

February 27, 2020

Ms. Regina Rivera
Village of Montebello
One Montebello Road
Montebello, NY 10901

**Re: Zoning Board of Appeals – Front Setback and Side Yard Setback Variances
10 & 20 Dunnigan Drive
Village of Montebello New York
Manhattan Beer Distributors, LLC**



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Dear Ms. Rivera;

Pursuant to the recent CDRC meetings and the Planning Board meeting on Tuesday, February 11th, 2020; transmitted herewith is an application and submission requesting a front setback and a side yard setback variance for the construction of a loading platform (and canopy) in the front yard and a modification of the non-conforming side yard at the east property line (parking lot) of 10 Dunnigan Drive.

The existing 10 and 20 Dunnigan Drive buildings are legally non-conforming as the front setbacks along 10 Dunnigan Drive is 11'-0" and 20 Dunnigan Drive is 60'-0", where there is a 75'-0" front setback requirement. The 10 Dunnigan Drive east yard setback is currently 1'-6" where the side yard setback requirement is 20'-0". Currently the property is served by freight train service with a 5 rail car siding. To improve warehouse operations, efficiency, and reduce over-the-road tractor trailer deliveries, the Zoning Board of Appeals granted resolution 1170 for the relief of the front setback, dated February 21, 2019, to construct a new loading platform and canopy serving a new modified double rail siding which will allow for a 12 car delivery.

Manhattan Beer Distributors have modified its plans to combine the two lots to construct a building addition to connect the existing 10 and 20 Dunnigan properties and buildings. The project will include a loading platform and canopy which is proposed slightly eastward of the previously approved plan to serve the building addition. The platform will provide a fourteen (14) rail car siding, where (4) of the rail cars will be concealed within the existing 10 Dunnigan building enclosure. The remaining rails cars will be screened with a continuous hedge planting along Dunnigan Drive. The revised plan will also include a car parking deck with truck parking below along the north (rear lot) of the building and a modified east parking area for improved truck circulation and maneuverability. This variance application is requesting the similar approval of a 44'-0" front setback to construct the proposed covered platform and an east yard setback of 10'-0", which will improve the current yard setback of 1'-6".

The existing freight rail track serving the property comes from the adjacent properties from the West therefore the 20 Dunnigan property can only be served from the Dunnigan Road Side (front yard) of the property. This causes practical difficulties and an unnecessary hardship as it limits potential siding and platform options to the front yard which are necessary to unload pallets from the rail cars. The proposed concrete loading platform (and canopy) is proposed to be built continuous with the warehouse floor level which is approximately 3'-6" above the adjacent exterior grade. The platform will be built above the existing site drainage line so that the pipe and drain inlets do not need to be relocated as relocating the pipes would be a great expense.

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Most of the properties along Dunnigan Drive have non-compliant front setbacks as documented on the attached submission. The proposed improvements will have no change in “use” of the existing buildings and property. Manhattan Beer Distributors will continue to operate as intended, as a beverage distributor to supermarkets, restaurants, etc.

The proposed work includes:

- Construct 82,030 sf. of new building joining (2) existing buildings.
- Relocate gas service, electrical transformer and solar panel equipment box to the front yard.
- Remove and relocate the parking lot east of 20 Dunnigan Drive.
- Restriping of parking stalls at the east parking lot of 10 Dunnigan Drive.
- Reconfiguration of freight railroad track at the south property line (along Dunnigan Drive); modification of existing 5 car rail siding for a 14 rail car siding for total capacity of 14 cars.
- Realignment of the service entry from Dunnigan Drive (identical to the design approved by the Planning Board).
- Construct a 16'-0" wide concrete platform and canopy addition along the south façade (similar to the design approved for Variance and the Planning Board.)
- Relocate the southeast fence line.
- Relocate the southeast property signage.
- Relocate (4) hydrants.
- Remove existing trees and plant new landscape screening along Dunnigan Frontage at the south property line along Dunnigan Drive.
- Construct a car parking deck at the rear with additional truck parking below.

As the Village of Montebello is aware the two existing properties (10 and 20 Dunnigan Drive) are currently legally non-conforming in the following areas:

10 Dunnigan Drive

- 11'-0" front setback where 75'-0" is required
- 1'-6" side yard (east side yard) where 20'-0" is required
- 29'-0" rear setback where 50'-0" is required

20 Dunnigan Drive

- 60'-0" front setback where 75'-0" is required (note the recent variance allowed for construction of a platform canopy at 44'-0" setback)
- 3'-0" side yard (west side yard) where 20'-0" is required (ZBA acknowledged variance and accepted as an as-built condition)

The proposed project is compliant with the following zoning requirements, including:

1. compliant with maximum lot coverage
2. compliant with the F.A.R. requirement
3. compliant with maximum building height
4. compliant with side and rear setbacks (including correcting the non-conforming rear setback at 10 Dunnigan from 29'-0" to a compliant 56'-0")
5. compliant with loading berths and off-street parking



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We respectively seek variances for the following setback requirements:

1. The existing 10 and 20 Dunnigan building's front setbacks are non-conforming and we seek a variance from 75'-0" building setback to construct an addition at 60' setback to connect the two existing buildings. A 44'-0" front setback variance will be sought for a platform canopy.
2. The 10 Dunnigan existing east parking area is non-conforming with a yard setback of 1'-6", where a 20'-0" is required. We look to improve this condition and seek a variance for a 10'-0" yard setback. No work is planned for the front of the building where the non-conforming 11'-0" setback will be as an as-built condition.



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Please find here within the following documents for the Front Setback and Side Yard Setback Zoning Variance for the 10 and 20 Dunnigan Drive Project.

- Drawing Set (Architectural and Civil)
- Survey of 10 & 20 Dunnigan Drive
- Resolution 1170
- Application

In summary, it is our opinion that the requested variance for a low-level concrete platform and canopy will not cause an adverse effect or impact on the physical or environmental condition of the properties along Dunnigan Drive. In addition, the proposed variance will not produce an undesirable change in the character or negative impact to properties along Dunnigan Drive.

Should you require additional information or have any questions, please do not hesitate to contact me at 212-337-0400 ext. 224.

Thank you in advance for your assistance regarding this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Berger', written over a faint blue line.

Andrew Berger, AIA, ASLA

cc: S. Bergson (MBD)
M. McCarthy (MBD)