

The Planning Board of the Village of Montebello held a meeting on Tuesday, July 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
Marlo Dickman, Member
Thomas Ternquist, Member
Joan Materna, Ad Hoc Member

OTHERS

Alyse Terhune, Asst. Village Attorney
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 meeting minutes of June 14, 2022, seconded by Member Shipley and upon vote all were in favor.

AUA Holdings, LLC

Site Plan, 131 Spook Rock Road, Montebello, NY 10901

Application of AUA Holdings, LLC, c/o Assaf Avraham, 17 Rose Hill Road, Montebello, NY 10901 for site plan approval to construct a single-family dwelling on vacant "lot #1" of the Fried Subdivision. The parcel is located on the west side of Spook Rock Road at the intersection of Marget Ann Lane in the Village of Montebello which is designated on the Ramapo Tax Map as Section 41.17 Block 1 Lot 65.1 in the RR-50 Zone.

Present was the Applicant Assaf Avraham of AUA Holdings, LLC and his Architect Todd Rosenblum. Mr. Rosenblum stated again for the record that the only reason site plan approval is necessary to build a single-family dwelling on this vacant piece of land is due to a note on the Fried Subdivision plat, Lot #, requiring such. Mr. Rosenblum said that he and his client applied for and was granted a Certificate of Appropriateness from the Historic Preservation and Parks Commission (HPPC) as the property is within the Historic and Scenic Roads Overlay District on the condition that they restore the stone wall, now resembling a rubble pile, as much as possible, try to keep as many existing trees along that wall as possible, and to add vegetative landscaping in the front yard to 10% of the depth of the property. Mr. Rosenblum shared that revised landscaping plan with the Board which illustrated compliance with all conditions as set forth by the HPPC.

Among all the involved agency reviews, he continued, the Rockland County Highway Department's letter dated July 8, 2022, posed the only challenge in their directive to maintain no more than 20 feet in width of the driveway ingress and egress. Mr. Rosenblum said he called the County Highway engineer and asked for the section of code that designates this rule, and was told that though it is not codified, it is their practice to keep stormwater runoff to a minimum, but that the department was fine with allowing the driveway to flare out where it meets Spook Rock Road.

Regarding the Rockland County Health Department's letter, Mr. Rosenblum said there is a well located on the property and they will determine whether it is functional and ensure that the proposed dry wells will not interfere. If the Board agrees to this, then we will submit an amended site plan showing the well and drywell locations, he added.

Mr. Lockman noted comment #1 of the GML review letter dated June 24, 2022, regarding the proposed driveway seemingly encroaching into the side setback was disposed of at the last meeting since the area of the driveway is for maneuvering not parking. Ms. Terhune said that an override of that comment would be in order so there is no conflict. Chairman Caridi asked if the comment was valid, however since it seems to be in the side yard, but Mr. Rosenblum confirmed that it is just for turning to enter and exit the garage, and that he discussed this with the Village Engineer who agreed. There is just no parking allowed in the driveway, he added.

Ms. Terhune noted that the area is 30 feet wide. Mr. Rosenblum said that typically it is the new minimum width to accommodate today's larger vehicles. Mr. Spence said that 35 feet is needed for 90-degree turns. A discussion ensued regarding possibly reconfiguring the driveway to provide a buffer between the neighbor's driveway and even moving the house further north, but Mr. Rosenblum reminded the Board that they came here last month when everyone agreed that it was acceptable to have that area of the driveway for maneuvering only, and that they would have appreciated these comments sooner. Mr. Lockman said that there is no setback for the driveway, only for parking spaces, which these are not. Mr. Rosenblum said on the record that there will be no parking in that area.

Mr. Shipley said that nonetheless, he was concerned about people parking in the horseshoe driveway and the two curb cuts on Spook Rock Road. Stan: two concerns: People do park in the horseshoe, and this is a two-cut on spook rock road. Mr. Rosenblum said that the Highway Department had no issues with a second curb cut and that he addressed that Department's concerns. Ms. Terhune said that the Applicant appeared before the HPPC and received a Certificate of Appropriateness and if they change anything with the driveway they will be forced to return to that Commission. Mr. Rosenblum said that the reason for coming to this Board first was to introduce the project for comments before developing the plans further, and Ms. Terhune acknowledged that it would be unfair to the Applicant if the Board compels him to start from scratch.

Mr. Lockman said that usually the portico and much of the horseshoe driveway is behind the 50-foot setback so technically parking is allowed in front of the house behind the 50-foot line. We can only prevent parking in the front yard, he continued, and maybe rounding off the side turnaround area at the southwest corner may provide more of a setback. Mr. Rosenblum said that they would've reduce it by five feet if they could but promised to add more greenery in areas of the Board's choosing. Chairman Caridi and the rest of the Board agreed.

Chairman Caridi asked if a fire truck would be able to access such a narrow driveway. Mr. Lockman said fires at single-family homes are usually fought from the street and maneuverable driveways for firetruck access is usually not a concern for private homes. Chairman Caridi asked if there were any technical issues and Mr. Spence said that he mentioned drainage, test pits, utility locations and the like in his May 30, 2022, memo and that any issues can be handled at the building permit level. For the Board's sake, Mr. Spence explained that the Applicant is proposing trench drains at the street so there won't be an increase in driveway runoff, and there are several seepage pits to handle the rest of the runoff.

Chairman Caridi noted that the Rockland County Sewer District's review was emphatic that there be no other use on the property other than a single-family home. Mr. Rosenblum said that was a standard comment across the county and Mr. Spence said they will require a sewer permit before any building permit will be issued. Ms. Terhune said that this will be noted in the resolution.

Chairman Caridi opened the public hearing. No one wishing to speak, Member Ternquist made a motion to close the public hearing seconded by Member Shipley and upon vote, all were in favor.

Member Dickman made a motion to override comment #1 of the Rockland County Planning Department's GML review dated June 24, 2022, in reference to the southwest parking area with the understanding that the Applicant has agreed to reduce the 30-foot turnaround by a minimum of five feet. Upon vote, the motion passed unanimously.

Member Ternquist made a motion to approve the Application of AUA Holdings for a single-family dwelling as presented with modifications discussed and in accordance with the GML review. Member Levine seconded the motion and upon vote, all were in favor.

**RESOLUTION PB04 OF 2021
VILLAGE OF MONTEBELLO PLANNING BOARD
GRANTING SITE PLAN APPROVAL TO
131 SPOOK ROCK ROAD
Section 41.17 Block 1 Lot 65.1**

The property location, zoning district and proposed project. The subject property is located at 131 Spook Rock Road, Village of Montebello, County of Rockland, State of New York (the "Property"), identified on the Tax Map as Section 41.17 Block 1 Lot 65.1. The 1.31-acre lot is located in the RR-50 Zoning District and is currently vacant. The lot was part of the Fried Subdivision filed on November 22, 2011. AVA Holdings Inc., (the "Applicant") applied for site plan approval to construct a single-family home on Lot 65.1. The Applicant intends to construct a 7,472 square-foot single family home on the lot. Although single family homes do not typically require site plan approval from the Planning Board, at the time of subdivision no house footprint or other site plan details were included on the plat. Therefore, note #40 on the approved subdivision requires site plan approval before the building permit is issued for this lot.

General Municipal Law § 239-m. The Application was duly referred to the Rockland County Department of Planning ("RCDP") pursuant to General Municipal Law § 239-m, which Agency responded by letter, dated June 24, 2022, containing 10 comments. All comments were adopted by the Planning Board and made part of this approval as if reproduced in full herein with the exception of comment number 1, which objected to the location of the parking area in the side yard. The Board noted that the alleged parking area was in actuality a maneuvering area for cars backing out of the garage and is not to be used for parking. The Board also required the Applicant to reduce the width of the area from 30-feet to 25-feet and reconfigure it to mirror the curvature of the area next to the house. On the motion of Member Dickman, seconded by Member Ternquist, RCDP comment number 1 was overridden by unanimous vote of the Board.

Agency referrals. The application was duly referred to all agencies with jurisdiction including Town of Ramapo Department of Public Works, Rockland County Highway Department, Rockland County Sewer District and Rock County Health Department. All comments were noted and considered by the Planning Board, which instructed the Applicant to comply with all comments contained in the agency's responsive letters.

Certificate of Appropriateness. On July 6, 2022, the Village of Montebello Historic Preservation Commission ("HPPC") granted the Applicant a Certificate of Appropriateness. The HPPC approval is incorporated by reference herein as if fully set forth.

Public Hearing. A duly noticed public hearing was convened on July 12, 2022, during which the Board heard testimony from the Applicant and all those wishing to address the Board on the matter. After hearing all comments from the public, the hearing was closed the same night.

State Environmental Quality Review Act (SEQRA). The Planning Board determined that the application was a Type II Action pursuant to SEQR 617.5(c)(11), the construction of a single-family home on an approved lot.

NOW, THEREFORE, BE IT RESOLVED, that the Board has considered all relevant provisions of the Village of Montebello Zoning Law including the requirements of Article IX, Site Development Plan Review, and determines that the application adheres to the conditions contained therein. The Board further considered the advice of its consulting engineer and planner as regards all materials submitted by the Applicant, and all public comments related to this Application. After said deliberation, the Planning Board hereby determines that the Application for site plan is consistent with Village of Montebello Code.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants site plan approval for the construction of a single-family home on the Property located at 131 Spook Rock Road, Village of Montebello, County of Rockland, State of New York, identified on the Tax Map as Section 41.17 Block 1 Lot 65.1, in conformance with the materials submitted and approval by the Board and its consultants, as follows:

1. Montebello Building Department denial of building permit application, dated April 21, 2022; and
2. Application, prepared by Rosenblum Architecture, signed by Assaf Avraham on behalf of AVA Holdings LLC, received May 25, 2022; and
3. Plot Plan for Applicant, prepared by Paul Gdanski, P.E., last revised May 31, 2022; and
4. Floor Plans, sheets A1-A6, prepared by Rosenblum Architecture, last revised May 31, 2022; and

5. “Conceptual” Landscaping Plan, prepared by Yost Design, last revised May 31, 2022.

BE IT FURTHER RESOLVED, that the aforesaid approvals are granted pursuant to the following conditions;

1. Payment of all fees due and owing to the Village of Montebello as related to the project approval process.
2. Full compliance with all comments from outside agencies with the exception of Rockland County Department of Planning comment number 1, which was duly overridden.
3. Full compliance with all conditions set forth by the HPPC in its July 6, 2022 Certificate of Appropriateness.
4. Reconfiguration of the maneuvering area as set forth herein, including the reduction of width from 30-feet to 25-feet and carving out a rounded area to match the radius of the curvature of the area next to the house.

On a motion by Member Ternquist, seconded by Member Levine, the Site Plan was approved on a unanimous vote as follows:

<u>MEMBERS PRESENT:</u>	<u>YEA</u>	<u>NAY</u>	<u>ABSENT</u>
Anthony Caridi, Chairman	<u>X</u>	___	___
Stan Shipley, Member	<u>X</u>	___	___
Thomas Ternquist, Member	<u>X</u>	___	___
David Levine, Member	<u>X</u>	___	___
Marlo Dickman, Member	<u>X</u>	___	___

**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 199,00 square foot warehouse with 6,000 square feet of office space, and a separate four-story 25,360 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’s attorney Michael Klein, Brian Brooker and Joseph Nyitray of Brooker Engineering, Chad Hillyer, Executive VP of CBRE Real Estate, sound engineer Mike Bontje of B. Laing Associates, Jason Anderson of ADG Consulting, and E. Lehmann of ACG warehousing.

Mr. Klein said stated that the new design is the result of discussions with the marketing consultant to maximize the ability to seek tenants of the building, and that it is presented here with more engineering details. Mr. Klein said that he hoped the Board will adopt the EAF Part II and schedule the matter for a public hearing. The major changes involve the loading docks at the rear of the building, the reduction in size to 199,000 square feet (from 224,000 sf) and the self-storage building to 25,360 square feet (from 34,000+ sf), and the and the extension of the sound barrier to the north and portions of the east side.

Mr. Klein said that they also requested twenty-four hours of operations but stressed that they were cognizant of the prior Board comments regarding this issue, and therefore propose that the self-storage will operate twenty-four/seven with no sound or traffic impact and request that internal operations only be permitted to operate around the clock as well, with external operations limited to Monday through Friday from 6:00 a.m. to 10 p.m., and on Saturdays and Sundays from 6:00 a.m. to 4:00 p.m.

Engineer Joseph Nyitray reviewed the plan with the Board, stating that they propose a reduction if the island on Rella Boulevard to aid in the turning radius for trucks turning right onto the road, and lengthened the sound wall and added sound pads to capture and protect the surrounding areas from every part of the warehouse, noting that the sound study will be revised to show how well ambient noise will be mitigated. Finally, there will be an area to accommodate down-rigged trailer storage as well as an emergency access lane around the building, with a portion of the perimeter paved with a modified grasscrete that simply needs to be mowed, and which will not count towards impervious surface.

Chairman Caridi asked if the down-rigged trailers will be stored on the grasscrete as well and wondered how they would not sink or crush the pavers. Mr. Brooker said that the pavers will lie upon crushed stone so there will be no damage or sinking. The Chairman opined that if the grasscrete is not overused, it presents a pleasant appearance without impacting development coverage but asked for more details and how they will affect coverage. Mr. Brooker said that the specs were submitted to [village engineer] Mr. Spence, adding that hypothetically they are 38% pervious. Mr. Lockman advised that "aqua storm" pavers could be considered pervious but not for the use a trailer storage area and should be used only for fire truck access. Otherwise, a variance would be needed. Mr. Brooker said that the trailer area would be for staging and that trucks will not be parked there for more than twenty-four hours. Mr. Lockman argued that the trailers will site there blocking the sun and the grass won't grow. Mr. Brooker countered that it wasn't designed or intended for extended parking periods. Chairman Caridi noted that whether it be one trailer or twenty, over time the grass won't survive and the pavers will become impervious. Mr. Lockman suggested that ordinary pavers be used and that a variance should be sought if extended truck parking becomes necessary. Mr. Brooker said they will look into the issue further and explore other alternatives but noted that they wish to avoid seeking variances.

Mr. Spence said that if the product is used infrequently, then a certain coverage percentage can be accepted, otherwise, porous pavers are not accepted and there is no benefit to drainage. Chairman Caridi asked if development coverage calculations include the porous pavers and Mr. Brooker said it was, that 38%, roughly 45,000 square feet, is porous. Mr. Lockman noted that the Village of Montebello gave applicants the benefit of permeability toward their storm water management but did not discount development coverage, unless grasscrete for emergency access, in which case it was considered on par with grass.

Mr. Brooker estimated that they would seek a development coverage variance of five percent if they had to and that they will see if their client wants to take that route. Ms. Terhune stated that the Village code does not recognize this type as pervious and that, as a ZBA attorney, she advised that that Board looks very closely at FAR and lot coverage variances. Mr. Spence and Ms. Terhune both agreed that only a percentage would be acceptable and only for emergency, infrequent use.

Chairman Caridi turned the discussion back to the proposed hours of operation and stated emphatically that there shall be no truck operations on Saturdays and Sundays, adding that the applicant is tasked with

controlling all truck traffic. He explained that there had been issues with around-the-clock trucks and parked trucks on Dunnigan Drive and that he and the Board wish to avoid such problems and complaints.

Mr. Klein said there can be specific special permit conditions limiting the hours of operation but noted that the code includes a section on operational limits based on noise and nuisance traffic. The hours of operation have dramatic impact on tenants, he said, adding that the Applicant has gone through great lengths to mitigate these impacts. The sound wall and the traffic study indicate that noise generated from trucks is minimal since only a portion of Rella Boulevard will be used. Residences on either side of the project will be impacted only minimally and so we are having some difficulty understanding the rationale behind this edict, he said.

Member Shipley said the proposal will allow many trucks driving up Airmont Road that will affect the quality of life for everyone living in the area. Chairman Caridi said flatly that the Applicant will not receive permission for weekend trucking and reiterated that the Village wishes to avoid all residential noise complaints. Ms. Terhune clarified for the record that there would be on average 120 truck trips per week, but noted that the Applicant should explain what will happen on weekend

Chairman Caridi added that the Village Comprehensive Plan did not contemplate heavy truck traffic, adding that the answer is no, but only to weekend truck traffic.

Sound engineer Mike Bontje noted that there is already a twenty-four-seven source of noise from the New York State Thruway. Chairman Caridi acknowledged this and noted it is more ambient and that trucks present safety concerns as well.

The discussion turned to aesthetics, and Jason Anderson of Anderson architects, shared his screen, explaining that the proposed colors and appearance are the result of the Board's feedback. He showed renderings of precast concrete of various textures and tone of mostly gray, black, and white hues. The self-storage building will be more of a glass projection with a similar color palette as the warehouse. Chairman Caridi liked the corporate park aesthetics of proposed warehouse. Mr. Lockman asked the applicant to submit the materials and color samples to the Planning Clerk now that they have been generally accepted.

Sound engineer Mike Bontje gave a summary on the new noise report noting several improvements from the original plan which included greater setbacks, the driveway ingress/egress keeps traffic away from [the assisted living facility] The Sentinel, and the extension of the noise wall. The study was revised and we discovered that the northern side would have a decrease of seven to twelve decibels with the sound mitigations in place. Two generators were included in the new sound study, he continued, which will be housed in a separate enclosure.

Chairman Caridi asked if there were any items in the EAF Part I, other than the hours of operation, that would prevent the Board from issuing a Part II. Mr. Lockman said that he would first like to send the newest traffic study to the Village Traffic Engineer, Osman Barrie, for comment on the island modifications. Member Shipley that Mr. Barrie determine whether the traffic circle at the end of the road can accommodate truck turns in case they overshoot the entrance. The Board and consultants agreed that, once revised, Mr. Barrie should review the Traffic Study.

Mr. Spence briefly reviewed his memo dated July 12, 2022 and noted that no detailed tree survey was provided which makes it difficult to determine which trees are to remain. Mr. Brooker noted that they

requested a waiver for this because many, many trees will be removed. Mr. Spence asked for a perimeter tree survey in any case. Chairman Caridi asked that the Applicant update the plans in accordance with all that was discussed at this meeting.

Ms. Terhune said that the proposal is sufficiently developed for the public to weigh in and suggested the Board set the public hearing for the next meeting. Member Ternquist made a motion to set the public hearing for the August 9, 2022, Planning Board meeting, seconded by Member Shipley. Upon vote, the motion passed unanimously.

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

No one having further comments, Member Ternquist motioned to adjourn the meeting at 9:14 p.m. Member Shipley seconded the motion and upon vote, all were in favor.