

The Planning Board of the Village of Montebello held a meeting on Tuesday, May 11, 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 March 9, 2021 Planning Board meeting minutes, seconded by Member Hochberg and upon vote, all were in favor.

CDRC Update

The following applications appeared before the CDRC on April 27, 2021: A proposed warehouse and office space for a wine distributor at 7-9 Executive Blvd.; A warehouse and distribution center with corporate offices at 100-300 Rella Blvd.; An eleven-lot subdivision with twenty-two semidetached homes at 220 Spook Rock Road. All three applications must return to CDRC for further development and it will take some time before any reach the Planning Board.

**Montebello Gateway LLC—Site Plan, Special Permit—Public hearing continued.
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, and engineer Joe Nyitray of Brooker Engineering PLLC.

Mr. Baum explained that they appeared before the Historic Preservation and Parks Commission (HPPC) for a Certificate of Appropriateness. That commission requested additional evergreen plants in the vegetative buffers and a rendering of the view of the property from the vantage point of Montebello Road. The landscape plan was revised and the rendering is being created, he said. The application also went before the ZBA for three variances, he continued, but that Board felt uncomfortable overriding a comment in the County GML review requiring compliance with the Tallman Fire Department's request for an access road on Montebello Road, citing safety concerns.

However, a subsequent letter from the Tallman Fire Department, dated April 19, 2021, withdrew the suggestion, instead stating that Tallman FD had reviewed the April 15, 2021 plan and that the FD "will

not require an additional entry from Montebello Road.” Ms. Terhune said that the issue was discussed ad nauseum at the ZBA meeting and that they requested a formal response from the Planning Board, adding that it has always been her impression that this Board is not in favor of an access road on Montebello Road. The Board agreed.

Chairman Caridi asked if an updated GML review is required now that Tallman Fire Department revised their review. Mr. Terhune said that was not necessary, and that the Tallman Fire Department’s new determination renders comment #7 moot because there is no longer anything to override. Mr. Lockman advised that the Board override citing the new letter from Tallman Fire Department, just to be safe. Ms. Terhune made it clear that the ZBA also wanted the Planning Board’s thoughts on the matter irrespective of the GML comment. She advised the Board to override if they wish and to very explicitly tell the ZBA that this Board is not in favor of an access road as a two-pronged approach.

Chairman Caridi did not feel that an override was necessary at all based on the updated letter from Tallman FD. After some discussion, Member Ternquist made a motion to issue a statement to the ZBA advising that, based on Planning Board review and in conjunction with the updated letter from the Tallman Fire department dated April 19, 2021, no access or egress is required on Montebello Road. Member Shipley seconded the motion and upon vote, all were in favor.

Member Ternquist made a motion to adjourn the public hearing and the application to the June 8, 2021 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.

Present were the Applicant, Howard Hellman, Engineers John Atzl and Ramya Ramanathan of Atzl, Nasher & Zigler, traffic engineer, Ron Reiman of Maser Consulting P.C. and architect and architect David Mayerfeld.

Chairman Caridi noted that a Draft Neg Dec was submitted for Board review and that the Village traffic consultant, Osman Barrie, has reviewed and accepted the latest traffic report, pedestrian crosswalks and parking management plan. Member Burke, referring to the March 9th Planning Board minutes, said that the Village engineer noted there are some outstanding site plan issues, including the pedestrian path and bridge and asked if these issues were addressed. Mr. Spence stated that all issues are very technical in nature and will be addressed throughout the normal site plan review. Mr. Atzl added that he has been focusing on SEQR primarily up until now and will be responding to Mr. Spences comments in the coming weeks.

Member Burke said she was concerned about the pedestrian bridge because no structural plans were submitted and she wondered if the pilings would encroach into the wetlands below. Chairman Caridi asked whether the wetlands below were in the Army Corps of Engineers’ (ACOE) jurisdiction and should therefore be reviewed by that agency. Mr. Atzl said the bridge and pilings and supports will be up the hill outside of the wetlands. Member Burke said she had no idea it would be 40-feet long and 10 feet high and

asked if it will be paved. Mr. Atzl said it will be the same as the other bridge crossing an intermittent stream from Emerald Lane, which does not require a permit or pose any additional SEQR issues.

Mr. Spence said that final designs for the path and the bridge have not yet been submitted but noted that the applicant will share the designs with the ACOE. Ms. Terhune wondered if an additional approval from ACOE was necessary. Mr. Lockman explained that the ACOE is concerned with wetland encroachment and would prefer anything high above the wetlands. The bridge will be the same height as the county road and will not impede floodwater, he said, adding that he does not feel it would be an issue preventing the issuance of a Neg Dec. Mr. Spence said that the span will be 40 feet above the flood plane and out of the wetlands, and based on the drawings, he did not anticipate wetland encroachment. Chairman Caridi said he and the Board wanted to be sure that any structure will be completely out of the wetlands. Ms. Terhune reminded them that several permits will be issued by various agencies and it is reasonable to assume, therefore, that any modifications to either the plans or the SEQR evaluation will need to be reviewed again by this Board.

Chairman Caridi was still unsure the bridge will not have any environmental impacts and said that perhaps the Board should delay a SEQR determination until plans for the bridge are submitted. Ms. Cross offered that if the project is amended *after* a Neg Dec is issued, that determination can be amended, but added that she agreed with Mr. Lockman's assessment that this Board can move forward with a SEQR determination. Even if additional permissions from the ACOE are necessary, a Neg Dec, based on the plans as they are presented now, should not be delayed, she said.

Chairman Caridi acknowledged that the bridge is a construction issue, but still wanted to know the process should the Neg Dec become problematic. Ms. Terhune said if there are any significant changes while this project that implicates SEQR, the Board can always re-open SEQR. Mr. Spence said all details will be reviewed as part of the site plan review and prior to any permitting or check prints.

Discussion turned to traffic, and Chairman Caridi asked the criteria comprising a "qualified crossing guard." Mr. Reimann said pedestrian management training is managed by the County in coordination with the Village. Chairman Caridi said he wanted to see only these qualified crossing guards and not personnel doing double duty as crossing guards. Mr. Atzl assured the Board that all guards will be required to undergo formal training. Mr. Hellman added that guards will be required to take a four-hour class run by the County. A discussion of types and logistics of certifications ensued. Ms. Cross advised the Applicant to do their research and report back to the Board but added that this issue should not hold up a SEQR determination. Mr. Lockman stated that the Village traffic consultant was satisfied with the crossing guard system as it was submitted and determined and recommended that the Board may act to close SEQR, adding that many of the issues discussed can be conditions of approval.

Chairman Caridi opened the public hearing and read a letter from Richard Parker of 6 Golden Road, dated April 27, 2021 and received by Village Hall on May 5, 2021 (letter attached). The Chairman said the last paragraph caused him concern about liability on the Village's part vis-à-vis the dam removals. However, he continued, the issues have been addressed adequately according to the Village Engineer and there is documentation to that effect. Mr. Spence said there are multiple layers of reviews and currently, the dams are so eroded that they are ineffective, and that their removal will cause no change in flow on the site. Chairman Caridi remained concerned about liability and opined that a response to the letter is warranted. Ms. Terhune and Ms. Cross advised that a direct response was not warranted and that there is no special duty other than to the agencies conducting reviews. Ms. Cross added that the letter was read into the record and the ensuing discussion will be reflected in the minutes.

No one else from the public wishing to speak, Chairman Caridi established that the Board had read Mr. Lockman's draft Neg Dec thoroughly. Member Burke said asked if the Neg Dec should call it a

“Synagogue and Multi-Purpose Room.” Ms. Cross said that the multi-purpose room is an accessory use to the synagogue and needs no further clarification in the Neg Dec. Mr. Lockman said that he will replace “Synagogue” to “Community House of Worship” and will correct the acreage to 7.93 (from 8 acres).

No one having any more comments, Member Shipley made a motion to accept the draft Negative Declaration of Environmental Impact, seconded by Member Ternquist and upon vote, the motion passed four to one.

(Neg Dec attached)

Member Ternquist made a motion to adjourn the public hearing and the application to the June 8, 2021 Planning Board meeting, seconded by Member Burke and upon vote, all were in favor.

New Business

The Board was asked to comment on two proposed local laws and report back to the Village Board of Trustees for any further consideration. (Local Laws available on the Village website and upon request.)

Local Law No. 3 of 2021 amending Chapter 195, Zoning, to clarify the standards for lighting, to prevent glare and nuisances at uses not requiring site plan review.

Mr. Lockman said the Village Building Inspector requested legal language for simple lighting standards on properties that do not require site plan review. As an oversight, there is no standard that applies to homes and other uses that do not apply to this Board. Member Shipley asked if seasonal lighting, such as Christmas lights, would be standardized as well and if there will be limits placed on security lighting. Mr. Lockman explained that all residential lighting would fall under the maximum illumination standard used nationally, adding that Christmas lights have not been found to trigger that standard as they do not cast light across property boundaries. Security lights that are unshielded, as bright as streetlights and shining into neighbors’ windows are the types of nuisances the Building Inspector wishes to regulate.

After some discussion, the Board agreed the local law is appropriate as written. Member Ternquist made a motion to recommend Local Law 3 as written to the Village Board of Trustees, seconded by Member Hochberg and upon vote, all were in favor.

Local Law No. 2 of 2021 Amending Chapter 195 Zoning, Chapter 89 Fire Prevention, and Chapter 163 Subdivision of Land

The proposed modifications intend to clarify the standards for gathering places and places of worship, and to better define the role of the Community Development Review Committee (CDRC). Ms. Terhune noted that the changes to the verbiage have been circulated and discussed, adding that the new language is less specific and more inclusive of recreational uses of gathering places in residential neighborhoods.

Member Shipley made a motion to recommend Local Law number 2 of 2021 as it is written to the Village Board of Trustees, seconded by Member Ternquist and upon vote, all were in favor.

Ms. Terhune said that she and Mr. Lockman will prepare a report for the Village Board of Trustees.

Member Ternquist made a motion to adjourn the meeting at 8:44 p.m. seconded by Member Shipley and upon vote, all were in favor.

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PROJECT: 84 VIOLA RD, LLC, COMMUNITY PLACE OF WORSHIP

VILLAGE OF MONTEBELLO, NEW YORK

DATE: May 11, 2021

This Notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Planning Board of the Village of Montebello, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: 84 Viola Road LLC, Community Place of Worship

SEQR Status: Type 1

Conditioned Negative Declaration: No

Description of Action:

The Applicant proposes construction of a 28,800-square foot, two-story Community Place of Worship, with a 144-space parking lot. The maximum seating capacity of the main sanctuary on the upper level is 422 (ratio of 1 parking space for every 2.96 seats). The lower level houses a large multi-purpose room with a capacity of 520 seats. The multi-purpose room will be ancillary to the community place of worship. The sanctuary and multi-purpose room will not be in use at the same time. Other uses within the building will include a minyan room, mikvah, kitchen, classrooms, restrooms, utility, and storage spaces. The plan calls for preservation of the Historic Johnson Farmhouse and removal of all other existing structures.

Location:

The 10.13-acre site (with 7.93 net acres) is located in the RR-50 Zoning District and within the Historic & Scenic Road Overlay, on the north side of Viola Road across from the intersection with Lety Lane, at 84 Viola Road, at Tax Map 49.05-1-17.

Reasons Supporting This Determination:

The Proposed Action is not anticipated to result in any potential new significant adverse environmental impacts, based on the following:

1. On or about July 13, 2016, the Planning Board received from the applicant conceptual, preliminary site plan submittals for the project. This initial concept was for a 45,000 square foot place of worship building. Village Planner Max Stach prepared a review memorandum dated July 29, 2016. Martin Spence, Village Engineer, submitted a memorandum dated August 1, 2016. Larry Picarello, Building Inspector submitted a memorandum dated July 30, 2016. The CDRC initially reviewed this application including a site plan dated March 21, 2016, at its meeting held on August 2, 2016. Key SEQRA issues discussed included:
 - a. Keeping all improvements away from environmentally sensitive streams and wetlands and showing and observing required buffers; review by the Army Corps of Engineers (USACOE);
 - b. Pedestrian traffic safety
 - c. Parking and vehicular traffic; and
 - d. Proposed use of the social hall for large gatherings to assess the potential for significant impacts.
2. A revised application submission was submitted by the applicant on or about April 5, 2017. Village Building Inspector, Lawrence Picarello, submitted a memorandum on or about April 4, 2017. The CDRC conducted its second review of the application, including a concept site plan dated April 5, 2017, at its meeting held on April 25, 2017. A moratorium on applications was in effect, pending adoption of a new Comprehensive Plan, so discussions were kept at an informal level. Key SEQRA issues discussed included:
 - a. Proper sizing of buffer areas and indications on plans.
 - b. Whether or not on-site dams in poor condition would be repaired or removed.
 - c. Flagging of wetlands.
 - d. Status and protection of historic Johnson Farmhouse and proposed refurbishing.
 - e. Whether or not an EIS would be required, and action categorization for SEQRA.
 - f. The applicant was apprised of Proposed Comprehensive Plan recommendations and subsequent code changes for Places of Worship and waterbodies and wetlands protection.
 - g. Potential lead agency designation of the Planning Board.
3. A revised application was submitted by the applicant on or about October 18, 2017. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on October 31, 2017. The CDRC conducted its third review of the application, including a site plan dated October 13, 2017, at its meeting held on October 31, 2017. At this time, the applicants proposed a smaller 31,250 square foot building. Key SEQRA issues discussed included:
 - a. Areas of steep slope and net lot area calculations.

- b. Proposed grading.
 - c. Proposed parking lot lighting.
 - d. Proposed landscaping and tree removals.
 - e. Parking demand study to properly size proposed parking lot in accordance with the Zoning Code.
 - f. Details on condition of existing dams and proposals for repair/maintenance.
 - g. USACOE jurisdiction.
4. A revised application was submitted by the applicant on or about December 12, 2017. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on December 22, 2017. The CDRC conducted its fourth review of the application on December 27, 2017, including a site plan set dated December 11, 2017. Key SEQRA issues discussed included:
- a. Parking lot was reconfigured to allow better fire department access.
 - b. Removal of dams proposed rather than repair.
 - c. Pedestrian safety concerns still required mitigation.
 - d. Impacts of existing footbridge over intermittent stream.
 - e. Parking should be moved as far away from Historic and Scenic Road as possible, not between building and road, in accordance with the Zoning Code.
5. A revised application was submitted by the applicant on or about February 8, 2018. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on February 26, 2018. The CDRC conducted its fifth review of the application on February 27, 2018, including a site plan set dated February 8, 2018. Key SEQRA issues discussed included:
- a. Parking areas pulled back to outside of 100-foot stream buffer.
 - b. Details on dam removal and footbridge need to be submitted.
 - c. More information needed on pedestrian circulation, lighting, landscaping and drainage plans.
 - d. Applicant to comply with local laws under review at that time by the Village Board of Trustees, which were anticipated to be imminently passed, pertaining to Environmental Protection Overlay Districts, Historic & Scenic Road Corridors, and standards for community places of worship. Parking area will need to be redesigned/relocated.
6. A revised application was submitted by the applicant on or about September 13, 2018, which included a revised site plan set, dated August 24, 2018. The application was circulated to involved and interested agencies, including Rockland County Planning for GML review, on or about September 13, 2018. Comments were received from the following agencies:
- a. Rockland County Sewer District No. 1, dated September 21, 2018.
 - b. Rockland County Drainage Agency, dated September 28, 2018.
 - c. Ramapo Department of Public Works, dated September 21, 2018.
 - d. Rockland County Center for Environmental Health, dated October 9, 2018.
 - e. New York State Department of Environmental Conservation (NYSDEC), dated October 2, 2018.
 - f. Tallman Fire Department, dated September 28, 2018.

- g. Rockland County GML Review Letter, dated October 17, 2018, with the following key recommended modifications:
 - i. Additional information on use of the multipurpose room.
 - ii. Corrected bulk requirements, per then-newly enacted Local Law 6 of 2018.
 - iii. Sufficient parking for multipurpose room uses to be provided.
 - iv. Traffic impacts to prevent queueing on Viola Road to be mitigated.
- 7. A traffic study, with latest revision date of August 9, 2018 and prepared by Maser Consulting, was submitted by the applicant with their other submissions made on or about September 13, 2018.
- 8. A revised application was submitted by the applicant on or about October 18, 2018, which included a revised site plan set, dated October 18, 2018. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on October 26, 2018. Martin Spence, Village Engineer, submitted a memorandum dated October 30, 2018. Larry Picarello, Building Inspector submitted a memorandum dated October 26, 2018. The CDRC conducted its sixth review of the application on October 30, 2018, including a site plan set dated October 18, 2018. Key SEQRA issues discussed included:
 - a. Floorplans showing uses throughout the proposed building with details of the multipurpose room for purposes of assessing potential impacts.
 - b. Corrections needed with regard to wetland flagging and interpretation of where 100-foot buffers were required.
 - c. Corrections needed with regard to measurements of setbacks from the buffer yard lines.
 - d. Lack of decision by the applicant on whether dams will be removed or repaired.
 - e. Pedestrian and automobile traffic safety.
- 9. Agency comments were received on the revised site plan and submissions dated October 18, 2018 as follows:
 - a. Tallman Fire Department, dated November 19, 2018.
- 10. A revised application was submitted by the applicant on or about November 14, 2018, which included a revised site plan set, dated November 14, 2018. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on November 21, 2018. At this time, the design of the community place of worship building was reduced to 28, 800 square feet of gross floor area. Larry Picarello, Building Inspector submitted a memorandum dated November 26, 2018. The CDRC conducted its seventh review of the application on November 27, 2018, including a site plan set dated November 14, 2018. Key SEQRA issues discussed included:
 - a. Definition of uses and schedule of operations within the building for purposes of assessing potential impacts.
 - b. Corrections still needed with regard to wetland flagging and buffer and setback definitions.
 - c. Need for a Parking Management Plan for large events based upon maximum capacity proposed by the applicant.

11. A revised application was submitted by the applicant on or about March 11 2019, which included a revised floor plan set, dated January 30, 2019, and a revised site plan dated February 28, 2019. The application was placed on the Agenda for the Planning Board's initial consideration at its April 9, 2019 meeting. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on April 4, 2019. Martin Spence, Village Engineer, submitted a memorandum dated April 6, 2019. The Planning Board opened a public hearing at this meeting held on April 9, 2019. Key SEQRA issues discussed at this meeting included:
 - a. Status and protection of the historic Johnson Farmhouse and meeting criteria of the Historic and Scenic Roads Overlay provisions in the Zoning Code. Architectural and viewshed impacts.
 - b. Army Corps (USACE) and NYSDEC review of wetlands and waterbodies impacts, and proposed dam removals; downstream impacts.
 - c. Pedestrian and automobile traffic safety issues, and adequacy of Viola Road from a safety perspective.
 - d. Lighting and landscaping issues, and mitigation of impacts to neighboring residential uses.
12. An initial Full Environmental Assessment Form (FEAF) Part 2 form was prepared by the Planners and provided to the Planning Board for its consideration on April 4, 2019. An initial FEAF Part 1 form was provided by the applicant dated December 11, 2017, and revised September 11, 2018, and March 11, 2019.
13. Agency comments were received on the revised site plan and submissions dated February 28, 2019 (which were reviewed at the April 9, 2019 Planning Board meeting) as follows:
 - a. Rockland County Highway Department, dated March 22, 2019.
 - b. Rockland County Sewer District No. 1, dated March 27, 2019.
 - c. Rockland County Center for Environmental Health, dated April 5, 2019.
14. A notice of intent for the Planning Board to serve as Lead Agency for this Type 1 action was circulated on or about April 9, 2019. No opposition was received from any involved agency.
15. A revised application based upon the Planning Board's comments pertaining to potential health, safety, and/or environmental concerns was submitted by the Applicant on or about June 14, 2019, which included a revised site plan set, dated June 10, 2019. The application was placed on the agenda for the Planning Board's second review at its July 9, 2019 meeting. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on June 21, 2019. Martin Spence, Village Engineer, submitted a memorandum dated July 5, 2019. The Planning Board continued the public hearing at this meeting. Key SEQRA issues discussed at this meeting included:
 - a. Separate workshops to be scheduled to review the SEQRA part 1 and 3 submittals by the applicant, and to review the SEQRA part 2 form prepared by Village staff for the Board's consideration.
 - b. Review by the Planning Board's traffic consultant of the applicant's Traffic Impact Study (TIS) and issues of traffic and pedestrian safety (see #17 below).
 - c. Details required for the proposed dam removals.

- d. Pedestrian paths along the Viola Road frontage, and the pedestrian connection to Emerald Lane.
 - e. Potential drainage/SWPPP impacts.
 - f. Allowance of the existing t-turn around on Emerald Lane, as the dead end will remain (no extension of Emerald Lane through the subject property).
16. A revised FEAF Part 1 form, dated June 7, 2019, was submitted with the June 14, 2019 application submittals.
17. As part of its June submissions, a TIS, prepared by Maser Consulting, with the latest revision date of June 7, 2019, was submitted by the applicant. On June 18, 2019, the revised TIS was sent to Osman Barrie, P.E., of Nelson+Pope, the Planning Board's traffic engineering consultant, for his review and comments. On July 3, 2019, Mr. Barrie provided a memorandum including the following comments, which were discussed at the Planning Board's July 9, 2019 meeting:
- a. Additional intersections should be included in the TIS.
 - b. Worst-case traffic scenario of a large event at the multipurpose room should be analyzed based upon the applicant's proposed seating capacity. Questions regarding the adequacy of the 144 space parking lot, and traffic at peak hour.
 - c. Potential for queuing of cars turning into the site on Viola Road.
18. On July 22, 2019, the Planning Board held a workshop (its third review of the application) to discuss in detail the most recent FEAF Part 1 form submitted by the applicant, dated June 7, 2019. The Planning Board requested that the applicant make a variety of changes on pages 1 through 12 to accurately reflect the areas of potential impact and correct and update information based upon the applicant's proposed project.
19. The applicant submitted a loose-leaf booklet, "Environmental Assessment Parts 1, 2, & 3," with a revised FEAF Part 1, dated August 9, 2019; the Part 2 form prepared by the Village Planner, dated April 4, 2019; and a Part 3 submittal, dated August 9, 2019, in response to comments raised at the July 22, 2019 workshop.
20. The applicant submitted a comment and response memorandum dated August 9, 2019, with responses to the June 21, 2019 memo of NPV Planners, the July 3, 2019 memo of Osman Barrie, PE, the Planning Board's traffic engineer, and the July 5, 2019 memo of Martin Spence, Planning Board engineer. This memo also included responses to Planning Board comments from the July 22, 2019 Planning Board workshop.
21. The applicant also submitted additional traffic impact materials prepared by Maser Consulting in response to Mr. Barrie's comments, dated 8/13/19:
- a. Attachment 1, Sensitivity Analysis Event Condition
 - b. Attachment 2, Accident Summary Table
22. On September 3 and September 5, 2019, Osman Barrie, PE responded to the submissions from the applicant dated August 9 and 13, 2019, with the following key comments:
- a. Missing information on intersections was resolved.
 - b. Pedestrian safety amenities were recommended to be provided, after discussions with the Village.

- c. Existing situation determined to be unsafe for projected pedestrians to walk to the site, without mitigation measures.
23. A revised application based upon the Planning Board's comments pertaining to potential health, safety, and/or environmental concerns was submitted on or about August 15, 2019, which included a revised site plan set, dated August 13, 2019. The application was placed on the agenda for the Planning Board's fourth review at its September 10, 2019 meeting. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on September 6, 2019. Martin Spence, Village Engineer, submitted a memorandum dated September 9, 2019. The Planning Board continued the public hearing at this meeting. Key SEQRA issues discussed at this meeting included:
- a. Review of the USACOE application process for dam removals, to date.
 - b. Requested revisions to the Traffic Impact Study, particularly regarding pedestrians and safety.
 - c. Parking Management Plan not submitted.
24. On September 23, 2019, the Planning Board held a workshop (its fifth review of the application) to discuss in detail the most recent FEA Form Part 2 prepared by the Village Planner for the Board's consideration, dated September 3, 2019. This revised Part 2 form was based on the revised Part 1 form submitted by the applicant, dated August 9, 2019. The Planning Board found in the Part 2 form that there were seven categories of potential moderate to large impacts from the proposed action. The Village Planner revised the FEA Form Part 2 form, dated September 26, 2019, which indicated the following potential moderate to large potential impacts, to be addressed in the Part 3 form by the applicant:
- a. Question 1: Impact on Land
 - i. 1b, construction on slopes of 15% or greater
 - ii. 1d, removal of more than 1,000 tons of natural material
 - b. Question 3: Impacts on Surface Water
 - i. 3.c, dredging more than 100 cubic yards
 - ii. 3.d, construction within or adjoining a freshwater wetland or waterbody
 - iii. 3.h, soil erosion
 - iv. 3.i, water quality
 - c. Questions 5: Impact on Flooding
 - i. 5d, drainage patterns
 - ii. 5.e, flood water flows
 - iii. 5.f, dam structures
 - d. Question 9: Aesthetic Resources
 - i. 9a, visible from a local resource
 - ii. 9b, obstruction of designated scenic view
 - iii. 9c.i, 9c.ii, visible from public vantage points
 - iv. 9d.i, 9e, seasonal and year round visibility to travelers
 - e. Question 10: Historical and Archaeological Resources
 - i. 10d, other impacts
 - ii. 10e.i, alteration of site
 - iii. 10e.ii, alteration of setting/integrity

- iv. 10e.iii, introduction of visual elements out of character
 - f. Question 13: Transportation
 - i. 13a, traffic increase, capacity of road network
 - ii. 13d, pedestrian accommodations
 - g. Question 15: Noise, Odor, and Light
 - i. 15a, noise level violations
 - ii. 15d, lighting nuisance¹
 - iii. 15e, sky glow
 - h. Question 16: Human Health
 - i. 16i, solid waste
 - i. Question 18: Consistency with Community Character
 - i. 18b, demand on community services
 - ii. 18e, inconsistent with predominant architecture
 - iii. 18f, inconsistent with natural landscape
25. A revised application based upon the Planning Board recommendations was submitted on or about October 20, 2019, which included a revised site plan set, dated October 14, 2019. The submittal also included a bound report with revised SEQRA submittals, which in turn, included in part:
- a. Full Environmental Assessment Form, Part 1, revised 10-8-19
 - b. Full Environmental Assessment Form, Part 2, dated 9-26-19.
 - c. Full Environmental Assessment Form, Part 3, dated 10-8-19
 - d. TIS, revised October 15, 2019, by Maser Consulting
26. Agency comments were received on the revised site plan and submissions dated October 14, 2019 as follows:
- a. Rockland County Drainage Agency, dated December 3, 2019.
27. On November 7, 2019, the Planning Board's traffic engineer, Osman Barrie, PE of Nelson+Pope, informed the Board by memorandum, that he received the October 15, 2019 submittal from Maser Consulting, but would respond after conducting a site visit.
28. The application was placed on the agenda for the Planning Board's sixth review of the application at its November 12, 2019 meeting. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on October 24, 2019. Martin Spence, Village Engineer, submitted a memorandum dated November 11, 2019. The site plan set dated October 14, 2019 was discussed. The Planning Board continued the public hearing at this meeting. Key SEQRA issues discussed at this meeting included:
- a. Clarifications required regarding wetlands flagging and classification of DEC versus ACOE wetlands, and impacts on buffer requirements, reviewed letter of Torgersen letter revised November 2, 2019 submitted by applicant.
 - b. Dam removals
 - c. Pedestrian safety at bridge from Emerald Lane and Viola Road frontage
 - d. Current use of the Johnson Farmhouse as a place of worship without any of the requisite approvals from the Village, and ongoing violation proceedings
 - e. Lack of specifics on areas of various uses on the floor plans
 - f. Traffic counts timing

- g. Loading berth in front of building in violation of special permit standards for Community Places of Worship
 - h. Patio and noise issues
 - i. Downstream flooding and siltation impacts from dam removals
29. On December 17, 2019, the Planning Board's traffic engineer, Osman Barrie, PE of Nelson+Pope, submitted a memorandum reviewing the October 15, 2019 TIS submittal from the applicant's consultant, Maser. He also reviewed the findings of a site visit he conducted on November 5, 2019. Key findings included:
- a. Intersection data was updated as requested.
 - b. Mitigation of the Level of Service F at the Viola Road/Spook Rock intersection should be addressed.
 - c. Sensitivity analyses should be submitted for weekday and Saturday peak periods.
 - d. Estimates of users for pedestrian and auto traffic projection purposes should reflect the full seating capacity of the proposed structure.
 - e. Pedestrian safety plan and mitigations are required, because of unsafe walking conditions on Viola Road along the site's frontage.
30. A revised application based upon the Planning Board's comments pertaining to potential health, safety, and/or environmental concerns was submitted by the applicant on or about December 11, 2019, which included a revised site plan set, dated December 10, 2019. The application was placed on the agenda for the Planning Board's seventh review at its January 14, 2020 meeting. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on January 10, 2020. The Planning Board continued the public hearing at this meeting. Key SEQRA issues discussed at this meeting included:
- a. Progress towards USACOE approval of dam removals.
 - b. Provision of a path to provide pedestrian safety along property frontage on Viola Road.
 - c. Crosswalks and proposed traffic warning signage
 - d. Projections of attendance and pedestrian levels based on maximum occupancy capacity
 - e. Wetlands flagging
31. On March 24, 2020, the applicant's traffic consultant, Ronald Rieman, Maser Consulting, submitted responses to Mr. Barrie's comments of December 17, 2019. The response letter addressed each point, and included:
- a. Attachment A, Updated narrative, updated schedule of program and events
 - b. Attachment B, Spook Rock Road and Viola Road (East Leg)
 - c. Attachment C, Event Conditions
 - d. Attachment D, Pedestrian Analysis
32. A revised application based upon the Planning Board's comments pertaining to potential health, safety, and/or environmental concerns recommendations was submitted on or about May 11, 2020, which included a revised site plan set, dated April 27, 2020. The application was placed on the agenda for the Planning Board's eighth review at its June 9, 2020 meeting. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on June 5, 2020. Martin Spence, Village Engineer, submitted a memorandum dated June 1, 2020.

- The Planning Board continued the public hearing at this meeting. Key SEQRA issues discussed at this meeting included:
- a. Updates on progress of DEC and ACOE wetlands applications for dam removal and wetlands flagging; potential for downstream flooding impacts.
 - b. Responses to Planning Board's traffic consultants.
 - c. Proposed pedestrian paths.
 - d. Proposed site visit.
33. The Planning Board conducted a site visit to the subject property at approximately 5 pm on June 29, 2020, which was cut short by a thunderstorm.
34. On July 1, 2020, the Planning Board's traffic engineer, Osman Barrie, PE of Nelson+Pope, submitted a memorandum reviewing Maser Consulting's submittals of March 24, 2020. Key findings included:
- a. Comment on Level of Service as Spook Rock/Viola intersection resolved.
 - b. Pedestrian analysis based on full potential occupancy still required and not addressed.
 - c. Pedestrian safety measure required west of Canterbury Land and east of Lety Lane, in addition to the footpaths proposed to be provided.
35. A revised application based upon the Planning Board's comments pertaining to potential health, safety, and/or environmental concerns was submitted on or about June 22, 2020, which included a revised site plan set, dated June 15, 2020. The application was placed on the agenda for the Planning Board's ninth review at its July 14, 2020 meeting. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on June 26, 2020. Martin Spence, Village Engineer, submitted a memorandum dated July 13, 2020. Larry Picarello, Building Inspector, provided a review memorandum on July 13, 2020. The Planning Board continued the public hearing at this meeting. Key SEQRA issues discussed at this meeting included:
- a. Proposed pedestrian paths.
 - b. Removal of dams and possible downstream impacts.
 - c. July 1, 2020 comments from Osman Barrie, PE, Planning Board traffic consultant.
 - d. Rescheduling of the June 29, 2020 site visit.
36. On August 13, 2020, the applicant's traffic consultant, Ronald Rieman, Maser Consulting, submitted responses to Mr. Barrie's comments of July 1, 2020. The response letter addressed each point, and included:
- a. Attachment 1, Peak Hour Signal Warrant Analysis
 - b. Attachment 2, Accident Data
 - c. Attachment 3, Alternate Improvement, Spook Rock Road & Viola Road (East Leg)
 - d. Attachment 4, Pedestrian Analysis
37. The Planning Board conducted a site visit to the subject property at approximately 5 pm on August 24, 2020.
38. A revised application based upon the Planning Board's comments pertaining to potential health, safety, and/or environmental concerns was submitted on or about August 18, 2020, which included a revised site plan set, dated July 20, 2020. The application also including the following key submissions related to SEQRA review:

- a. Revised FEAF Part 3, dated August 11, 2020.
- b. USACOE Approval Letter for dam removals and work in and around wetlands, dated July 28, 2020.

The application was placed on the agenda for the Planning Board's tenth review at its September 8, 2020 meeting. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on September 4, 2020. The Planning Board continued the public hearing at this meeting. Key SEQRA issues discussed at this meeting included:

- a. USACOE issuance/approval of permit for wetlands/dam work.
- b. Proposed pedestrian crosswalks, paths, and warning signs for automobile traffic.
- c. Scheduling of SEQR workshop.
- d. Re-review by Rockland County Planning, request for new GML letter recommended.

39. On September 16, 2020, the Planning Board's traffic engineer, Osman Barrie, PE of Nelson+Pope, submitted a memorandum reviewing Maser Consulting's submittals of July 1, 2020. Key findings included:

- a. A pedestrian management plan for a maximum of 422 pedestrians should be provided, including provision of traffic control personnel during all sabbath and holiday services.
- b. A parking management plan to provide off-site parking for large events in the multipurpose room with 520 guests. 144 proposed on-site parking lot can only accommodate 520 guests if there are 4 people per every car, which is unreasonable to assume.

40. A revised application based upon the Planning Board's comments pertaining to potential health, safety, and/or environmental concerns was submitted on or about February 8, 2021, which included a Parking Management Plan and agency letters. A revised site plan set was not submitted with this package. The application was placed on the agenda for the Planning Board's eleventh review at its March 9, 2020 meeting. Maximilian Stach and Jonathan Lockman, Village Planners, provided a review memorandum on February 24, 2021. Martin Spence, Village Engineer, submitted a memorandum dated March 5, 2021. The Planning Board continued the public hearing at this meeting. Key SEQRA issues discussed at this meeting included:

- a. Revision of FEAF Part 3 form, dated August 11, 2020, to reflect the Parking and Pedestrian Management Plan (PPMP) dated March 1, 2021.
- b. The PPMP should specify sabbath days and holidays when crossing guards will be posted, with hours of posting, and a list of specific intersections.

41. Agency comments were received as part of the February 8, 2021 submission, as follows:

- a. Letter from Tracey O'Malley, NYSDEC to Howard Hellman, RE: Dam Decommissioning Application for Emerald Pines Dam No. 1 and 2, dated January 22, 2021 – Approval conditional upon completion of SEQR.
- b. Letter from Rosita Miranda, ACOE to Howard Hellman, RE: Permit Approval, dated July 28, 2020 (previously submitted in August 2020).

- c. Letter from Philip Perazio, New York State Office of Parks, Recreation & Historic Preservation, RE: Phase 1A/1B Archaeological Survey, dated 19 October 2020.
 - d. Letter from Philip Perazio, New York State Office of Parks, Recreation & Historic Preservation, to Ramya Ramanathan, AICP Candidate, Atzl, Nasher & Zigler P.C., RE: Review of Archaeological Investigation, dated December 18, 2020.
 - e. Letter from Philip Perazio, New York State Office of Parks, Recreation & Historic Preservation, to Ramya Ramanathan, AICP Candidate, Atzl, Nasher & Zigler P.C., RE: Review of Archaeological Investigation, dated January 12, 2021, regarding the submission: "Phase 1 Archaeological Investigation at 84 Viola Road," by Tracker Archaeology, dated December 18, 2020.
42. The applicant submitted a compiled loose-leaf submission, dated March 18, 2021, including:
- a. responses to consultant and agency comments;
 - b. FEAF form Part 1, dated March 1, 2021;
 - c. FEAF form Part 2, dated September 26, 2019;
 - d. FEAF form Part 3; dated March 1, 2021;
 - e. a revised PPMP, dated 3-01-21; and
 - f. revised narratives.
43. The PPMP, dated March 1, 2021, was submitted to the Planning Board on or about March 18, 2021. On March 22, 2021, the revised PPMP was transmitted to Osman Barrie, PE, the Planning Board's traffic engineering consultant for review and comment. On March 29, 2021, Mr. Barrie performed a site visit. On April 2, 2021, Mr. Barrie provided a memorandum reviewing the latest PPMP, which included the following comments:
- a. Crossing Guards must be provided at five locations, per Mr. Barrie's recommendations:
 - i. Viola Road at Cobblestone Farm Court
 - ii. Viola Road at Golden Road
 - iii. Viola Road at Canterbury Lane
 - iv. Voila Road at Lety Lane
 - v. Viola Road at Spook Rock Road
 - b. Painted crosswalks must be provided at two locations, per Mr. Barrie's recommendations:
 - i. Viola Road at Lety Lane (crosswalk on Viola Road just east of Lety Lane)
 - ii. Viola Road at Canterbury Lane (crosswalk on Viola Road just west of Canterbury Lane)
 - c. Additional pedestrian warning signs must be installed at crosswalk locations.
 - d. All other portions of the proposed PPMP dated March 1, 2021 to remain the same.
 - e. Other comments of Mr. Barrie's memoranda of February 24, 2021 and September 16, 2020 have been resolved.

44. The applicant agreed to the recommendations in Mr. Barrie's memorandum of April 2, 2021, and submitted the following amended documents in response:
 - a. Parking and Pedestrian Management Plan (PPMP), for 84 Viola Road LLC, dated April 5, 2021.
 - b. Site Plan, 1 sheet. entitled "1 –Site Plan," by Atzl, Nasher & Zigler PC, stamped by Ryan Nasher, P.E. and John Atzl, P.E., with latest revision date of 04-02-21.
 - c. Narrative Summary, from Atzl, Nasher & Zigler PC, RE: 84 Viola Road LLC, dated April 5, 2021.
45. The application was placed on the agenda for the Planning Board's twelfth review at its May 11, 2021 meeting. Maximilian Stach and Jonathan Lockman, Village Planners, provided review memoranda on March 25, 2021 and April 9, 2021. The Planning Board continued the public hearing at this meeting.
46. A second GML review letter was received from the Rockland County Planning Department, from Douglas J. Schuetz, Acting Commissioner, dated March 4, 2021. It included 23 recommended modifications. The applicant indicated in the response letter of March 12, 2021, that they will comply with all mandatory modifications listed but requested the Planning Board to override modifications number 18 and 20, regarding the extension of Emerald Lane into the site and a redesign of the parking lot, respectively. The Village Planner recommended that the Planning Board override these two modifications for the following reasons:
 - a. Extension of Emerald Lane. While the extension of Emerald Lane looks sensible when casually reviewing the site plan, one must consider the deep ravine of the intermittent brook and the wetlands complex that would both need to be filled to create a road connection from the current dead end through the community place of worship site. The current design of the site avoids filling near any of the wetlands and streams, avoids crossing, and is sensitive to buffer requirements. The only stream crossings proposed are for narrow pedestrian bridges with minimal impacts. The USACOE and NYSDEC have already approved work on the dams and the overall design of the sites with respect to wetland and stream impacts. The extension of Emerald Lane would yield little benefit but could be very detrimental to water quality and drainage concerns that have been the focus of the Planning Board's review of this project.
 - b. Redesign of the Parking Lot. The proposed layout and position of the parking lot is responsive to the Planning Board's concerns about maintaining the health of the adjacent waterbodies and maintaining required buffer distances. The circulation patterns have been reviewed by the Planning Board engineers, and they have been deemed adequate by the Planning Board for the purposes of serving this place of worship. We do not see any need to revise the design of this facility.
47. The Planning Board, at its meeting held on May 11, 2021, indicated its willingness to override items 18 and 20 of the Rockland County Planning Department GML letter of March 4, 2021, but further indicated that it would reserve taking final action on overrides until after SEQRA was concluded.

48. The public hearing was held open until after the deliberation on and adoption of this Negative Declaration were concluded.
49. The Planning Board, having notified its intent to serve as Lead Agency on April 10, 2019, and hearing no objections from involved agencies, declared itself as Lead Agency for this Type 1 action.
50. The Planning Board accepted the following Full Environmental Assessment Forms, as follows:
 - a. FEAF form Part 1, revised April 5, 2021.
 - b. FEAF form Part 2, dated September 26, 2019; and
 - c. FEAF form Part 3; dated April 5, 2021.
51. At its meeting held on May 11, 2021, the Planning Board having reviewed the project materials, supplemental materials provided by the project sponsor and its own consultants determined that based on the foregoing, the proposed project would not result in any of the following potential significant adverse impacts considered singly, cumulatively or as part of the overall plan as a whole:
 - a. a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
 - b. the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other potential significant adverse impacts to natural resources;
 - c. the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;
 - d. the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
 - e. the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
 - f. a major change in the use of either the quantity or type of energy;
 - g. the creation of a hazard to human health;
 - h. a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
 - i. the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
 - j. the creation of a material demand for other actions that would result in one of the above consequences;
 - k. changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

- I. two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision;
52. No other adverse impacts have been identified in connection with the amended proposed action.

Circulation: This notice is being sent to the following Involved Agencies:

Sewer Hookups, Water Hookups

Town of Ramapo DPW
16 Pioneer Avenue
Tallman, NY 10982

Sewer Hookups

Rockland County Sewer District #1
4 Route 340
Orangeburg, NY 10962

Mosquito Control Law

Rockland County Health Dept
Division of Environmental Health
Robert L. Yeager Health Center
50 Sanatorium Rd, Bldg. D
Pomona, NY 10970

Highway Work Permits; Drainage Agency Review

Rockland County Highway Department
c/o: Charles H. Vezzetti - Superintended
23 New Hempstead Rd
New City, NY 10956

Wetlands/Watercourses

New York State Department of
Environmental Conservation, Region 3
21 South Putt Corners Road
New Paltz, NY 12561

US Army Corps of Engineers
New York District
Jacob K. Javits Federal Building
26 Federal Plaza
New York, NY 10278-0090

**NYSDEC Environmental
Notice Bulletin**

<http://www.dec.ny.gov/enb/enb.html>

Chief Executive of Municipality

Mayor Lance Millman
Village of Montebello
1 Montebello Road
Montebello, NY 10901