

The Planning Board of the Village of Montebello held a meeting on Tuesday, April 11, 2023, at the Village Hall, One Montebello Road, Montebello, New York. Chairman Caridi called the meeting to order at **7:00 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Anthony Caridi, Chairman
Stan Shipley, Vice Chair/Member
Marlo Dickman, Member
Joan Materna, Member

OTHERS

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

ABSENT

Ariel Aufgang, Member

Meeting Minutes Approval

Member Dickman made a motion to approve the meeting minutes of February 14, 2023, seconded by Member Materna and upon vote, all were in favor.

March 28, 2023, CDRC Update

Mr. Lockman gave a summary of the application for a proposed two-lot subdivision at 62 Montebello Road. The Applicants were instructed to attend the HPPC for a Certificate of Appropriateness (COA) from the Historic Preservation and Parks Commission (HPPC) as the property lies within the Historic and Scenic Roads Overlay District. The Applicants were advised to return to CDRC once the COA was obtained.

Rella Warehouse

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 199,000 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 Application was approved at the previous meeting, and the Board met to discuss and adopt a revised resolution.

Ms. Terhune explained that the Applicant and his attorney, after reviewing the draft resolution, objected to the idea of the Special Permit expiring unless extended by the Planning Board or the Building Inspector, verbiage that would prevent the developer from obtaining financing for project development. The Applicant also wanted to clarify in the resolution that the Board restricted operations within the warehouse, but not in the self-storage building. Ms. Terhune said the request to amend the language was reasonable and drafted a version that should be acceptable to all.

Chairman Caridi was satisfied with the amendments and said the revision preserves the Village's right to inspect the premises without encroaching on the Applicant's ability to conduct business. Even though the permit will automatically renew periodically, the Building Inspector retains the right to request an inspection if any tenants are non-conforming, at which point he may issue a violation and suspend the Special Permit.

No one having any comments, Member Dickman made a motion to accept the resolution as amended, seconded by Member Shipley. Upon vote, the motion passed unanimously.

**RESOLUTION PB03 OF 2023
FOR SUBDIVISION, SPECIAL USE, SITE PLAN AND ARCHITECTURAL REVIEW
BOARD APPROVAL TO ACG WAREHOUSE & DISTRIBUTION
100-300 RELLA BOULEVARD
SECTION 55.08, BLOCK 1, LOT 5 and SECTION 55.08, BLOCK 1, LOT 6**

The property location and zoning law. The subject properties are located at 100-300 Rella Blvd., at the northeast corner of Rella Boulevard and North Airmont Road. They are identified on the Tax Map as Section 55.08, Block 1, Lots 5 and 6 (together, the “Property”). Subdivision approval will be required to merge lot 5 and 6. When combined, the Property will consist of 18.52 acres that are currently vacant. It is situated in the LO-C zoning district.

The application. The proposed project is for the construction of a distribution and warehousing center (“Project”). “Distribution/warehousing” use is permitted in the LO-C zoning district by special permit and site plan approval of the Planning Board. Multiple iterations of the project have been presented to the Village of Montebello beginning with an application, dated February 9, 2021, submitted by AGC Acquisitions LLC (the “Applicant”) as agent of property owner, Rella Partners, LLC. The original application was for the construction of a 300,207 square-foot warehouse with 12,000 square feet of supporting office space, for a total of 312,207 square feet of floor area. The Applicant subsequently modified the project to include a self-storage warehouse in addition to the main distribution center for a total square-footage of 331,800 (126,800 SF of self-storage warehouse and 205,000 SF for the main distribution warehouse).

Submissions. A full list of the materials submitted to the Planning Board by the Applicant are set forth in memoranda prepared by the Planning Board’s consulting planners, Nelson Pope Voorhis, last updated February 10, 2023, and consulting engineer, Spence Engineering, last updated February 7, 2023. It is expressly stated that the Planning Board relied upon those materials during its deliberations. A partial list includes:

1. Architectural Plan Set, 18 Sheets, stamped by Jason T. Anderson, R.A., Anderson Design Group, dated January 31, 2023, including the following sheets:
 - a. A-001-PB Title Sheet
 - b. A-200-PB Warehouse Overall Floor Plan
 - c. A-201-PB Self Storage Overall Floor Plan
 - d. A-202-PB Warehouse Overall Roof Plan
 - e. A-300-PB Warehouse Exterior Elevations

- f. A-301-PB Self Storage North & South Exterior Elevations
 - g. A-302-PB Self Storage East & West Exterior Elevations
 - h. A-900-PB Warehouse Exterior Renderings
 - i. A-901-PB Self Storage Exterior Renderings
 - j. A-902-PB Materials Selection
 - k. A-903-PB Site Maps
 - l. VP-1 Viewshed Renderings Airmont Road at Home Health Care
 - m. VP-2 Viewshed Renderings Airmont Road
 - n. VP-3 Viewshed Renderings Airmont Road at Rella Boulevard
 - o. VP-4 Viewshed Renderings Rella Boulevard Entrance A
 - p. VP-5 Viewshed Renderings Rella Boulevard Entrance B
 - q. VP-6 Viewshed Renderings Rella Boulevard East
 - r. VP-7 Viewshed Renderings Rella Boulevard West
 - s. VP-8 Viewshed Renderings Rella Boulevard Roundabout
2. Response to Consultant and Agency Comment Letters, from Joseph Nyitray, Jr., P.E., Brooker Engineering PLLC to Regina Rivera, dated December 20, 2022
 3. Permeable Pavers Spec Sheet & Maintenance Instructions, undated
 4. Deep Hole and Infiltration Test Results, 2 Sheets, by Brooker Engineering PLLC, dated December 20, 2022
 5. Preliminary Subdivision Plan stamped by Jay A. Greenwell, dated May 11, 2021
 6. Warehouse Overall Floor Plan, stamped by Jason T. Anderson, Anderson Design Group, dated July 12, 2022, with latest revision date of December 20, 2022
 7. Landscape Plan, 2 Sheets, stamped by Blythe Yost, RLA, dated June 17, 2021, with latest revision date of November 8, 2022, as follows:
 - a. L-701, Landscape Plan
 - b. L-801, Details
 8. Site Plan Set, 19 sheets, for Rella Boulevard, stamped by Brian Brooker, PE, Brooker Engineering PLLC, dated 06/16/22, with latest revision dated of December 20, 2022, with the following sheets:
 - a. T, Title Sheet
 - b. 1, Existing Conditions Plan
 - c. 2, Layout Plan
 - d. 3, Grading Plan
 - e. 4, Drainage & Utility Plan
 - f. 5, Erosion and Sediment Control Plan
 - g. 6, Erosion and Sediment Control Details
 - h. 7, Lighting Plan
 - i. 8, Driveway Profiles
 - j. 9, Storm Drainage and Sanitary Sewer Profiles
 - k. 10, 11, 12, 13, Construction Details
 - l. 14, Tree Plan
 - m. 15, Sound Barrier Wall Profile and Details
 - n. 16, Sound Barrier Wall Sections
 - o. TM-1, Fire Truck Maneuver Plan
 - p. TM-2, Truck Maneuver Plan
 9. Response to Consultant and Agency Comment Letters, from Joseph Nyitray, Jr., P.E., Brooker Engineering PLLC to Regina Rivera, dated November 17, 2022
 10. Drainage Analysis, for Rella Boulevard, by Brian Brooker, PE, Brooker Engineering PLLC dated June 16, 2022, with latest revision date of November 17, 2022

11. Sound Collection Layout Plan, for Rella Boulevard, stamped by Brian Brooker, PE, Brooker Engineering PLLC, dated June 16, 2022
12. Landscape Plan, 2 Sheets, stamped by Blythe Yost, RLA, dated June 17, 2021, with latest revision date of November 8, 2022, as follows:
 - a. L-701, Landscape Plan
 - b. L-801, Details
13. Response to Consultant and Agency Comment Letters, from Joseph Nyitray, Jr., P.E., Brooker Engineering PLLC to Regina Rivera, dated September 15, 2022.
14. Sound Measurements and Impact Review Proposed Warehouse Operations, by B. Laing Associates, dated September 14, 2022.
15. Updated Traffic Impact Study, from Ronald Rieman, Colliers Engineering, to Planning Board, for 100 & 300 Rella Boulevard, dated September 9, 2022.
16. EAF Part III, submitted by Michael Klein, Esq., dated August 18, 2022.
17. Letter from Peter D. Torgersen, Environmental Sciences, to Joseph Brachfield, ACG Acquisitions, re: habitat potential for rare or endangered species, dated August 17, 2022.
18. Memorandum from Lawrence Picarello, Building Inspector to CDRC, re: Proposed Warehouse & Corporate Offices at 100-300 Rella Boulevard, dated February 22, 2021.
19. FEAF Full Environmental Assessment Form, with EAF Mapper Summary Report, signed by Joseph Nyitray, P.E., dated 6/21/22.
20. Response to Comment Letters, from Joseph Nyitray, PE, Brooker Engineering, PLLC, to Regina Rivera, dated June 16, 2022.
21. Memorandum from Ronald Reiman, Colliers Engineering & Design, to Planning Board, re: 100 & 300 Rella Boulevard – Updated Site Plan (Traffic), dated June 3, 2022.
22. Narrative Summary, 100 & 300 Rella Blvd, Proposed Distribution/Warehouse Facility, by Michael L. Klein, Esq., dated June 15, 2022.
23. Revised Full EAF Form, Part 1, with attached EAF Mapper Summary Report and Narrative Summary, signed by Joseph Nyitray Jr., P.E., dated 6/16/2022.
24. Sound Measurements and Impact Review, Proposed Warehouse Operation, June 2022 Site Plan, by B. Laing Associates, dated June 16, 2022.
25. Narrative Summary, Rella Boulevard Concept Site Plan, by Brooker Engineering PLLC, dated April 14, 2022.
26. Layout Plan for Rella Boulevard, stamped by Brian Brooker, P.E., Brooker Engineering PLLC, dated 04/06/2022.
27. Response to Comment Letters, from Joseph Nyitray, PE, Brooker Engineering, PLLC, to Planning Board members, dated January 13, 2022.
28. FEAF Part 1 form, with EAF Mapper Summary Report, signed by Joseph Nyitray, dated 1/13/2022.
29. Preliminary Subdivision, 1 sheet, for AG Acquisitions LLC, stamped by Jay Greenwell, LS, dated 5/11/21.
30. Memorandum, from Ronald Rieman, Colliers Engineering, to Planning Board, re: 100 & 300 Rella Boulevard – Updated Site Plan (Traffic), dated January 10, 2022.
31. Sound Measurements and Impact Review, Proposed Warehouse Operation, Supplemental Review – January 2022 Site Plan, by B. Laing Associates, dated January 2022.
32. Floorplans, 2 sheets, stamped by Jason Anderson, RA, Anderson Design Group, dated 1/12/22, as follows:
 - a. A-200, Overall Floor Plan, Rella Boulevard Warehouse
 - b. A-201, Overall First Floor Plan, Rella Boulevard Self-Storage
33. Narrative Summary, Rella Boulevard Concept Site Plan, by Michael Klein, Esq., Hartmann

- Doherty Rosa Berman & Bulbulia, LLC, dated November 18, 2021.
34. Layout Plan for Rella Boulevard, stamped by Brian Brooker, P.E., Brooker Engineering PLLC, dated 11/17/21
 35. Narrative Summary, Rella Boulevard Concept Site Plan, by Brooker Engineering PLLC, dated October 14, 2021.
 36. Revised Full EAF Form, Part 1, with attached EAF Mapper Summary Report and Narrative Summary, signed by Joseph Nyitray Jr., P.E., dated 9/15/2021.
 37. Supplemental Sound Measurements, Proposed Warehouse Operation, by B. Laing Associates, dated July 2021.
 38. Memorandum, Comments on Traffic Impact Study, from Osman Barrie, P.E., to Planning Board, dated June 23, 2021.
 39. Response to Comment Letters, from Joseph Nyitray, PE, Brooker Engineering, PLLC, to Planning Board members, dated June 17, 2021.
 40. Traffic Impact Study, Response to Comments from Nelson Pope dated May 20, 2021, by Ronald Reiman, Colliers Engineering & Design, dated June 4, 2021.
 41. FEAF part 1 form, with EAF Mapper Summary, signed by Joseph Nyitray, PE, dated 5/13/21 (revised and transmitted 6-17-21).
 42. SWPPP for Rella Boulevard, by Brian Brooker, PE, Brooker Engineering PLLC, dated June 17, 2021.
 43. Narrative Summary, Rella Boulevard Concept Site Plan, by Brooker Engineering PLLC, dated May 13, 2021.
 44. Response to Comment Letters, from Joseph Nyitray, PE, Brooker Engineering, PLLC, to CDRC members, dated May 13, 2021.
 45. Sound Measurements and Impact Review, Proposed Warehouse Operation, by B. Laing Associates, dated April 2021.
 46. Set of exterior renderings, 8 sheets (4 alternatives), stamped by Anderson, RA, Anderson Design Group, dated 5/10/21, as follows:
 - a. A 900 (with and without street trees), Southwest and Southeast perspective views
 - b. A-901 (with and without street trees), Option 2, Southwest and Southeast perspective views
 - c. A-902 (with and without street trees), Southwest and Southeast perspective views
 - d. A-902 (with and without street trees), Option 3, Southwest and Southeast perspective views
 47. FEAF part 1 form, with EAF Mapper Summary, signed by Joseph Nyitray, PE, dated 5/13/21.
 48. Memorandum, from Osman Barrie, PE, to Planning Board, re: Comments on Traffic Impact Study, dated May 20, 2021.
 49. Response to Comment Letters, from Joseph Nyitray, PE, Brooker Engineering, PLLC, to CDRC members, dated April 15, 2021.
 50. Traffic Impact Study, Proposed Rella Boulevard Warehouse, by Phil Grealy PhD, PE and Ronald Rieman, Maser Consulting, dated March 29, 2021.
 51. Architectural Plan Sheet, A-201, entitled "Overall Floor Plan, Rella Boulevard Warehouse," by Anderson Design Group, unstamped, dated 04/14/21.
 52. Architectural Plan Sheet, A-300, entitled "Exterior Elevations, Rella Boulevard Warehouse," by Anderson Design Group, unstamped, dated 04/14/21.
 53. Architectural Plan Sheet, A-900, entitled "Colored Plan, Rella Boulevard Warehouse," by Anderson Design Group, unstamped, dated 04/14/21.
 54. Architectural Plan Sheet, A-902, entitled "Exterior Renderings, Southeast & Southwest Views, Rella Boulevard Warehouse," by Anderson Design Group, unstamped, dated 04/14/21.
 55. Architectural Plan Sheet, A-902, entitled "Exterior Renderings, Southeast & Southwest Views

(with no trees), Rella Boulevard Warehouse,” by Anderson Design Group, unstamped, dated 04/14/21.

56. Narrative Summary, Rella Boulevard Concept Site Plan for Warehouse & Distribution Facility, by Brooker Engineering PLLC, dated February 8, 2021.
57. Application Review Form Package, signed by Joseph Brachfeld, for ACG as applicant, dated February 8, 2021, with Affidavit of Owner’s Consent, signed by Joshua Goldstein, Rella Partners LLC, dated February 8, 2021.

Architectural review. The Applicant’s architect presented renderings showing that the base of the larger warehouse/distribution building colors are black anodized aluminum accented by solar bands with low reflectivity. The base of the building is black stone above which is precast concrete siding, including the accent bands, with parapets extending to articulate the long façade and with windows wrapping around the entire building in a continuous band. Below the band are vertical textured wall panels.

The smaller self-storage building will be swathed in two-story glass curtain walls with metal panels that wrap the façade. The self-storage building colors are complimentary with low reflectivity glass, stucco facing and black quartz stone. The Board expressed concern about the interior wall color of the smaller glass-clad building. The Applicant stated that the interior wall color will be the same color as the exterior walls and noted that the remaining trees will act to lessen visibility and that the self-storage facility will have automated lights that will illuminate only when someone is present.

There will be variation of color with brushed aluminum zinc and panels, but the variations shall be in keeping with the overall muted presentation of the buildings. Samples of materials were provided.

General Municipal Law § 239-l, m, n. The application was duly referred to the Rockland County Department of Planning (“RCDP”). By letter dated October 28, 2022, RCDP submitted 21 comments related to the Project. The Planning Board and the Applicant acknowledged and considered the recommendations suggested by RCDP and agreed to same.

Agency referrals. The Appeal was referred to Rockland County Sewer District No.1 (“RCSD-1”) and the Tallman Fire Department (“TFD”), Rockland County Highway Department (“RCHD”), Rockland County Center for Environmental Health (“DOH”), and the Town of Ramapo Department of Public Works (“DPW”). By letter dated February 9, 2023, RCSD-1 noted that the owner or principal must sign the wastewater questionnaire. By letter, last updated November 28, 2022, TFD noted that the FD would require four private fire hydrants. By letter, last updated January 17, 2023, RCHD noted that compliance with the County Mosquito Code is required. By letter last updated, October 6, 2022, RC

DOH noted that a downstream sewer capacity analysis must be submitted to its office for review. The Town of Ramapo DPW provided comments by letter last updated September 28, 2022.

Public Hearing. A duly noticed public hearing was convened on August 9, 2022. During the public hearing, the Planning Board heard testimony from the Applicant and its representatives and all those wishing to address the Board on the matter. After hearing all comments from the public, the hearing was closed on January 10, 2023.

State Environmental Quality Review Act (SEQRA). The Planning Board complied with and closed SEQRA when it issued a Negative Declaration on December 13, 2022, which Negative Declaration is incorporated into and made a part of this Approval by reference hereto as if fully set forth herein.

Compliance with the Zoning Law. As proposed, the Project complies with the Village Zoning Law.

DECISION

The Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law, all determinations made by the Montebello Building Inspector, and has been advised by its consulting engineer and planner as regards all materials submitted by the Applicant and determined that the Application for subdivision merging lots 5 and 6, the special permit and site plan approval is consistent with the regulations governing the LO-C zoning district and approvals should be granted. The Planning Board also grants architectural approval.

The Board further finds and determines that the Project satisfies the guidelines for special use permit set forth in Montebello Zoning Law § 195-87.3. Specifically:

- A. A 50-foot wide landscape buffer shall be maintained along North Airmont Road.
- B. The truck loading docks and the parking lot has been moved to the rear of the building. A wall shall screen the view
- C. The architectural style is attractive for the type of facility proposed; the materials are muted and well screened from North Airmont Road and Montebello Road by the 50-foot buffer and remaining natural vegetation.
- D. The Project complies with the zoning code's access directives.
- E. There are no existing stone walls on the Property.
- F. The Board has restricted operations of the warehouse/distribution building (not the self-storage building) and the Applicant has affirmatively stated that operations will be restricted

in order to reduce noise as much as practicable. The Applicant shall also be constructing a noise attenuation wall to the rear of the Property, which has been reviewed by the Village's consulting engineer and found to be adequate to reduce noise.

- G. The structures shall comply with the NYS Uniform Fire and Building Code.
- H. The Applicant has submitted a traffic impact study and revised same in response to comments from the Village's traffic consultant and has, to the Board's satisfaction, reduced traffic as much as is practicable.

THEREFORE, BE IT RESOLVED that the Planning Board of the Village of Montebello hereby grants conditional subdivision, special use, site plan and architectural approval to AGC Acquisitions LLC for the warehouse/distribution Project as shown on:

1. Final subdivision approval is granted for the "Preliminary Subdivision Plan" stamped by Jay A. Greenwell, dated May 11, 2021, as referenced herein as "submissions, no. 5."
2. Site plan approval is granted as shown on "Site Plan Set, 19 sheets, for Rella Boulevard," stamped by Brian Brooker, PE, Brooker Engineering PLLC, dated 06/16/22, with latest revision dated of December 20, 2022, as referenced herein as "submissions, no 8."
3. Special use permit approval is granted pursuant to Montebello Zoning Law § 195-87.3.
4. Architectural review approval is granted for the specific architectural plans prepared and stamped by Jason T. Anderson, R.A., Anderson Design Group, dated January 31, 2023, as referenced herein as "submission, no. 1."

BE IT FURTHER RESOLVED that this these approvals are granted subject to the following conditions:

1. Per the standards set forth in §195-87.3, subpart F, the Special Permit hereby limits external operations of the warehouse/distribution building (not the self-storage building) to Monday through Friday from 6:00 a.m. to 9:00 p.m., with no external operations on Saturdays and Sundays. Adoption of the negative declaration on December 13, 2022 was based upon this restriction of outdoor operations to weekdays only at the hours indicated above. However, 24 hour/7 days per week indoor operations are authorized.
2. There shall be no exterior storage, standing, loading or unloading of vehicles or trailers of any kind, except in designated spaces and/or loading bays as shown on the approved site plan.
3. There shall be parking of vehicles or trailers only in designated spaces or loading bays as shown on the approved site plan.
4. There shall be no idling of trucks or other vehicles in excess of maximum time periods as set by New York State law.

5. The interior lights of the self-storage building shall be regulated such that the interior is only illuminated when someone is present.
6. Architectural building materials and samples shall be provided to the Village Engineer who shall insure that the materials proposed are the same as those presented to the Planning Board.
7. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.

BE IT FURTHER RESOLVED that this special use permit shall expire five years from the date of this approval if the project is not substantially complete, as determined by the Village Engineer. Pursuant to Section 195-69C of the Zoning Law, the special permit shall be for an indefinite duration. However, pursuant to Section 195-71 E, the special permit is conditioned upon right of entry for inspection with reasonable notice for the building inspector to determine compliance with the conditions of said permit. Further, pursuant to Section 195-71G, the Planning Board may as a condition of special permit approval include standards, conditions and requirements, as it may deem necessary or appropriate to promote the public health, safety and welfare and to otherwise implement the intent of the Zoning Law. Thus, the Planning Board includes the further condition that if site inspections by the Building Inspector reveal non-compliance with **the** special permit conditions, then the certificate of occupancy or certificate of use for the tenant(s) of the building which are in violation of the special permit conditions may be revoked if the violations are not corrected within a reasonable time after receiving notice of the violations. All leases for the warehouse/distribution building will include a provision that external operations are limited to Monday through Friday from 6:00 a.m. to 9:00 p.m., with no external operations on Saturdays and Sundays.

On a motion by Member Dickman, seconded by Member Shipley, the application for subdivision, special use permit, site plan and architectural approval was granted on a majority vote as follows:

MEMBERS PRESENT:	YEA	NAY	ABSENT
Anthony Caridi, Chairman	<u>√</u>	—	—
Stan Shipley, Member	<u>√</u>	—	—
Marlo Dickman, Member	<u>√</u>	—	—
Joan Materna, Member	<u>√</u>	—	—
Ariel Aufgang, Member	—	—	<u>√</u>

Member Shipley made a motion to adjourn the meeting at 7:28 p.m., seconded by Member Dickman and upon vote, all were in favor.