

The Planning Board of the Village of Montebello held a meeting on Tuesday, November 14, 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 Doon, Ad Hoc

OTHERS

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

ABSENT

Ariel Aufgang, Member

Meeting Minutes Approval

Member Materna made a motion to approve the minutes of the October 10, 2023, Planning Board meeting, seconded by Member Doon, and upon vote, all were in favor.

ACG Warehouse

Rella Warehouse

100-300 Rella Blvd., Montebello, NY

Application of ACG Acquisitions LLC, 95 Chestnut Ridge Road, Montvale, NJ 07645. The Applicant is requesting an amendment of the Special Permit terms granted on April 11, 2023 for the construction of a 199,000 square foot warehouse with 6,000 square feet of office space 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's attorney, Michael Klein, presented, noting that his client is not seeking any physical changes to the project and that the project went through several derivations until it received approval by this Board in April 2023. We are here instead to request a change to the Special Permit conditions, specifically the weekday hours operation, he said, explaining that his client was advised by their marketing team that it had become very difficult to market the warehouse due to the restrictive weekday hours of operation of 6 a.m. to 9 p.m. At the onset of the application, he continued, we asked for around-the-clock hours of operation. Throughout the site plan review, we worked with the Board to whittle down that request and are now hoping for a small expansion of those hours to 5 a.m. to 10 p.m. , Monday through Friday. He added that up until now, they have been wholly unsuccessful in leasing the space and feel that this expansion will render the project viable.

Mr. Klein acknowledged that the Board placed such restrictions to avoid nuisance noise and to ensure public safety, but maintained that the recent supplemental noise and traffic reports indicate that the increase will not have any significant impact on either. In 2017, he continued, the Village Board modified the LO-C Zone to allow new uses, including warehousing/distribution. The plan that was subsequently put forth by this Applicant is consistent with what was adopted by the Village Board in that there are no variances needed, and in design which comports with the Village's vision of a campus-like setting. Further, he continued, there will be an extensive sound barrier to shield neighboring residential neighborhoods and the entrance diverts trucks away from [assisted living facility] The Sentinel. Mr.

Ultimately, Mr. Klein said that even though this meeting is a procedural event during which a public hearing may be set, he wanted to ensure that the Board fully understands the parameters of the request.

Mr. Lockman recited the provisions of Section 195-87.3 F. for uses requiring a special permit in the LO-C district which states:

Noise. Given proximity to many types of residential uses, for any special permit proposed in these districts, the Planning Board may prohibit overall operations, outdoor loading or any other outdoor operations which may generate noise and create a nuisance.

This Board spent many months reviewing the project and came up with the limitations that the Applicant agreed to, he said. The code does not set actual hours of operation, rather it leaves the task of justifying adding extra weekday hours and deciding whether the intent of the code can still be achieved.

Member Shipley noted that it really just comes down to economics and asked the projected number of additional trucks entering the property. Mr. Klein said that Mr. Reimann, the traffic consultant, will attend the next meeting and will be able to discuss all concerns in detail, adding that the sound consultant will be in attendance as well. Mr. Klein stated further that the company interested in the property requires the extra weekday hours.

Member Doon asked if, with the additional morning and evening hours, the traffic will increase incrementally or if there will be a glut at either end of the day. The traffic memo says there is no impact, she added. Mr. Klein said that the specific data on traffic will be presented at the next meeting, adding that the summary conclusion indicates the road can handle the extra traffic without any problems and that there will be no extra noise, particularly due to the sound barrier.

Chairman Caridi said that he was wary of such a request because it opened the door for similar subsequent requests. Mr. Klein took the point but said he and his client have no wish or inclination to return. One of the issues, however, is that the Applicant agreed to the Board's final verdict on hours of operation with every expectation that the project would be marketable. We too were surprised that two hours would make such a difference, he said. Mr. Klein wanted the Board to know that this new application is not frivolous, and is necessary because they have not been able to find a tenant due to the unique restrictions not usually placed on buildings of this size for this purpose.

Chairman Caridi stated that the Board spent a lot of time and effort on this project and considered every ramification of approval. In the end, this is an LO-C zone and the application was approved accordingly. Safety and noise are our main concerns, he said, and he expressed his reluctance to review this application all over again.

Ms. Terhune noted that the Applicant claimed that two or more hours are needed, with no additional environmental impact, and that most facilities have around-the-clock capabilities. However, she continued, that argument could work equally for four more hours, or six, or for unlimited usage. To that point, Mr. Klein reiterated that they had no wish whatsoever to return to the Board to request additional modifications and that they are doing so now because they have no other choice. He added that the request is small and that he hoped the Board would allow him to present at the next meeting.

Mr. Lockman explained that an LO-C zone is intended to be campus-like, not at all like an industrial zone such as Dunnigan Drive, and that the [2017] Comp Plan intended for this commercial area to be more park-like. Mr. Klein argued that he and his client and architect understood this very well as evidenced by the tree-lined and aesthetically pleasing architectural renderings presented to this Board during site plan

review. He said he did not, however, see a rational basis or an articulable reason for imposing such restrictive hours of operation. This small modification will help make this project successful and we are not asking the Board for anything drastic. Chairman Caridi countered that there are many other factors to be reconsidered with this request, especially those having to do with traffic, and that the request is not as simple as Mr. Klein portrays.

No one having any further comments, Member Shipley made a motion to set the public hearing for the December 12th meeting. Member Materna seconded the motion and upon vote the motion passed unanimously.

Member Dickman made motions to adjourn the application to the December meeting and to adjourn the meeting at 7:28 p.m. Member Doon seconded both motions and upon vote, all were in favor.