

The Planning Board of the Village of Montebello held a meeting on Tuesday, February 8, 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
Howard Hochberg, 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 January 11, 2022, Planning Board meeting minutes, seconded by Member Shipley and upon vote all were in favor.

January 25, 2022, CDRC Review

Stonehedge Heights/Marsel Amona applied to the Village Board for a zone change to allow a new version of the subdivision known as Stonehedge Farms at 220 Spook Rock Road, proposing 22 duplex homes. They may return to the Village Board in March but it will be another three or four months before the application could advance to the Planning Board.

MSC of Montebello, the entity that took over the former Montebello Jewish center, is applying for a Special Permit to operate a school of general instruction.

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 224,500 square foot warehouse with 6,000 square feet of office space, and a separate four-story 34,560 square foot retail self-storage building 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, Traffic Engineer Ron Reiman, Architect Jason Anderson and Sound Engineer Mike Bontje.

Mr. Klein recapped the project, stating that they returned to the Board in December with a dramatically revised conceptual plan for a now smaller warehouse and a separate four-story retail self-storage building. The warehouse building is now 224,500 square feet with 6,000 square feet of office space, and the self-storage building is 34,560 square feet to be located closest to Airmont road. Truck access will be from Rella Boulevard only and there are no variances required, he said.

Engineer Mr. Nyitray shared the site plan with a latest revised date of January 13, 2022, noting that, as requested at the last meeting, the parking has been broken out into two areas, with 117 spaces for the warehouse and eight spaces for the self-storage building. The alteration of the intersection of Rella Boulevard with North Airmont road will allow trucks to turn right onto Rella Boulevard without swinging into the middle lane. Referring to the truck-turning diagram, he noted that trucks entering and exiting Rella Boulevard can easily make a left turn into the parking lot as well. At the opposite end of Rella Boulevard, the existing curb cut will be for emergency access only, the gate will be properly posted as such, and a fire-access road and two drive-in docks are proposed for the rear of the building as per the letter from Tallman Fire Department dated January 18, 2022 (copy on file). A detention basin at the southwest corner meets the 0-net runoff requirement. Mr. Nyitray said they added a sound wall to the northeast corner of the site, and, along with an extended warehouse wall along the north side by the loading docks, sound will be properly mitigated without any extra sound-absorbing materials.

Sound Engineer Mike Bonje said the redesign is better for sound attenuation because the truck bays are now on the western side so the building itself acts as a substantial noise barrier to the east and north. Recent sound re-analysis was performed that took daytime sound samples at [assisted living facility] The Sentinel and on the northwest corner if the property post-pandemic. The mid-day ambient noise levels have increased from 48 to 53 decibels at the southeast corner, and from the residential corner near Montebello Commons and Polo Court to about fifty decibels. Closest to the New York State Thruway at the Sentinel, he continued, the levels are up to the low 60's, and aside from the building itself being a sound wall, the northwestern walls have been extended to the truck bays and the northwest corner wall was raised to 12 feet, negating any need for sound attenuation padding, although there will still be padding around the loading docks.

Mr. Bonje said the results of the analysis show that there will be minimal sound increase in terms of midday ambient levels, and therefore there will be less impact during the hours of operation. The office space will operate 9:00 a.m. to 5:00 p.m. Monday through Friday and the self-storage building will have minimal impact on sound levels. The Driveway between the two buildings occurs before the Sentinel so trucks will not drive past, he added.

Chairman Caridi asked Village Engineer Martin Spence if he agreed with Mr. Bonje's analysis. Mr. Spence said he did for the most part but asked Mr. Nyitray to show all the other perimeter buildings and the distances of the warehouses to The Sentinel. Overall, the truck ingress is much better, he said, and asked what types of vehicles will use the north entry. Mr. Nyitray said that smaller box trucks only will use that entrance. Mr. Lockman asked if those trucks would drive inside the warehouse to unload. Mr. Nyitray said they would, and the architect Mr. Jason Anderson said they will do so infrequently as they are intended for operational use such as setting up equipment. They will not be used regularly so there should be no worry about the sound of the garage doors opening and closing, he said.

Mr. Spence asked Mr. Nyitray to provide the road width dimensions on the site plan. Mr. Lockman reminded the Applicant that they were already at 49.9% development coverage and any extra pavement would tip the scales into variance territory. Mr. Nyitray said that has been accounted for and that they do not wish to go the ZBA. Chairman Caridi advised the applicant to ensure they meet all requirements of all the agency review letters received thus far and that he will defer to Mr. Spence's oversight of the roads.

Mr. Spence said he was concerned about the traffic driving over the Rella Boulevard island curbs and asked for more generous modification of that part of the intersection. Mr. Nyitray agreed to widen the corner a bit more to give a wider buffer to the median.

Mr. Spence gave an overview of his memo dated February 7, 2022 (copy on file) and asked for signage at the east parking area by the emergency access road so vehicles do not accidentally enter, and to provide a turnaround area for vehicles who do. Mr. Nyitray agreed with Mr. Spence's comments. Chairman Caridi asked Mr. Spence if he was satisfied with the drainage plan as submitted, and Mr. Spence said he was still reviewing it but do not see any substantial issues.

Mr. Lockman summarized his memo dated January 21, 2022, in which he observed that the landscaping should be updated for the new design, that the new warehouse configuration will attenuate sound more ably, and again cautioned that any alterations to the pavement, especially for the fire access road, should be kept under the maximum development coverage allowed to avoid going to the ZBA.

Procedurally, Mr. Lockman said the Board can decide if the new traffic impact study should be sent to the Village Traffic Consultant for comment now that the warehouse is smaller, the hours of operation are shorter and the use is overall less intense, and if Mr. Spence is not comfortable reviewing the updated sound report, it can be sent to another sound engineer.

Mr. Klein noted that his client submitted the FEAF Part I and requested that the Village Planner prepare a part II for the March Planning Board meeting. Mr. Lockman said that if the Board finds this iteration of the plans satisfactory and there are no drastic changes, he is happy to do it.

Mr. Klein said he wanted to discuss the fact that the self-storage design could include a basement area which would change the Floor Area Ratio and the Bulk. Mr. Lockman said that could be done under the same building height but that the parking requirements may be impacted and therefore we would need to know what the basement is for. Mr. Klein said they would like to designate additional retail storage space in the basement and Mr. Lockman wondered if eight parking spaces were adequate. Mr. Klein said he and his client believe that they have the right to modify the plans within reason if it does not adversely impact other users on the road.

Chairman Caridi said that the plan is viable all around, even with the requested modification, and stated that the traffic impact study should go to the Village Traffic Consultant for review and asked if the gaps in the Rella Boulevard Island could be widened. Mr. Spence said that the offer of dedication is filed with the Clerk's office and once all the lots are developed there can be modifications. Ms. Terhune said that an offer of dedication does not guarantee the Village will accept. She then reminded Mr. Klein to send her the reciprocal agreement. Mr. Spence said that during the last two years, there was a request sent by all the property owners on Rella Boulevard to the Village to accept a road dedication, but because the condition of the road is poor, the Village declined until curbing, catch-basin and road surface repairs occur.

Mr. Lockman, noting that the Board issued permission for a traffic study review by the Village Traffic Consultant, advised the Applicant to prepare a new traffic impact study to include the parking demand for the self-storage building and the turning issues vis-à-vis the boulevard islands. Member Ternquist said the backup traffic issued on North Airmont Road should also be included in the revised study. Traffic Engineer Ron Reiman said he had no objections to these suggestions, and that they were included in a memo noting the differences in traffic between the two concepts in their submission.

The Board having no objections to this project concept, Chairman Caridi advised the Applicant to move forward with their plans and to pay particular attention to pages 7 and 13 of the FEAF Part I because

there exists some conflicting information regarding peak traffic periods. Item L indicate that the hours of operation are 24/7, which is a problem, he added. Mr. Lockman noted in his memo the very same issue and opined that it is probably a mistake. Mr. Klein said the Board made it clear that 24/7 operations were not permitted but asked that they keep an open mind. Even though the schedule has been modified, his client would obviously prefer to allow around-the-clock operations. However, he continued, we will not pursue that avenue if the Board is steadfast in their opinion. A great deal of time and consideration was spent on the sound study which shows that either way, the sound impact is negligible, he said, and asked the Board to wait for the additional sound and traffic data.

Chairman Caridi said he understood but that the issue goes beyond sound, noting that North Airmont Road and its vicinity is a thoroughfare for surrounding municipalities.

Mr. Klein said he appreciated the frankness of the discussion and asked when the public hearing might be set. Mr. Lockman said they can return in March for a review of the FEAF part II and then the public hearing can be set for the April 12th Planning Board meeting.

Member Ternquist made a motion to set the public hearing for April 12, 2022, seconded by Member Levine and upon vote, all were in favor. Chairman Caridi instructed Mr. Lockman to prepare the FEAF Part II before the March 8th meeting.

Member Ternquist made a motion to adjourn the application to the March 8, 2022, Planning Board meeting, seconded by Member Hochberg and upon vote all were in favor.

Stein – Wetlands and Stream Protection Permit 5 Golden Road, Montebello, NY

Present were the Applicants Brian and Shoshana Stein of 5 Golden Road, and Robert Ball, President of Westrock Pools.

Mr. Spence summarized his review dated January 21, 2022, and noted that the Applicants attended CDRC twice for a pool plan in the rear yard of their property. The property is 1.4 acres, 64,665 square feet, and approximately two-fifths of that land is within the conservation easement. There are wetlands that impact the rear yard, which were newly delineated by wetlands engineer Peter Torgersen in 2021. According to Chapter 191 of the Village Code, a Wetlands and Stream Protection permit is required because the proposed pool encroaches into the buffer. Mr. Spence stressed the fact that the location chosen for the pool is already landscaped with a developed lawn area which was created many years ago.

Mr. Lockman summarized his memo dated January 21, 2022, in which he explains that a full wetlands permit is needed because they are closer than fifty feet to the wetlands. At CDRC other locations were explored, specifically on the right side of the house, but that alternate location would require a variance from the ZBA and many trees would need to come down. He noted that the GML review from Rockland Planning asked for details on the fencing, and that the Applicants assured that the pool will be fenced safely through the building permitting process. Two pool shapes were proposed, one rectangular and one free-form, and it was up to the Board to decide which best suited the location.

Chairman Caridi asked if the delineation from Mr. Torgersen was accurate given the manicured grassy area in the buffer. Mr. Spence confirmed it was accurate, that the topography drops down behind the lawn area, and explained that the 100-foot regulated area is the buffer beyond the wetlands. Chairman Caridi noted that the

entire house lies within that buffer. Mr. Lockman said the house has been there for many years before the 100-year regulated area rule and that he felt there is no serious harm, especially since the lawn and fence are already there.

Mr. Ball noted that the existing fence marks the furthest point of excavation and that a small wall will be built in front of the fence level with the property where they will then dig the pool. Regarding the shape of the pool, two shapes were presented, and Mr. Ball and the Applicants prefer the free form shaped pool which can be oriented to eliminate four hundred square feet of pavers. There will also be a French drain and a drainage pipe to eliminate any impact to the wetlands.

Mr. Spence agreed and said that if one were to put a pool anywhere on the property, this would be the ideal location. None of the Board members had any objections or comments. Mr. Spence suggested the Stein's decide on the desired pool shape now to ensure the Board had no issues with the pool in general and advised that there should be hardscape around the pool for aesthetic reasons. Chairman Caridi cautioned the Applicants to be mindful of the wetlands during construction but was in favor of granting the permit. He advised further that the existing fence remain during the entire excavation and installation process.

No on having any other comments, Member Levine made a motion to grant the Wetlands and Stream Protection Permit seconded by Member Hochberg. Upon vote, the motion passed unanimously.

RESOLUTION PB-02 OF 2022
Granting Approval of a Wetlands and Stream Protection Permit Application for
Brian and Shoshana Stein, 5 Golden Road, Montebello, NY
Section 48.08, Block 1, Lot 17

WHEREAS, an application has been made by Brian and Shoshana Stein for approval of a Wetlands and Stream Protection Permit pursuant to Chapter 191 of the Montebello Code, affecting premises designated on the tax map of the Town of Ramapo as Section 48.08, Block 1, Lot 17; and

WHEREAS, said application seeks to construct an inground swimming pool with surrounding apron/patio within the 100-foot regulated area adjacent to a wetland; and

WHEREAS, the applicant has submitted plans and studies detailing the impacts proposed on the wetlands and the regulated area, and also proposed mitigation measures; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, this Board classified the action as a Type 2 action pursuant to 6 NYCRR 617.5(c)(12)(construction of appurtenant swimming pool to residential structure); and

WHEREAS, said application has been reviewed by the Village Engineer and the Village's Planning Consultant, who have issued reports to this Board with respect thereto; and

WHEREAS, pursuant to the requirements of section 191-6.B of the Montebello Code, a public hearing on this application was held, pursuant to due notice, on February 8, 2022; and

WHEREAS, the application was duly referred to the Rockland County Department of Planning, which responded by letter dated February 7, 2022; and

NOW, THEREFORE, BE IT RESOLVED, based upon the foregoing, this Board hereby adopts as its own the findings set forth in the report of the Village Engineer dated January 21, 2022; and be it further

RESOLVED, that this Board hereby grants to the applicant a Wetlands and Stream Protection Permit for premises designated on the Town of Ramapo Tax Map as Section 48.08, Block 1, Lot 17, to allow the disturbance shown on any one of drawings entitled "Pool Plan for Stein," 5 Golden Road, Montebello, New York" prepared by Paul Gdanski, P.E., PLLC, dated October 20, 2021, subject to the following conditions:

1. Applicant shall comply with Technical/Site Engineering comments S-1, S-2 and S-3 of the memorandum of Martin Spence, P.E., Village Engineer, dated January 21, 2022; and
2. Applicant shall comply with comment 8 and 9 of the memorandum of the Village Planner, Jonathan T. Lockman, AICP, dated January 21, 2022; and
3. Applicant shall comply with recommendations 1 -3 of the Rockland County Planning Department GML response, dated February 7, 2022; and
4. Applicant shall comply with requirements of the Rockland County Sewer District #1 response dated February 8, 2022: and
5. All other requirements of the Village of Montebello, including, but not limited to, the payment of any and all required fees, obtaining building, floodway development, and/or soil disturbance permits, and compliance with all appropriate orders of the Village Engineer and other agencies and officers having jurisdiction over the proposed work.

MOTION: Member Levine

SECOND: Member Hochberg

MEMBERS PRESENT:

Anthony Caridi, Chairman
Thomas Ternquist, Member
David Levine, Member
Howard Hochberg

YEA or NAY

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√

Upon vote, the Resolution carried unanimously.

Member Ternquist made a motion to adjourn the meeting at 8:52 p.m. seconded by Member Levine. Upon vote, the motion passed unanimously.