

The Planning Board of the Village of Montebello held a meeting on Tuesday, June 8, 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
Marlo Dickman, Ad Hoc Member
David Levine, Ad Hoc Member

OTHERS

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

ABSENT

Howard Hochberg, Member

**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 requested an adjournment to the next meeting. Ms. Terhune said that the original agenda did not include this Application and that it may be a good idea to open the public hearing in case any members of the public care to comment. The Planning Clerk noted that there was no one from the public in attendance and Chairman Caridi did not open the public hearing. Member Burke made a motion to adjourn the public hearing and the application to the July 13, 2021 Planning Board meeting, seconded by Member Ternquist and upon vote, the motion passed unanimously.

Member Ternquist requested that the proposed pedestrian bridge for this application be flagged. Chairman Caridi said he will make that request to the Applicant formally and on the record at the July meeting.

**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 this Board granted the requested waivers and issued a Neg Dec at the March meeting, that the ZBA granted the three variances in May, and the Historic Preservation and Parks Commission (HPPC) issued a Certificate of Appropriateness. That Board, in their resolution, wanted the Planning Board to be mindful of certain architectural aspects of the project. The Planning Board members confirmed receipt of the HPPC resolution. Mr. Baum said Martin Spence's comments, in his memo dated May 10, 2021 regarding supplemental landscaping as requested by the HPPC, were incorporated into the latest landscape plan, and that the rest of Mr. Spence's comments were minor and to which the Applicant has no objections.

A memo from Planner Jonathan Lockman dated June 8, 2021 enumerated the recommended overrides of the County GML comments numbers 1, 4, and 8, Mr. Baum explained, noting the absence of an override recommendation of comment number 9 having to do with pinch points for Fire Truck maneuverability. Mr. Lockman acknowledged the omission and recommended that override as well because the site plan updated after the March GML eliminated all pinch points and Tallman Fire Department issued a new letter in April stating they were satisfied. (Copies of all reviews and letters on file.) Mr. Baum said they are here today for the overrides as set forth and for a final site plan approval.

The rest of Mr. Lockman's memo outlined minor issues to be addressed such as the addition of the latest revision date to the architectural plans, corrections to the lighting sheet including the addition of a late-night dimming schedule as requested, and a correction to the number of parking spaces referenced in the narrative. Mr. Lockman said he subsequently reviewed the landscape plan that the HPPC approved and notes that the clearing limits on sheet 2 should be modified to match those of the Landscape Architect Blythe Yost.

He then recited the recommended overrides of the GML dated March 24, 2021. Mr. Baum explained that among the four overrides, comment number 8 posed a problem for the ZBA, which was discussed extensively with this and that Board. Ultimately, Tallman Fire Department submitted a new letter dated April 19, 2021 stating that they no longer require an access road through Montebello Road. Mr. Baum said they had no issues with the installation of sprinkler, standpipes and extra hydrants so long as the New York State building codes require them.

A lengthy discussion ensued regarding how the Board would override that comment because they wanted to ensure the building would be properly sprinklered and built to fire code while rejecting the one recommendation for the access road. Some felt that overriding the entire comment would be fine since the subsequent fire department letter rendered the entire comment moot, and some felt that it would be irresponsible because overriding the entire comment would disregard those specific requirements. The Board considered the idea of a conditional or partial override until it was noted that the override was for the entire comment by the Planning Department that referenced the letter and not the specifics of the letter itself from July 2020. Mr. Lockman said the Board could override however they chose but that they must give a reason for the override, and recommended the whole comment be overridden because of the new Tallman Fire Department letter.

The discussion continued until the Chairman polled the Board. Member Burke stated she wanted to override only the part of the fire department letter referring to the access on Montebello Road. Members Ternquist, Shipley and Levine agreed. Once a consensus was reached the Board was ready to act on all four GML comments.

GML Comment 1 in which the County recommends scaling back the size of the building because the requested variances are excessive. Reason for the override: The Applicant has worked for months to reduce the size and the number of variances from six to three. Member Ternquist made a motion to override the comment, seconded by Member Shipley and upon vote, the motion passed unanimously.

GML Comment #4 regarding compliance with Rockland County Highway's request for a gratuitous dedication of part of Montebello Road. Reason for the override: There is already a six-foot dedication on that side of the road and any further dedication would infringe upon the required buffer. Member Ternquist made a motion to override the comment seconded by Member Shipley, and upon vote, the motion passed unanimously.

GML Comment #8 requiring the applicant to comply with the recommendations of Tallman FD's letter of July 2020. Reason for the override: In their updated letter dated April 19, 2021, Tallman Fire Department deleted the need for access on Montebello Road, and therefore the Board agreed to override the County comment but agreed with the Fire Department about installing sprinklers and standpipes in the building. Ms. Terhune clarified that the Board is not overriding the Tallman Fire Department recommendations, only the county comment, and said she will clarify that in the override language in the resolution. Member Ternquist made a motion to override the comment as stated, seconded by Member Burke and upon vote, the motion passed unanimously.

GML Comment #9 regarding pinch points in the Fire Truck Maneuver Plan requiring only compact cars to park in those spaces. Reason for the override: The plans were since revised, Sheet 8 of the site plan dated April 15th shows that the pinch points were eliminated and a new Truck Maneuverability plan was submitted to the Tallman Fire Department who acknowledged that the new plan accommodates their 20' tower truck. Member Ternquist made a motion to override the comment seconded by Member Shipley and upon vote, the motion passed unanimously.

Mr. Lockman asked Chairman Caridi if he wished to authorize Ms. Terhune to draft a resolution. Chairman Caridi expressed a wish to see a submittal that addresses all remaining issues as well as an updated landscaping and lighting plan as discussed. The Landscaping on the residential side of the parcel is lacking and should be enhanced equal to that proposed along Airmont and Montebello Roads. Mr. Baum said the HPPC saw the updated landscape plans with added evergreens and approved them but Chairman Caridi said they did not address the residential side of the property. Mr. Spence said that the plan sent to the HPPC was indeed supplemented but that he will add some notes to allow for more inspections of the landscaping in the spirit of the Board's approval. For example, if the screening, once planted, is found to be lacking, the plan note will give the Village the authority to demand more plantings. Additionally, he continued, the Applicant was asked to provide specs on downed and dead trees and to remove them without disturbing other plant materials. Mr. Lockman said that those notes were already incorporated into the Certificate of Appropriateness. Mr. Spence referred to his memo to the HPPC dated May 26, 2021 and his memo to the Planning Board dated May 10, 2021. Mr. Baum said he had no objections and will comply with those memos, accepting them as conditions of approval.

Chairman Caridi said he wished to acknowledge the neighbor that abuts the property, who, in his opinion, has been very cooperative throughout the Planning Board process, and that he felt the Board should do everything possible to create a level of privacy for them. Stating that he was not yet comfortable with the current state of the landscaping plans, he polled the Board on whether they were ready to grant site plan approval. All members agreed they wanted to see an additional submission. Member Burke said she wanted to know the location of the monument sign and whether it will supplant the Crown Plaza sign on the corner of Airmont Road and Executive Boulevard. Mr. Spence said the Applicant submitted a rendering of the sign but did not give the proposed location. Mr. Baum promised to show the location on the next set of plans. Chairman Caridi reminded him that Architectural Review is required. Mr. Lockman noted that the Applicant does not appear to be asking for ARB at this time and that the Board can perform that review after granting approval if they so choose.

Referring to the 229 parking spaces, Member Burke was concerned that any change in the ratio of 50% medical office and 50% office space would affect the parking requirements, noting that more medical space requires more parking. Mr. Lockman explained that if the ratio changes, they will have to return to the Planning Board for approval.

Chairman Caridi opened the public hearing.

Donna Cohen, 1 Finnegan Lane, Montebello, said she lives directly next to the property and thanks the Chairman for acknowledging her position. However, she said, the “beefed up” landscaping is a joke because Norway spruces grow only six inches a year. She said she is not against the project but that she is extremely concerned about her family’s privacy. Chairman Caridi said that the Board will adjourn the application and require new submittals which will include lighting information that complies with the Village’s new anti-light pollution regulations.

Ms. Cohen said there are some significantly tall trees in the 80-foot buffer between her property and the parking lot and asked if they will be removed. Mr. Spence said they will remain if they are in good condition and that only dead or downed trees will be removed, of which there are many. Mr. Baum clarified that the buffer to her property line is only 50 feet and that there will be an extra 30 feet of new landscaping atop a berm. Chairman Caridi reiterated that he wants to see plantings as large and as robust as those on Airmont and Montebello Roads. Ms. Cohen said that during the winter they can see all the way to Airmont Road and asked that more mature spruces be installed.

Ms. Cohen then asked the Board to reconsider the traffic impact report issued by the Applicant should the use of the recently purchased Montebello Jewish Center change, which could add to the traffic burden on Montebello Road. Chairman Caridi explained that any new use requires Planning Board approval and that Applicant must submit a study of their own.

No one else wishing to speak, Member Ternquist made a motion to adjourn the public hearing and the application to the July 13, 2021 Planning Board meeting, seconded by Member Shipley and upon vote, the motion passed unanimously.

CDRC Updates

Mr. Lockman summarized the CDRC meeting of May 25, 2021 in which one Applicant appeared, Mr. Marsel Amona for a subdivision entitled Stonehedge Farm comprising 22 semi-detached single-family homes. It was the third time the application was before the committee and they presented to revised plans compliant with row t of the bulk table and well as smaller homes. It remains to be seen if the Village Board will require further size reductions or if it will grant the zone change. Member Burke expressed concerned about the zone change and how the public will be informed and asked why Mr. Amona let the formerly approved twelve lot subdivision lapse in favor of this new proposal. Mr. Lockman said the Applicant has a right to ask and the Village Board has a right to consider it and stated that it will likely be some time before the application is ready for this Board, if at all.

New Business

Mr. Spence explained that the builder of The Sentinel at 200 Rella Boulevard has proposed a revision to the site plan specifically they want to install a compactor in lieu of the approved refuse area. The new compactor, with an overall footprint of 560 square feet, will supplant the 220 square foot refuse area. This is greater than a field change and the Board may want to review, he said.

Chairman Caridi asked if there will be a noise impact and Mr. Spence said there would be which is why they are proposing additional landscaping around the compactor area. Chairman Caridi asked if it would affect the development coverage. Mr. Spence said they were already under the allowable development coverage and that the additional impervious surface is nominal. Chairman Caridi asked if there was anything else for the Board to consider other than engineering. Mr. Spence said there was not but that he wanted to be sure that the Board is comfortable with the change. Mr. Lockman explained that the Board could either delegate it as a field change or they can ask the applicant to return for further review.

Chairman Caridi stated that he did not see a need for another appearance preferring instead to review this administratively and recommended that both a masonry enclosure and landscaping be installed and the Board agreed. Ms. Terhune stated for the record that the Board has authorized Mr. Spence to oversee the field change as discussed, and if he is not satisfied, they will have to apply for an amended site plan.

Meeting minutes of May 11, 2021.

Member Burke detected an error in the May minutes and corrected her vote to “nay” in the adoption of a Neg Dec for the Application for a house of worship at 84 Viola Road. The minutes were revised to read “...the motion passed four to one.” Chairman Caridi instructed the Board to vote by roll call from now on to avoid similar errors.

Member Ternquist made a motion to accept the meeting minutes of May 11, 2021 as corrected, seconded by Member Shipley and upon vote, the motion passed unanimously.

Member Ternquist made a motion to adjourn the meeting at 9:44 p.m., seconded by Member Shipley and upon vote, all were in favor.