

The Planning Board of the Village of Montebello held a meeting on Tuesday, February 9, 2021 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

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 January 12, 2021 Planning Board meeting, seconded by Member Shipley and upon vote, all were in favor. TT, SS, all 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 March 9, 2021 Planning Board meeting, seconded by Member Shipley 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 March 9, 2021 Planning Board meeting, seconded by Member Shipley 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 at the last meeting, the traffic issues were resolved, the Board overrode certain GML items and the EAF Part 3 was adopted and the Planner was directed to prepare a Neg Dec for consideration. The floor plans for the office building were submitted as per Mr. Lockman's request and the public hearing was closed, he said and requested that the Board issue a Neg Dec and approve the Site Plan and Subdivision for Montebello Crossing and the Amended Site Plan for Hemion Holdings.

Village Engineer Martin Spence said he had no comments. Village Planner Jonathan Lockman said that he prepared a draft Neg Dec, which was refined by Board Attorney Alyse Terhune and sent to the Board for comment. All Board members acknowledged receipt of the draft Neg Dec. Member Burke questioned the safety of the pedestrian crosswalk on Route 59 in front of Montebello Crossing's entrance, explaining that it encouraged people to cross the street at a dangerous stretch of road. Chairman Caridi acknowledged that the Board had never discussed this before, and Mr. Lockman said the crosswalk is not mentioned specifically in the Neg Dec and that the Board may act on it regardless. Before proceeding with this discussion, Chairman Caridi asked the Board if they had any other comments regarding the Neg Dec and no one did.

Mr. Brooker agreed with Member Burke and asked Mr. Reiman if the crosswalk could be eliminated. Mr. Reiman said that a permit from the NYS DOT is required for the crosswalk but that it could certainly be removed from the site plan. Mr. Brooker suggested that crosswalk as well as the drops for the handicap be eliminated and that the resolution can be fashioned to reflect these changes. Mr. Lockman found this to be an excellent solution and recommended that the Board approve if they were so inclined.

Mr. Spence noted a discussion at the last meeting about extending the yellow lines in front of the main entrance to the development and that it was one of his conditions of his previous memo. Mr. Lockman said it can be added to the conditions in the resolution and read into the record at the appropriate time.

Member Ternquist made a motion to approve the Negative Declaration of Environmental Impact seconded by Member Shipley and upon vote, all were in favor.

A discussion ensued regarding side walks along Route 59 and Hemion Road and it was determined by all that the crosswalk and curb drops crossing Route 59 only at the main entrance to Montebello Crossing on Route 59 should be removed, the yellow lines will be extended in front of that entrance and two crosswalks will be added on Hemion Road, one at the driveway on the west side of Hemion Road and another just beyond at the driveway leading to Braemar Assisted Living Facility.

Mr. Spence referenced some final engineering items still needed, including metes and bounds. Ms. Terhune reminded the Applicant that easements were still not submitted, as noted in Mr. Spence's memo. Mr. Lockman said that he had no further issues as per his January 11, 2021 memo. Before the Board took any actions, Ms. Terhune clarified that the Board was to vote on Montebello Crossing Subdivision and Site Plan, and Hemion Holdings LLC Amended Site Plan, noting that in 2017 there were two resolutions as such. After some discussion, particularly regarding the consistency of the plans for each application, it was decided that the two additional crosswalks on Hemion Road be shown on both the Amended Site Plan for Hemion Holdings and on the site plan for Montebello Crossing, and that Sheet PL 2 of the full set should be marked as such.

Member Ternquist made a motion to grant approval of the Site Plan and Subdivision for Montebello Crossing, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Member Ternquist made a motion to grant approval of the Amended Site Plan for Hemion Holdings, LLC, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Ms. Terhune said she would draft the resolutions with the conditions as discussed and will circulate it to the consultants and Board for comment and review.

New Business

Discussion of proposed Local Law 1 of 2021 Amending Ch. 195 Zoning, and Ch. 104 Hotels, Inns and Boardinghouses, to Regulate Short-Term Rentals of Residential Dwellings.

Mr. Lockman said the Planning Board is given an opportunity to comment to the Village Board of Trustees when a local law amendment to Chapter 195 is proposed and explained the proposed changes. Section 1 of the proposed local law outlines the Village Board's reasons for amending this zoning chapter on nightly and short-term rentals, which were brought to the fore with the onset of the pandemic. Section 2 defines a "short-term rental" as any rental period that is 29 days or less. Section 3 allows month-by-month and annual rentals but regulates short-term rentals by requiring a special permit from the Planning Board. Section 4 amends the regulation of hotels, inns, and boardinghouses as per zoning Chapter 104-1. Existing codified language requires special permit to run such establishments and this local law clarifies that short-term rentals would be considered as operating a hotel without a license and therefore a violation. Mr. Lockman said these issues have been discussed by the Village Board of Trustees over the course of the year and this local law is being championed by the Village Attorney.

Member Ternquist asked how this local law can be monitored and enforced. Mr. Lockman said that he has begun discussions with the Building Department regarding a web service called Granicus which is being used by municipalities across the United States. For a modest fee, he explained, Granicus will monitor several dozen websites for short-term rental activity and generate reports for the Building Inspector.

Member Burke asked Mr. Lockman to elaborate on the licensing of such hotel operations. Mr. Lockman said that that language in the local law is not new and clarifies that the Village Clerk cannot issue a license until a special permit is granted by the Planning Board. It has always been the case that if someone wants to build a hotel, a special permit is needed. What this law proposes, is that one is not allowed to rent their place for less than one month. The passage of this law will help prevent people from renting their houses by the night or week and their swimming pools by the day.

Ms. Terhune asked if pool-rentals were included in the definition of “short-term rental,” noting that the definition specifies a “dwelling or rooming unit that is rented in whole or in part.” Mr. Lockman said he will work with the Board of Trustees to improve that definition but that he welcomes any suggestion that would improve it. After some discussion, Ms. Terhune recommended the definition be broadened to include recreational structures. She then expressed concern that zoning can control ownership, for example time-shares, noting that this proposed language prevents one from time-sharing a dwelling. Mr. Lockman said regulating these types of ownership is commonplace, particularly in resort towns. Ms. Terhune said still, she was not sure this form of ownership can legally be prevented and deferred to the Village Attorney’s determination. Mr. Lockman said that it is all about the rental period, and that this section simply aims to prevent short-term rentals.

Chairman Caridi suggested that a fine schedule be established for such transgressions. Mr. Lockman said there is already a fine schedule in the enforcement section of the Village code, and that the judge ultimately sets the fines. Chairman Caridi nonetheless asked for language that would mandate fines because he feels the current system is not effective.

No one else having any comments, Member Ternquist made a motion to recommend the broadening of the definition of “short-term rentals” as discussed and to advise a specific fine schedule for Local Law 1, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Member Ternquist made a motion to adjourn the meeting at 8:25 p.m. seconded by member Shipley and upon vote, all were in favor.