

The Planning Board of the Village of Montebello held a meeting on Tuesday, December 14, 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**

Member Ternquist made a motion to approve the November 9, 2021, Planning Board meeting minutes, seconded by Member Levine and upon vote all were in favor.

**CDRC Update**

Mr. Lockman gave a summary of the four applications that appeared before the November 30, 2021 CDRC meeting: 11 East Place for a tree remediation plan, MSC of Montebello for a Special Permit for a school of general instruction at 34 Montebello Road, Shoshana and Brian Stein of 5 Golden Road for a Wetlands and Stream Protection permit to construct a pool on their property, and Stonehedge Farms, a proposal of 22 duplex single-family homes at 220 Spook Rock Road which will appear before the Village Board of Trustees in January 2022 for their on-going petition for a zone change.

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

Application of Montebello Crossing, LLC, 100 Dutch Hill Road, Suite 340 Orangeburg, New York, for 250 Lafayette Avenue, Montebello, New York. The Applicant is proposing a mixed-use development consisting of a 132-unit, 200 bed assisted living facility, a 14,600 square foot pharmacy with drive-through, and a 10,000 square foot office building. The project will also consist of amending the site plan for Hemion Holdings shopping center to the east of the site. The property is located at 250 Lafayette Avenue, on the North side of Route 59, approximately 350 feet west of the intersection of Hemion Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.10, Block 1, Lot 2 in the R59 DD Zone.

Present for the Applicant was attorney Paul Baum who stated that all the deeds and easement legal descriptions have been reviewed by Ms. Terhune and Mr. Spence and that the Applicant, Howard Josephs, submitted a draft Letter of Credit for review. Engineer Joseph Nyitray said that they were still awaiting some “happiness” letters, notably from the Town of Ramapo Department of Public Works and the Rockland County Health Department. Other than that, they are very close to submitting the plat for the Chairman’s signature and filing it with the County. Mr. Baum added that they were currently at the mercy of these reviewing agencies.

After a short deliberation, Member Ternquist made a motion to extend the final conditional subdivision approval, seconded by Member Shipley. Upon vote the motion passed unanimously.

**Resolution PB 05 of 2021**  
**Village of Montebello Planning Board**  
**Granting 90-Day Extension of Final Subdivision Approval to**  
**Montebello Crossing**  
**SBL 55.1-1-2**

**WHEREAS**, on March 9, 2021, after a duly noticed public hearing and compliance with SEQRA, the Village of Montebello Planning Board granted conditional preliminary and final subdivision approval (“Approval”) to Montebello Crossing, LLC (“Applicant”), owners of the property located on the north side of Route 59 approximately 500 feet west of the intersection of Hemion Road within the Route 59 Development District (“R59-DD”), identified on the Tax Map as Section 55.1, Block 1, Lot 2; and

**WHEREAS**, pursuant to the Village of Montebello Subdivision Regulations, § 163-12D, a conditional approval of a final subdivision approval expires 180 days after the date of the resolution granting conditional approval unless the conditions set forth in the approval have been completed; and

**WHEREAS**, the conditions of the Approval have not been met and, therefore, the Chairman of the Planning Board is not authorized to sign the subdivision plat; and

**WHEREAS**, Section 163-12D of the Village of Montebello Subdivision Regulations authorize the Planning Board, upon written request of the applicant, may extend the time of conditional approval for two additional periods of 90 days each, if in its opinion, such extension is warranted by the particular circumstances thereof; and

**WHEREAS**, the Applicant appeared before the Planning Board on August 10, 2021, and requested a 90-day extension of the Conditional Final Subdivision Approval in order to complete conditions of the approval; and

**WHEREAS**, the Planning Board extended the Conditional Final Subdivision Approval for a period of 90 days from September 5, 2021, to December 4, 2021, or as soon thereafter as the Planning Board meets; and

**WHEREAS**, the Applicant appeared before the Planning Board on December 14, 2021, and requested a second 90-day extension of the Conditional Final Subdivision Approval in order to complete conditions of the approval.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby finds and determines that the Applicant has stated reasonable grounds for requesting an extension of the Approval and hereby grants a second, final, 90-day extension to March 14, 2022, or as soon thereafter as the Planning Board meets, Montebello Crossing, LLC (“Applicant”), owners of the property located on the north side of Route 59 approximately 500 feet west of the intersection of Hemion Road within the Route 59 Development District (“R59-DD”), identified on the Tax Map as Section 55.1, Block 1, Lot 2.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be provided to the Applicant.

**MOTION:** Member Ternquist

**SECOND:** Member Shipley

<b><u>MEMBERS PRESENT:</u></b>	<b><u>YEA</u></b>	<b><u>NAY</u></b>	<b><u>ABSENT</u></b>
Anthony Caridi, Chairman	-√-	—	—
Stan Shipley, Member	-√-	—	—
Thomas Ternquist, Member	-√-	—	—
David Levine, Member	-√-	—	—
Howard Hochberg, Member	-√-	—	—

**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’s engineers Ramya Ramanathan and John Atzl of Atzl, Nasher & Zigler, PC, and the applicant Howard Hellman.

Mr. Atzl said the Application was last before the board in September and that they have returned with revisions in response to all comments received from the Board and the consultants. New York State DEC issued a permit to remove the dams just a few days prior to the meeting, which was the one item needed to allow this project to move forward, he said. Also submitted were sign details, renderings, color, texture and material samples for Architectural Review.

Mr. Spence’s summarized his review dated December 9, 2021 which was released shortly before the DEC permit was issued. He explained that most items in his memo can be easily addressed either now or through the check-print process and that the DEC Permit conditions should be made part of the final plans themselves so that they can be easily identified out in the field. Chairman Caridi and Ms. Terhune clarified that the conditions are to be printed as notes on the site plans and Mr. Spence agreed.

Mr. Lockman summarized his memo dated December 10, 2021, in which there were very few remaining planning issues, and just some key ARB items such as the color and texture choices for the stucco and the materials for the façade of the pedestrian bridge. Mr. Lockman noted that the Board overrode comments 18 and 20 of the GML review dated March 4 ,2021 at the previous meeting, and that SEQR was closed and a Neg Dec was issued.

Ms. Terhune asked for clarification of the pedestrian bridge façade. Mr. Spence said the details in the submission should be changed to show the stone façade, the black box railings and stone pier caps. Ms.

Terhune said it will be noted in the approval resolution and that Mr. Spence should make sure that details are in the final check print.

Discussion turned to the architectural details of the building. Ms. Ramanathan showed the color and texture chosen for the stucco, the path and Ramanathan the foot bridge. Chairman Caridi asked for further clarification on the bridge and how it will look as compared to the Montebello Road bridge. After further discussion Mr. Lockman recommended that Ms. Terhune list those components as reviewed by the Historic Preservation and Parks Commission (HPPC) in the resolution. Ms. Terhune agreed but noted that the HPPC was only interested in not having an all-metal bridge, and that they attached a photo of the Montebello Road bridge to their approval. She added that she was comfortable with Mr. Lockman and Mr. Spence ensuring that the bridge realizes the HPPC's intent.

Chairman Caridi suggested that the ARB approval be included in the final Site Plan approval and asked if the Board understood and was satisfied with all engineering and architectural elements as reviewed over the whole planning process. No one having any questions or comments, Ms. Terhune explained that if the Board was ready to either approve or deny the application, they must first close the public hearing and direct her to draft the resolution for acceptance at the following meeting. Chairman Caridi agreed that the Board should delay an approval until a thoughtful and thorough draft resolution was crafted and reviewed.

Member Ternquist made a motion to close the public hearing seconded by Member Levine. Upon vote, the motion passed unanimously.

Member Levine made a motion to direct Ms. Terhune to draft a resolution of Planning Board and Architectural Review Board approval to be reviewed at the January 2022 Planning Board meeting. Member Shipley seconded the motion and upon vote, all were in favor.

Mr. Atzl thanked the Board and consultants for their patience and hard work. Chairman Caridi said that it had been a long and progressive process and applauded everyone involved for their cooperation and thoughtful input.

Member Ternquist made a motion to adjourn the Application to the January 11, 2022 Planning Board meeting, seconded by Member Shipley and 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 Joseph Brachfeld of ACG Acquisitions LLC, his attorney Michael Klein, Engineers Brian Brooker and Joseph Nyitray of Brooker Engineering, PLLC, and Sound Engineer Mike Bontje.

Mr. Klein stated that they last appeared before the Board on November 9, 2021 during which it became apparent that a new concept would need to be presented. Mr. Klein noted this new Concept "C" proposes two buildings, one a warehouse with office space, and the other a self-storage building. The Plan is smaller, conforms to zoning and requires no variances, he said.

Mr. Nyitray presented the new plan, noting that the additional driveway was eliminated, and all trucks and traffic must enter at Rella Boulevard with some slight modifications to the intersection to allow trucks to make a right turn without swinging into the middle lane. There will be no modifications to the median on Rella Boulevard, he added.

Mr. Nyitray noted that the new plan is now under the maximum development coverage (50%) at 49.5%. The proposed warehouse is 224,000 square feet, 6000 of which will be office space, and the self-storage facility will be four-stories with a 34,500 square foot footprint. Parking remains at the front of the warehouse adjacent to the circular turnaround, and the 26 loading docks have been moved to the northwest side of the building. Trucks will enter and proceed to the loading docks the same way they will exit. The front setback conforms to code, and nothing will encroach into the front buffer, which will be fully landscaped, he added.

Sound engineer Mr. Bontje said that they did not run any numbers before seeing the Board's reaction to this latest concept but noted a general improvement in noise mitigation. The loading bays are located to the west side of the building, allowing the building itself to act as a sound wall, and the setbacks will be further away from the residential zones. Mr. Bontje anticipated that three quarters of the sound wall can therefore be eliminated along the east, while the sound wall on the north section will remain, although the silencing mats will no longer be necessary. Twenty-four/seven operations have been eliminated and will take place during standard hours, and the entrance has been relocated so it no longer traverses the median across from the assisted living facility.

Chairman Caridi said he was very pleased that the variances were eliminated and asked if there was ample truck-turning room. Mr. Nyitray said the truck turning analysis works. Member Shipley said there should be dedicated parking for those entering the self-storage facility and stated his concerns about the 16-hour operational days, noting that the 6 a.m. start time is a bit early. Mr. Ternquist noted another storage facility in the Village that allows people to drive up to the storage bay but agreed it could pose an issue if people had to cross the driveway on foot. Mr. Lockman recommended a crosswalk and Mr. Nyitray was amenable to the idea.

Mr. Lockman summarized his memo dated December 10, 2021, in which he described the advantages and disadvantages of the new layout, and said he was impressed with the new design in that they added floor area without requiring any variances. He noted that the concept does not show a second egress drive, and the cul-de-sac to the right of the parking lot touches up against the exiting roundabout and is still within 300 feet of the residential zone, which could still trigger the need for a variance. He suggested that circle could instead be used as a gated emergency vehicle-only access to avoid that pitfall. He then wondered if there would be enough room for eastbound trucks to make a left-hand turn onto Rella Boulevard while other trucks exit at the same time. He noted too that there is no fire lane on the east side of the building, but he deferred to Mr. Spence on such matters.

Mr. Spence agreed with Mr. Lockman regarding emergency access and said that point was made in his own memo dated December 14, 2021. He said that the rest of his review comments are in line with his previous engineering review and added that the assisted living facility footprint should be added to the plans.

Mr. Lockman asked if the self-storage building would operate independently from the warehouse. Mr. Brachfeld said that it is intended to be a separate operation, and that they will analyze the exact parking requirements needed. Mr. Lockman said that they were only .5% away from maximum development coverage reminded everyone that the Planning Board can waive 25% of the required parking. If the warehouse needs less parking, the Applicant can ask for the waiver and keep the coverage down, he said.

Member Shipley was pleased that the whole project was reduced in scale but asked if the self-storage building can be less than four-stories. Mr. Brachfeld said it is possible the first floor will be below grade, but he won't know until the grading design is complete. The zoning allows a maximum of 50 feet in height, he added.

Ms. Terhune said she wanted to discuss the language and definition in the code that would allow both wholesale [warehouse/distribution] and retail [self-storage] uses in the LO-C zone with the Building Inspector and have him issue an official determination letter. Mr. Lockman said the code was written broadly to include self-storage. After some discussion, they agreed it seems that both uses are allowed but that the final determination should come from the Building Inspector. Regarding the hours of operation, Ms. Terhune noted that self-storage is often available 24-hours. Mr. Lockman said that that use has limited noise-generating outdoor activities. Both agreed that this point, too, needed clarification.

Mr. Klein asked that they keep an open mind regarding hours of operation until the sound engineer conducts another sound study, after which the Board can make more informed decisions. The hours were cut back by a third, but we understand the Board's concern about truck noise, and we don't know who will be using the facility at this time, he said. Any additional guidance on design impacts and general impressions from the Board would be helpful. If another emergency access road will be proposed through the circle as mentioned earlier, we will need to have further discussions with Mr. Picarello and Ms. Terhune regarding potential variances.

Mr. Lockman said that they could all agree that self-storage warehouses are fairly quiet places. Chairman Caridi recommended that the Board members pay a visit to The Storage Post on Dunnigan Drive, which was thoughtfully designed and quiet, even though it backs up to a warehouse (Manhattan Beer) and advised Mr. Klein and Mr. Brachfeld to use that facility as a guide.

Member Shipley asked if the property owner would operate the self-storage facility, or if they would be leasing it, but Mr. Brachfeld did not yet know. Ms. Terhune said that they should determine who will maintain the access driveways in any case. Mr. Klein said they will have an internal discussion and develop the plan as they go.

Chairman Caridi asked if anyone had issues with this new concept. No one had any issues, and all agreed the plan was very much improved. After a brief discussion the Board decided to wait until Concept "C" was more developed before setting the public hearing.

Member Ternquist made a motion to adjourn the application to the January 11, 2022, Planning Board meeting, seconded by Member Shipley and upon vote, all were in favor.

**Margery Rosenberg—Tree Remediation Plan  
11 East Place, Montebello, NY**

Application of Margery & Lloyd Rosenberg for a tree remediation plan on their property at 11 East Place, Montebello to replace eleven trees that were removed without the required permit. The property is situated on the east side of East Place, distant 685 feet from the intersection of Mayer Drive in the Village of Montebello and designated on the Ramapo tax map as Section 48.15, Block 2, Lot 43 in the R-35 Zone.

Present were the applicant Mr. Lloyd Rosenberg and his attorney Charles Sarlo who explained that the application for a tree removal permit was filed post-removal of eleven trees without the required permit.

Mr. Sarlo ran through the hierarchy of activities following the issuance of the appearance ticket noting their appearance at the November 30<sup>th</sup> CDRC during which Mr. Rosenberg sincerely apologized for the transgression and explained that he had no idea he needed a permit. As noted in Mr. Spence's memo dated November 27, 2021, only the dead and dying trees were selectively removed and that the property was not clear-cut. Mr. Rosenberg merely sought to clean up the property, he added.

In terms of the application, he continued, this Board has jurisdiction over determining the compensation amount in addition to the six replacement trees to be planted. According to the Village's tree laws, Mr. Rosenberg is allowed to remove three trees as of right, he said, so these are some numbers with which to begin the negotiations.

Mr. Sarlo said that though Mr. Rosenberg did not obtain a permit to remove the trees, his actions were consistent with the intent of Sec. 176 of the Village Code in that he was maintaining the aesthetic value of the neighborhood.

Chairman Caridi said the issue for this Board is to determine the compensatory amount as well as the tree remediation plan. We are all homeowners in this Village and bound by the same codes whether we are aware of all the rules or not, he said, and added that he believed Mr. Rosenberg's intent was innocent. Nonetheless, a permit to cut down a tree in this Village is required by the code.

Mr. Spence summarized his memo dated November 27, 2021, which was reviewed at the November CDRC. Based on lot area, they were permitted three trees to be removed as of right. The Applicant is proposing a plan of six Norway Spruces and offering payment into the tree fund. That amount is up to the Board's discretion. Mr. Spence said he thought the calculations were excessive for reasons cited by Mr. Sarlo and recommended the Board review a combination of the plantings and a lower payment.

Chairman Caridi wondered why the trees needed to be replaced at all given they were already dead and/or dying. Mr. Spence said the Applicant is offering a mitigation of the loss by planting replacement trees along the rear property line to supplement the existing trees. The Board will discuss and decide the payment to the Village tree fund but should take him up on the planting offer.

Chairman Caridi wanted to ensure that the plantings were done in the spirit of Mr. Spence's directives in his memo, in that they should be planted in a cluster at the rear property line. Mr. Spence said he would go out to Mr. Rosenberg's property and spray paint the area where the trees should be planted.

Chairman Caridi asked Mr. Rosenberg if he was amenable to this solution. Mr. Rosenberg said that he was eager to reconcile his mistake in the most amicable way. Chairman Caridi instructed Mr. Spence to go to the property to mark the location and recommended that the Board would forego any monetary payment. No one on the Board disagreed.

Chairman Caridi said that Mr. Rosenberg should return after the replacement planting is complete and the Board receives a report from Mr. Spence.

Member Ternquist made a motion to adjourn the Application to the January 11, 2022, Planning Board meeting, seconded by Member Shipley and upon vote, all were in favor.

**New Business**

Chairman Caridi established that the January 2022 meeting can take place on Zoom according to the New York State public meetings mandate.

Member Ternquist made a motion to adjourn the meeting at 9:07 p.m. seconded by Member Shipley and upon vote, all were in favor.