

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, JUNE 18, 2020 ON ZOOM. THE MEETING WAS CALLED TO ORDER AT 7: P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Rodney Gittens	Chairman
	Janet Gigante	Member
	Samuel Diaz	Member
	Carl Wanderman	Member
	Elizabeth Dugandzic	Ad Hoc
Others Present:	Alyse Terhune	Assistant Village Attorney
	Regina Rivera	Planning & Zoning Clerk
Absent:	Jack Barbera	Member

Member Wanderman made a motion to approve the minutes of May 21, 2020, seconded by Member Diaz and upon vote all were in favor.

**Manhattan Beer Distributors, c/o Andrew Berger AIA—Public Hearing  
10-20 Dunnigan Drive  
55.07-1-11 and**

Application of Manhattan Beer, 10-20 Dunnigan Drive, Montebello, New York 10901 which was submitted to the Village of Montebello Zoning Board of Appeals for area variances for front setback [required 75 feet, proposed 44 feet], side yard [required 20 feet, proposed 10 feet] and height [required 45 feet maximum, proposed 51 feet] per Sec. 195-13 bulk table, use group K of the zoning code of Village of Montebello. The applicant proposes a lot line merge, the construction of an addition to the two existing buildings, the relocation of the railroad track at the south property line, the construction of a loading deck with canopy, and a parking deck on the north side of the parcel. The properties are located on the north side of Dunnigan Drive, approximately 200 feet west of the intersection of Airmont Road in the Village of Montebello, which are known and designated on the Ramapo Tax Map as Section 55.07, Block 1, Lots 11 and 12 in the PI Zone. THE APPLICANT WAS LAST BEFORE THE BOARD ON MAY 21, 2020

Present were the Applicant Andrew Berger, Principal of di Domenico & Partners, LLP, Simon Bergson, President of Manhattan Beer, Mitchell Bergson, and SVP of Operations for Manhattan Beer Michael McCarthy.

Chairman Gittens established that the posting, publication and mailing legal requirements were met, and reviewed the materials submitted. He noted also that the Planning Board of the Village of Montebello noticed their intent to be lead agency for the coordinated SEQRA review of this project.

Andrew Berger gave overview of the proposal and noted that at the last meeting there was much discussion about the landscaping buffers, culminating in the suggestion that there should be a free-standing wall in front of the train tracks along Dunnigan drive instead of a row of arborvitae. That barrier will be open to the sky, he said, because Norfolk Southern Railroad requires that the engine not be not entirely enclosed. Although the ZBA [and the Planning Board] prefer the wall, he stated that it will require an increased front yard variance.

Mr. Berger shared his screen and showed the space between the two buildings where the addition is to be built and explained that all truck activity would be concealed from the residents on the other side of Dunnigan Drive, especially since the loading berths will be on the north side of the building. He then displayed a rendering of the wall.

Member Gigante said she was concerned about the sound attenuation. Mr. Berger said he made a similar presentation to the Planning Board which came to the consensus that the wall should be constructed of composite sound-attenuation panels between three to four inches thick with insulation poured inside. This type of façade will absorb and minimize sound, he added.

Member Diaz, noting the sheer size of the wall, asked if they planned on any aesthetic touches on or in front of the wall, like landscaping or paint. Mr. Berger said that, due to the topography, the wall is actually not as big and imposing as may seem, explaining that at the east end, it will be 9 feet high and gradually go up to 15 feet on the other end. The transition along the 300-foot length is gradual, he said, adding that they were discussing various types of plants that can grow in shallow depths along the wall.

Member Diaz asked the proposed colors of the wall and building addition. Mr. Berger said that the bottom of the addition will match the rich terra cotta base of the existing buildings. The top parts of the buildings are made of light beige metal insulated panel which the wall will mimic to present a uniform look. Member Diaz suggested that perhaps the wall can be painted more decoratively. Mr. Berger said that they were in discussions about making it almost a living wall on which landscaping can grow and which may include flowering deciduous plants and some evergreens. Chairman Gittens said he felt that scaling down the mass of the wall with earth tones and vegetation is appropriate. There was some discussion on more elaborate stenciling of wildlife and vegetation on the wall which Mr. Berger said they would explore.

On the north side of the building facing the NYS Thruway, Mr. Berger reminded the Board that they propose to fill in the existing landscaping with more evergreens to create a barrier between the site and the Thruway specifically to prevent any light pollution from spilling onto the highway, as required by the NYS Thruway and the Planning Board. Chairman Gittens asked if the parking deck was above the tree line. Mr. Berger showed the rendering and noted the parapet on the parking deck that will shield headlights. The Chairman noted that there is no parapet height indicated on the elevations. Mr. Berger said the height will be included on the next iteration of the plans. Chairman Gittens also asked Mr. Berger to submit a lighting plan to describe the shielding and lumens of the parking deck lighting. Mr. Berger said they were currently working with their lighting consultant and will submit all the specs in their next submission.

Ms. Terhune questioned the variance for the wall, since 10 feet was necessary to comply with Sec. 119C of the Village Code. She explained that any fence [or wall, in this case] over 10 feet must be moved in two thirds of its height away from the property line. She said she believed the submission was correct but that she would check again.

Chairman Gittens said that a letter was received by the attorney for The Sisters of Life whose property is across the Thruway. (Copy of letter on file.) Several on the Board asked the location of the Sisters' property. Member Dugandzig explained that it lies between Crown Plaza and Suffern Middle School. Chairman Gittens said that the Sisters are concerned about what they will see from their side of the highway. Mr. Berger showed the existing buffer along the Thruway and said again that it will be filled in with additional evergreens and said he will get a photo of existing conditions and submit a rendering of

the additional vegetation. Member Diaz said he did not see that as an issue at all. Chairman Gittens said he preferred to address it to avoid any problems.

Chairman Gittens opened the public hearing.

Shana Peetie, 21 Stage Street, Airmont, NY said that her house is at the very end of her street and that this project abuts her property line. She thanked the Board and Mr. Berger for all their care and attention to detail, but said she still had some issues. She said that she remained concerned about the number of rail cars making deliveries and as always, the times at which the railroad makes these deliveries. She acknowledged that no one has any control over the train schedule but her concerns regarding the extra noise and fuel from the diesel engines persist. Lighting from the existing lot and the addition is also an issue as is the potential extra noise from the AS/RS and the workers on the platform, she added.

Ms. Peetie said that from an environmental standpoint she is worried about storm runoff from the tracks and Dunnigan Drive onto the nearby wetlands and the Mahwah River, and any potential damaging effects this runoff may have on her and her neighbors' drinking water.

She suggested that the proposed wall be covered in ivy in addition to evergreens for added sound attenuation. She said that were they not comprised of mainly wetlands, she would plant arborvitae and other evergreens on her own property for additional screening. Regarding lighting, she said that Manhattan Beer promised to install baffles on existing lighting and to date, they have not done so. Finally, she asked if the Village of Airmont and any outside agencies had anything to say about all the matters she just brought forth. She then thanked the Board and the Applicant for their responses in the past to her concerns and queries.

Ms. Terhune said the resolution would be conditioned on compliance with approvals and requirements from all outside agencies. Also, compliance is part of the Planning Board's environmental review. What you have before you, she continued, is not going to change much if at all and the Planning Board is waiting to hear what this board thinks about the wall idea.

No one else wishing to speak, Ms. Terhune advised the Board to keep the public hearing open because they may want to hear additional comments once the landscaping and lighting plans are received. Member Wanderman made a motion to adjourn the public hearing to the Applicant's next appearance before the ZBA, seconded by Member Diaz. Upon vote, the motion passed unanimously.

Ms. Terhune suggested that the Board vote on their attitude towards the proposed wall/façade along Dunnigan Drive. Member Gigante made a motion in favor of the wall, seconded by Member Dugandzig and upon vote, all were in favor.

Member Gigante made a motion to adjourn the meeting at 8:02 p.m. seconded by Member Diaz. Upon vote, all were in favor.