

The Planning Board of the Village of Montebello held a meeting on Tuesday, November 9, 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
Jonathan Lockman, Village Planner
Regina Rivera, Planning/Zoning Clerk

ABSENT

Martin Spence, Village Engineer

Meeting Minutes Approval

Member Ternquist made a motion to approve the October 12, 2021, Planning Board meeting minutes, seconded by Member Shipley and upon vote all were in favor.

CDRC Update

There were no applications for the September CDRC meeting.

**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.

The Applicant asked for an adjournment to the December meeting when they anticipate they will have their DEC permits in place. Member Ternquist made a motion to adjourn the application and the public hearing to the December 14, 2021, Planning Board meeting, seconded by Member Shipley. Upon vote the motion passed unanimously.

**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.

Present were the applicant's attorney Michael Klein, his Engineers Brian Brooker and Joseph Nyitray of Brooker Engineering, Sound Engineer Mike Bontje, and the Applicant Joseph Brachfeld of ACG Acquisitions LLC.

Mr. Klein noted their last appearance in September when the Board indicated some trepidation regarding truck access. Mr. Klein said that the Chairman was correct in asking for alternate entering truck access from North Airmont Road rather than Rella Boulevard, because it improved the plans in every way and the primary focus of this meeting will be to seek a tentative approval to move ahead with this new concept plan.

Mr. Lockman, as stated in his memo dated November 1, 2021 (copy on file), said he agreed the concept would improve traffic circulation and lower the development coverage which would result in a smaller variance request, and suggested this new concept should be sent to Village Traffic consultant Osman Barrie for comment. Regarding the proximity of the exiting driveway to Montebello Commons at the southeast corner of the site, he advised the Applicant to consult with the Building Inspector regarding the size of the variance request and several other open issues before submitting more detailed plans and recommended that the Board consult a noise specialist to review the noise study submitted with the application.

Chairman Caridi summarized Mr. Spence's memo dated November 6, 2021 (copy on file) in his absence and advised the Applicant to carefully consider items S1 – S16 regarding road widths and clearances, signage requirements and the like.

Member Ternquist stated that he felt the project is too large for the site and was concerned about noise generated from the 24/7 operations. Member Shipley agreed with Member Ternquist and encouraged the rest of the Board members to visit a similar project in Secaucus which is the same size but on a much larger piece of land. Member Levine said he wanted to be sure any noise issues are addressed properly.

Chairman Caridi agreed with all comments and stated emphatically that he would not approve a 24/7 operation, and regretfully informed the Applicant that this Board will not support any incursion into the required buffer along the property frontage, as required for special permit uses in the LOC district. He asked if any Board Members had objections, and no one spoke. The Applicant is welcome to submit another concept plan and perform a sound study, and the Board reserves the right to hire its own sound consultant if necessary, he explained. He said he was surprised, after reading the engineering review, that Rella Boulevard is a private road that is controlled by the owners of the four lots and surmised that the project would require all the neighbors' approvals for the increased use of that road.

Mr. Klein explained that when the property was first approved for development by the Town of Ramapo, there was an agreement that bound each of the four lot owners to share responsibility for the road, and it was understood that it would be dedicated to become a municipal road when all the lots were developed. Today, each of the landowners is obligated for the maintenance and improvement of the road. Unless we change the road design, we do not need their approvals, and we have no plans to alter the road in any way, he said.

Ms. Terhune asked if drainage structures were included in the proposed road dedication to the village, and Mr. Klein said it was. Ms. Terhune asked for a copy of that agreement.

Mr. Klein asked if the problem with the new proposed access drive from North Airmont Road had to do with truck stacking and whether the concept could be salvaged. Chairman Caridi said he didn't know if it could be salvaged given the proposed huge encroachment into the buffer along the road. Mr. Brooker offered to design a longer road to avoid stacking and asked if the Board would consider that concept provided there is ample screening.

Chairman Caridi said he could not abide any encroachment into the buffer and asked the Board members to comment. Members Ternquist and Shipley concurred.

Mr. Brooker asked the Chairman if the Board was still opposed to the sidewalk along Airmont Road. Chairman Caridi said he remained opposed and preferred that the natural landscape and mature trees remain. Mr. Nyitray recalled a previous consultant comment letter that instructed them to include the sidewalk in that location. Mr. Lockman explained that he and Mr. Spence discussed this very issue previously because in the recent past the Village tasked Mr. Spence to investigate the cost of installing a sidewalk there. Chairman Caridi said emphatically that there will be no sidewalk.

Ms. Terhune asked chairman Caridi if he rejects the access road outright because there is already an access point from Rella Boulevard and feels there shouldn't be another. Chairman Caridi said that is precisely the reason, particularly since there is already a way in to the site from Rella Boulevard without encroaching into the buffer on North Airmont Road. Ms. Terhune said that there were other projects considered for this property that made the same requests. Though they never made it to the Planning Board, they were rejected by the Village Board of Trustees, she said, and advised that the Applicant to adhere to the original concept plan with the main entrance off Rella Boulevard, and to work with the County Highway Department on modifications to the existing intersection of Rella Boulevard and North Airmont Road, to allow large truck turning movements.

Mr. Klein requested a brief discussion of the two chief objections to the project: noise and size. He acknowledged that the former is of paramount concern to the Board, and explained that the plan puts forth an extensive and expensive noise attenuating wall design that will improve existing noise level conditions in terms of proximity to the NYS Thruway. Regarding size, there are only two variances being sought, one of which has only to do with the distance of the driveway to the residential zone. If the scope of the project were reduced it will not accomplish much because most of the requirements of the zone have been met. This project closely resembles what would have been contemplated by the Village when they changed the zone and applied the bulk table to it, he said, adding that he and his client feel the size is appropriate.

Member Shipley said it will be one of the largest buildings in the Village and will not fit in aesthetically given its proximity to Village Hall. Member Ternquist agreed that it was overall too big.

Mr. Klein and the Board debated the benefits of reducing the size of the building and the Board concluded that even if the variances are reduced or eliminated, the real concern is the type of project proposed. Mr. Lockman encouraged the Board to revisit section 195.87.3 of the Village Code entitled *For all uses requiring a special permit in the LO and LO-C Districts* which gives the Board the authority to restrict outdoor activities such as loading and unloading. Some of the issues discussed such as noise controls and hours of operation are within this Board's control, he said, but others, such as not liking the use or the bulk standards, are not backed up by the code. Ms. Terhune said the problem here is that the Village allows warehouse distribution in this zone and does not specify allowable size other than by establishing bulk and area limits. If it meets the code, it meets the code, but this Board has a lot of discretion regarding other issues such as traffic, noise and hours of operation, she said.

Mr. Lockman read aloud item F. of Sec. 195-87.3:

Noise. Given proximity to many types of residential uses, for any special permit proposed in these districts, the Planning Board may prohibit overall operations, outdoor loading or any other outdoor operations which may generate noise and create a nuisance.

This sentence allows the Planning Board to require the Applicant to meet their standards, he said. Ms. Terhune said that the Board is clear about wanting to reduce noise levels and the prohibition of a 24/7 operation and that it is up to the Applicant to determine whether this will be a profitable project, given those conditions.

Mr. Lockman revisited the issue of the front buffer along North Airmont Road and proposed access road and advised the Board to read the Section 195-87.3 A, particularly the last sentence:

In the LO-C District, a fifty-foot-wide landscaped buffer shall be maintained along the frontage of Montebello Road and North Airmont Road. Existing mature wooded growth shall be maintained and shall be supplemented with additional plantings to provide visual screening of the development, if necessary. The buffer area shall not be used for aboveground stormwater management features, buildings, parking areas, travel ways or parking aisles or maneuvering spaces. The buffer may only be crossed by access drives connecting the interior of the site to frontage roads. Member Ternquist said that Board made their conditions clear, nonetheless. Chairman Caridi said that the Applicant needs to decide if they wish to continue without the buffer encroachment and 24/7 operations.

Mr. Klein said that he will address the Board's decisions and forthright comments made here tonight with his engineers and client and will discuss possible modifications to the first concept plan. He then requested that the matter be added to the December agenda while they confer and will revisit the timeline of the application if necessary. Chairman Caridi agreed.

Mr. Klein said that he understood how important the issues of noise and truck traffic are to the Board but noted that the Applicant has gone to great lengths to mitigate these issues. He asked if the Board would reconsider such a finite decision if the Applicant can show further noise attenuation. Member Ternquist stood by his original decision against 24/7 operations. Chairman Caridi remained steadfast in his decision as well specifically because this large project is bound on one side by a residential zone and the other by an assisted living facility.

Mr. Klein said that he will hold further discussions with his team, produce the road agreement for Ms. Terhune and return to the Board in December.

Member Ternquist made a motion to adjourn the application to the December 14, 2021, Planning Board meeting, seconded by Member Levine and upon vote, all were in favor.

Member Ternquist made a motion to go into executive session to discuss comments on Local Law 4 to the Village Board of Trustees, seconded by Member Shipley. Upon vote, the motion passed unanimously. The Board reviewed a confidential memo from counsel and approved the content. The Planning Board attorney was instructed to send the memo to the Village Board of Trustees. Member Ternquist made a motion to end the executive session seconded by Member Shipley and upon vote all were in favor.

Member Ternquist made a motion to adjourn the meeting at 8:17 p.m. seconded by member Shipley and upon vote, all were in favor.