

The Planning Board of the Village of Montebello held a meeting on Tuesday, June 13, 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  
Ariel Aufgang, Member  
Nancy Doon, Ad Hoc

OTHERS

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

ABSENT

Martin Spence, Village Engineer

**Meeting Minutes Approval**

Member Materna made a motion to approve the minutes of the April 11, 2023, Planning Board meeting seconded by Member Shipley and upon vote, all were in favor.

**Hemion Land Lease LLC --Site plan/ARB  
5 Hemion Road, Montebello, NY**

Application of Hemion Land Lease, LLC, 102 Norben Road, Monsey, NY 10952. The Applicant is proposing the construction of a 16,357 square foot, two-story raised office building with parking underneath and outside on 1.57 acres. The parcel is located at 5 Hemion Road, on the west side of Hemion Road at the intersection of route 59 in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.10 Block 1 Lot 5.2 in the NS Zone.

Present were the Applicant's engineer Matthew Trainor of Brooker Engineering PLLC, and Architect Gabriel Einhorn of AB Design Studio. Mr. Trainor explained that there was a similar project approved by this Board in 2020 after which they applied for a building permit. However, the site bids that came back were very high and the developer subsequently abandoned the project and sold the property. Mr. Trainor said they are now back with a new building not dissimilar to the last but redesigned to increase the square footage (from 12,000 to 16,352) to maximize profitability. The proposed access road and all easements will remain the same with one small improvement to the conservation easement, he added.

Mr. Lockman said that some of the parking is under the building, and that the Applicant is still requesting a 16.1% parking requirement waiver, with 81 spaces required, and 68 spaces proposed. Mr. Trainor said they have engaged a parking consultant and will back up their request with an in-depth parking survey.

Member Materna asked the location of the underground lot and Mr. Trainor said it will be located where the elevation is naturally lower to keep the building as low as possible. Member Dickman asked if they were proposing charging stations, and Member Noon asked bicycle parking will be made available either in the underground lot or somewhere inside the building. Mr. Trainor said that neither was being entertained but that they were good ideas worth exploring.

Member Materna asked why some of the parking spaces measured 16' and Mr. Trainor explained that the village code allows for some overhang and in this case, those spaces are up against a curb. Member

Materna noted they were also requesting a waiver of the space length, from the required 19' to 18'. Mr. Lockman said that was the case but that he saw no issue with that.

Mr. Rose summarized the engineering memo dated June 11, 2023, and asked if they plan on installing a level-2 sound attenuation fence. Mr. Trainor said that a cut sheet was submitted, and Mr. Rose said there were no details for such in the plans and requested that they be added for the next submission. The rest of the engineering comments are technical in nature and there are no issues or objections, he added. Member Aufgang requested details on the retaining wall behind the building when they become available.

Mr. Lockman summarized his memo dated June 6, 2023. He noted that a letter of determination regarding the height of the building vis-à-vis the grading will be submitted shortly by the Building Inspector, and recommended that the Traffic Impact Study, once submitted, be reviewed by the Village Traffic consultant Osman Barrie. Mr. Lockman explained that the issue of the traffic study is complicated because of the proximity to the proposed warehouse/distribution center at the former Novartis property and its attendant truck traffic and proposed modifications to the intersection at Route 59/Airmont Rd, and Hemion Rd.

Member Aufgang stated that the last iteration of the building was owned and developed by an insurance company who planned to occupy the building with a few tenants, and asked what the current owner was planning but Mr. Trainor was unsure of the occupation status.

Member Materna asked what the elevation difference is to the adjacent property. Mr. Lockman said that cars parked underground facing [assisted living facility] The Braemar will be looking at a retaining wall and small bank.

Chairman Caridi asked if the easements from the last iteration of this property development will remain. Mr. Trainor said they would save for one temporary force main adjustment and some minor remediation of the conservation easement as agreed upon during the last project. To that end, Ms. Terhune said that the Village Board approved the minor improvements in the conservation easement but that they should ensure the new plans conform to that easement and update the language accordingly. She then stated that, unless the Board needed more time, the public hearing could be set for the subsequent meeting. Member Aufgang said the conservation easement language should be reviewed very carefully before proceeding. Ms. Terhune said she would distribute that resolution to the Board for review and comment but noted that it won't affect the rest of the project. Mr. Trainor said that the incursion involves only the resurfacing of the existing road and a sliver of the easement will be straightened.

Chairman Caridi asked the Board how they felt about setting the public hearing. Member Shipley said he wanted a traffic impact study before doing so. Mr. Lockman suggested that they wait for the traffic and parking studies, and then a review by [Village Traffic Consultant] Osman Barrie. He said they could in the meantime declare lead agency.

Member Shipley made a motion to declare lead agency for SEQR, seconded by Member Aufgang, and upon vote, the motion passed unanimously.

Member Shipley made a motion to declare this an unlisted action under SEQR, seconded by Member Dickman and upon vote, all were in favor.

Mr. Lockman asked if he was authorized to forward the Traffic study to Mr. Barrie when it is ready. Chairman Caridi asked if they are still waiting on an updated traffic study from the former Novartis site. Mr. Lockman said that project is huge, and there is no telling when they will respond with a Full EAF in response to the Village's comments, or when they will settle up with the NYS Department of Transportation on many issues, and recommended that the Board should not wait for them. Chairman Caridi agreed that this project should not be burdened by another.

Member Shipley said that he was concerned about all the extra truck traffic on Hemion Road. Mr. Trainor said their own traffic study will present scenarios and conditions and how they will be weighed against current conditions, as well as a narrative about the possible future.

Member Doon said that if this building opens earlier than the former Novartis site, then they will have to consider this project in their traffic study.

Chairman Caridi asked the Board if they agreed to send the traffic study to Mr. Barrie, and all were in favor.

The Board had several questions and comments regarding the "Five" sign proposed for the building. Architect Mr. Einhorn said that each number was an individual sign. The Board agreed they needed a determination from the Building Inspector on whether it conforms to the Village sign laws.

The Chairman advised Mr. Trainor to return once the Traffic Study was in.

### **New Business**

#### **Discussion of proposed Local Law No. 2 of 2023 Amending the definition of "Accessory, Building or Structure" of Section 195-124 of the code of the Village of Montebello.**

Mr. Lockman gave a general introduction to the proposed local law [attached] regarding accessory buildings. Ms. Terhune said that the process started approximately a year ago, explaining that there are standards that are statutory in nature that would be problematic should the Village be challenged. After speaking with the ZBA Chairman, whose Board was getting many FAR variance requests, language was inserted to help guide the ZBA on what is considered substantial in terms of FAR and Development Coverage.

In his written determination, [Building Inspector] Adam Gordon noted that building footprints must be defined. Member Aufgang asked if overhangs would count toward that footprint. Ms. Terhune said they are not considered part of the actual footprint of the building but do count toward setbacks. Member Aufgang suggested redefining the footprint as what is seen from above—larger homes can have large overhangs. Ms. Terhune said the reason Mr. Gordon wants the footprint defined is because there is no definition in the code and because it is part of the FAR calculations. She agreed that overhangs and cantilevers make the footprint bigger, but did not recommend that overhangs in particular should be included in development coverage because they are already included in FAR calculations and are governed by FAR law.

The Board embarked on a lengthy discussion on what constitutes a building footprint, whether or not overhangs and cantilevers should count toward development coverage and what the Board of Trustees would consider given a 33% threshold. The Chairman said that no matter what the Village Board decides, this proposed local law is necessary. Member Dickman noted that it was defining as well as restricting.

After additional discussions on accessory structure proximity, maximum height and setbacks, the Board, though they support the 33% threshold recommended by the Village Board, suggested 25% instead. They also unanimously accepted the language in Section 195-108 because it strengthens the ZBA's authority over FAR variance requests.

No one having further comments, Member Aufgang made a motion to adjourn the meeting at 8:51 p.m. Member Materna seconded the motion and upon vote, all were in favor.