

The Planning Board of the Village of Montebello held a meeting on Tuesday, January 11, 2022, 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
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
Bryon Rose, Asst. Village Engineer
Regina Rivera, Planning/Zoning Clerk

ABSENT

Howard Hochberg, Member
Martin Spence, Village Engineer

Meeting Minutes Approval

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

December 29, 2021 CDRC Update

Mr. Lockman summarized the meeting applications: Rabbi S. Gancz wishes to establish a residential house of worship at 56 Mayer Drive. The Application is not ready for Planning Board. Brian & Shoshana Stein of 5 Golden Road have applied for a Stream and Wetlands Protection Permit for a pool that will be within 50 feet of the wetlands on their property. This application will proceed to the February 8, 2022 Planning Board 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 has requested an adjournment to the next available meeting. Member Ternquist Made a motion to adjourn the application to the February 8, 2022 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’s engineers John Atzl and Ramya Ramanathan of Atzl, Nasher & Zigler, PC, and the Applicant Howard Hellman. Chairman Caridi noted that the public hearing was closed at the previous meeting and that the Board will review and vote on the draft resolution entitled “Resolution PB01 of 2022 Granting Final Conditional Special Permit and Site Plan Approval to 84 Viola Road, LLC Community Place of Worship” which he then read into the record.

Upon completion of the reading of the draft resolution, the Chairman said he wanted to be sure that all conditions were clear and asked if the conditional notes could be added to the site plan. Ms. Terhune suggested that the entire resolution be reproduced as a separate page to the site plan, and Chairman Caridi and the rest of the Board were in favor of that solution. Ms. Terhune said she would add a condition to the resolution to that effect.

Chairman Caridi congratulated all who were involved in this complicated and lengthy process that was conducted with integrity and professionalism. He thanked the Planner, Engineer, and Counsel for their clarity and for keeping the application on the straight and narrow, the Applicant and his professional team for their patience and cooperation, and the public at large for their participation, whether they were for or against the project. All community members who voiced their opinions were instrumental in helping to shape this project into what it is today, he said.

Chairman Caridi asked the Assistant Village Engineer if he will require the Applicant to present a formal construction sequencing plan. Mr. Rose suggested that Mr. Atzl should present a preliminary plan at their pre-construction meeting that will show how traffic issues and the like will be mitigated. Mr. Atzl agreed to include a construction phasing plan with his check print submittal.

Ms. Terhune said that a site plan approval, as per the Village Code, expires within 18 months if a building permit has not been issued and that she did not find any provisions that allow an extension as is the case for subdivisions. A project of this scope may need more than 18 months, she said. Mr. Lockman agreed with Ms. Terhune in that there is nothing in the code that allows the Board to modify the approval or grant an extension. But an Applicant merely needs to obtain a building permit within that time frame, and once it’s issued, they can apply for permit extensions if needed, he said.

Ms. Terhune said she wanted to be sure that everyone understands there is a time limit on the approval. The Applicant and his team said they were all comfortable with this knowledge. No one having any more questions or comments, Chairman Caridi read the resolution into the record.

Member Levine made a motion to approve the resolution granting final conditional special permit and site plan approval to 84 Viola Road LLC for a community place of worship, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Resolution PB01 of 2022
Village of Montebello Planning Board
Granting Final Conditional Special Permit and Site Plan Approval
To 84 Viola Road, LLC Community Place of Worship
Section 49.05, Block 1, Lot 17

The property location, site, zoning district. The subject property is located at 84 Viola Road in the Village of Montebello, New York, identified on the Town of Ramapo Tax Map as SBL 49.05-1-17. The property is in the Rural Residential District (“RR-50”) zoning district, with a

portion of the site fronting Viola Road that is also within the Historic and Scenic Road Overlay District.

The project and use. The Applicant, 84 Viola Road, LLC, seeks approval to construct a two-story 28,800 square-foot Community Place of Worship with a 144-space parking lot (the “Project”). The main sanctuary is on the upper level. Maximum seating capacity is 422. The lower level has a maximum seating capacity of 510 and is proposed as a “multi-purpose” room. The Planning Board’s parking calculations, environmental review relied upon the Applicant’s affirmative representation that the multi-purpose room is ancillary to the sanctuary and will not be in use at the same time as the sanctuary. Thus, this Approval is conditioned on the two floors will not be occupied for their intended use at the same time. Other uses within the building include a minyan room, mikvah, kitchen, classrooms, restrooms, utility and storage space. The Project also proposed the removal of a dam on the property, which was determined to have deteriorated and was no longer functioning as designed.

The Johnson Farmhouse. The Johnson Farmhouse is deemed historic pursuant to Montebello Zoning Law § 195-60 and shall be preserved as affirmatively stated by the Applicant and as shown on the approved site plan.

The Montebello Zoning Law applied to the project. The subject property consists of a single 10.13-acre lot with 7.93 net developable acres and, therefore, meets the RR-50 minimum lot area requirement of 50,000 square feet. Community Places of Worship are allowed in the RR-50 zoning district subject to a special permit issued by the Planning Board. The Planning Board was required to, and did, evaluate the Project pursuant to the guidelines contained in Village of Montebello Zoning Law § 195-79.3.

In addition to Planning Board approval, because a portion of the property lies within the Historic and Scenic Road Overlay District, the Project requires a Certificate of Appropriateness issued by the Historic Preservation and Parks Commission (“HPPC”). The HPPC was required to, and did, evaluate the Project pursuant to the guidelines contained in Village of Montebello Zoning Law § 195-60.

The application. On or about July 13, 2016, 84 Viola Road, LLC (the “Applicant”) submitted a concept plan for a 45,000 square foot place of worship, which application was reviewed at by the Village Community Development Review Committee (“CDRC”), acting in its capacity as advisory panel to the Planning Board.¹ A revised application was submitted on or about April 5, 2017, during the pendency of a moratorium on application approvals imposed by the Board of Trustees for the purpose of amending the Comprehensive Plan and zoning law. Notwithstanding the moratorium, the CDRC informally commented on the April 2017 application and apprised the Applicant of proposed modifications to the zoning law in conformance with recommendations included in the amended Comprehensive Plan.

¹ “The CDRC shall review the technical aspects of all Planning Board applications prior to the applicant's first appearance before the Planning Board, to ensure that the application is substantially complete for consideration by the Planning Board. The intent of the CDRC is to streamline the application process by identifying technical or completeness issues early in the process, and to minimize the number of iterative appearances before the Planning Board.” Village of Montebello Zoning Law 195-61A.

Subsequently, the Applicant submitted multiple revised applications to the CDRC on or about October 18, 2017, December 12, 2017, February 8, 2018, September 13, 2018, October 18, 2018, November 14, 2018, and March 11, 2019, in an effort to submit a complete application to the Planning Board in conformance with the zoning law. The October 2017 submission reduced the square footage of the Community Place of Worship from 45,000 to 31,250. The March 2019 revised application, which further reduced the square footage of the Community Place of Worship to 28,800, was placed on the April 9, 2019, Planning Board agenda.

In response to Planning Board comments related to health, safety, and/or environmental impacts and comments related to their area of expertise from involved and interested agencies, the Applicant revised the application multiple times. In accordance with the New York State Environmental Review Act ("SEQRA"), environmental assessments, including, among others, wetlands, stormwater management, pedestrian safety, and traffic impact studies, were also provided by the Applicant and revised from time to time in response to comments from the Planning Board. In addition to formal appearances by the Applicant before the Planning Board, the Board also held two workshops to address environmental issues and conducted two site visits to the property.

Agency review. As required by SEQRA, the application was duly referred to all involved and interested agencies, including: Rockland County Sewer District No. 1, Rockland County Drainage Agency, Ramapo Department of Public Works, Rockland County Center for Environmental Health, and the Tallman Fire Department. Multiple letters were received from these agencies and their concerns were addressed by the Applicant via modifications to the site plan.

The Application was also reviewed by the New York State Historic Preservation Office ("SHPO"), the New York State Department of Environmental Conservation ("DEC"), and the Army Corp of Engineers ("ACOE"). By letter dated January 12, 2021, SHPO identified two previously recorded archaeological sites: The Johnson Farmhouse and the historic outbuilding foundation of the W. Johnson House, but concluded that neither site is eligible for listing on the State or National Register. On July 28, 2020, the ACOE issued a nationwide permit for the removal of the dam. On December 9, 2021, the DEC issued final approval permitting for the dam on the property to be removed and proposed stream alteration/bridge crossing work to be done.

General Municipal Law § 239-m referral. The application was referred to the Rockland County Department of Planning ("RCDP") pursuant to General Municipal Law § 239-m. RCDP issued responsive letters dated October 17, 2018, April 17, 2019, and March 4, 2021. The Board required the Applicant to comply with all RCDP recommendations with the exception of number 18 and number 20 contained in the March 4, 2021, letter. Those recommendations called for the extension of Emerald Lane into the site and a redesign of the parking lot respectively. Recommendations 18 and 20 were overridden by unanimous vote of the Planning Board on October 12, 2021, subsequent to the conclusion of SEQRA.

Certificate of Appropriateness. On September 8, 2021, the Village of Montebello Historic Preservation Commission ("HPPC") granted a Certificate of Appropriateness for the Project. The HPPC approval is incorporated by reference and made a part of this Approval as fully set forth herein.

State Environmental Quality Review Act (SEQRA). After reviewing Part 1 of the Full Environmental Assessment Form (“FEAF”) dated December 11, 2017, revised September 11, 2018 and March 11, 2019, the Planning Board determined the Project was Type I Action pursuant to the Regulations implementing the New York State Environmental Quality Review Act (“SEQRA”), declared its intent to be Lead Agency, and conducted a coordinated review. On May 11, 2021, the Planning Board adopted the FEAF Parts II and III and issued a Negative Declaration closing SEQRA. The SEQRA Negative Declaration is incorporated by reference and made a part of this Approval as if fully set forth herein.

Public hearing. A duly noticed public hearing was convened on October 9, 2018,² and adjourned to all subsequent meetings at which the Applicant appeared on the agenda, during which time the Board heard testimony from the Applicant and all those wishing to address the Board on the matter. After hearing all those who wished to speak, and considering all comments from the public, the hearing was closed on December 14, 2021.

Decision. The Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law as applied to the Project; presented the application to the public for comment and considered all relevant public input; referred the application to all interested and involved agencies and acted upon said agency comments; gave serious and careful thought to the advice of its consulting engineer and planner as regards all materials submitted by the Applicant and relied upon determinations made by the Village Building Inspector. After close attention to the application, the Planning Board finds that the Project meets the Village of Montebello Zoning Law in general, as well as the specific special permit standards pertaining to Community Places of Worship.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby grants final conditional special permit and site plan approval to the property located at Town of Ramapo Tax Map as SBL 49.05-1-17 for the construction of a Community Place of Worship, as shown on:

1. Plan Set, 14 sheets, prepared by Atzl, Nasher & Zigler PC, stamped by Ryan Nasher, P.E. and John Atzl, P.E., with latest revision date of 11-12-2021.
 - 1 – Site Plan
 - 2 – Existing Site
 - 3 – Grading Plan
 - 4 & 5 – Details (2 sheets)
 - 6 – Viola Road Footpath and Bridge Details
 - 7 – Soil Erosion & Sediment Control Plan
 - 8 - Soil Erosion & Sediment Control Details
 - 9 – Fire Truck Turning Plan
 - 10 & 11 – Cross Section & Profiles (2 sheets)
 - 12 – Tree Plan
 - 13 – Lighting Plan
 - 14 – Planting Plan, by Daniel Sherman LA, with latest revision date 9-16-2021

² The Applicant was scheduled to appear before the Planning Board on October 9, 2018, but requested adjournments until April 9, 2019.

2. Parking and Pedestrian Management Plan (PPMP), by Ramya Ramanathan, AICP, Planning Analyst, Atzl, Nasher & Zigler P.C., dated April 5, 2021, with the following exhibits:
 - Exhibit A: Parking Agreement with Rockland Community College
 - Exhibit B: Street Sign Plan prepared by Atzl, Nasher & Zigler PC, dated August 12, 2020, as revised 04-05-2021.
 - Exhibit C: Synagogue Usage Schedule.
 - Exhibit D: Pedestrian Analysis – Maser Consulting P.A. Memo, dated August 13, 2020.
3. Bound Booklet, entitled “Approved Certificate of Appropriateness Submission for Planning Board Review,” dated September 15, 2021, with the following tabs:
 - a. Narrative, revised July 1, 2021
 - b. Chosen materials for footbridge and walkway
 - c. Building Facade and Texture Options
 - d. Visual Simulations and Panorama
 - e. Revised Architectural Elevations and Floorplans

BE IT FURTHER RESOLVED that the Planning Board grants architectural review approval subject to the use of “Finestone Natural” color for stucco on the structure with a “Finetex Finish”; dressed field stone for the footbridge piers; pavers for footpad; cocoa (natural park service brown) on the exposed metal part of bridge (the railings) clad with cultured stone. The Pedestrian Bridge should resemble Montebello Road Bridge to the maximum extent practicable.

BE IT FURTHER RESOLVED that this final conditional special permit and site plan approval is granted subject to the following conditions:

1. Full compliance with the Certificate of Appropriateness issued by the HPPC. Details on the culvert bridge shall be added to the plan set showing compliance with the HPPC Certificate.
2. Full compliance with DEC and ACOE permits.
3. Full compliance with the Parking and Pedestrian Management Plan.
4. Adherence to all environmental representations, studies and technical analysis presented to the Planning Board as mitigation for identified impacts during the Board’s SEQRA review. The Negative Declaration and this Approval is predicated on the Planning Board’s reliance on said mitigation as presented by the Applicant.
5. Adherence to all representations of use presented on the Record by the Applicant to the Planning Board during its review. Said representations were relied upon by the Board and adherence thereto is a condition of this approval.
6. Full compliance with all of the Rockland County Planning Department recommendations and conditions as stated in its memorandum dated March 4, 2021, excepting recommendations 18 and 20, which were expressly and duly overridden by the Planning Board.
7. The Applicant shall comply with any outstanding technical comments noted in the memorandum of Martin K. Spence, P.E., Village Engineer, dated December 9, 2021.

8. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.
9. Reproduction of this Resolution of Approval on a separate sheet of the site plan to be incorporated into the site plan set.

BE IT FURTHER RESOLVED that pursuant to Village of Montebello Zoning Law § 195-53 and § 195-71F this final conditional special permit and site plan approval shall expire 18 months from the date of this approval unless an application for a building permit has been filed.

MOTION: Member Levine

SECOND: Member Shipley

MEMBERS PRESENT:

Anthony Caridi, Chairman
 Thomas Ternquist, Member
 Stan Shipley, Member
 David Levine, Member
 Marlo Dickman, Ad-Hoc Member

YEA or NAY

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**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. Mr. Sarlo noted that he and his client were before the Board previously and that there was a pause to allow the Village Engineer to perform a site visit and approve an appropriate tree planting plan. We agree with his comments and with procedure as outlined by the Village Engineer, he added.

Chairman Caridi asked if the plan submitted was sufficient or if Mr. Spence and Mr. Rose would require a formal landscaping plan. Mr. Rose said the plan is sufficient and that they are requiring the Applicant to mark the planting area to avoid any confusion and said they would guide them if they needed further assistance.

Chairman Caridi asked if they are requiring the application to plant the trees on berms. Mr. Spence explained that the six Norway spruces will be planted in two clusters on a very light berm in mulched areas by the property line to provide screening from the neighbors and in areas where there is more sunlight. This is an equitable solution on which the Board may vote, he said.

Chairman Caridi, noting that the code requires the Board to decide on a compensatory payment, asked if the tree remediation was a sufficient solution. Mr. Spence said that adding the trees to the landscape and providing

screening to adjacent properties is a good solution, something the Applicant would not have done had he applied for a tree permit, and that he felt the Board may act upon this type of compensation alone. There should be a time frame in which the plantings should be completed in the spring, and then a close-out letter can be submitted to the Board for review, he added.

No one having further comments or questions, Chairman Caridi proposed to the Board that they approve the planting plan with no monetary penalty and the Board agreed. Chairman Caridi asked if a resolution was necessary. Ms. Terhune said that the Board is granting a retroactive tree permit, and that the minutes and Mr. Spence's memoranda are sufficient.

Member Ternquist made a motion to grant an approval for the planting schematic as accepted by the Village Engineer, seconded by Member Shipley. Upon vote, the motion passed unanimously.

**Ozark Realty—ARB approval for a sign plan
7-9 Hemion Road, Montebello, NY**

Application of Ozark Realty, 7-9 Hemion Road, Montebello New York for Architectural Review Board approval for a revision to an existing sign on the property. The parcel is located on the west side of Hemion Road, 200 feet approximately from the intersection of Route 59 in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.10 Block 1 Lot 4 in the NS Zone

Chairman Caridi noted that this is an Architectural Review Board application and that no public hearing is required.

Present were the Applicants Nathan Schwab and Abe Schwab the owners of the building. Chairman Caridi established that the monument sign currently on the property at Hemion Road meets the current Village ARB requirements and asked if they were changing both the dimension and color of the sign. Mr. N. Schwab said that this process began with the existing tenant, John LaVella, who wishes to add the corporate-branded red State Farm plaque to the sign. He explained that since they were going to the Board already, they decided to seek approval to alter the sign to include the address of the new building and to change the color to blue which they prefer over green. The sign location will not change, nor will the size, but the address will read 7-9 Hemion Road and there will be an extra space within the dimensional requirements for the State Farm sign, he added.

Chairman Caridi said the current colors, forest green with yellow letters, is more in tune with the village, and that he has issues with the State Farm red because the tenant signs should be uniform. Mr. N. Schwab said that it is the national branded color and there is no allowance for any deviation. Chairman Caridi disagreed and offered The Storage Post as an example, stating that the Village compelled them to mitigate their branded loud neon green color in keeping with the Village's muted color standards. Mr. Lockman said that national firms are often rigid but will budge a bit when prodded and asking for a more subdued red would be an alternative to denying the application.

Mr. N. Schwab said he could not speak on behalf of the tenant but that he would prefer to get the branded color approved because he wanted to avoid a back-and-forth with his tenant and this Board. Member Ternquist noted that the State Farm plaque hung on the sign for a while and that it really stood out. Mr. N. Schwab said that the tenant hung the plaque but took it down when advised he needed the Village's permission.

Mr. Lockman shared his screen showing a brick-like satin colonial red and Chairman Caridi suggested that the Applicants tell their tenant that this is the only color red that they ARB will accept. Mr. A. Schwab said he would try to convince his tenant.

No other Board Member shared an affinity for the proposed blue color and felt that the yellow lettering upon the blue looked too busy, and Member Ternquist said they were seeking uniformity. Member Shipley suggested the green sign with a colonial red State Farm sign and white lettering. Mr. N. Schwab disagreed and said the blue would look nicer and would be a better match for his company's culture and aesthetic, but promised to convince State Farm to go for the subtler red. He then asked the Board for a directive to head off more fruitless discussions. Mr. Lockman said the Applicant could increase the chances of receiving an approval at the next meeting by submitting several versions of the sign from which the Board could choose. He then pulled up Google images of various re-designed State Farm signs to illustrate that national companies will and often do bend their branding rules, State Farm included.

The Applicants said they would return to the Board with more options.

Member Ternquist made a motion to adjourn the application to the next meeting, seconded by Member Shipley and upon vote, all were in favor.

New Business

Mr. Lockman said that the option to hold public meetings remotely have been extended by New York State. Chairman Caridi said therefore the Planning Board will continue to meet remotely until the state removes that decree.

Member Ternquist made a motion to adjourn the meeting at 8:35 p.m. seconded by Member Shipley. Upon vote, all were in favor.