

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, OCTOBER 15, 2020 ON ZOOM. THE MEETING WAS CALLED TO ORDER AT 7:04 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present: Rodney Gittens, Chairman
Jack Barbera, Member
Janet Gigante, Member
Carl Wanderman, Member
Elizabeth Dugandzig, Ad Hoc

Absent: Samuel Diaz, Member

Others Present: Alyse Terhune, Assistant Village Attorney
Regina Rivera, Planning & Zoning Clerk

Member Barbera made a motion to approve the minutes of August 20, 2020, seconded by Member Gigante and upon vote all were in favor.

**Montebello Gateway, LLC, PO Box 782, Monsey, NY 10952 – PUBLIC HEARING
34 N. Airmont Road
55.07-1-3**

Application of Montebello Gateway, LLC, PO Box 782, Monsey, NY 10952 for 34 North Airmont Road, Montebello, New York 10901 which is submitted to the Village of Montebello Zoning Board of Appeals for area variances for: Buffer to Airmont Road [required 50 feet, proposed 23 feet]; Ingress/Egress within 300 feet of residential district [required 300 feet, proposed 99 feet]; Maximum Height [required 30 feet, proposed 36 feet]; Floor Area Ratio [required .20, proposed .26]; Front Setback [required 75 feet, proposed 56.8 feet]; and Development Coverage [required 50%, proposed 52.8%]; Floor area ratio [required 0.20 proposed 0.26]. per Sec. 195-87.3(A), Sec. 195-9 Use Table for LO-C District, Column G, and Sec. 195-13 Bulk table, Use Group L of the zoning code of the Village of Montebello. The Applicant is proposing the construction of a 3.5 story, 50,000 square foot medical office building with 253 parking spaces. The parcel is located at 34 North Airmont Road, on the northwest side of Airmont Road at the intersection of Montebello Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.07 block 1 Lot 3 in the LO-C zone. 34 N. Airmont Road: Montebello Gateway, LLC.

Present were the Applicant, Berel Karniol, his attorney Paul Baum, engineers Joe Nyitray and Brian Brooker of Brooker Engineering PLLC and Traffic Engineer Harry Baker of Maser Consulting. Chairman Gittens established that the posting, publication and mailing legal requirements were met, and reviewed the materials submitted.

Mr. Baum addressed the Board and noted that no variances can be granted until the Planning Board closes their SEQR review. The intent is to introduce the project and take testimony at this meeting and to adjourn until the project has progressed.

He then summarized the application, a proposal for a 50,000 square foot, 3.5 story office building located between Montebello Roads, Executive Boulevard and North Airmont Road, right across Village

Hall. The Applicant is seeking six variances from this Board in addition to three waivers being sought from the Planning Board.

The first variance is for a reduction of the buffer to North Airmont road, he said, explaining that the property is the only one in the Village burdened with three front yards and requiring a 50-foot buffer to North Airmont and Montebello Roads. Additionally, the property lies within the Scenic and Historic Road District on Montebello Road which requires a 250-foot buffer from the center line of the road. The building has been pushed closer to Executive Boulevard to keep it out of that district and to eliminate any need for an accessory driveway through the required 50-foot buffer, with all ingress and egress provided on Executive Boulevard only.

Mr. Baum said that the Village code does not allow parking and travel ways in the buffer, and that they are requesting the buffer be reduced to 23 feet to accommodate 34 parking spaces. The difference in elevation between Airmont Road and the parking lot is ten feet and these parking spaces will be below grade and not seen from the road. Additionally, there will be heavy landscaping to screen the view further, and that landscaping plan is currently under review by the Planning Board, he said.

The second variance, for a setback reduction from the building to North Airmont Road, results from the reduction in the buffer because setbacks are measured from the end of the buffer, he said.

The third will allow the most western ingress/egress from the site to be within 300 feet of a residential zone. Village code does not allow any commercial entity to gain access within three hundred feet of a residential district and the variance is needed for access to the property on Executive Boulevard, he said.

Mr. Baum explained that the last three variances request relief from the bulk table for height, floor area ratio (FAR) and lot development coverage. Regarding height, Mr. Baum said the requested extra six feet will seem less substantial because the building is below grade and will appear smaller from Airmont Road. The 52.8 percent lot coverage is a small ask, he continued, because it amounts to roughly 5,000 square feet more, and the storm water management and drainage will easily handle any runoff. The final variance for floor area ratio of .26 over the required .20 is necessary because 50,000 square feet is needed to make this project work.

Mr. Baum noted that they are asking for a lot of relief but explained that the Village adopted new zoning requirements which makes this a special permit use and established the 50-foot buffers to Airmont and Montebello Roads. They also decreased the allowable development coverage on this property from 60 percent to 50 percent and the FAR from .25 to .20. Without these changes to the bulk table, the variance would not be necessary, he said.

The Applicant's engineer, Joseph Nyitray, was sworn in and reiterated much of what Mr. Baum said, explaining that 250 parking spaces are required under zoning and that, after discussion with the CDRC and Planning Board, they decided to landbank 32 of those spaces on the Montebello Road side. All calculations in the bulk table on the site plan include these spaces as if they were installed, he said, which is why the coverage is higher than 50 percent. In total, there are 220 spaces to be built, 32 land banked spaces and seven handicapped spaces.

Mr. Nyitray said the Planning Board recommended there be no access to the property from Montebello Road, so that buffer will be undisturbed save for some landscaping in addition to the natural vegetation to screen the parking lot. He noted that the parking lot along Airmont Road will be eight or nine feet lower than the road, and a landscaped berm will be added to hide the parking further.

Chairman Gittens asked if the height of the building is taken from mean grade level and whether there will be a full basement under the entire building footprint. Mr. Nyitray said the grading is such that there will be a half story at the residential zone side, roughly under half of the building, and there will only be three stories on the side of Airmont Road.

Chairman Gittens noted that they are just a bit over their lot coverage because of parking. Mr. Nyitray agreed and reminded him that it included the land-banked spaces as if they were built. If those spaces are never required, then the coverage would be a bit less. Mr. Baum said those land-banked spaces were designed in case they need to be installed, allowing the Applicant to bypass the Planning Board process. Without the spaces, the lot coverage would be just a few hundred square feet. He further explained that the development coverage is based on the calculations of a net lot area of 186,000, and this project proposes about 5,000 square-foot reduction due to the steep slopes. If those reductions were not present, then there would be 196,000 square feet and the variances would be very minor or non-existent, he said.

Chairman Gittens asked the maximum projected occupancy, given the 250 parking spaces, positing that the developer may perhaps change the use of the building in the future. Mr. Baum said the use will not change and that they want as many parking spaces as possible so there is never a backup onto Executive Boulevard. The Planning Board and the CDRC had a good idea to land-bank some of those spaces, he said, adding that parking needs can never be entirely predicted.

Chairman Gittens asked why the ingress/egress driveways couldn't be closer together and further from the residential zone. Mr. Brian Brooker of Brooker Engineering said that there needs to be sufficient room to turn left out of the driveway onto Executive Boulevard, which is vital given that there is a traffic signal. Ample stacking room is important to avoid blocking traffic across Executive Boulevard as cars queue up waiting for a green light, and site distance is also a factor. Chairman Gittens noted that there will be a break in the median on Executive Boulevard and was satisfied with Mr. Brooker's explanations. He then asked if the traffic report submitted to the Planning Board considered the distance between the two driveways. Mr. Baum said there are no specific regulations for that and that they only need enough distance to provide enough room for traffic flow. The location of the driveways is included in the traffic impact study currently under review by the Planning Board and the Village Traffic Consultant.

Ms. Terhune said that the Traffic Impact Study should be shared with this Board as an involved agency for SEQR and instructed the Zoning Clerk to distribute copies to the ZBA members.

Member Gigante asked if the land-banked parking was at a lower grade than the road and whether there will be a retaining wall. Mr. Nyitray said that the area is graded out from North Airmont road down to the land-banked parking and that an existing three-foot stone wall will remain. Ms. Terhune said that the Planning Board is very concerned about visibility of the building from surrounding properties, especially from the residential zone. The property is at a lower elevation and the Applicant will respond

with some visuals and this Board can see them as well, she added. Mr. Baum noted that the Planning Board just declared lead agency and that these questions will be included in the environmental review, which must be complete before this Board can take any action. The Applicant will share all pertinent Planning Board submissions with this Board, he said.

Member Barbera asked if there will be any food facilities in the building. Mr. Baum said he wasn't sure if there would be a cafeteria but would find out and report back. Member Barbara said that is an important issue to clarify since the Applicant must make some accommodations for garbage, grease traps and the like. Chairman Gittens said they might therefore need both loading berths after all. Member Barbera asked the projected number of employees in the building. Mr. Baum said it was impossible to determine without knowing the uses. Ms. Terhune asked if there was an interior layout of the office suites or whether they even anticipated the number of offices. Mr. Baum said there are no architectural plans at this point, but roughly calculated, discounting the elevators, hallways, restrooms and mechanical rooms there is less than 50,000 square feet of usable space, and typically, because of all the ancillary areas, there is a loss of 20 percent of usable space. Chairman Gittens asked if there are zoning rules on parking vis-à-vis square footage, and Mr. Baum said that they are required to provide one parking space per 200 square footage of area.

Member Dugandzig asked if the Applicant could consider making one driveway larger, centered on the frontage of the property, and eliminating the one closest to the residential zone. Mr. Brooker said there would not be sufficient stacking for cars coming out of the property and to the traffic signal. However, he said, the traffic consultant will do the measurements to back up the current layout. Mr. Baum said that there is an existing access drive at One Executive Boulevard across the street from the residential zone. The proposed access drive for this project is further away, and with the 30-foot side yard and heavily landscaped 50-foot buffer, the residents will never see the access point, he said.

Member Gigante made a motion to open the public hearing seconded by Member Dugandzig and upon vote, all were in favor.

No one wishing to speak, Mr. Baum thanked the Board for allowing them to introduce this proposal and assured the members that he will share all environmental information from the Planning Board. There will be additional witnesses and we look forward to presenting all the information this Board needs, he said.

Ms. Terhune advised Mr. Baum to adjourn the application and public hearing until they can make a timely submission. Mr. Baum wanted to adjourn to a date certain but acknowledged they will not make the November meeting. Member Wanderman made a motion to adjourn the public hearing and the application to the December 17, 2020 Zoning Board meeting, seconded by member Gigante. Upon vote, the motion passed unanimously.

Member Gigante made a motion to adjourn the meeting at 8:06 p.m., seconded by Member Wanderman and upon vote, all were in favor.