

The Planning Board of the Village of Montebello held a meeting on Tuesday, October 12, 2021, on 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  
Howard Hochberg, Member  
David Levine, Member  
Stan Shipley, Member  
Thomas Ternquist, Member  
Marlo Dickman, Ad Hoc Member  
Joan Materna, 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**

Chairman Caridi noted an error on page two and asked the Planning Clerk to change “15-foot tractor trailer” to “75-foot tractor trailer.” Member Ternquist made a motion to approve the September 14, 2021, Planning Board meeting minutes as corrected, seconded by Member Shipley and upon vote, all were in favor.

**CDRC Update**

There were no applications for the September CDRC meeting.

**Rella Warehouse—Site Plan, Subdivision  
100-300 Rella Blvd., Montebello, NY**

Application of ACG Acquisitions LLC, 95 Chestnut Ridge Road, Montvale, NJ 07645. The Applicant is proposing the construction of a 291,820 square foot warehouse with supporting office space on 18.52 acres at 100-300 Rella Boulevard. The parcel is located on the north side of Rella Boulevard at the intersection of Airmont Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.08, Block 1, Lots 5 and 6 in the LO-C Zone.

The Applicant requested an adjournment to November. Member Ternquist made a motion to adjourn the application to the November 9, 2021, Planning Board meeting seconded by Member Shipley and upon vote, all were in favor.

**Howard Hellman/84 Viola Road, LLC—Public Hearing continued  
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, 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 his engineer John Atzl of Atzl, Nasher & Zigler PC. Mr. Atzl stated that since their last appearance before this Board in May when they received a Neg Dec, they appeared before the Historic Preservation and Parks Commission for a Certificate Appropriateness, which they received. They are here now to address technical Site Plan comments and issues as per the Village consultants' comments, he said.

Member Ternquist requested that the proposed pedestrian bridge be flagged out in the field and Mr. Atzl agreed to have that done. Chairman Caridi suggested that the new path location from Emerald Lane to the property should instead follow the existing trajectory so it is not too steep. Mr. Lockman said that the current winding path will not work because the parking lot will be five or six feet higher and would be difficult to traverse, so the straight path was determined to be the best solution. Chairman Caridi said he was still concerned about steep slopes throughout the property, and Mr. Atzl said they designed the elevated pedestrian bridge around the 100-year flood plan and evened the rest of the surfaces so there are not so many slopes.

Village Engineer Martin Spence summarized his memo dated October 11, 2021 (copy on file) in which he noted that the Army Corps of Engineers (ACOE) concluded their survey of the wetlands and issued an approval, and the New York State DEC permit is pending. He then enumerated the remaining twelve items to be addressed, most of which were minor.

Chairman Caridi requested that the provisions of Comment S-11 of Mr. Spence's memo – *“Review proposed drainage easements. The easement may continue to be shown/provided with notes ‘Village has the right to access, however does not have the obligation for maintenance, refer to the Stormwater Maintenance Agreement.’”* And Comment S-12 – *“A Stormwater Maintenance Agreement shall be executed between the owner and the Village,”* be included in the final resolution. Mr. Atzl said that he submitted the complete package to the Rockland County Drainage Agency and the Highway Department for review and execution, and that he didn't think the Village wanted the drainage agreement but will add it back to the site plan. Ms. Terhune said that it was generally advisable for Drainage and Stormwater Maintenance to allow right of entry, but it is not a mandate for the village to maintain it, a point that should be on the plans.

Chairman Caridi said that procedurally, until the DEC permit is issued, there can be no vote on the Application and asked Mr. Atzl to keep the Board apprised of any new developments. Mr. Atzl said the DEC has all the necessary submission materials and that they need hold their own public hearing before they can issue a permit. Chairman Caridi wondered if the Planning Board should close their public hearing. Ms. Terhune advised that the Board can choose to close it while still deliberating on the site plan approval.

Mr. Lockman reviewed his memo dated September 27, 2021 (copy on file), in which he recommends overrides of two items in the Rockland County Department of Planning's GML review dated March 4, 2021. Comment #18 recommends that an emergency access connection be provided to Emerald Lane. Such an access road is not possible due to the surrounding water bodies and the elevation between the road and the property; Comment #20 posits that the parking lot is awkwardly configured for passenger pick-up and drop-off and should be redesigned to provide easier access to the main entrance. However, the Village Traffic consultant, planner and engineers all determined that

circulation throughout the parking lot is adequate. No Board member expressed any objection to these overrides.

Chairman Caridi opened the public hearing.

**Robin Steinman, 9 Golden Road, Montebello, NY** asked if there was a solution proposed to water that flows from the property to the area around 7 – 10 Golden Road and into Cobblestone Farm Court. She said that water already encroaches onto these properties during rain events. Mr. Spence said that all work is being done on site and that calculations were submitted and reviewed by the ACOE and the New York State DEC. Both agencies determined that the decommissioning of the dams will not result in any increased water velocity downstream.

Ms. Steinman asked if this could be confirmed. Mr. Spence said that there will be no off-site impact based on the calculations and that the Applicant is providing on-site detention consistent with all environmental regulations. Ms. Steinman said that she has been personally involved in similar situations where calculations provided later proved to be false. Ms. Terhune said the Board will consider Ms. Steinman's comments in the future, but that the line of questioning should end because the Engineer believes his comments to be correct. If there is future flooding, that is something to be taken up by the homeowners, she added.

No one else wishing to speak, Chairman Caridi asked for a motion to close the public hearing. Member Shipley said he saw no advantage to closing public comments at this time. Mr. Lockman said that procedurally, the Board can decide to allow some public comments after the hearing is closed. Ms. Terhune agreed but said these comments would not be part of the record. Ms. Cross said they can close the public hearing but leave it open for a period time for written comments only. After a short discussion, the Board decided to leave the public hearing open.

Member Ternquist made a motion to override comment # 18 of the March 4, 2021, GML review seconded by Member Hochberg. Upon vote, the motion to override passed unanimously.

Member Ternquist made a motion to override comment # 20 of the March 4, 2021, GML review, seconded by Member Shipley. Upon vote, the motion to override passed unanimously.

Chairman Caridi said the Application will be on the November agenda but advised the Applicant that they should adjourn in the absence of information from the DEC or other technical issues.

**Stephen Clement, Rockland Recover Homes, Inc.—Public Hearing  
Special Permit, 4 Emerald Lane, Montebello, NY**

Application of Stephen Clement, Chairman of Rockland Recovery Homes, Inc., 4 Timmel Lane, Stony Point, New York 10980 for a Special Permit to operate a recovery home for people in recovery from a substance use disorder at 4 Emerald Lane. The subject property is located on the southwest side of Emerald Lane approximately 150 feet east of the intersection of Golden Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.08, Block 1, Lot 38 in the RR-50 Zone.

Present was the Applicant Steven Clement, Chairman of Rockland Recovery Homes and his attorney Harrison Edwards, as well as several members of the Foundations Recovery Community Center.

Mr. Clement read his application narrative into the record. Member Hochberg asked if the home needed to register with New York State and what his affiliation is with the county Foundations Recovery Community. Mr. Clement said that that no licensing is necessary for the State and explained that though they do work with several Rockland recovery programs, they are not affiliated with any.

Ms. Terhune noted the Building Inspector's report submitted earlier and dated October 12, 2021. Chairman Caridi asked if residents are mandated to the program. Mr. Clement said that all residents are there voluntarily. Chairman Caridi asked if the residents are monitored and if so, how often, and if any managers were physically present and authorized by Rockland Recovery to take any disciplinary action including removal. Member Ternquist asked if the residency requires a referral from a mental health or substance abuse professional. Mr. Clement Explained that once a resident is ready for a life in this type of environment, their counselor submits a referral. There is a house manager who lives in the house and who interacts with the residents daily. He lives there, but he works outside of the house, as do the residents, Mr. Clement explained, and he monitors them carefully when he is home and is aware of all the goings-on within the home.

Chairman Caridi asked Mr. Clement if the residents are being sourced by treatment organizations. Mr. Clement confirmed that they are. Chairman Caridi said he wanted to ensure that there is someone with whom the Village can communicate in emergencies. Mr. Clement said that the Village has all his contact information and there are other Board members of Rockland Recovery who can also be contacted.

Member Levine asked the average duration of a residency in the program. Mr. Clements answered anywhere from six months to two years. There are no defined durations, but once we determine they no longer need to be there, we ask them to leave to make room for others. Chairman Caridi asked what the residential rotation is, on average. Mr. Clement said he would have to research that, but if there are others on the waiting list, we do try to move along those who are ready to move on with the rest of their lives. Chairman Caridi asked if the number of beds determines the number of residents. Mr. Clement said it does, and that they must wait for someone to leave before they can bring in another. The Rockland County Health Department determined the maximum number of people who can live there according to bed space, and fifteen is the number. Member Shipley asked if that includes the house manager to which Mr. Clement replied that it does.

Member Hochberg asked from what types of substances are these residents recovering. Mr. Clement said that Rockland Recovery Home was established for people in recovery from substance use which includes alcohol and illicit drugs and emphasized that they are in recovery and that this is a drug-free and alcohol-free environment. Ms. Terhune noted that there is no treatment provided in the residence and Mr. Clement said that is correct.

Chairman Caridi asked if residents are required to participate in the maintenance of the home. Mr. Clement said that the residents have chores they must complete regularly, such as mowing the lawn, cleaning the gutters and maintaining the grounds as well as interior housekeeping chores. There is a house meeting every Tuesday night to address any issues with repairs and the like, he added.

The Board having no further questions, Mr. Lockman summarized his memo dated September 29, 2021 (copy on file), noting that the Building Inspector's report answered several questions regarding parking on the premises. Questions such as whether residents are allowed to keep a car, how many employees will park there at one time, whether there is enough parking for visitors were considered.

Mr. Lockman said he saw no other issues, and explained that in all other respects, this use is considered to have the same impact as that of a large family, especially since there is no construction or site disturbance proposed. Mr. Lockman explained that an approved Special Permit is valid for two years after which time it can be reviewed and renewed for a period of five years. This is a Type II action under SEQR requiring no further action, and a GML review is not required because the property is not within 500 feet of any County or State road, park or municipal boundary, he said.

Mr. Clement explained that residents that do have a driver's license are allowed to keep a car, but they seldom do. Currently three residents have a valid license, and there are no more than four cars parked there at one time.

Mr. Spence noted receipt of a letter dated October 12, 2021 (copy on file) from the Rockland County Sewer District #1 and explained that it is just a form letter asking for sanitary sewer construction details. Mr. Spence explained that since there is no new construction, the Applicant has no responsibility to respond. Mr. Lockman agreed and added that there is no change in sewer usage so no action should be taken.

Chairman Caridi opened the public hearing.

**David Rose, 129 Spook Rock Road, Montebello, NY** asked what qualifications the house manager had, and said that if he was a full-time manager, the fact that he is not there all the time is a contradiction. Ms. Terhune said that this Board has no authority or jurisdiction as to how this single-family home is managed or operated. If the Applicant wishes to answer questions at the end of the public comment session, he may do so. Mr. Rose still wanted to know how to get answers to his queries and Ms. Terhune said that the Applicant is under no obligation to respond.

**Jan Rosenblum, 6 Emerald Lane, Montebello, NY** said that she disagrees that residents are not mandated to be there based on a conversation her husband had with one of the residents. Ms. Rosenblum explained that her husband, the President of the Commissioners of the Tallman Fire District was recently on the premises for a fire call and during their conversation, the resident told him he was happy to be there instead of in jail. Through her powers of deduction, Ms. Rosenblum surmised that the resident's stay was court mandated.

Mr. Clement said that no one is ever mandated to a recovery home.

**Rick Holiday, 3 Camberra Drive, Suffern, NY** said that he is considering moving to the neighborhood but is extremely concerned after hearing some disparaging comments about the residents from some of the neighbors. Some said that the residents have rifled through neighbors' mailboxes, spoke to their children, cat-called to their teenaged daughters, and raced their cars up and down the street at 2 a.m. "Would you want this next to your home?" he asked the Chairman. Ms. Terhune said that this is not a questions and answer period for the Board.

**Valerie Moldow, 97 Meadow Lane, Nanuet, NY** said she is a friend of the Clements who are wonderful, upstanding citizens and who created this home out of love and compassion with a desire to do the right thing for people who are recovering from physical and mental illness.

**Susan Holiday, 3 Camberra Drive, Suffern, NY** said that she and her husband are hoping to purchase 1 Emerald Lane but is concerned about the facility. She doubted that this can be considered

a single-family house. If this were the case, she posited, she can turn her own home into such a facility so people can pay her to live in her house.

**Kathleen Katt-Bennie, Program Director of Foundation Recovery Community Center, 25 Smith Street, Nanuet, NY** explained that she is the program director on Alcohol Dependency, a former board member of Rockland Recover Home and is in recovery herself and 20 years sober. Ms. Katt-Bennie said she lived in such a house during her mental health and substance abuse recovery as she rebuilt her life with other women with similar circumstances. We all contributed to our community in positive ways and worked with our neighbors towards the betterment of our lives, and I support what Rockland Recovery is doing in the county, she said.

**Rick Holiday, 3 Camberra Drive, Suffern, NY** said he's been in communication with Mr. Clement and that there are some maintenance problems with the house. Mr. Holiday alleged that none of the neighbors or community members want this in their neighborhood and that he found another home for Mr. Clement in which the residents could live instead, but Mr. Clement refused the offer.

**Lazar Waldman, 3 Diamond Court, Montebello, NY** said he has lived here for three years and recently noticed cars on the block, women entering the property and residents talking to neighbors' children as they get off their school bus. He said he is uncomfortable because he does not know the history of each resident.

**Susan Shuster, 41 Coe Farm Road, Montebello, NY** said she is a clinical social worker who has worked with various populations and that she is not reassured that these individuals are safe and feels there is not enough supervision. This is a residential area with many children yet nothing is known about the residents and whether they have criminal backgrounds. As neighbors and community members, she said she wanted reassurance that their children and homes are safe.

No one else wishing to speak, Member Ternquist made a motion to close the public hearing, seconded by Member Shipley and upon vote, all were in favor.

Chairman Caridi said for the record that the October 12, 2021, letter from Rockland County Sewer District #1 was received and that no further action is required.

Member Ternquist made a motion to declare the Application a Type II action under SEQR seconded by Member Shipley and upon vote, all were in favor.

Chairman Caridi asked for clarification of the Special Permit renewal process. Ms. Terhune said that Village code specifies that Planning Board approval of the Special Permit lasts for two years, after which the Building Inspector can renew for an additional five years upon inspection of the premises.

Member Ternquist made a motion to grant the Special Permit to Rockland Recovery homes, seconded by Member Shipley. Upon vote, the motion passed unanimously. Ms. Terhune said she will draft the special permit resolution shortly for Board review.

## **New Business**

Discussion of proposed Local Law No. 4 of 2021 that adjusts the standards of the ER-80 Zone to allow two-family duplex housing. Comments and recommendations will be conveyed to the Village Board of Trustees in time for their November 10, 2021, meeting.

Mr. Lockman explained that in 2019, this Board approved Stonehedge Farm Subdivision, an 11-lot single-family home development on a former horse farm with the lots clustered in the rear of the property. Mr. Amona received approval but never recorded the plat with the County. He subsequently asked the Village Board for a zone change so he can build duplex units on one lot with 11 buildings and 22 single-family homes. Mr. Amona presented this plan to the Village Board with the same road configuration as the approved plat and that Board was generally in favor of the duplex concept and declared Lead Agency. They asked the staff to prepare a local law that has been circulated to you for your comments while SEQR is on-going. This Board has 60 days to provide any comments to the Village Board.

Member Ternquist said that this plan seems like it will have more environmental impacts than the formerly approved plat and said he did not understand why there should be any duplexes in this part of the Village. Member Shipley said he found nothing wrong with duplexes but had problems with the location. This is a rural area that will become more populated, he said. Chairman Caridi agreed, noting that a lot of care was given to the approved subdivision vis-à-vis the rural aspects of the zone. He added that he couldn't understand why the Village would consider allowing multi-family homes in such an environmentally sensitive area.

Ms. Terhune said that the Village Board has assumed Lead Agency because it is the only agency able to grant the zone change. Chairman Caridi said he recalled this Board getting into trouble for a similar SEQR procedure for Montebello Crossing. Ms. Terhune did not disagree but explained that because the applicant submitted a plan with a re-zoning request, the Village Board must conduct the SEQR review, which cannot be segmented. The Village Board is looking at a plan while considering a zone change and must therefore be Lead Agency, she said.

Member Shipley said they should consider a zone change during the Comprehensive Plan process, otherwise this can be considered spot zoning. Mr. Lockman reminded him that it is within the Village Board's authority and they are only asking the Planning Board for advice. Member Ternquist reiterated his frustration and unhappiness with the proposed zone change.

Ms. Terhune suggested that each Board member send their comments to Chairman Caridi to be compiled into a report for the Village Board. Member Lockman reminded the Board that this all started with a simple request from the Village Board and that he wrote a memo to that Board stating all the issues the Board just voiced. Ms. Terhune recommended that the Board go back through Mr. Lockman's memoranda, review the proposed law, and make their voices heard. They are asking for an opinion and the deadline is 60 days from September 22, 2021, she said.

Chairman Caridi suggested he call for an executive session with the Village Board for further discussion, but Ms. Terhune said this is not a topic for executive session. Chairman Caridi suggested a workshop. Ms. Terhune said that perhaps there could be an advice of counsel session but asked for more time to think about it. Chairman Caridi said that in any case, he wanted a joint meeting with the Planning Board and the Village Board of Trustees. Ms. Terhune advised that the Board gather their

opinions while she reaches out to the Village attorney to see if there can be an advice of counsel. If that was not possible, she suggested that two members from each Board should meet instead.

Chairman Caridi asked the Board to submit their comments to the Planning Clerk no later than October 26, 2021.

Member Ternquist made a motion to adjourn the meeting at 9:04 p.m. seconded by Member Shipley and upon vote, all were in favor.