

The Planning Board of the Village of Montebello held a meeting on Tuesday, October 9, 2018 at The Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Anthony Caridi called the meeting to order at **7:18 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Anthony Caridi, Chairman
Jane Burke, Vice Chairperson
Michael Iatropoulos, Member
Thomas Ternquist, Member
Donald Wanamaker, Member

OTHERS

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

ABSENT

Stan Shipley, Ad Hoc

Member Iatropoulos made a motion to approve the Planning Board minutes of September 4, 2018, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

**Howard Hellman/84 Viola Road, LLC—Public Hearing
House of Worship, 84 Viola Road, Montebello, NY**

Application of 84 Viola Road, LLC, c/o Howard Hellman, 100 Snake Hill Road, West Nyack New York, 10994 for approval of a Site Plan entitled “84 Viola Road, LLC” proposing the construction of a house of worship.

The applicant requested an adjournment until further notice. Chairman Caridi said that this application should be adjourned to a fixed meeting date since it is the first public hearing, and that they must re-notice the public hearing before their next appearance. Member Iatropoulos made a motion to adjourn the public hearing and the application to the November 13, 2018 Planning Board meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

**Jersey Realty Management Properties, LLC—Public Hearing
Parking Lot Expansion
49 N. Airmont Road, Montebello, NY**

Application of Aaron Berger of Jersey Realty Management Properties, LLC, PO Box 415, Monsey, New York 10952. The Applicant is proposing a parking lot expansion for the existing office building at 49 N. Airmont Road to accommodate overflow parking. The property is situated on the south side of N. Airmont Road, approximately 1000 feet east of Rella Boulevard in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.08, Block 1, Lot 4 in the LO-C Zone.

The applicant has requested an adjournment until further notice. Chairman Caridi noted that this applicant last appeared before the Board in June 2018, instructed the Planning Clerk to notify the applicant to re-notice the public hearing before their next appearance, and advised that it be adjourned to November. Member Iatropoulos made a motion to adjourn the public hearing and application to the November 13, 2018 Planning Board meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Sander Gerber – Public Hearing
Addition of a Circular Driveway, Tennis Court
556 & 558 Haverstraw Road, Montebello, NY

Application of Sander Gerber, 558 Haverstraw Road, Montebello, New York. The Applicant owns both properties and as such is proposing the installation of a circular driveway connecting both residences and the construction of a tennis court. The properties are located at 556 and 558 Haverstraw Road, on the west side of Haverstraw Road, approximately 0 feet north of Coe Farm Road in the Village of Montebello and designated on the Ramapo Tax Map as Section 40.19, Block 1, Lots 34 and 33 respectively in the RR-50 Zone.

The applicant requested an adjournment to the November meeting. Member Iatropoulos made a motion to adjourn the public hearing and application to the November 13, 2018 Planning Board meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

McDonalds/SWA Architects
ARB/Sign Plan/Amended Site Plan, 1 Indian Rock Plaza

Application of SWA Architects on behalf of Indian Rock Holdings, LLC and McDonalds for minor signage and drive-thru updates to McDonalds. The property is located at 1 Indian Rock Plaza, on the East 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 5.1 in the NS Zone.

Present were Brian O'Connor of Frohling Sign Company, and Sergio Ali of SWA Architects. Member Wanamaker recused himself from the application due to a conflict. Chairman Caridi said there have been some mitigating circumstances regarding this application, noting that a violation was issued on the site for work being done beyond the scope of the building permit. Mr. Spence said he visited the site and that re-striping and widening of the handicapped parking spaces were almost done. He advised them to button up the job for safety reasons and to cease further work.

Mr. Frohling explained that the "M" arches will be replaced with slightly larger arches, which will remain in the same locations, and will be internally lit by LED lights instead of neon as they were previously. Member Burke asked if the new arches will be brighter. Mr. O'Connor said they would not technically be brighter but may appear so because neon dims over time and the acrylic lenses of the existing signs are twenty years old.

Mr. O'Connor, describing the drive-thru components, explained that a new height detector will replace the old rusted height bar and will serve to prevent oversized vehicles from entering the single drive-thru lane. There will also be a pre-browse board on which menu specials are advertised, followed by a menu board. Member Burke asked the size of the new boards. Mr. O'Connor said the pre-browse board and menu together are smaller than the existing boards, at 4' X 58".

Member Burke raised the issue of item #7 of the Rockland County Planning Department review dated October 4, 2018 (copy on file) stating that the proposed signage does not adhere to the Village sign ordinance. Mr. Stach said that Building Inspector Lawrence Picarello, in his memo dated October 9, 2018 (copy on file), determined that the proposed signage is appropriate and adheres to Village code. Mr. O'Connor elaborated that the content on these signs are for the most

part static, with menu items changing from breakfast to lunch and a small display in the lower corner that displays the customer's order. Mr. Stach said that since it does not apply in this case, the Board may override item #7. Ms. Terhune offered that the resolution could reflect that fact, thereby letting the County know that though the Board considered it, they do not agree based on the Building Inspector's determination.

Mr. Ali apologized for the miscommunication that caused the violation at the site, to wit the walkway repairs and handicapped parking widening and striping. These are maintenance issue that should have been brought to the attention of this Board, he said. He then said that the site changes as per Mr. Spence's comments are reflected in the newest plans including reparation of the damaged drive-thru curb.

Mr. Spence summarized his memo dated October 3, 2018 (copy on file), noting that handicapped parking modifications were necessary for ADA compliance. These modifications unfortunately caused damage to a tree that must now be replaced, and there was some overlap of maintenance with amended site plan work. Mr. Spence said that the work needed to be done for general site improvements and advised the applicant to add upgrades of the deteriorating curbing and landscaping to the plans.

Member Burke, referring to condition #28 of the original 1995 resolution for McDonalds Restaurant, said that there certainly are some paper signs posted in the windows at times. Ms. Terhune said that would be a modification of the site plan and the Board can decide whether to include the item in the amended site plan resolution. Member Burke then asked if the outside light fixtures will be replaced and/or changed. Mr. Ali said there are no plans to change the exterior fixtures at all.

Mr. Lockman summarized his and Mr. Stach's memo dated October 5, 2018 (copy on file), stating that most of their comments had to do with organizing and improving the application and narrative, which the applicant has done. There are no concerns with the signs, arches, drive-thru elements, and ADA compliance upgrades for the handicapped parking, he continued, and any objections the county had in their GML review have been discussed already this evening.

Ms. Terhune asked if any of these modifications fell under the special use permit that was originally issued, or if they are simply site plan amendments. Mr. Stach said that this application does not violate any conditions of the original special permit and is therefore considered an amended site plan.

Chairman Caridi advised the applicant to update the drawings to include the additional landscaping and to return to the November 13, 2018 Planning Board meeting for a vote on a draft resolution and for Architectural Review Board approvals. Mr. Ali asked whether the signage needs to wait until then for approval. Chairman Caridi said it must because it is part of the amended site plan.

Member Iatropoulos made a motion to adjourn the application to the November 13, 2018 Planning Board meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Stonehedge Heights Corporation – Public Hearing, continued
Stonehedge Farm Subdivision
220 Spook Rock Road, Montebello, NY

Application of Stonehedge Heights Corporation, 130 East Route 59, Spring Valley, New York, for an informal discussion on the proposed residential subdivision “Stonehedge Farm.” The property consisting of 11 lots on 16.68 acres, is located on the east side of Spook Rock Road approximately 500 feet south of Topaz Court in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 49.13, Block 1, Lot 13 in an ER-80 Zone (Rural Preservation Overlay District).

Present were the Applicant Marsel Amona and his engineer Stuart Strow of Brooker Engineering. Mr. Strow said they were last before the Board in June 2018, and are here tonight to provide updates, particularly on the Wetlands. Mr. Strow explained that the wetlands in the rear southeast corner of the property were reviewed by the Army Corps of Engineers (ACOE), who adjusted some flags and increased the size of the wetlands by 0.4 acres. These most recent plans represent the re-delineated wetlands, he said, and the coverage has been adjusted to demonstrate that the lot and yield plans remain at 12 lots. All the setbacks still provide building envelopes that do not require waivers, and the plans conform to all bulk requirements. A reduction of the 100-foot regulated area to 50 feet on lots 8, 9 and 10 will be requested mainly because much of the regulated area has already been disturbed by the previous use on the property, he added.

Mr. Strow then addressed the two existing structures on Lot 1, explaining that Village code prohibits two dwellings on one lot. The solution, he said, is to remove the kitchen from the smaller house and designated it as an accessory structure for office, studio and storage use. Member Burke said that she hoped “studio” didn’t mean “studio apartment” and then asked Mr. Strow the size of the building, noting that it looked to be about three stories high when she visited the site. Mr. Strow said the footprint of the structure is 20’ by 60’ which is 1200 square feet on the first floor, and explained that since the grade slopes down, it looks taller from back. Member Burke wants to know total square footage of the dwelling and expressed her concerns about having two structures on the one lot nonetheless. Mr. Amona said that he would add notes to the map specifying that the second structure is prohibited from being used as a dwelling. Member Burke reiterated that she wants to know the square footage of the house. Mr. Strow promised to procure that number.

Referring to page 11 of the EAF Part I, Member Burke pointed out that the applicant put down 12 acres for total wetland acreage and asked how that could be since the entire lot is only 16.68 acres. Mr. Strow said he interpreted it to mean the wetlands in total, which transcend lot lines. Ms. Terhune acknowledged that the language is confusing and can also be interpreted to mean the acreage of wetlands on the site only. Mr. Strow said that page 9 of the EAF indicates clearly the size of the wetlands in this particular lot but said he would defer to Mr. Stach’s interpretation. Mr. Stach promised to explore the issues but said he agreed with Mr. Strow.

Mr. Lockman gave an overview of his and Mr. Stach’s memo dated October 5, 2018 (copy on file) and noted that the applicant should next respond with an EAF Part 3. Mr. Spence then summarized his memo dated October 6, 2018 (copy on file).

Mr. Strow asked if street lighting is required. Mr. Stach said that during the preparation of the 2017 Comprehensive Plan, no street lighting was the stated preference by the committee to preserve the rural characteristics of the area. Member Burke asked if wiring could be installed in case the Village determines street lights are needed or in case any resident petitions the Village Board for a streetlight installation. Mr. Spence said that there is language in the Village Code requiring applicants to provide lighting but only at the discretion of the Planning Board, and further states that the Board can require the applicant to install wiring no matter what. Mr. Stach read the excerpt from Village Code, a brief discussion ensued regarding interpretation, but the question remained unanswered. Chairman Caridi said that the Board will explore the issue further.

Mr. Strow asked about the suggestion of landscaped islands in both cul-de-sacs. Mr. Spence acknowledged discussing this at CDRC and concluded that the issue is purely aesthetic and up to the applicant. Mr. Amona said the islands would make snow removal difficult, and Chairman Caridi agreed.

Mr. Strow, referring to the EAF Part 2 that was submitted with Mr. Stach's review, asked why it indicated a moderate to large impact on traffic generation when there will only be 11 new single-family homes. Mr. Lockman said that Mr. Strow should provide his argument in the EAF part 3 submission, adding that it is the applicant's job to explain why there will not be any significant impacts.

Member Wanamaker asked about #16 of the EAF regarding impact on human health, stating that the former use as a horse farm was discussed at previous meetings during which raised the issue of oiling down the dirt to prevent dust from being kicked up, a common practice in the past on many horse farms. He then stated that Mr. Amona promised to provide the complete ASTM Phase 1 report. Mr. Amona said he did provide that and that only some photos were missing. Member Wanamaker acknowledged he received only part of the report and reiterated his concerns because the oils historically used were waste oil and therefore already contaminated. Adding to his concern, he said, is the fact that there is a documented case in Rockland County of such contamination on a Ramapo horse farm that used waste oil from Westchester Waste Oil Company.

Mr. Marsel said that the standard assessment for New York State is SEQRA and that he is not required by this Board to provide an ASTM Phase I report. That is only required by the bank for a loan, he added. Member Wanamaker said he is interested in possible existing historic contamination and that the ASTM standard, unlike SEQRA, requires exploration into past historic uses of a property. Dense non-aqueous liquids don't go away, he continued, and said that he is not satisfied with the environmental assessment provided. Even the Environmental Protection Agency uses the ASTM standard, so this is not a novel idea. Soil vapor intrusion into houses where people will be living and raising families should be a concern for everyone here, he said.

Mr. Stach said the question is whether this proposal will have an impact on human health from exposure to new or existing contaminants. Member Wanamaker said the question reads "proposed action," which in this case is putting in homes where soil vapor is a possibility. It would be better to know if radon or chlorinated salts are present so they can be mitigated or remediated before the houses are built. Mr. Stach asked if there was a test for this prior to construction. Member Wanamaker said the soil and/or the existing well can be tested for soil vapor intrusion. He then added, as an example, that there is a stable in Ramapo that had a horse farm where waste oil was delivered from Westchester Waste Oil. Mr. Strow said that it is important to note that the ASTM Phase 1 report that was submitted concluded there was no

evidence of any contamination, adding that this is all speculative. Mr. Stach said that the only solution is to perform the soil vapor intrusion tests. Mr. Amona said that if that's what is needed, then he will have it done. Mr. Stach said that he will modify #16 by marking "yes" for "moderate to large impact" and will fill in "m- Other impacts: prior use may have resulted in disposal of chlorinated solvents in the soil" then the applicant will provide information in the form of a soil vapor intrusion test results.

Member Iatropoulos made a motion to accept the EAF Part 2, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

**The Sentinel of Rockland County – Public Hearing
Assisted Living Facility
200 Rella Boulevard, Montebello, NY**

Application of The Sentinel of Rockland for approval of a site plan entitled "The Sentinel of Rockland," a 200-bed assisted living facility. The property is located at 200 Rella Boulevard on the south side of Rella Boulevard, 0 feet east of North Airmont Road in the Village of Montebello and designated on the Ramapo Tax Map as Section 55.08, Block 1, Lot 9, in the LO-C Zone.

Present were the Applicant and Principal of The Sentinel Eric Newhouse, his attorney Amy Mele, and engineers Glenn McCreedy and Zach Kamm of Civil Design Works.

Ms. Mele provided a brief background of the application and noted that the 2017 Comprehensive Plan adopted by the Village recommends an Assisted Living Facility as an allowed use in the LO-C zone. She and her client successfully petitioned the Village Board for a zone amendment and in August 2018, the Village Board adopted Sec. 195-87.1 of the Village Code which makes this a special permit use in this zone.

Ms. Mele said that all comments and suggestions from CDRC have been incorporated into the plans, and that this, according to Mr. Stach, is a Type I action under SEQRA which will require a full EAF. This was sent earlier today, she added. Some of the provisions in Section 195-87.1 allow the Planning Board some discretion, such as a reduction of parking requirements if the applicant demonstrates a necessity for the reduction. Ms. Mele made it clear that her client would not be making that request and said that the engineer will explain their calculations as such.

Sub section H, she continued, allows for an additional 10-feet of height in non-residential zoning districts, again, at the Board's discretion, and provided it's not habitable space and doesn't detract from the character of the neighborhood. To this end, Mr. Newhouse will provide a rendering showing the proposed gabled roof of the structure, she said. Ms. Mele then said that they were hoping for at least a Declaration of intent by the Board to be lead agency for SEQRA.

Engineer Glenn McCreedy then presented the plans, stating that the property is 6.4 acres, with 5 acres of useable space after some deductions for road widening and drainage easements and is sloped down to the east and west. The new building will be 110,000 square feet with 120 primary units housing 200 beds, driving the parking requirements to 100 spaces. To that end, he continued, there are 61 proposed parking spaces around the parameter of the building, and 39 landscaped parking spaces in reserve along the driveway access lane with drop curbs for

additional parking for special events. The grounds will be fully landscaped and lighted and paths for recreational use will be included as discussed at CDRC, he concluded.

Member Iatropoulos asked about the future residents of the facility. Mr. Newhouse explained that the three types of facilities are independent living, assisted living and skilled nursing facilities. The Sentinel is a New York State Department of Health-regulated assisted living program but can be considered as something between assisted living and skilled nursing because it provides a higher level of care and will primarily serve the people of Rockland County.

Member Iatropoulos asked if the residents will drive. Mr. Newhouse said that typically residents don't drive and that the facility provides robust amenities on site including case management and medical management services, all food, a movie, a café, a theater, a salon, and a library, and provides transportation to local shopping.

Member Ternquist asked if there are similar facilities in the area this Board can visit to get a better sense of the project. Mr. Newhouse said there is a Sentinel in Amsterdam, New York and a new one will soon open in Port Jervis in Orange County. He added that this project is dear to him because he is a Suffern resident and very much wants this to be a part of the community it serves.

Member Burke asked the size of each of the units in terms of square footage. Mr. Newhouse said the units are not all uniform because some have companion units, but an average unit with a bathroom and shower stall is 510 square feet. Chairman Caridi asked if the residents are completely ambulatory and whether there will be a memory care unit. Mr. Newhouse said that residents will be ambulatory and that they are considering a 24-bed memory care unit on the first floor.

Chairman Caridi asked how many employees will be there daily, citing his concerns for parking requirements. Mr. Newhouse stated that up to 80 employees will report to work in a 24-hour period, and not more than 30 per shift, with the highest concentration of employees there between 9 a.m. and 5 p.m. Mr. Newhouse said that many of the employees will take public transportation to work and that he was considering contacting Rockland County Department of Public Transportation to explore adding a bus stop on Rella Boulevard. Nonetheless, Chairman Caridi expressed his concern over building only 60 parking spaces. Mr. Newhouse said that residents must meet certain needs for admission into the facility, and by virtue of their various conditions, none of them drive. Regarding visitors, he said, it has been his experience that visitor parking is, unfortunately, not in high demand. Member Ternquist said that as an ombudsman he has visited many such facilities and the parking lots are typically sparsely used. Mr. Stach agreed with that observation.

Member Burke asked the height of the proposed building. Mr. Newhouse said the four stories will be in the allotted 45-foot range, and that it is the discretion of this Board to allow another ten feet for gables/non-habitable space. That is what we are asking for, particularly since a flat roof is not as aesthetically appealing, he added. Chairman Caridi asked where the electrical equipment will be, if not on the roof. Mr. Newhouse said that all the equipment, aside from the generator, will be inside. There will be no basement but there will be a mechanical room, and regarding air conditioning, each room will have its own PTAC unit. Chairman Caridi said he wanted to establish that the building will not exceed the requested elevation. Mr. Newhouse said that he will next submit elevations and renderings.

Chairman Caridi asked if Mr. Spence wanted to summarize his memo dated October 5, 2018 (copy on file). Mr. Spence said it was a bit premature to go through each of the engineering comments at this meeting and that nothing so far is insurmountable.

Member Burke asked how this will impact the frontage along North Airmont Road, especially at 43% Development Coverage. Mr. Newhouse assured her that aside from a pylon sign, most of the frontage will remain undisturbed. Mr. Spence reminded Mr. Newhouse that the pylon sign will have to be on the plans. Ms. Terhune wondered whether the proposed walking paths might disturb some of that frontage, but Mr. Newhouse said the paths will meander through the woods without much disturbance at all. Mr. Spence suggested to the applicant that he should add map notes on the maintenance of the woods at the front of the property, not only to keep the trees, but also to remove any debris or fallen trees so it is always aesthetically pleasing.

Mr. Stach summarized his and Mr. Lockman's memo dated October 5, 2018 (copy on file). During the course of the presentation to the Board, Mr. Newhouse mentioned that the Sentinel would house 182 units. Mr. Stach noted that number belies the 120 units in the application and the narrative. He then explained that units and beds are differentiated in the Code, which stipulates 20 units per acre. Units-to-acre and total beds maximum was not brought up in the Petition to the Village Board, nor was the Village or this Board previously aware you were asking for 182 units, he added. Ms. Mele confirmed that 120 units were requested in the Petition to the Village Board for the zone amendment, and Mr. McCreedy agreed. Mr. Newhouse asked how the error can be corrected as he was always under the impression that they would have 182 units. Mr. Stach offered that the Building Inspector should first provide the definition of a "unit." Mr. Newhouse said he intended to define a unit by the number of beds. Mr. McCreedy said that nonetheless, the bed count is what drives the required parking.

Mr. Stach said that regarding the requested extra height, the applicant will need to provide a cross section of the building so the Board understands what will be seen from Airmont Road and from the Thruway. He then said that he and Mr. Lockman agree with the required parking and if parking needs arise, the land-banked parking can be paved as determined by the Building Inspector.

Ms. Mele asked if the Board can at this point announce its intent to be lead agency. Mr. Stach acknowledged receipt of the full EAF earlier in the day and said he would like time to review it before declaring lead agency. Ms. Mele asked if it would be possible to declare lead agency conditionally so as not to lose a month. Ms. Terhune cautioned that declaring without properly vetting the EAF poses risks. Mr. Stach promised to fashion a Notice of Intent (NOI) within a few days. Ms. Terhune agreed and advised that if any Board members have issues, they should communicate them to Mr. Stach directly.

Chairman Caridi agreed with that course of action and instructed the applicant to submit elevations and cross-sections for the next Planning Board meeting. Mr. Stach said these two elements would be part of the Part 3 for "potential visual impact." Everyone being satisfied with this course of action, Member Iatropoulos made a motion to declare lead agency under SEQR contingent upon review of the Full EAF by the Village Planner, seconded by Member Ternquist. Upon vote, the motion carried unanimously.

Chairman Caridi opened the public hearing. No one wishing to speak, Member Iatropoulos made a motion to continue the application and the public hearing to the November 13, 2018 Planning Board meeting, seconded by member Ternquist. Upon vote, the motion carried unanimously.

Member Iatropoulos made a motion to adjourn the meeting at 10:26 p.m., seconded by Member Ternquist. Upon vote, the motion carried unanimously.