

The Planning Board of the Village of Montebello held a meeting on Tuesday, November 8, 2022, at the Village Hall, One Montebello Road, Montebello, New York. Vice Chairman Shipley called the meeting to order at **7:00 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Stan Shipley, Vice Chair/Member
Marlo Dickman, Member
Joan Materna, Member
David Levine, Member
Ariel Aufgang, Ad Hoc

OTHERS

Alyse Terhune, Asst. Village Attorney
Jonathan Lockman, Village Planner
Martin Spence, Village Engineer
Regina Rivera, Planning/Zoning Clerk

ABSENT

Anthony Caridi, Chairman

Vice Chair Shipley explained that, because the Board was a member short, Ad Hoc Member Ariel Aufgang would act as a full member for this meeting.

Meeting Minutes Approval

Member Levine made a motion to approve the meeting minutes of September 13, 2022, seconded by Member Dickman and upon vote all were in favor.

CDRC Update

Mr. Lockman gave an overview of the two September applications, Rabbi Gancz of Chabad of Suffern who applied for a Special Permit to convert his home into a Residential Gathering Place, and McDonalds, which is applying for an amended site plan to add a second drive-thru lane. The latter returned in October. Both applications will return to CDRC in November. (CDRC minutes available upon request.)

**Rella Warehouse—Site Plan, Subdivision—PUBLIC HEARING continued
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.

The Applicant requested an adjournment to the December 13, 2022, Planning Board meeting.

**MSC of Montebello—PUBLIC HEARING
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 were the Applicants Baruch Schwartz and Joseph Altman of MSC of Montebello, their attorney Paul Baum and their Engineer, Stuart Strow of Brooker Engineering.

As this was the first public hearing for the application, Mr. Baum gave a full summary of the proposal to date, noting that the application for a Special Permit for an additional primary use as a school of general instruction for up to 200 students six days per week complies with all bulk and permitting requirements and Special Permit requirements as per Sections 195-71 and 72 of the Village Code. The site plan provides ample parking for cars and for up to three school busses and arrivals will be staggered for ease of drop-off. ¹ Village Traffic Consultant, Osman Barrie, reviewed the traffic impact study and determined that there will be no impact on local roads.

Mr. Baum explained that they seek a waiver from the Planning Board on the lighting plan because the site is already fully developed and there will be no changes to existing lighting. They also request a waiver on the landscaping plan for the same reason, although Mr. Baum said a landscaping plan was submitted to show the amount of developed green spaces and wooded areas, along with the additional maple tree at the entrance as per the Village Engineer's recommendation.

Mr. Baum stated that they seek overrides of comments 2 and 7 of the GML review dated April 7, 2022. Comment #2 states that "... *the applicant requests a waiver from the landscape plan. The Zoning Code includes the provision of landscaping as a requirement for granting a special permit to allow the use of schools of general instruction, thus it is in the interest of the village to deny this waiver. All landscaping requirements of Section 195-72.A(2) of the Village Zoning Code must be met. A 20-foot-wide landscaped buffer area is required along all property lines, excluding the front, in accordance with Section 195-72A.(2)€ of the Zoning Code. Any existing vegetation to be preserved in lieu of new landscaping must be delineated on the landscape plan. The Planning Board shall also determine if additional shade trees are required in the parking lot to conform with Section 195-72A(2)(f)[4].*"

Mr. Baum stated that Mr. Lockman recommended an override of this comment in his review dated October 27, 2022, because no building construction is proposed, the parking area will remain the same and there are existing trees on site. Mr. Lockman also recommended the override of comment 7 which stipulates that "*The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met... The ability to meet these demands must be determined by a Licensed Professional Engineer and provided to the supplier of water for analysis.*" Mr. Lockman reasoned that such analysis is not warranted based on the applicant's projection that the water demand will not be increased.

Mr. Baum stated again for the benefit of the public that they appealed the determination of the building inspector before the ZBA that the required lot area must be aggregated for each primary use. The appeal was rejected but the application is compliant with the Building Inspector's requirements since the property is over 10 acres. Noting that SEQR was not initiated previously, Mr. Baum asked that the Application be classified a Type II action.

Addressing the signage details and acknowledging Mr. Lockman's comment that the name of the school should also be represented in English, Mr. Baum said that his clients did not feel a translation was necessary because the address of the building will be on the sign in English which should be enough for emergency services to identify. He also noted that there is nothing in the Village Code that compels them to include English in their

¹ The school will service approximately 120 Kindergarten through 2nd grade students, and approximately 80 9th, 10th and 11th grade students Mondays through Fridays and on Sundays. The younger students will arrive on three busses at 9:30 am and depart at 3:45 pm, and the older students will arrive on two busses at 7 am and depart at 7:45 pm. Hours are shorter on Fridays and Sundays for all students, but arrival and departure times are similarly staggered.

signage and that if the Board takes issue with this stance, they can vote to approve this application and then his clients will come back with a sign plan for approval.

The Applicant's Engineer Mr. Strow, then presented the parking and traffic circulation plan and explained that there are more parking spaces than required by the Village code even with the removal of several spaces to accommodate parking for three school busses. The circulation remains similar to existing conditions and the plan demonstrates that the largest of fire trucks can enter and exit the property easily. Mr. Strow emphasized that there will be no changes to the landscaping and that the area to the west of the building remains wooded and untouched.

Vice Chair Shipley asked that the consultants present their reviews of the proposal. Mr. Spence reviewed his memo dated November 2, 2022, in which he agreed that the site is well developed and that no new impervious surfaces will be added. Regarding comment S-3 of his memo, he felt that one additional tree to the west of the ingress/egress would provide a greater street scape, but that the rest of the landscaping is adequate and does not impair sight distance. He also noted some minor site plan corrections to be made such as the spelling of Montebello Road, the translation of signage to English for emergency vehicle identification, and the modification of the ingress to the property to accommodate left-turning fire trucks.

Mr. Lockman gave an overview of his October 26, 2022, memo in which he addressed the ZBA process prior to this meeting, and the latest review of the traffic impact study in which no traffic impacts or issues were foreseen. He also recommended that the Board classify this a Type II action under SEQR because it is an additional use of an existing structure with no site disturbance.

Mr. Lockman said that the Rockland County GML review addressed the landscaping but that given the site is an existing development and was already reviewed for the Montebello Jewish Center years ago, the Board could override if they wished. The GML review comment 7 is an unusual one from the county and it does not appear that there is a substantial change in water usage in the building that existing service could not handle and so the Board can either override the comment or compel the applicant to obtain a "Willingness to Serve" letter from [water utility] Veolia, he said. Mr. Spence agreed that the Willingness to Serve letter would be adequate in this situation.

The discussion turned to signage and Ms. Terhune said that the code requires places of worship and schools to have English language signage and that therefore she is reluctant to advise the Board to provide a conditional approval and wary of the Applicant coming back separately for a sign permit. She said that the Village Board was already contemplating a regulation requiring English language signs throughout, which is not unreasonable. Mr. Baum spoke briefly with his client then said they were amenable to adding English to the signage in compliance with Sec. 195-72 (6) and will revise that detail in the check print review.

Member Aufgang asked how they plan to have two uses without any overlap in the physical space and how it would affect parking. Mr. Baum said that if the two uses were combined, 87 spaces would be required. There are 108 spaces and each use will never take place concurrently. Member Aufgang asked if the sanctuary, in addition to the ancillary classrooms, would be used by the school during school hours and Mr. Baum said it would. Member Materna noted that if the school is in session six days a week, there is a narrow window of time for the exclusive use of the sanctuary for prayer. Mr. Baum said it would be used on Friday evenings and Saturdays when school is not in session, and when school is in session, it will not be used for worship.

Member Aufgang asked about required parking for the accessory house. Ms. Terhune said that on the record it is a rabbi's residence, and as such, 2 off-street spaces are required. Member Materna wanted to know if Fire Trucks could easily circulate throughout the parking lot while busses were parked there. Mr. Strow said that

they specifically relocated bus parking so that it does not impede movement at the drop-off area and that fire trucks could circulate easily. Vice Chair Shipley asked about required outdoor “play” areas. Mr. Baum said that the school will service students in kindergarten through second grades as well as 9th, 10th and 11th grades and, as required by the Village Code, there are three spaces dedicated to open play which are clearly indicated on the site plan. Vice Chair Shipley said that the lighting standards should be revisited since standards have changed since the site was approved 20 years ago. Mr. Spence agreed and said that it is in the Applicant’s best interest to maintain and upgrade existing lighting, which could be conditioned in the resolution.

Member Dickman asked what percentage of the 200 students will use modes of transportation other than the bus. Mr. Baum said that the students will exclusively arrive by bus. Member Dickman asked if there would be any students walking to school or driven by their parents. Mr. Baum maintained that they would arrive by bus only and that they are not allowed to use any other public vehicles such as taxis. Member Dickman asked what would happen if a student missed the bus, and Mr. Baum said they would presumably be dropped off by a parent. Member Dickman asked where the parent drop-off would be and Mr. Baum said that since arrivals are staggered, there is no designated parent drop-off. Member Dickman said that non-public students have been observed walking up and down Montebello Road daily, and at 7:45 p.m. when students depart, there is a real concern about the safety, particularly since there are no streetlights or sidewalks and the students are dressed in dark colors. She asked if there was a condition of the school that students cannot arrive or depart on foot. Mr. Baum said there was.

No one having further questions, Member Dickman made a motion to open the public hearing seconded by Member Materna and upon vote, all were in favor.

Dolores Lublanezki, 32 Montebello Road, Montebello, New York wanted to confirm that all recreational areas will be linked to on-site pedestrian walkways as per Sec. 195-72 A (2)(b) of the Village Code, that the lighting around the signage, which was approved 20 years ago, remains the same and will not be any brighter, and that the accessory house is closer to 3,000 square feet, not the 10,000 square feet mentioned earlier.

Alex Koblinski, 41 Montebello Road, Montebello, New York said that witnessing the proceedings here convinced him that the proposal will not affect him in any way and that therefore he was in favor of an approval.

Eliezer Fried, 19 Golf Course Drive, Montebello, New York said he hoped the Board votes in favor and issues the Special Permit because there will be no changes to the building, and there will be no impacts on the community or the neighborhood. He said he was happy to see that they provided more than the required parking spaces and especially happy that the existing wooded area will remain undisturbed.

Non one else from the public wishing to speak, Member Aufgang made a motion to close the public hearing. Member Levine seconded the motion and upon vote, all were in favor.

Mr. Strow wanted to be clear that the accessory house is measured by Floor Area Ratio, not footprint, and is therefore very close to 10,000 square feet. Mr. Lockman said that it is characterized as a residence so the size does not matter in relation to this project. However, he added, accuracy on the plans is paramount. Mr. Strow, to Ms. Lublanezki’s point, showed everyone that there is a walkway network connecting recreational space on the site plan.

Member Materna said she wanted to be sure that the lighting is compliant and would not cause any intrusive ambient light pollution. Mr. Baum said that his client requires no additional lighting and that they will confirm the lighting will be maintained at existing levels, particularly at the monument sign out front. He added that they understood that anything new would require another visit to the Planning Board.

Member Aufgang said that this use is six days a week, each day stretching into the evening hours, which is very different what was originally approved for the synagogue. Mr. Baum said originally it was approved for 135 students for religious studies. Mr. Aufgang said this is not the same, particularly from a safety standpoint when the property is dark. Mr. Lockman said that the modern lighting standards are set and that the code walks a fine line between not being too bright while providing safety.

Ms. Terhune said if there are minor points that the Board is not comfortable with, they can direct her to draft a resolution of approval for possible adoption and draft waivers for overrides for this Board to review in time for the next meeting.

The Board discussed actions for December meeting. Mr. Spence said he will review the 2003 lighting plan and will do a night survey in order to give a full report before the next meeting. He recommended that the Applicant make all necessary repairs and adjustments to prevent light spillage across real property lines and to ensure there is enough light for safety before he re-visits the site. Ms. Terhune wanted to document for the record that the Board looked seriously at the lighting in lieu of requiring a full lighting plan.

Member Dickman asked if they could see a rendering of the sign. Ms. Terhune said they will have to show the sign with the English name of the school on it as well. Mr. Baum said they will get a sample to the Board before the next meeting. Member Dickman asked that they verify the size of the clergy's residence by then as well. Ms. Terhune agreed that they should check their calculations, adding that the building may be larger than it looks.

No one having further questions, Member Dickman made a motion to adjourn the application to the December 13, 2022, Planning Board meeting, seconded by Member Aufgang. Upon vote, the motion passed unanimously.

New Business

Discussion of proposed local law 2 of 2022 requiring all commercial signs to be in English, as they are already required for schools and houses of worship, for emergency services. Member Dickman found the language to be deficient and does not say how much of any given text should be in English. She suggested that there be a required percentage of English so the law isn't open to interpretation. Mr. Lockman disagreed and preferred there to be a general rule for people to interpret what portion of the sign should be in English depending on color, size and the like. Mr. Aufgang said that English should be the dominant text on the sign. Ms. Terhune agreed that the lack of specificity leaves the law open to too much interpretation. Mr. Lockman said that if they were to get specific, then the Village Board should also amend Sec. 143.10 of the code which has parallel language for special permits. All agreed to recommend that the Village Board be specific about how much English is required.

Member Materna made a motion to adjourn the meeting at 8:37 p.m. seconded by Member Dickman and upon vote, all were in favor.