



ATZL, NASHER & ZIGLER P.C.

ENGINEERS - SURVEYORS - PLANNERS

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84 Viola Road, LLC

Narrative Summary

84 Viola Road LLC, proposes to construct a House of Worship on Tax Lot 49.05-1-17, which is located on the north side of Viola Road, opposite Lety Lane. It is within the RR-50 Zoning District and is a use by right.

The Congregation presently utilizes five houses of worship, all located within a several mile radius of the proposed new synagogue. As the new synagogue is out of walking distance for the majority of the congregants, the synagogue will be predominantly used on days other than the Sabbath and hold days. The utilization is further explained as per the table provided.

The religious community seeks to have a house of worship space in a modern central facility capable of accommodating worshippers at services. The first-floor area will function as a gathering area for fellowship after services, with multipurpose space. The second-floor area will be devoted to worship space and three classrooms. Sufficient on-site parking is provided with access to Viola Road. The three classrooms on the second floor are for religious instruction ancillary to religious services. They will be utilized for continuing religious education. These classes may be all adult, all children or a combination of both. This will depend on the program being presented.

The historic Johnson Farmhouse will be preserved and occupied by the clergy. The other existing structures on the site will be demolished.

The site was historically used for agricultural purposes and the Johnson Farmhouse remains. The pond was likely constructed in the 1970's based on available aerial photographs. The site was utilized recently by a tenant with a landscaping company for storage of equipment.

The plan calls for construction of a two story 28,800 square foot building with a footprint of 14,400 square feet. The building will be utilized as a house of worship. Ancillary use to the sanctuary will be multipurpose space on the first floor.

All proposed improvements are completely outside the 50 Feet Stream Buffer.

Due to recent changes in the Code for Community Places of Worship, we have revised the Plan placing the parking behind the building. This requirement and the site constraints, wetlands and stream buffers, requires that the building be situated outside the 250 feet Historic Scenic Road Buffer.

We will work closely with the Planning Board, Architectural Review Board and the Historic Preservation Commission to develop a plan that will be aesthetically pleasing, that will meet the criteria for appearance, landscaping and buffering, to the extent possible.

A parking area for 144 vehicles will be located beyond the proposed building. A single boulevard driveway will accommodate all ingress and egress for the site. The driveway will align with the intersection of Lety Lane and Viola Road. Substantial buffers will be provided around the site's perimeter.

A Traffic Analysis was performed in November of 2016 based on the previous plan. The previous plan was for a three story building with a floor area of 45,000 square feet building.

Based on the previous building, the Level of Service was found to be acceptable (A & B). The current plan is for a 28,800 square feet building. This building's floor area is 64% less. The Level of Service will continue to be acceptable.

The Project will improve the aesthetics of the site through high quality architectural design of the house of worship and a complimentary landscape plan, combining a variety of plantings. The exterior of the historic dwelling will be refreshed and appropriate plantings will be provided to blend it with the remainder of the site.

Substantial portions of the site will be retained in their natural state through the incorporation of undeveloped wetland buffers. These areas occupy significant portions of the site and will provide screening of the house of worship from the adjoining properties.

The primary objective of the project is to provide worship space suitable for congregation worship. The project will provide a modern religious space for prayer.

We've been to CDRC a few times. At this point we would like to have input from the Planning Board regarding the layout, grading, landscaping, etc. The Traffic Analysis is being updated and we are starting the process for the removal of the dams.

The following are responses to comments received at the November 27, 2018 CDRC Meeting:

1. Comment: Present: Applicant Howard Hellman, Engineer John Atzl, and Applicant's attorney Joseph Scarmato.

Response: No response required.

2. Comment: No variances needed for current layout, but wetlands and stream protection permit required for encroachment into wetlands buffer. Applicant requested conceptual approval of layout. A. Terhune stressed that CDRC does not offer any approvals; Applicant clarified they are seeking a consensus on the current layout to take before the Planning Board.
- Response: *No response required.*
3. Comment: See M. Stach memo dated 11/21/18; different uses and frequency of use of the building must be defined.
- Response: *Addressed in narrative.*
4. Comment: DEC and ACOE Wetlands, as well as smaller wetlands, must be clearly defined, after which M. Spence will inspect and issue a report; If smaller wetlands on current map do not meet Village's wetlands definition, then buffer can be reduced to 50' and therefore may not require wetlands permit.
- Response: *Per discussion, Stream Buffer for the northerly stream reduced to 50 feet.*
5. Comment: J. Atzl asked for guidance on placement of parking lot trees (one tree for every twelve spaces); M. Spence will advise.
- Response: *Trees provided in and along parking lot at one tree per twelve spaces.*
6. Comment: Pre-approved parking management plan is required if functions/events require more than the allotted 144 parking spaces.
- Response: *There will be no events that would require more than the 144 parking spaces provided. No events that require vehicles.*
7. Comment: Certificate of Appropriateness from the HPC required prior to Site Plan approval; Applicant will go to HPC concurrently with Planning Board.
- Response: *HPC Application has been submitted.*

8. Comment: Traffic Impact Study must be updated to include increased parking.
Response: Traffic Impact Study is being updated. Prior study for larger building mitigated traffic impacts.
9. Comment: See L. Picarello memo dated 11/26/18
Response: No response required.
10. Comment: See Tallman FD letter dated 11/19/18.
Response: No response required.
11. Comment: M. Spence said dams and Traffic Impact Study are two biggest issues currently; M. Stach confirmed that all buffers, yards and regulated areas are measured correctly, the proposed building is located within the correct footprint and the plans are reflective of the intent of the codes of the Village.
Response: Dam removal process has been started and Traffic Impact Study is being revised.
12. Comment: Application can advance, and more detailed plans can be prepared for submission to the Planning Board; A. Terhune reminded them the importance of including more details on the uses of the building; without clear uses defined, applicant moves forward at their own risk.
Response: Acknowledged.

The following is our response to Max Stach, AICP Village Planner and of Nelson, Pope & Voorhis, LLC memo dated November 21, 2018:

Submission:

1. Comment: The number of proposed seats in the sanctuary (720) is indicated in the parking requirements note on the Site Plan, sheet 1. The capacity of the first-floor multipurpose room is no longer stated. Revised floorplans for the new building design have not been submitted.

Response: Revised Floor Plans are part of this submission. Capacities provided on Site Plan.

2. Comment: Sign details have not been provided, pursuant to §195-79.3 K.

Response: Will provide all signs as project moves forward.

3. Comment: A narrative is required pursuant to §195-79.3 N. The narrative should be expanded to describe the entire program of uses as shown on the previously submitted Mayerfeld floor plan sheets, including the sanctuary, classrooms, offices, mikvah, and minyan room, with days and hours of operation for each use (unless of course any of these proposed accessory uses have been eliminated from this currently proposed building program). This will be helpful in determining whether parking requirements will be met.

Response: Narrative expanded.

4. Comment: In response to comment #5 in our previous memo, the site plan continues to indicate required stream and wetland buffers at 100 feet in depth. A portion of the rear of parking area (an aisle and part of a row of spaces) is located within this 100-foot buffer. The applicant must meet the standards of §191-6 B for issuance of a permit under the Wetlands and Stream Protection Chapter.

Response: Per discussion, 50 feet Stream Buffer is required, noted on plans.

5. Comment: Section 191-6(B)(14) Requires a field determination of all W-EPOD Boundaries by the Village Engineer. This really should be done soon, as we do not believe that a wetland buffer is required from what seems to be a channelized stream outside the wetland flags.

Response: We had a Site Visit on February 14, 2019, with the Village Engineer and Peter Torgersen. It was agreed the Wetlands as shown are correct. The 50 feet Stream Buffer is now shown.

6. Comment: Lighting and landscaping will need to be addressed for a full site plan submission.

Response: Landscape Plan provided. Will provide Lighting Plan as the project progresses.

7. Comment: Elevations of the building and renderings will be required for HPC review as the proposed building is in the Historic and Scenic Overlay. See comment #14.

Response: Acknowledged.

Code Compliance:

8. Comment: All setbacks and yards are now measured from buffers as required by the definitions of "buffer," "yard, required," and the various definitions of setback, pursuant to comment 9 of our previous memo.

Response: No response required.

9. Comment: Parking and loading areas have been moved from in front of the proposed building as required by §195-79.3 Community Places of Worship, subpart B. Eight-foot high screening from adjacent residential properties and the street is also required, but not shown.

Response: Screening provided along Viola Road and the easterly property line. There are woods that will remain along the north and west side to provide screening.

10. Comment: Section 195-79.3 Community Places of Worship, subpart C, now requires that one shade tree be provided for every 12 parking spaces, and no parking lot trees are indicated.

Response: Provided on Landscape Plan.

11. Comment: The plan now shows a minimum 20-foot wide landscaped buffer area along side and rear property lines. §195-79.3 Community Places of Worship, subpart D does not require this buffer area along the front lot line. However, an 18.5-foot wide strip for road widening is shown along the Viola Road frontage. Required plantings are not indicated. A Historic and Scenic Roads buffer is also shown (see comment 14).

Response: 20 feet buffer area removed from the front lot line. Plantings provided along Viola Road.

12. Comment: Section 195-79.3 Community Places of Worship, subpart J, now requires a parking management plan (PMP) to provide off-site parking for large events, should any be anticipated with a parking demand which would exceed the 115 parking spaces provided. A PMP should be provided for events anticipated at the synagogue that would attract more than 125 cars.

Response: There will be no events that would require more than the 144 parking spaces provided. No events that require vehicles.

13. Comment: The building placement, some parking lot and drive construction, clearing, grading and landscaping will all occur within the newly adopted Historic and Scenic Roads Overlay, with a Certificate of Appropriateness required from the Historic Preservation Commission (HPC). A pitched roof for the building will be required by §195-60 L(5) g. Any changes to the existing caretaker's residence will also need to be part of the HPC's review. The narrative incorrectly states a variance would be required to place a building within the H&S Roads Overlay. Buildings are permitted within the overlay without any need for a variance or a waiver but must be reviewed by the HPC for appropriateness and architectural compatibility.

Response: HPC Application submitted concurrently with the Planning Board Submission.

14. Comment: Historic and Scenic Roads Overlay §195-60 L (5) b, requires, "a buffer strip with all native and natural vegetation shall be maintained between any newly constructed or modified building and the road right-of-way line. The minimum width of the naturalized vegetative buffer shall be equal to at least 10% of the depth of the parcel and shall be maintained from the property line adjacent to the regulated road towards the building or structure." This required buffer area is now shown, but the landscaping plan will need to show native and natural vegetation maintained or enhanced as necessary in this area.

Response: Street trees provided along Viola Road, additional information will be provided per Planning Board direction.

Planning:

15. Comment: We have not seen any response to comment 7 of our previous memo. The inspection reports for both dam #1 and dam #2 indicate that certain repairs need to be made immediately. CDRC urged the applicant to decide whether the dams will be repaired or removed, to submit details of remedial work or removals. If the Dam is removed, this may impact the presence of the pond and change required buffers.

Response: Since the dams serve no purpose, at this point the owner wishes to remove these due to costs to the repair and liability issues. Process started.

16. Comment: An internal sidewalk is shown from the building along the east side of the driveway up to Viola Road. Pedestrian circulation will need to be addressed more fully in the full site plan submission to address the arrival of walking congregants. Pedestrian safety will likely be a substantial subject addressed through the SEQR review.

Response: Walking congregants will be from the area across the street from the Lety Lane neighborhood. For the most part, walking will take place on Saturdays and religious holidays.

SEQR Procedural:

17. Comment: We have reviewed the EAF Part 1, and we note that in question D.2.d on page 5 of 13, it is anticipated that 5,540 gpd of liquid waste will be generated daily. This is less than half of the gpd {12,275gpd} that was indicated on the last version of the form that was submitted. Calculations should be submitted to indicate how these projections were made. The project sponsor should provide the summary pages from the online EAF Mapper.

Response: Per New York State Department of Environmental Conservation Design Standards, Flow Rate are as follows:

<i>Rates</i>	
<i>Church</i>	<i>3 GPD/Seat</i>
<i>Banquet Hall</i>	<i>10 GPD/Seat</i>
	<i>13 GPD/Seat</i>

Per seating capacity of Multi Purpose Room:

510 Seats x 13 GPD/Seat = 6,630 GPD, Environmental Assessment Form (EAF) Revised.

Summary pages from Environmental Assessment Form (EAF) Mapper attached to Environmental Assessment Form (EAF).

18. Comment: The Planning Board has authorized Nelson & Pope to review traffic studies and we have forwarded the previously approved study for review.

Response: No response required

19. Comment: We will wait until a more thoroughly developed plan meeting submission requirements is received prior to proposing a Part 2 EAF.

Response: Acknowledged.

The following is our response to Lawrence A. Picarello, Building Inspector of the Village of Montebello, building and Zoning Department letter dated November 26, 2018.

1. Comment: Architectural drawing/elevations have not been provided, unable to verify height of building.

Response: Provided in this submission.

2. Comment: Window wells, porches, stoops, external stairs and overhangs have not been shown.

Response: Provided in this submission.

3. Comment: Proposed building is located within the 250' Scenic Road buffer. Project is regulated by, and subject to, Sec. 195-64.1 A, B, C & D.

Response: Acknowledged.

4. Comment: Signage not shown

Response: Will provide signs as project moves forward.

5. Comment: Lighting not shown.

Response: Will provide a Lighting Plan as project moves forward.

The following is our response to Christopher Szklany, Chief, of Tallman Fire Department memo dated November 19, 2018.

1. Comment: We are pleased that the revised site plan now provides access for our apparatus to both the east and north sides of the building. We request that a 20 foot wide access road be extended from the main driveway on the east side of the building parallel to the south side of the building. This could be constructed of permeable pavement to allow drainage and provide for maintenance of a lawn if so desired. Such pavement should be designed to support the weight of our fire apparatus.

Response: Current Plan meets State Fire Code. The Fire Department could use the proposed driveway for the Clergy Residence, however, providing a turnaround for fire apparatus is not feasible in this area.

2. Comment: We repeat our request regarding the Fire Truck Maneuverability plan as stated in our letters of September 24 and 28, 2018. Although the template of fire truck is properly shown, the analysis was made without including the front overhang of the truck of 11.67 feet, which includes the bucket. The analysis was made using only the distance of 7.6 feet from the front axle to the front bumper. Reference to the overhang was specifically noted in our letter of December 20, 2017. In that letter we also requested that the analysis be presented at a scale of 1" = 20' for the sake of readability. We request that the analysis be resubmitted for review based on the truck's total length of 47'-11".

Response: Provided on Site Plan.