

The Planning Board of the Village of Montebello held a meeting on Tuesday, March 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
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

Howard Hochberg, Member

Meeting Minutes Approval

Member Ternquist made a motion to approve the February 8, 2022, Planning Board meeting minutes, seconded by Member Shipley and upon vote all were in favor.

CDRC Update:

No new reports.

**MSC of Montebello—Special Permit for a School of General Instruction
34 Montebello Road, Montebello, NY**

Application of MSC of Montebello, 34 Montebello Road, Montebello, NY 10901. The Applicant is seeking a special permit to operate a school of general instruction on the property. The parcel is located on the south side of Montebello Road approximately fifty feet west of the intersection of Mile Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 48.19 Block 1 Lot 42 in the LO-C / RR-50 Zones.

Present was the Applicant Baruch Schwartz and his attorney Paul Baum. Chairman Caridi noted that this was not a public hearing. Mr. Baum presented the project and explained that the property has been used as a house of worship since 1998, and that his client is applying to this Board for a Special Permit to use the property as a school of general instruction as well.

Chairman Caridi established that the Board members read all the submissions and understood the disagreement between Mr. Baum and the CDRC's determination regarding the Application—that the CDRC determined that there are two principal uses proposed, a Community Place of Worship and a school of general instruction, that the bulk table for each should be shown on the site plan, and that 9.6 acres is required for both uses, not just 5 acres for the school, as Mr. Baum posited. Noting that there are no other significant issues, the Chairman said that site plan review can be conducted at subsequent meetings and that the Board should concentrate on the issue at hand. He then directed the Planning Clerk to request further clarification from the Building Inspector to address the disagreement directly.

Mr. Baum agreed with that course of action and requested that the application be sent to Rockland County Planning for a GML review. Mr. Lockman said that since the building is will not be modified in any way, the application can be sent to the County. The other option would be to wait for the final determination from the Building Inspector, but Ms. Terhune saw no reason to hold up the GML review, stating that in can include the interpretation of the CDRC that is on the record. Ms. Cross advised Mr.

Baum that they are proceeding with the understanding that the application may need to be supplemented. Mr. Baum said he had no problem with that but asked that the CDRC minutes be submitted with the GML as well.

No one having further comments, Member Ternquist made a motion to adjourn the application to the April 12, 2022, Planning Board meeting, seconded by Member Shipley and upon vote, all were in favor.

Montebello Crossing—Third 90-Day Subdivision Approval Extension, 250 Lafayette Avenue, Montebello, NY – second 90-day subdivision approval extension

The Planning Board granted conditional final subdivision plat approval on February 9, 2021, and a final approval on March 9, 2021. The Applicant was granted a 90-day extension which expired on December 4, 2021, and a second extension set to expire on March 14, 2022. The Applicant now requests a third 90-day extension of the conditional final subdivision approval as per Sec. 163-12D of the Village code.

Present for the Applicant was his attorney Paul Baum, who said that they were experiencing delays with the Rockland County Department of Health on improvements to the plans and explained that his client's engineer had been going back and forth with that agency, who is not in favor of the sewer pump location inside the building. As such, the pump will be located outside the building and the plans are being revised. Other details are also being addressed and should be resolved shortly, he added. Mr. Baum said that once the Department of Health is satisfied, they will receive willingness-to-serve letters from the Ramapo Department of Public Works, after which the Rockland County Drainage Agency will be able to sign the subdivision plat. He explained further that the County had been backed up due to COVID but that he believes everyone is back on track and the matter will be resolved within 90-days.

Mr. Spence asked if the Department of Health was the last agency to review, since Mike Sadowski of the Ramapo DPW would be happy to know that the pump has been relocated. Mr. Baum said it was and that there are no other issues. Mr. Spence asked if the Rockland County Drainage Agency expects any letters from the Village Engineer, and Mr. Baum said they did not, only that they needed "happiness" letters from the Department of Health, the Sewer Department, the Highway Department and the Ramapo DPW.

No one having any questions, Member Ternquist made a motion to grant a third 90-day subdivision approval extension seconded by Member Shipley. Upon vote, the motion passed unanimously.

**Resolution PB 03 of 2022
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; and

WHEREAS, the Planning Board extended the Conditional Final Subdivision Approval the second time for a period of 90 days from December 4, 2021 to March 14, 2022, or as soon thereafter as the Planning Board meets; and

WHEREAS, the Applicant appeared before the Planning Board on March 8, 2022, and requested a third 90-day extension of the Conditional Final Subdivision Approval because the Applicant continued to wait on the approval of the Rockland County Department of Health which was holding up the approval of Rockland County Drainage Agency, the last remaining condition of approval; and

WHEREAS, the Board heard from its consulting engineer confirming that this was indeed the last approval and who agreed with the Applicant's characterization of the need for extension; and

WHEREAS, the Board determined that the Applicant has diligently pursued all conditions of final approval and requires an additional extension through no fault of its own.

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 third 90-day extension from March 14, 2022 to June 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

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

**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, Joseph Nyitray of Brooker Engineering, PLLC, Traffic Engineer Ron Reiman, Architect Jason Anderson and Sound Engineer Mike Bontje.

Mr. Lockman explained that the Applicant submitted a revised FEAF Part I and that tonight the Board may review Part II. Mr. Klein said he hoped that at this meeting the Board would review and adopt Part II and set the public hearing for the April Planning Board meeting.

Chairman Caridi said the proposed hours of operation should first be discussed because he was disappointed that the Part II made no mention of the fact that the Part I included 24/7 hours of operation, which the Board repeatedly rejected. Mr. Lockman clarified that Part I was revised just a day before and directed the Board to Page 7 where it indicated that the 24/7 hours are applicable to the retail self-storage building only, which is typical for such an operation. The Part I indicates that the warehouse operations will end at 10 p.m., he added. Chairman Caridi stated that his concerns about the EAF hours of operation remained nonetheless, and then had to excuse himself from the remainder of the meeting to attend to another matter. Mr. Klein noted that the revised Part I corrected two errors per the Rockland County Planning Department's GML review, and that he and his client are ready to respond with a Part III. Cha

After Mr. Lockman summarized the FEAF Part II, Member Shipley made a motion to accept the FEAF Parts I and II, both dated March 8, 2022. Member Ternquist seconded the motion and upon vote, the motion passed unanimously. Chairman Caridi, as noted, was not present and therefore did not vote.

Member Shipley made a motion to set the public hearing for April 12, 2022, and to adjourn the application to that date, seconded by member Levine and upon vote, all were in favor.

Member Ternquist made a motion to adjourn the meeting at 8:52 p.m. seconded by Member Levine. Upon vote, all were in favor.