

The Planning Board of the Village of Montebello held a meeting on Tuesday, April 12, 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
Joan Materna, Ad Hoc Member

OTHERS

Alyse Terhune, Asst. Village Attorney
Jody Cross, Village Counsel
Jonathan Lockman, Village Planner
Martin Spence, Village Engineer

ABSENT

Marlo Dickman, Ad Hoc Member
Regina Rivera, Planning/Zoning Clerk

Meeting Minutes Approval

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

CDRC Update:

Application for a two-lot subdivision at 96 Viola Road. The Applicant, Yosef Emuna, received the subdivision approval over ten years ago but never filed the plat with the County. Now the application must begin anew and now requires a Certificate of Appropriateness from the HPPC as the property is within the Historic and Scenic Road Overlay District.

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.

The Applicant requested an adjournment to the next available meeting. Member Shipley made a motion to adjourn the application to the May 10, 2022 Planning Board meeting, seconded by Member Ternquist, and upon vote, all were in favor.

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 house of worship and that his client, who purchased the synagogue, wishes to add a second primary use as a school for general instruction for up to 200 students. Mr. Baum said that the proposal complies with all bulk requirements, a traffic impact study was submitted and that they feel they are ready to notice the public hearing. He noted the remaining issue of the Building Inspector's determination, in his memo dated March 14, 2022, that the two bulk requirements for both primary uses require 10.6 acres of land, even though each primary use will never take place concurrently. This is the most restrictive use interpretation, and as such an application was just made to the Zoning Board of Appeals to appeal the Building Inspector's decision, he said, adding that he disagrees that the bulk should be added together and look forward to hearing the opinion of the ZBA.

Mr. Baum said that he and his client wish to move the application forward and complete SEQR, but that he sent a letter to the Building Inspector requesting an additional information regarding his original interpretation. No construction is planned and the existing building will be used by only one group at any given time, so clarification was requested on whether 10.6 acres is needed, and whether this is considered a community house of worship, or a neighborhood house of worship. He stressed that the building will be used in the same manner as was approved in 1998 and that the only site difference is some parking striping, save for some requested waivers on such site plan requirements on grading, drainage, and lighting, all of which will remain unchanged.

Chairman Caridi said he understood that they were anxious to move the application forward, but that this Board cannot proceed until the Building Inspector's response and the client's subsequent response are received.

Ms. Terhune said that Mr. Baum requested clarification on the acreage and on the classification of the house of worship, and that this Planning Board can only act according to either section of the code, which clearly defines each type of usage. You asked the Building Inspector for further clarification, and then you appealed his decision to the ZBA, she continued, and asked Mr. Baum if he was either appealing the March 14th decision or waiting for the Building Inspector's response. Mr. Baum said he had a 30-day period in which to seek an appeal, and if the clarification winds up nullifying the appeal, then he would withdraw the ZBA application. He stressed that they were not withdrawing the house of worship status and that they only wish to know which bulk requirements apply.

Mr. Lockman noted that if they proceeded as Mr. Baum suggests, the public hearing notice could not be published because it is not yet known what is being requested. Mr. Baum countered that they are not holding a hearing on the house of worship, only to allow a school as a second primary use. Ms. Cross said that the public must be aware of what the two uses of the property are, and that there is no general house of worship in the code, it is either classified as a community or neighborhood house of worship. Mr. Baum again disagreed with these assessments. Ms. Terhune said the synagogue must be classified per the village code and advised Mr. Baum to consolidate the appeal to the ZBA however he feels necessary.

Mr. Lockman said that Mr. Baum was in fact delaying the process by bringing up several points requiring clarification and deliberation. Mr. Baum acknowledged Mr. Lockman's point, but noted the minutiae involved in this application. Chairman Caridi reminded Mr. Baum that the Building Inspector already classified this as a community house of worship and that Mr. Baum is questioning that classification. Ms. Terhune said that as a result, the Board must now wait for the Building Inspector to respond to Mr. Baum's query, and unless the query is withdrawn, the Board cannot move forward. The problem is that the Board cannot proceed with the knowledge that what they are reviewing may not be the ultimate

application. Chairman Caridi stated that the public hearing will not be set until the issues that Mr. Baum raised have been resolved. Mr. Baum said that the only other thing he could do is to go to the supreme court to bring an action requiring a public hearing, but quickly acknowledged that that would not be a reasonable course of action. Ms. Terhune said the Chairman has been clear about tonight's proceedings. Mr. Baum said that he hoped to have a determination from the Building Inspector in time for the May meeting so the application can move forward.

New Business

Chairman Caridi asked for clarification on the latest legislation passed in New York State regarding remote public meetings. Mr. Lockman said that the new law allows for hybrid meetings only, wherein a quorum must meet in person and the rest of the members, if they so choose, can be remote, and the public can either attend in person or remotely. Any municipality that wishes to adopt this must pass a local law. Ms. Terhune said this legislation does not allow Zoom meetings for everyone.

No one having further comments, Member Ternquist made a motion to adjourn the meeting at 8:04 p.m. seconded by Member Shipley and upon vote, all were in favor.