, the county, and the Village, all of whom agree there will be no new issues there. Mr. Lockman acknowledged that the F rating exists currently but that the impact study indicates the situation will not be made worse and will not be an issue. He explained further that the Village traffic engineer worked extensively with Maser Consulting while the study was being conducted, and post-review by the state and county, there is not much more to discuss. Member Burke said that she remains concerned over impacts after the entire site is developed but that she will rely on the experts.

She then asked about the extra left turn-in lane on Route 59. Mr. Reiman explained that the DOT recommended a left turn lane into the main driveway for cars traveling from west to east Route 59 so the flow of traffic is not interrupted, and that they are required to get a permit from the DOT prior to construction. After some discussion, Mr. Lockman clarified for the record that traffic moving east can make a left turn into the site, and that there is no left turn onto Route 59 coming out of the site.

Mr. Lockman summarized his memo dated January 11, 2021 and noted his recommendations for some overrides of the County GML review for Hemion Holdings dated June 3, 2020. The memo also notes that the FEAF Part 3 meets all SEQR requirements and that the only thing missing is the submission of the floor plans for the proposed medical office building as requested at an earlier meeting. Even though the office building is speculative at this point, this review should adhere strictly to the code given the history of this application and past legal challenges. That aside, a Neg Dec could be prepared for the Board's consideration and perhaps the floor plan submission can be made a condition of approval. It won't change the site plan, but it is required, he said.

Chairman Caridi asked if they can conditionally grant a Neg Dec. Ms. Terhune said they could because the floor plan submission is a somewhat minor addition that satisfies the code. Mr. Brooker offered that this detail would not affect or change the SEQR review either and Mr. Lockman agreed.

Member Burke said that when this plan was originally approved in 2017, the Village Board of Trustees, not the Planning Board, was the lead agency which the court had no problem with. Mr. Lockman said that the Village Board's Neg Dec issued in 2017 is still in effect and was never vacated by the judge. The absence of the traffic light in this iteration is the only thing that triggered a new SEQR review and the Planning Board already declared Lead Agency to no objections. The only thing the judge vacated was the site plan and subdivision approval, which is why it is being reviewed all over again, he said.

Member Burke said nonetheless she had concerns because the 2017 Village Comprehensive Plan states that the Village board of Trustees is to be lead agency for any project in the Route 59 Development District.

Mr. Lockman said The Village Board is still in charge of the district and their Neg Dec is still valid. Ms. Terhune said the Board can be confident that, for the use of this property and the way it was zoned, the Village Board did their duty which was upheld by the court. Now that the traffic light is gone, it is incumbent upon this Board to justify their approval of which SEQR is a part. It might be difficult to explain to the court if this is challenged again, but we are on as solid ground as can be, she said. Mr. Lockman added that the Village Attorney and the Village Board condones this process and that he and Ms. Terhune met with [Mr. Berbit] to be sure that the Village Board agrees with this Board's response to the judge's decision.

Member Shipley examined the left turn lane into the entrance on Route 59, noted that an island separates the ingress/egress lanes and surmised that cars making that left turn may accidentally enter the wrong side of the traffic island. Mr. Reiman said that the ultimate design of the intersection and driveway will be reviewed by the DOT for a permit and that any issues will be resolved before anything is built. Mr. Brooker said they can install "keep right/entrance" and "exit only" signs. Member Shipley said he was not sure the signage will be effective and reiterated his concern. Mr. Lockman suggested that directional arrows could be painted on the road. Mr. Brooker offered that perhaps the double yellow lines can be extended past the egress lane to further ensure cars do not enter the wrong way and added that any striping would have to be reviewed and approved by the DOT. Member Shipley's concerns were not assuaged, and Ms. Terhune said that the DOT, Rockland County Highway Department, and this Village's traffic consultant all accept the design and that there is no evidence to support a denial based on traffic.

Member Shipley asked if the assisted living facility can be approved independently from the rest of the project and was told that this is a three-lot subdivision and site plan that must be considered as a whole project. Ms. Terhune pointed out that the proposed use of the property was greenlit by the Village Board and this Board approved the project in 2017. Member Shipley said they did so when there was a proposed traffic light. Chairman Caridi said the Village Board approved the use in the zone regardless and that this application has always encompassed the three lots of Montebello Crossing and Hemion Holdings and that there was always proposed access through both onto Hemion Road.

Mr. Spence reviewed his memo dated January 11, 2021 and said that changes were technical in nature dealing mainly with signage, easements, and other housekeeping details. The lack of a traffic light aside, the site plan is similar in terms of drainage basins, parking, and the size of the buildings and any of the items in this memo can be used as part of the conditional approval, he said.

Member Burke wanted to know if the easements were filed. Mr. Baum said that draft agreements of reciprocal easements between Hemion Holdings and Montebello Crossings were prepared in 2017. They were never finalized but they can be part of conditional approval to be signed off by Ms. Terhune and Mr. Spence before the site plan is signed by the Chairman, he offered. Chairman Caridi said that the easements must be in place according to Rockland County Planning's directive in their GML review. Mr. Baum had no objection and said they will provide the easements as part of the plan.

Chairman Caridi opened the public hearing. No one wishing to speak, the Chairman expressed a wish to finalize the Neg Dec subject to the submission of the office building floor plans as per Mr. Lockman's directive.

Discussion turned to overrides of Town of Ramapo's recommendation to erect a barrier to protect the railroad corridor, and of recommendations by Rockland County Planning in their GML review and as described in Mr. Lockman's January 2021 memo:

A. Town of Ramapo comment letter requesting a barrier along the rail corridor to be erected, by Michael Klatsky dated May 19, 2020.

B. Comments on redesigning snow removal areas, as the applicant wished to implement the previously approved designs.

C. Comment on using pervious pavers to reduce development coverage.

The Board and consultants agreed that these modifications can be overridden. Member Ternquist made a motion to override the Town of Ramapo's request for a barrier along the railroad as stated in their letter dated May 19, 2020, seconded by Ad Hoc Member Levine and upon vote all were in favor.

Member Ternquist made a motion to override the modifications stated in the County GML review dated June 3, 2021, seconded by Member Shipley and upon vote, the motion passed unanimously.

Mr. Lockman suggested that the Board vote to accept Part 3 of the SEQR review and to direct the Planning Board attorney and the Village Planner to prepare a draft Neg Dec. There was some discussion on whether to vote on the part 3 since it is technically part of the Neg Dec. Ms. Terhune said she would be more comfortable if the Board saw the draft of the Neg Dec before voting upon either, especially if Mr. Lockman would include reasons for accepting the Part 3 in that draft.

Member Ternquist made a motion to direct the Village Attorney and Planner to draw up a draft Neg Dec of the environmental review, seconded by Member Shipley and upon vote all were in favor.

Mr. Lockman clarified for the record that a floor plan of the proposed office building and the easements can be part of the post-approval process and a condition of the final signing of the site plan.

Ms. Terhune recommended that the public hearing be closed. Mr. Lockman suggested it remain open for the Neg Dec vote. Mr. Baum said there were three public hearings so far with no comments and requested the Board close the public hearing and move forward with the Neg Dec and site plan/subdivision approval. Ms. Terhune said that was completely up to the Board.

Member Shipley made a motion to close the public hearing, seconded by Member Ternquist. Member Burke said she was not in favor of closing the public hearing. Upon vote, the motion passed.

Member Shipley made a motion to adjourn the application to the February 9, 2021 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.

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 presented Concept H, a proposed building reduced in size to 46,400 square feet to eliminate some of the variances and reduce the number of requested waivers. Mr. Nyitray explained that the building is smaller but retains the general layout and parking as those of the original proposal, with a FAR of .24, down from .26 and development coverage of 48% which is below the maximum of 50% thereby eliminating the need for that variance. In concept H, he continued, the building is shifted toward the residential zone slightly which eliminates the need for the front setback variance on North Airmont Road. A fully landscaped buffer will be installed along North Airmont and Montebello Roads, eliminating those buffer waivers, although the need for front yard waivers for Executive Boulevard, North Airmont Road and Montebello Roads remain. The waiver request for the buffer to the residential zone also remains (75 feet required, 50 feet proposed), as does the number of loading berths (two are required, one is proposed).

Mr. Baum noted that concept H eliminates the proposed banked parking spaces and that all parking will be built since there are thirteen less spaces. Member Burke asked if they could eliminate five more spaces and replace them with trees in parking lot islands. Mr. Nyitray said that was possible and Mr. Brooker said they could landbank more spaces if more green space is desired. Member Burke said either way she does not want to see more spaces than they need.

Chairman Caridi asked if another loading berth can be added to eliminate the need for that waiver. Mr. Brooker said that the Applicant does not need more than one but they will take the suggestion into advisement for the next submission.

Chairman Caridi said he personally felt that Concept H is a vast improvement over the other concepts and it also satisfies the County [GML review] somewhat. Mr. Lockman said it meets the goals set by this Board at the workshop to a degree. The development coverage variance has been eliminated, the FAR is reduced and one of the waivers is eliminated. If the Applicant chooses to go with Concept H, a lot of new materials will need to be submitted, he said, and recommended that the Board vote on this concept so the Applicant can get started. Mr. Lockman added that since there is only a 5,000 square foot reduction, SEQR will not be impacted by much and did not recommend the Applicant re-do that process.

Chairman Caridi agreed with Jonathan's assessments. Member Shipley said he still favored the idea of banking parking spaces facing Montebello Road. Chairman Caridi said that can be considered later, and asked if the Board was satisfied with Concept H. Member Shipley said he favored Concept H and that he appreciated all the work the Applicant put into responding the Board. Ad Hoc Member Levine said it is a fair compromise. Member Burke said she was happier with a smaller building and that the Applicant listened to the Board's concerns about Airmont Road and the proximity to the residential zone, even

though it seems the latter will be impacted a bit more than before. Member Ternquist said Concept H was a great overall improvement.

Member Shipley made a motion to accept Concept H and to advise the Applicant to proceed with that proposal, seconded by Member Ternquist and upon vote all were in favor.

Ms. Terhune suggested that the Applicant resubmit the pertinent SEQR documentation along with their next submission to avoid any confusion as to what is being reviewed. Mr. Lockman agreed and advised they submit a new FEAF Part 1, noting that he does not wish to make the Applicant re-do the traffic study. The Board can accept the traffic study for this somewhat smaller building, he added.

Chairman Caridi opened the public hearing.

Donna Cohen, 1 Finnegan Lane, Montebello, NY said her property abuts this property on Montebello Road and asked how the buffer near her property line will change. Mr. Lockman said the building will shift slightly westward toward the residential zone but there will still be a 30-foot side yard from the parking lot to the buffer line, for a total of 80 feet between the parking lot and the property line. Ms. Cohen said she was concerned about how it will affect her property especially since there has been so much discussion of the impacts on Montebello Road and Airmont Road, but not as much for the residential side. Chairman Caridi said that the Board is very concerned about the proximity to the residential zone and will require robust landscaping.

No one else wishing to speak, Member Ternquist made a motion to adjourn the public hearing and the application to the March 9, 2021 Planning Board meeting, seconded by Member Shipley and upon vote, all were in favor.

Member Ternquist made a motion to adjourn the meeting at 8:53 p.m. seconded by Member Burke. Upon vote, all were in favor.