

THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, MARCH 18, 2021 ON ZOOM. THE MEETING WAS CALLED TO ORDER AT 7:03 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Rodney Gittens	Chairman
	Jack Barbera	Member
	Elizabeth Dugandzic	Member
	Janet Gigante	Member
	Carl Wanderman	Member
	Ezra Bryan	Ad Hoc

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

Absent:

Minutes Approval

Member Wanderman made a motion to approve the minutes of February 21, 2021, seconded by Member Barbera 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: 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 .24] per 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, 46,400 square foot medical office building with 227 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.

Present were the Applicant, Berel Karniol, and his attorney Paul Baum, along with engineers Joseph Nyitray and Brian Brooker of Brooker Engineering, and traffic engineer Harry Baker.

After Chairman Gittens reviewed the submitted materials, Mr. Baum explained that the application was last before this Board in October 2020 when they presented a plan for a 50,000 square foot building requiring six variances and 5 waivers from the Planning Board. After several iterations of the layout, Mr. Baum said this latest was the one most amenable to the Planning Board. The square footage was reduced to 46,400 square feet and the building was shifted slightly away from North Airmont Road which eliminated the front yard setback, development coverage, and required parking variances.

Three variances remain, he continued. The distance from the residential zone to the ingress/egress driveway, height, and FAR, which was reduced from .26 to .24. Mr. Baum said that they have been working closely with the Planning Board on this plan and they in turn have granted the required waivers

as allowed by the Village code for reduction of the front yards, reduction of the 75-foot buffer to the residential zone, and reduction of the number of required loading berths. That Board did issue a Negative Declaration of Environmental Impact (Neg Dec) which in turn allows this Board to vote, he explained.

Joe Nyitray of Brooker Engineering stated that the plan is the same as far as layout, but the building is smaller, pushed away from Airmont road and the FAR is lower which allows for a decreased parking requirement of 227 parking spaces. The variance for the proximity of the driveway to the residential zone remains only because any other proposed modification either infringes on the Scenic and History Road District on Montebello Road, or will cause stacking problems on Executive Boulevard. Mr. Baum added that the traffic impact study, which was amended for this latest site plan, satisfied the Planning Board to the extent that they issued a Neg Dec.

Mr. Baum noted that the parking lot on the residential side will be at least 80 feet from the nearest property line on Finnegan Lane. Executive Boulevard already along that zone and behind so there will not be any new impact on the neighborhood, he added. The Chairman agreed with that assessment but asked if the residential zone would be properly buffered from commercial development. Mr. Baum said the buffer between commercial and residential zone will be heavily landscaped on a berm, particularly to shield the homes from headlights in the parking lot. Mr. Baum stressed that they prefer to have both driveways on Executive Boulevard even though one comes closer to the residential zone than the code allows specifically to leave the property untouched along the Scenic and Historic Road Overlay District on Montebello Road.

Chairman Gittens asked if Village Engineer Martin Spence reviewed the drainage. Mr. Baum said Mr. Spence reviewed the drainage and Storm Water Protection Plan (SWPP) extensively as part of the Planning Board site plan review. He added that he and his client have no issues with any of Mr. Spence's or Village Planner Jonathan Lockman's comments.

Regarding the height variance, Mr. Baum said that the building will appear to be a story shorter from Airmont Road due to the sloping topography. The building is oriented to incorporate with the other buildings on Executive Boulevard, all of which are greater than 30 feet high which in turn renders this building in character with the neighborhood, he said. He opined that, if this lot were a full five acres, a fifty-foot height would be allowed as is the case with the new Assisted Living Facility across the street on Rella Boulevard.

The last variance requested for Floor Area Ratio is logical he said, explaining that the maximum allowed FAR in this zone is .20 while .40 is allowed in the nearby LO zone. Again, he said, if this property was larger the FAR could be higher as of right. Mr. Baum reminded the Board that there are other uses in the vicinity with twice the FAR as proposed here and this small increase is much less than that of existing structures in the immediate neighborhood.

Chairman Gittens took his point and agreed the height and FAR variances seem not out of character. He asked the height of the trees in the buffers on all three sides and whether much of that landscaping incorporates existing mature trees. Mr. Nyitray showed that the grading at the south parking lot is nine feet lower than Airmont Road and that in between that there are many existing trees along that buffer that will hide much of the building from the road. From Montebello Road, he continued, the building will be set far back enough to be nearly invisible from that Scenic and Historic Road. Near the residential zone, Mr. Nyitray said that a heavily landscaped berm and supplemental trees will shield the homes from parking lot activity. Chairman Gittens noted that this project and landscaping plan is overall much improved.

Mr. Baum turned the discussion to the GML Review from Rockland County Planning, which was based upon the initial proposal and its attendant six variances. Initially the County disapproved of the proposal, and a response narrative was submitted along with the new plans and the Applicant is hoping they modify their recommendations, he said.

Mr. Baum specified that the GML review dated November 4, 2020 (copy on file) requires an override of comments #1 through #3 because the front setback variance was eliminated and the buffer increased. The review does not mention height, FAR or the 300-foot required distance to residential zone, he said. If the Board is interested in voting tonight before the new County GML review is released, we are requesting an override of their disapproval and of those comments, he said. Ms. Terhune said procedurally the Board should close the public hearing before voting on any overrides.

Chairman Gittens opened the public hearing. No one from the public present and/or wishing to speak, Member Gigante made a motion to close the public hearing seconded by Member Wanderman. Upon vote, all were in favor.

Chairman Gittens asked when the revised site plan was sent to the County for a new GML, and the Zoning Clerk answered that it was sent on February 19th and that the 30 days needed for a response have not elapsed. Mr. Baum said that his client wanted to appear tonight on the off chance that the Board would be willing to vote on overrides. Ms. Terhune said it would be risky for the Board to do so when there is a pending GML review, and Chairman Gittens agreed, noting their original concerns and possible new issues not anticipated.

Ms. Terhune noted that an application must be made to the Historic Preservation and Parks Commission (HPPC) for a Certificate of Appropriateness due to the frontage along Montebello Road but that, since none of the building encroaches into the buffer, that Board will only review the parking and landscaping.

No one else having any comments, Member Dugandzic made a motion to adjourn the meeting at 7:57 p.m., seconded by member Gigante and upon vote, all were in favor.