

The Planning Board of the Village of Montebello held a meeting on Tuesday, March 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
Marlo Dickman, Ad Hoc Member
David Levine, Ad Hoc Member

OTHERS

Alyse Terhune, Asst. Village Attorney
Jody Cross, Village Counsel
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 February 9, 2021 Planning Board meeting, seconded by Member Burke and upon vote, all were in favor.

CDRC Update

Application for 100-300 Rella Boulevard. The applicant ACG Development, is proposing a 300,000 square foot warehouse with 12,000 square feet of office space below in the front, taking advantage of topography. It is a permitted use in the LO-C Zone. In anticipation of noise concerns by the Planning Board and in deference to the nearby residences, the applicant is also proposing a sound wall along the north and east sides of the property similar to that proposed by Manhattan Beer. There will also be a 50-foot buffer to North Airmont Road that will mitigate the appearance of the structure. It is anticipated that the application will need to appear before the CDRC two or three more times before advancing to the Planning Board.

The size of the delivery trucks will vary and the hours of operation will be 24 hours, a cause of concern for all members of the Planning Board. A discussion ensued and all agreed that this will be a complicated application based on past experiences.

**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.

Present were the Applicant, Howard Hellman, and John Atzl of Atzl, Nasher & Zigler, P.C. Mr. Atzl explained that a parking management plan was submitted as per the Planning Board consultants’ request and that the Army Corps of Engineers, the NYS DEC and SHPO show no issues or impact to historical items in the area. Mr. Atzl said that the latest GML review from Rockland County Planning

contains several comments that should be addressed, but that overall, they are satisfied with most of the recommendations and will make all the necessary revisions accordingly. Chairman Caridi agreed with Mr. Atzl's assessment adding that there are still outstanding issues relating to SEQRA, specifically the parking management plan will need to be fine-tuned for a final review from [Village traffic consultant] Osman Barrie and the issue of the pedestrian volume should be based on maximum capacity instead of anticipated needs.

Mr. Lockman advised the Applicant to update the EAF Part I and, once Mr. Barrie issues his final review of the parking management plan and traffic impact study, to update Part III. Stating simply that a certain amount of people will be anticipated below the maximum capacity will naturally lead the Board to question that number. Mr. Atzl said he would respond accordingly in the next submission.

Mr. Spence summarized his memo dated March 5, 2021 in which he noted that the Army Corps of engineers issued their approval for the dam decommissioning, and that the DEC approval is contingent upon a SEQRA determination by this Board. All technical information and details are complete as per our prior review dated September 4, 2020, he said, and the layout of the parking and site have not change since. A few details remain outstanding, including those of the path along Viola road and the pedestrian bridge. Member Shipley asked Mr. Spence if he had any issues with GML comment #14 prohibiting a net increase in peak rate of discharge from the site. Mr. Spence said that it was adequately addressed in the SWPP and that he was satisfied.

Member Ternquist questioned the County's comment #19 in which they recommended a permanent turnaround area on Emerald Lane for emergency access and asked if this should be explored further. Mr. Atzl stated that the suggestion is not feasible due to the topography and the wetlands. If the road were extended, the natural buffer would be removed, he added. All agreed that the Board should override that comment. Ms. Terhune advised the Applicant to submit point by point which comments they wish the Board to override but cautioned that ultimately the decision to override lies with the Board and only if they deem the overrides are justified.

Chairman Caridi opened the public hearing.

Dennis Plassart, 91 Viola Road, Montebello asked the number of parking spaces proposed for the site, and the number of overflow parking spaces available at Rockland Community College. Mr. Atzl said there will be about 100 at RCC and congregants will be shuttled to and from that lot during larger events that require more parking, the site itself will have 144 spaces, which exceeds the number required by Village code, he said.

Yael Holand, 9 Canterbury Lane, Montebello, asked how they will handle parking on surrounding streets, which she found to be an issue in the absence of streetlights and sidewalks. Mr. Atzl said there will be a crosswalk installed at Lety Lane and that a walkway inside the guardrail along Viola Road opposite Canterbury Lane will be installed. Further, the parking management plan includes a crossing guard on holidays and sabbath when driving is prohibited. Ms. Holand said she didn't understand how so many pedestrians can walk along Viola Road safely. Mr. Lockman said that the path will be constructed along the most treacherous section of Viola road and is designed to keep people off the road. The Crosswalks at Lety and Canterbury Lanes will be controlled by signs and signals as well as by humans when warranted, and there will be a speed limit control sign as well. Mr. Atzl said they will provide additional signage beyond Cobblestone Farm Court. Ms. Holand was dubious that people pushing strollers and such would be safe, especially when services and events

coincide with events at nearby Suffern High School. She then asked about noise ordinances. Mr. Atzl said that any special event must end by 11 p.m. and that the congregation must adhere to all Village noise ordinances, as does everyone else in the Village.

Member Burke said she was concerned that the proposed signage and crosswalks would have little impact on safety when there are so many new drivers going to and from the high school. She wondered too about the legal aspects of all the proposed signage and signals. Ms. Terhune and Ms. Cross said all the signage will provide warnings to drivers and pedestrians alike and that there is nothing illegal about it.

Members Ternquist and Shipley still had many concerns about the dangers of Viola Road. Chairman Caridi stated that the Applicant has gone through great lengths to mitigate dangers and satisfy most of the issues. Ms. Cross said it is premature to comment until the full traffic and parking study is complete and that the Applicant should supply a full and comprehensive study for analysis.

Dawn Conklin, 4 Penny Lane, Montebello asked if events in the multi-purpose room will be held during the week, noting that 11 p.m. is late for school nights. Chairman Caridi said they must adhere to all noise ordinances. Ms. Conklin said that presently, they do have very loud events during the week at the house on the property. Chairman Caridi said that the existing house is not part of the site plan review and that any noise complaints are handled by the building department. Ms. Conklin said it would be proactive to mitigate potential noise pollution now with, for example, a sound barrier. Chairman Caridi said the part of the resolution would be conditional upon strict adherence to Village noise ordinances. Ms. Conklin reiterated her request for the Board to consider further noise mitigation.

No one else wishing to speak, Member Ternquist made a motion to adjourn the public hearing and the application to the April 13, 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, 46,400 square-foot office building with 227 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 stated that they were last before the Board on January 12th where they presented Concept H of which the Board was very much in favor. That concept was developed further and presented here along with an updated traffic impact study and revised EAF Parts I and III. Mr. Baum noted that Part II was never formally adopted by the Board. A response letter to the August 17th GML review was submitted in which the elimination of some variances and the reduction in size of the building were noted. However, he continued, while several variances were eliminated, the waivers for the front yard buffers, the buffer to the residential zone and the number of loading berths are still necessary.

The Applicant's engineer, Joseph Nyitray explained that the size of building has been decreased to 46,400 from 50,000 square feet which eliminated some variances. Variances still required are for maximum height of the building (30 feet required, 36 feet proposed), floor area ratio (.20 required, .24 proposed) and ingress/egress within 300 feet of a residential zone (proposed 90 feet). Planning Board waivers for reductions in the front yards along North Airmont Road, Executive Boulevard and Montebello Road, for a reduction of the buffer to the residential zone, and for a reduction in the number of required loading berths are also being requested.

Mr. Lockman summarized his memo dated February 26, 2021 in which he outlined the details of the waivers and variances and calls for some minor corrections on the site plan. (Copy of memo on file.) The review also notes that a certificate of appropriateness is required before the Board can issue any approvals and that any new GML modifications will need to be reviewed by the Applicant to request overrides with solid reasons for the overrides.

Mr. Lockman said that the Applicant worked hard to reduce the building size so parking, development coverage and the number of variances could be reduced. He acknowledged that Parts I II of the EAF was not adopted but noted that Part III adequately addresses all potential environmental impacts and that the traffic impact study errors have been cleared and the Village traffic consultant has given his approval. A draft Neg Dec was provided for Planning Board consideration, and minor housekeeping issues as noted in the memo aside, the Board may declare a Neg Dec if they so choose, he said.

Mr. Spence went over his report dated March 5, 2021 in which he updated some technical comments based on the latest revisions. Mr. Spence said that all 37 comments are technical nature and include tree removal and protection details, drainage and soil erosion measures, and lighting and landscaping. (Copy of report on file.) He added that the white pines along Executive Boulevard are overgrown and into the wires which presents a hazard and the Village will have no issue with

their removal, particularly since they no longer provide screening. Mr. Nyitray had no issues with any of Mr. Spence's comments.

Ad Hoc Member Dickman was concerned about the safety of drivers leaving the site, noting that they will exit onto Executive Boulevard on the northbound side and as they cross the median any plantings on that island will hamper the drivers' line of sight. Most people would be turning left out of the parking lot so visibility of oncoming traffic is a potential issue, she added. Mr. Nyitray acknowledged the initial difficulty in seeing traffic coming from the left but assured her that part of the median will be removed as part of the modifications and that island plantings on either side will be removed. Mr. Baum said that most of the existing plantings are low-growing shrubs in any case and will not pose a danger to drivers.

Ms. Dickman said that the right turn lane for south-bound access from Airmont Road onto Executive Boulevard currently causes some confusion to drivers because just beyond that right turn is the entrance ramp to the north-bound NYS Thruway. The signage often leads to this confusion and she was concerned that increased volume going in and out of Executive Boulevard will only increase the confusion and congestion. She added that she was unsure that this is anything that the Applicant could address, but felt it was worth noting.

The Applicant's traffic consultant Harry Baker agreed with her assessment and said that it is an issue for the County. Mr. Baker said, however that he believed this traffic pattern will not increase much because the accident data shows that it has not ever caused problems.

Chairman Caridi opened the public hearing.

Donna Cohen, 1 Finnegan Lane, Montebello, was very concerned about the buffer reduction to her property line. Chairman Caridi explained that the request is for a reduction of the 50-foot setback from the 75-foot buffer, which makes it 80 feet in total. Further, it is the parking lot that will be closer to the buffer and not the building. Mr. Nyitray reassured her that the building will not be any closer to her home than previously proposed. Ms. Cohen said that since she will be living next to a parking lot, she just wanted to make sure, for the record that it will not be as close as she thought.

Mr. Baum further explained that Village code requires a buffer of 75 feet to the residential zone, and from there the yard is measured. If the buffer is reduced from 75 feet to 50 feet, a 30-foot side yard remains to the buffer, making it 80 feet to the parking lot from Ms. Cohen's property line. Chairman Caridi said that there will be very robust landscaping between the properties as well. Ms. Cohen said she appreciated the clarifications.

No one else wishing to speak, Member Ternquist made a motion to adopt parts II and III of the EAF, seconded by Member Shipley and upon vote, all were in favor.

There was some discussion of the requested waivers and the issuance of the Neg Dec. Member Burke objected to issuing a Neg Dec without a revised GML review based on the new site plan. Mr. Lockman said that there is really no reason to delay closing SEQRA and Ms. Terhune said that any necessary overrides can be done at a subsequent meeting.

Member Shipley made a motion to grant the waivers as outlined on • page 4 of Mr. Lockman's memo dated February 26, 2021, seconded by member Ternquist. Upon vote, the motion carried unanimously.

- reduction in loading berths (1 proposed vs. 2 required);
- reduction in residential buffer distance from RR-50 district (50 feet proposed vs. 75 feet required);
- LO-C allowed reduction in the front yard, along North Airmont Road (0 feet proposed vs. 50 required);
- LO-C allowed reduction in the front yard, along Executive Blvd (24.5 feet proposed vs. 50 required); and
- LO-C allowed reduction in the front yard, along Montebello Road (21.3 feet proposed vs. 50 required).

Member Ternquist made a motion to issue a Negative Declaration of Environmental Impact, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Mr. Baum said the Applicant wishes to return to the April Planning Board meeting.

Member Ternquist made a motion to adjourn the public hearing and the application to the April 13, 2021 Planning Board meeting, seconded by Member Shipley and upon vote, all were in favor.

**Montebello Crossing-- Site Plan/ Subdivision, Amended Site Plan Ratifications
250 Lafayette Avenue, Montebello, NY**

Ms. Terhune advised the Board to re-adopt the Neg Dec for Montebello Crossing Site Plan/Subdivision and Hemion Holdings Amended Site Plan as revised February 9, 2021 to reflect the full scope of the work that this Board performed in reviewing the environmental impacts for this proposal. One reference to the existence of the Neg Dec from the Village Board in 2017 was removed from the revised version as requested by Chairman Caridi. Mr. Baum had no objections to the removal of that sentence.

Member Ternquist made a motion to re-adopt the Negative Declaration of Environmental Impact as amended, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Chairman Caridi stated that pursuant to the readoption of the Neg Dec, the resolutions, though they were not amended, must also be re-approved.

Member Ternquist made a motion to grant Site Plan/Subdivision approval for Montebello Crossing, seconded by Member Shipley and upon vote, all were in favor.

Member Ternquist made a motion to grant an Amended Site Plan approval for Hemion Holdings, seconded by Member Shipley and upon vote, all were in favor.

Member Ternquist made a motion to adjourn the meeting at 8:55 p.m. seconded by Member Shipley and upon vote, all were in favor.