

The 2024 Village of Montebello held a meeting on Tuesday, September 10, 2024 at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY. Chairman Caridi called the meeting to order at **7:00 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Anthony Caridi, Chairman
Ari Aufgang, Member
Joan Materna, Member
Stan Shipley, Member
Nancy Doon, Member

OTHERS

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

ABSENT

Marlo Dickman, Member

**ACG Acquisitions (Rella Warehouse)—Site Plan/Special Permit/ARB approval extension
100-300 Rella Blvd., Montebello, NY**

Application of ACG Acquisitions LLC, 95 Chestnut Ridge Road, Montvale, NJ 07645 for an 18-month extension of the Site Plan, Special Permit and Architectural Review Board approvals. The Applicant is proposing the construction of a 224,500 square foot warehouse with 6,000 square feet of office space, and a separate four-story 34,560 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.

Present for the Applicant was Ira Emanuel, Esq. who stated that his client was seeking an 18-month extension of the site plan, ARB and special permit approvals that were granted on April 11, 2023 and that have a life span of 18 months if a building permit is not issued within that time. Mr. Emanuel added that his clients are vigorously marketing the site with no success thus far.

Chairman Caridi ensured that the Board was familiar with that application. Ms. Terhune noted that the subdivision was filed and asked the Board if they agreed with the length of the requested extension. No one had any comments. Member Materna made a motion to approve an 18-month extension of the approvals. Member Aufgang seconded the motion and upon vote, the motion passed unanimously.

**Resolution PB 06 of 2024
Village of Montebello Planning Board
Granting 18 Month Extension of Special Permit, Site Plan and Architectural Approval
to ACG Acquisitions LLC for 100-300 Rella Boulevard
SBL 55.08-1-5 and 55.08-1-6**

WHEREAS, after a duly noticed public hearing and compliance with SEQRA, the Village of Montebello Planning Board granted final conditional subdivision, special use, site plan and architectural review approval (“Approval”) on April 11, 2023, by Resolution PB03, to ACG Acquisitions LLC (“Applicant”), owner of the property located at 100-300 Rella Blvd., Section 55.08, Block 1, Lots 5 and 6 (together, the “Property”), said Property located within the Laboratory Office-Campus (“LO-C”) Zoning District; and

WHEREAS, the Applicant applied to the Board for subdivision “reapproval,” which was granted by the Planning Board on March 12, 2024, conditioned on no changes to the approved subdivision, site plan special use and architecture plan per Resolution PB03 of 2023; and

WHEREAS, the Applicant filed the subdivision plat in the Rockland County Clerk’s Office; and

WHEREAS, pursuant to Zoning Law § 195-69B and § 195-53, special permit and site plan approvals expire 18 months from the date of the April 11, 2023, approval, which date is October 11, 2024; and

WHEREAS, by letter dated August 19, 2024, the Applicant requested an 18-month extension of the special use, site plan and architectural plan approval citing inability to obtain tenants for the approved building.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby finds and determines that the Applicant has stated a reasonable ground for requesting an extension of the special permit, site plan and architecture plan and hereby grants an 18-month extension from September 10, 2024, to March 10, 2026, or as soon thereafter as the Planning Board meets, to ACG Acquisitions LLC owner of the property located at 100-300 Rella Blvd., Section 55.08, Block 1, Lots 5 and 6.

BE IT FURTHER RESOLVED, that this extension is limited to the special permit, site plan and architecture plan as approved by Resolution PB03 of 2023 and does not authorize any changes thereto.

BE IT FURTHER RESOLVED, that a copy of this Resolution be provided to the Applicant.

On the Motion of Member Materna, seconded by Member Aufgang, the Planning Board granted final subdivision approval on a roll-call vote of 5 yeas, 0 nays herein:

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

FilBen Montebello Propco, LLC

Amended Site Plan—250 Lafayette Avenue, Montebello, NY

Application of FilBen Montebello, Propco, LLC, 201 Borad Street, 5th Floor, Stamford, CT 06901 for an amended site, location of The Braemar assisted living facility currently under construction, to construct a temporary access road to State Route 59. The parcel is located on the north side of Lafayette Avenue, 1000 feet west of the intersection of Hemion Road in the Village of Montebello which is known and designated on the Ramapo Tax Map as Section 55.10-1-2.1 in the RTE59DD zone.

Present was Brian Brooker of Brooker Engineering, PLLC, Jessica Cotellesse and Richard Filasky of FilBen Propco LLC, and their attorney Lynn Weinig. Mr. Brooker summarized the application and stated that they were there for the draft resolution recitation.

Mr. Spence noted the conditions in his report from June 2024, and explained that the access road to Hemion will be improved as well as part of the modifications requested in that memo. Chairman Caridi confirmed that the Route 59 access plan as submitted will be completed up to the Right of Way (ROW) of Route 59 and that all drainage and curbing will be installed as well, and asked when they would build the island. Mr. Spence recommended delaying building the island because it would be better for emergency access. Mr. Brooker agreed, especially since they would have to cut the asphalt when they are ready for the final wearing surface, and added that they are only doing the basecoat for the foreseeable future. Mr. Spence agreed and stated that the island will be an item to be addressed in the field. He then asked Mr. Brooker if they had secured the DOT license yet and whether Montebello Development hired a contractor. Mr. Brooker said they secured the permit but that they have not yet hired a contractor, and assured the Board that the improvements for the Route 59 access have not and will not change barring any drastically altered use of the property.

Mr. Spence asked if the Braemar property will have the final pavement. Mr. Brooker said only the base coat will be installed throughout until the final surface is warranted. A discussion ensued regarding stormwater management and maintenance of the drainage systems. Chairman Caridi worried that there will be pooling and storm runoff to Route 59, but Mr. Spence assured him that the catch basins have already been installed. Mr. Filasky offered to do the final road surface if the Board requires it, but Mr. Spence said the base surface should be installed now and the final surface can be finished at a later date.

Chairman Caridi recommended they install signage and barriers discouraging the general public from using the private interior road in front of The Braemar.

The Board and consultants next discussed the Tallman Fire Department letter dated August 20, 2024 and their requirement for an electric gate at the Route 59 road. Chairman Caridi noted that the site plan shows a manual gate and suggested responding to Tallman FD explaining that an electric gate is not feasible and ask for some other way to mitigate the issue. Ms. Weinig said that the FD's letter read "we have been advised" and was not a directive, and added that they have a Knox box for the manual gate in any case.

Ms. Terhune stated that the approval for the temporary access road will be granted for a period of one year and that they may request two more afterwards. Chairman Caridi assured the Applicants that limits are being imposed for the record, but that the Board will hear as many requests as necessary.

Mr. Spence asked Mr. Filasky when they would be expecting a Temporary Certificate of Occupancy (TCO). Mr. Filasky said they would be requesting a TCO in about a month, adding that they are waiting for O&R to turn on the gas/electric connections.

No one having further comments, Member Shipley made a motion to approve the resolution, seconded by Member Materna and upon vote, the motion carried. It is noted for the record that Member Aufgang recused himself because of a personal conflict.

**RESOLUTION PB08 OF 2024
VILLAGE OF MONTEBELLO PLANNING BOARD
GRANTING TEMPORARY ACCESS TO FILBEN MONTEBELLO PROPCO, LLC.,
FOR TEMPORARY INGRESS/EGRESS TO BRAEMAR ASSISTED LIVING FACILITY
FROM HEMION ROAD**

Prior approval and subsequent actions. On March 9, 2021, the Planning Board granted Final Conditional Subdivision and Site Plan Approval to Montebello Crossing., LLC, SBL 55.1-1-2 to subdivide the property into three (3) separate lots and construct a mixed-use development consisting of a 200-bed assisted living facility on Lot 1, a retail drug store with 14,698 square feet on Lot 2, and a two-story medical office building with 10,000 square feet on Lot 3. See Resolution PB01 of 2021, incorporated by herein reference. At the same time, the Planning Board granted final amended site plan approval to Hemion Holdings, SBL 55.10-1-3, for the purpose of modifying ingress and egress to Hemion Road and cross-connection easements with the Montebello Crossing property. See Resolution PB02 of 2021, incorporated herein by reference. Pursuant to the approval granted to Montebello Crossing, access to all three lots was to be provided by State Route 59, which requires approval and a permit from the New York State Department of Transportation (“DOT”) and from Hemion Road. The Route 59 access serviced all three lots via an internal driveway located on Lot 3. The Hemion Road access is located on the eastern portion of Lot 1, with a small portion located on the Hemion Holdings LLC site (SBL 55.10-1-3). Cross easements on all lots were a condition of approval.

Thereafter, FilBen Montebello Propco, LLC (“Applicant”) purchased Lot 1 from Montebello Crossing. The Applicant began constructing the assisted living facility (“Braemar”),

including the ingress/egress to Hemion Road. As part of that work, the Applicant built a construction driveway from Route 59 to Lot 1. However, that work was undertaken exclusively by FilBen to facilitate the construction of Braemar.

The application. On July 2023, Montebello Crossing LLC sold Lot 2 and Lot 3 to Montebello Development LLC. Neither Montebello Crossing nor Montebello Development did any work on Lot 2 or Lot 3 during the construction of Braemar, including on the internal access driveway to Route 59. Montebello Development has not provided the Planning Board with any information as to when or if they will be completing the last twenty feet of finished roadway connecting the internal driveway and improvements to Route 59 in conformance with DOT specifications. Until such time as Montebello Development completes the Route 59 connection and improvements, the internal driveway remains incomplete. Although Montebello Development has applied for the necessary permits to do work within the Route 59 ROW, they have not stated any intent to complete the work by a date certain. Indeed, Montebello Development has applied to the Montebello Board of Trustees for a modification to the RR-59 special permit issued by the Village Board to allow for a 55,000 square foot medical office building on Lot 3 and parking on Lot 2.

Because the Route 59 access has not been constructed by Montebello Development and because Montebello Development has provided no date for the completion of that work, FilBen has requested approval from the Planning Board to use Hemion Road as Braemar's temporary access for a period to be determined by the Planning Board. Braemar's construction is significantly complete but with only one access point from Hemion Road and without a temporary approval from the Planning Board, no certificate of occupancy ("CO"), not even a temporary CO can be issued. To that end, all work on the internal driveway has been undertaken by FilBen.

The circumstances of the application. The Montebello Building Inspector has determined that Braemar requires two access points for public safety. FilBen has, on its own initiative, improved the internal driveway from its boundary with Lot 3 to the Route 59 ROW, including widening, paving and curbing. Approximately 20 feet of the driveway remains gravel. Said driveway will provide temporary access to Braemar for emergency vehicles. No other changes to the 2021 subdivision and site plan approvals for either Montebello Crossing or Hemion Holdings are proposed.

General Municipal Law § 239-m. The application was duly referred to the Rockland County Department of Planning (“RCDP”) pursuant to GML § 239-m. By letter dated August 2, 2024, RCDP issued six (6) comments. On a motion by Member Dickman, seconded by Member Doon, the Planning Board voted to override comment no. 1 of the RCDP letter, which referred to the requirement to provide reciprocal access easements, which has already been done. All remaining comments were accepted by the Planning Board and the Applicant agreed to comply with each.

Agency referrals. The Application was referred to all other external agencies having jurisdiction to comment on the proposed application. The Tallman Fire Department, Rockland Sewer District No. 1 and the Rockland County Highway Department (“RCHD”) responded. With the exception of the RCHD comment related to reciprocal easements, all other comments were accepted by the Planning Board and are hereby made a condition of this Approval.

Public Hearing. No public hearing was required as this application was not for an amendment to the subdivision and site plan approvals granted in 2021.

State Environmental Quality Review Act (SEQRA). The Planning Board assumed Lead Agency for the purpose of complying with SEQRA. Because no modifications to the 2021 approvals were requested, except a di minimis alteration of the Hemion Road access, the Board

concluded that the only environmental issue necessary to address was whether one access point would affect traffic. The applicant's traffic study was reviewed by the Village traffic consultant. The village traffic consultant agreed with the methodology used and concluded that the traffic generated by an assisted living facility operating on Lot 1, in the absence of any use of Lot 2 and Lot 3 would not generate enough traffic to negatively affect traffic on Hemion Road.

Submissions. The following submissions were considered by the Planning Board in making their decision and incorporated by reference as if fully set forth herein:

1. Letter from Lynn E. Weinig, Esq., Windels Marx, to Planning Board, re: FilBen Montebello Propco, LLC ("FilBen"), dated June 12, 2024, last revised June 28, 2024, with attachments:
 - a. Montebello Crossing, Temporary Access Plan, Phase 1, dated June 27, 2024, prepared by Brian A. Brooker, Professional Engineer.
 - b. Stabilized Construction Access issued under EB 17-001, sheet 209-05, approved by Richard Wilder, P.E., NYS Department of Transportation,
 - c. Memorandum to Lynn E. Weinig from A. Peter Russillo, P.E., PTOE, dated June 26, 2024, noting that the permitting process for the mitigation measures along NYS Route 59 have already been submitted,
 - d. Copy of NYS DOT highway work permit application for non-utility work, dated June 21, 2024, prepared by Excavating Services, Inc.,
 - e. Updated traffic study and Memorandum to Planning Board Chairman and Members, dated June 26, 2024, prepared by A. Peter Russillo, P.E., PTOE.
2. Letter from Lynn E. Weinig, Esq., Windels Marx, to Planning Board, dated July 26, 2024, with three attachments:
 - a. Letter from RCSD No. 1,
 - b. Letter from RCHD, dated July 9, 2024,
 - c. Road work permit to make water and sewer connections.
3. Application Review Forms package, for CDRC review, dated June 13, 2024.
4. Survey, dated June 2, 2022, prepared by Jay A. Greenwell, PLS, LLC.
5. Letter from Lynn E. Weinig, Esq., Windels Marx, to Planning Board, re: FilBen Montebello Propco, LLC ("FilBen") – Request to Amend Condition of Site Plan Regarding Access on a Temporary Basis," dated June 12, 2024,
6. Consent of Montebello Development LLC to make application to the Planning Board, dated July 6, 2024,
7. (Approved Plan Set with Braemar Assisted Living, Medical Building and Pharmacy) Site Plan Set, 26 sheets, entitled "Final Plans Prepared for Montebello Crossing Development" stamped by Brian Brooker, P.E., with latest revision date of April 6, 2022, as follows:
 - 1, Title Sheet
 - 2, Subdivision Plat
 - 3, Site Plan
 - 4, Grading & Utility Plan

5, Erosion & Sediment Control Plan
5A, Erosion & Sediment Control Details
6, Signage Plan
7, 8 and 9, Fire Truck Maneuvering Plans
10, 11, 12, 13 and 13A, Construction Details
14, Main Access Road Profile
15, Tree Map
16, Tree Table
PL-1, Site Planting Plan (by Robert Torgerson)
Sheet 1 of 1, Lighting Proposal (by LSI)
WM-1, Water Main Plan
WM-2, Water Main Profile
WM-3, WM-4, Water Main Details
SM-1, Sewer Main Plan
SM-2, Sewer Main Profile

NOW, THEREFORE, BE IT RESOLVED, that in making its decision, the Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law, Rockland County agency comments, the advice of its consulting engineer and planner as regards all materials submitted by the Applicants, and all other materials related to this application. After deliberation, the Planning Board hereby grants the Application to approve temporary access to the Braemar Assisted Living Facility via Hemion Road with access to Route 59 provided for construction vehicles and emergency responders only via the internal driveway shown on Lot 3.

BE IT FURTHER RESOLVED, that temporary approval is granted for a period of one year from the date of this Resolution. Thereafter, the Applicant may seek two additional six-month extensions upon application to the Planning Board.

BE IT FURTHER RESOLVED, that the aforesaid temporary approval is granted pursuant to the following conditions, which shall be completed prior to issuance of a CO by the Building Inspector:

1. Payment of all fees due and owing to the Village of Montebello as related to the project approval process.
2. FilBen will install pavement and curbing up to the ROW line of Route 59 through Lot 3 as shown on Sheet 1, "Temporary Access Plan, Phase I, prepared by Brian A. Brooker, P.E., dated June 27, 2024, attached to the Weinig letter dated June 28, 2024. Gravel will be placed between the ROW line and existing edge of pavement for Route 59. Curb island may be built at a later date pursuant to field approval of the Village Engineer. All work will be subject to approval by the Village Engineer.
3. FilBen will comply with NYSDOT Detail 209-05, "Stabilized Construction Access," approved by DOT on January 26, 2017, attached to the Weinig letter dated June 28, 2024.

4. The installation of a gate at the Route 59 entrance equipped with a Knox Lock per the approved plans. A key will be provided to the Tall Fire Department.
5. Compliance with all comments contained in the June 24, 2024 and August 12, 2024, memoranda prepared by Martin K. Spence, P.E., Village Engineer.

On the Motion of Member Shipley, seconded by Member Materna, the Planning Board granted final subdivision approval on a roll-call vote of 4 yeas, 0 nays, as set forth herein:

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>recused</u>
Nancy Doon, Ad Hoc Member	<u>√</u>	_____	_____

Meeting Minutes Approval

Member Aufgang made a motion to approve the minutes of the August 13, 2024 Planning Board meeting. The motion was seconded by Member Materna and upon vote, all were in favor.

CDRC Update

Application for a Special Permit for a Residential Gathering Place at 19 Lety Lane. This is the first time the application was before the CDRC. It will require several variances, especially for required parking. The Applicant is reworking the site plan to reduce number of variances.

Member Shipley made a motion to adjourn the meeting at 8:07 p.m. seconded by Member Materna and upon vote, the motion passed unanimously.