

The Planning Board of the Village of Montebello held a meeting on Tuesday, September 12, 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 Chairman/Member  
Marlo Dickman, Member  
Joan Materna, Member  
Nancy Doone, Ad Hoc

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 minutes of the August 8, 2023, Planning Board meeting, seconded by Member Materna and upon vote, all were in favor.

**Hemion Land Lease LLC**

**Site Plan and 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 north of 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 was Matthew Trainor of Brooker Engineering on behalf of the Applicant, and Traffic Consultant Harry Baker of Harry Baker & Associates. Mr. Trainor said they received [Village Traffic Consultant] Osman Barrie's comments to which they responded and that they were waiting for Building Inspector Adam Gordon's verification of the building height and the zero/10-foot yard offset on the north side of the property that was discussed at the last meeting. To that last item, he asked that the Board consider an override of comment eleven of the County GML dated June 16, 2023 (copy on file). He then noted that they received Mr. Gordon's memo on the address sign and that they will shrink the size of the "FIVE" so that it is code compliant. Mr. Trainor asked about the conservation easement and Ms. Terhune said she will advise the Village Board to discuss that minor change at their next meeting on September 20<sup>th</sup>.

Member Shipley asked if the access road will be dedicated to the Village. Mr. Trainor said that it will remain a private road, and that there is an easement in place which will be slightly modified for a cleaner look.

Mr. Lockman said the remaining issues include the parking waiver, building height, wall size, sign size, and the size of the underground parking spaces but that they are not particularly problematic. He noted too that they are waiting for Mr. Barrie's review of the revised parking study and that he expected to receive it shortly.

Mr. Spence summarized his memo dated August 7, 2023 which he presented at the last meeting. Mr. Trainor said that he does not take issue with any of Mr. Spence's comments and that he has since received

a letter from the Rockland County Sewer District requesting a sewer study, which was subsequently submitted.

Mr. Spence asked about the EV charging stations and the bicycle rack as requested at the last meeting. Mr. Trainor said they wish to add two charging stations but they are not sure of the location yet, and that they added a bike rack at the parking garage. Mr. Spence said there are no major engineering items especially given that the building is similarly designed to the building that was approved prior to this application, and the drainage has been updated to meet current standards.

Chairman Caridi said that, barring anything pressing in Mr. Barrie's pending review, he had no objections to the project as presented and felt that it should move along, adding that the requested underground parking waiver was reasonable. Mr. Lockman said that the Board could vote on the waiver of the number of spaces and space size at this meeting.

Traffic Engineer Harry Baker explained his methodology for the traffic study that included newer projects in the area such as the former Novartis site and the Braemar, and then presented his parking projections and recommendations. Member Dickman said that page six of the study on parking spaces indicates sixty-one spaces are required and that she thought the number was eighty-one. Mr. Trainor and Mr. Baker acknowledged the error and said it will be corrected. Mr. Lockman clarified that the code requires 81 spaces for a medical office, that Mr. Baker was citing industry standards as if the Village had no parking requirements, and that he was trying to prove that there will always be about 15 empty spaces in the back, even with the parking waiver, once the building is done. Mr. Baker agreed and added that office buildings in the suburbs are quite empty post-Covid since the workforce is staggered.

Member Dickman said that occupancies change frequently, particularly at Indian Rock Shopping Center. This is a community experiencing an influx of many large families who will be using all the facilities, and Montebello is not like a town in Idaho, rather it is a unique municipality with specific needs. Mr. Lockman did not recommend that all eighty-one spots should be provided. In the general sense it is not warranted, although it is up to the Board, he said. Chairman Caridi recommended that they consider approaching [assisted living facility] The Braemar who may agree to accommodate overflow parking.

Member Doone said that the revised Table 6 shows that a.m. and p.m. peak traffic at the westbound entrance at Indian Rock Shopping Center went from an E to an F, the very worst rating, with no recommended mitigation. It is unsignalized and drivers could be waiting for over a minute to get out. Mr. Baker agreed that the wait at its worst could be anywhere from 50 to 80 seconds long. Member Materna said that there is traffic coming from all directions and that intersection is already problematic at peak times. Mr. Baker noted that Indian Rock has more than one ingress/egress so drivers can choose to avoid the Hemion Road driveway. Member Doone said that the alternate entrance only allows cars to make a right and that if you wanted to go west you had to use Hemion Road.

Chairman Caridi said that a traffic signal would be best but that the Village has no authority over such measures. Mr. Baker explained that the DOT does not feel there are enough warrants and that two traffic signals in such proximity would cause other problems. There is room to queue in the driveway, but these are two bustling shopping centers and there will be congestion at times that cannot be mitigated, either by this board or by the county, he said.

Chairman Caridi asked if the [former Novartis property] Brookfield was included, and Mr. Baker said he took the information directly from the Brookfield Traffic Impact Study, and included every project that will touch this one.

Member Materna wondered if the Board should make the point that the driveway was given an F *because* there is no means to mitigate. Ms. Terhune said that under SEQR, if the Board cannot mitigate it, then they cannot approve the project, but recognized that it is difficult to not approve a project that meets the zoning code. Mr. Lockman said that, under SEQR, the Board is compelled to mitigate anything with a sizeable impact on the surroundings. Ms. Doone pointed out that the whole study was done as conservatively as possible both because it factored in all the surrounding new projects and because it assumed medical office use, which is more intense. Mr. Baker agreed and said that he also used the 1.02% compounded growth rate but made the point that E turned to F due to just mere seconds.

Chairman Caridi said that the application should be adjourned pending the receipt of the Village Traffic Consultant's review of the updated TIS. He then opened the public hearing. No one from the public wishing to speak, Member Dickman made a motion to adjourn the public hearing and the application to the next meeting, seconded by Member Materna. Upon vote, all were in favor.

### **New Business**

Member Shipley brought up Hemion Holdings, the shopping center next to the Montebello Crossing/Braemar property, which was approved for an amended site plan in 2020 for parking lot improvements as part of the Montebello Crossing project. That strip mall was sold and the new owners are obligated to fulfill that amended site plan, he said. Ms. Terhune said that this would have been flagged during the title search and that the Braemar cannot open until the neighboring property makes all modifications according to the site plan. Mr. Spence noted that issuance of the Braemar's Certificate of Occupancy will be tied to the Hemion Holdings development, and that a performance bond was submitted. Ms. Terhune said that it was not yet a problem and that if it becomes one, they can come back to the Board.

No one having any further comments, Member Dickman made a motion to adjourn the meeting at 8:03 p.m. The motion was seconded by Member Doone and upon vote, all were in favor.