

The Planning Board of the Village of Montebello held a meeting on Tuesday, December 13, 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

OTHERS

Alyse Terhune, Asst. Village Attorney
Samantha Justiniano, Asst. Village Planner
Bryon Rose, Asst. Village Engineer
Regina Rivera, Planning/Zoning Clerk

ABSENT

Anthony Caridi, Chairman
Ariel Aufgang, Ad Hoc Member
Jonathan Lockman, Village Planner
Martin Spence, Village Engineer

Meeting Minutes Approval

Member Materna made some minor editorial changes to the minutes and suggested that a footnote be added for reference. Member Levine made a motion to approve the meeting minutes of November 8, 2022, with the amendments as discussed. The motion was seconded by Member Dickman and upon vote, all were in favor.

CDRC Update

Ms. Terhune stated that there is a proposed warehouse at the former Novartis campus and that this Board is an involved agency not just because part of the property lies within Montebello, but also because 60% of the truck traffic will pass through this Village. The applicant, IV2 Logistics, came to CDRC with an older site plan and an outdated traffic study, and their appearance was more of a courtesy given that no structures will be built in Montebello. They were asked to submit an updated site plan, an updated traffic study explaining, among other things, how the truck traffic will be handled, and to confirm the ownership of Old Mill Road, which was recently sold by the New York State Thruway Authority.

**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.

Mr. Baum said that his client submitted everything that was requested at the last meeting, including an English translation on the sign, and an additional shade tree as per Mr. Spence's recommendation. Mr. Spence also performed a lighting survey and found that, apart from one light that needs to be replaced,

all is compliant. We are requesting overrides of comments two and seven¹ of the GML review dated April 7, 2022, which exceeds Village requirements for this proposal, he said, adding that he hoped the Board will grant these overrides and issue a special permit and amended site plan approval at this meeting.

Vice Chair Shipley noted that the Board requested a “willingness to serve” letter from Veolia. Mr. Baum said there is already water service at the school, but that he would provide one if necessary. Ms. Terhune said the letter is necessary to override that GML comment. Mr. Baum agreed to obtain a letter and asked that it be conditioned in the resolution.

Vice Chair Shipley expressed his concern over one of the designated play areas because it is not fenced in and poses a danger to the younger children. Mr. Baum explained that it is only one of three recreational areas. Mr. Strow said that Village code requires play areas to be 75 feet from the designated street line, and the area in question is close to 100 feet which is significant. It complies with the code but it is not the likeliest area designated for younger children. The area was chosen because it did not require any tree removals, he said.

Vice Chair Shipley said that the front sign should be lit from beneath so it can be seen at night, and that the vegetation below should be maintained so it doesn’t partially cover the sign. The English name of the school is on the bottom and if it is covered by overgrowth, emergency vehicles will not be able to identify the school, he added. Mr. Strow said the vegetation will be suitably maintained and that there is currently a light at the base of the sign

Member Levine recalled that the font sizes of the Hebrew and English titles were supposed to be equal. Mr. Strow said that the Board’s previous request was to add the English version of the school, and that the Hebrew letters are only slightly larger, and noted that the font sizes were submitted to the Board. Member Dickman said the submittal included the dimensions of the English letters but not the Hebrew letters. Mr. Strow acknowledged that the Hebrew letters are 8.5 inches and the English are 4 inches but clarified that Hebrew letters dip below and above the line while English letters are linear and flush with the line and the two are roughly equivalent. He added that they were asked to include the English translation and that they complied in a good faith attempt to appease the Board.

Ms. Justiniano, who was substituting for Mr. Lockman, summarized his memo dated December 7, 2022, which essentially stated that all requests were submitted and issues addressed.

Ms. Terhune said she submitted a rough draft of the resolution per the directive of the Board at the last meeting and that it seems that all points were covered based on tonight’s comments. She inquired about the additional plantings, and Mr. Strow explained that after discussions with Mr. Spence, they agreed that one extra tree at the front of the property was sufficient because there is already ample landscaping. One new tree was previously shown and there are now two. Satisfied, Ms. Terhune said that she will add notes about the landscaping and vegetation maintenance around the sign, and then recommended the Board vote on this Type II action to close SEQR. Member Dickman made a motion to declare this a Type II action under SEQR that requires no further action. Member Levine seconded the motion and upon vote all were in favor.

¹ Comment two requires the submission of a full landscaping plan and comment 7 requires an engineering water analysis. The Applicant requests overrides because no new landscaping will be installed and the impact on water usage will not change. These overrides are supported by the Village Planner per his review dated October 26, 2022 and by the Village Engineer.

Ms. Terhune advised that the Board vote to override the GML review comments 2 and 7, the language for which was included in the draft resolution in concurrence with the Planner's and Engineer's determinations for reasons as set forth. Member Materna made a motion to override comment #2 of the GML review dated April 7, 2022, regarding the landscaping plan, seconded by Member Levin and upon vote, the motion passed unanimously.

Regarding comment #7 requiring a full engineering analysis on increased water usage, Ms. Terhune reminded the Board that and override was supported by Mr. Lockman and that Mr. Spence asked instead for a "willingness to serve" letter. Member Dickman made a motion to override comment #7 upon condition of receipt of a "willingness to serve" letter from Veolia, seconded by Member Materna and upon vote, the motion passed unanimously.

Ms. Terhune declared SEQR closed and recommended the Board vote on whether to grant a Special Permit based upon conditions as set forth and barring any outstanding comments from the Village Planner, the Village Engineer, the Rockland County GML and any outstanding fees.

Member Dickman said that at the last meeting, the Applicant maintained that all students would arrive by bus and at times by private car, and that there will be no foot traffic. She said she remains concerned about students putting themselves in danger by walking after dismissal at night with no provisions for safety on Montebello Road which is narrow and dangerous, and advocated for language in the resolution prohibiting any foot traffic to or from the school. Mr. Baum said he had no objections to that condition.

No one having any other comments, the Board was ready to vote. Member Levine made a motion to grant a Special Permit for a school of General Instruction conditioned as discussed, and to approve the Amended Site Plan. The motion was seconded by Dickman and upon vote, the motion passed unanimously. Ms. Terhune said that she would make the necessary modifications to the draft resolution for the Chairman to sign.

**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, Joseph Brachfeld of ACG Acquisitions LLC, was present, along with his attorney Michael Klein, engineer Joseph Nyitray of Brooker Engineering, traffic engineer Ron Reimann, and sound engineer Michael Bontje.

Mr. Klein stated that a revised traffic report was submitted and that a new review of that study was issued by Village traffic consultant Osman Barrie confirming that all prior traffic issues were adequately addressed. Also submitted as per the Board's request was a consolidated sound study which details the installation of the sound-attenuating wall and which shows that there will be little to no sound impact on the Assisted Living Facility or Montebello Commons.

Mr. Klein took a moment to address the proposed weekend hours of operation, explaining that twenty-four seven operations were initially proposed over a year ago. However, the Board was very clear that it would not approve around-the-clock operations. The plans were subsequently modified several more times to its present iteration and proposes around-the-clock operations inside the warehouse only, and trucking operations Monday through Friday, from 6 a.m. to 10 p.m. and Saturdays from 5 a.m. to noon. The self-storage building will operate twenty-four seven as well, but the impact is nearly non-existent.

Mr. Klein noted that Sec. 195-87(3)F allows the Board to prohibit all outdoor operations that generate noise or create a nuisance on sites that are adjacent to residential areas. Based on submissions and the traffic and noise studies, the limited Saturday operations will not create a nuisance, he said, and respectfully asked the Board to allow it because it is necessary for the project to be commercially viable. The Village would surely prefer a business in that location to succeed, he added.

Mr. Klein said he hoped the Board will vote on a Neg Dec and continue with site plan approval. He did note a small correction to the Saturday hours of operation on the draft Neg Dec, which referred to the hours from 5 a.m. – 4 p.m. The Applicant proposes closing at 12:00 p.m. Ms. Justiniano clarified that a subsequent memo was issued from Nelson Pope Voorhis with that very correction.

Mr. Rose presented the engineering review dated December 12, 2022, which mentioned a possible requirement for a sidewalk along North Airmont Road. He recommended that any approval should include a condition in the resolution and a note on the plans compelling the developer to build one should the Village require it. Another issue is that of the traffic at the intersection of Rella Boulevard and North Airmont Road which is not conducive to truck traffic, and additional modifications may be needed, he added.

Vice Chair Shipley said that while the Village is open to compromise, weekend hours are frowned upon and that he preferred any weekend hours to be eliminated and that weekday hours should end at 9 p.m. instead of 10 p.m. No other Board members had comments to this end. Mr. Klein said his client appreciates the Board's concerns and will abide by its decision if based on sound reasoning regarding potential nuisance noise.

Ms. Terhune said the draft Neg Dec indicates there will be Saturday operations which can be modified, and if the Applicant agrees to remove Saturday hours without further deliberation, the Board may vote on issuing a Neg Dec. with that modification. Mr. Klein said he would accept this but questioned whether the Board would in fact accept Saturday 5 a.m. to noon hours. Vice Chair Shipley said that the Board will accept the draft Neg Dec without weekend hours. Ms. Terhune suggested a review of the draft. Ms. Justiniano walked the Board through the draft and reviewed all points as outlined and noting the elimination of weekend hours of operation.

With said changes, Member Dickman made a motion to issue a Neg Dec thereby closing SEQR. The motion was seconded by Member Levine. Upon unanimous vote, the motion passed.

Member Dickman made a motion to continue the public hearing to the next appearance. Member Materna seconded the motion and upon vote, all were in favor.

Member Dickman made a motion to adjourn the meeting at 8:01 p.m. seconded by member Levine. Upon vote the motion passed unanimously.