

The Planning Board of the Village of Montebello held a meeting on Tuesday, June 9, 2009 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Rubin called the meeting to order at 7:18 p.m. and led everyone in the Pledge of Allegiance.

PRESENT

Al Rubin, Chairman  
Jane Burke  
Michael Iatropoulos  
Anthony Caridi

OTHERS

Robert Geneslaw, Village Planner  
Martin K. Spence, Village Engineer (8:10 p.m.)  
Brian Brooker, Village Engineer  
Ira Emanuel, Assistant Village Attorney  
Gloria Scalisi, Planning & Zoning Clerk

ABSENT

Tom Campbell, Member  
Jonathan DeGraw, Member

Member Iatropoulos made a motion to approve the minutes of May 12, 2009, seconded by Member Caridi. Upon vote, three in favor, Member Burke abstained, the motion carried.

**Weinberger Subdivision – Public Hearing – Continued  
Final Subdivision**

Application of George Weinberger, 1757 East 23<sup>rd</sup> Street, Brooklyn, New York 11229 for an approval of a final Plat for a subdivision entitled “Weinberger Subdivision” consisting of 84.25 acres of which approximately 17.62 are wetlands. The subject is located on the south side of Grandview Avenue approximately 900 feet east of Spook Rock Road and west of Martha Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 41.13 Block 2, Lots 5 and 6 and Section 41.17 Block 1, Lots 5 and 6 in a RR-50 Zone.

Dennis Rocks, the Applicant’s Engineer from Leonard Jackson Associates, explained why Mr. Newmark’s trees were still not removed. Mr. Rocks stated that after the Applicant submitted the tree removal permit to the Village, Mr. Martin Spence, Village Engineer, was seeking concurrence from Mr. Newmark and at the time it was not received. The application for the tree removal permit stalled. Mr. Rocks stated that Mr. Spence, Mr. Newmark and the Applicant will meet in one week’s time to agree on the trees to be removed. Chairman Rubin would like the matter handled as expeditiously as possible.

Mr. Rocks would like to know the status of the proposed street names that the Applicant submitted to the Planning Board. Chairman Rubin stated that the proposed street names will go before the Village Board for approval. Member Burke asked why Magnolia was chosen as a street name? Mr. Rocks replied that the names were chosen from a list of tree species that exist on the property.

Mr. Rocks explained the various sets of drawings that were submitted to the Planning Board. Mr. Rocks stated that at the last Planning Board meeting there was a question on the gas line easement. The gas line has been removed, the paperwork for eliminating the easement has not been completed however there is a map note (34) indicating that the plans cannot be signed until the easement has been removed.

Mr. Rocks stated that Lot 15, which runs along the stormwater management basin, will have a fence alongside the retention basin as long as the fence exists in an area that is already disturbed as per the DEC.

Ira Emanuel, Assistant Village Attorney, stated that map note 34 for the gas line easement is not sufficient. Mr. Emanuel will provide the language needed for the map note to Mr. Rocks.

Member Iatropoulos would like more clarification on map dates and revision dates. Chairman Rubin stated that there still exists a lack of consistency in the latest maps submitted to the Planning Board. Member Burke is also dissatisfied with the maps she received. The dates are still not consistent with the DEC permit approval dates. Member Burke stated her worries for confusion down the line. Mr. Rocks agreed with Member Burke on the confusion of dates from the DEC. Mr. Rocks stated that he has since sent a letter to the DEC to clarify the Permit dates.

Member Burke questioned the validity of the SEQR listing on the DEC permit. On the permit the SEQR action is listed as unlisted, when in fact it is a Type 1 action. Mr. Emanuel stated he would be happier if everything was consistent. Mr. Burt Dorfman, the Applicant's attorney, stated that it took one year for the Applicant to receive approval and in his experience it will take another year for the DEC to change one word. Mr. Emanuel feels he is not worried about the SEQR wording on the DEC permit because in the body of the permit it states it is a Type 1 action. Mr. Emanuel thinks the classification was just a typo.

The Planning Board along with Mr. Rocks and Brian Brooker, Village Engineer, reviewed the drawings and the revision dates. The Planning Board still found the current maps lacking revisions. Mr. Rocks will get confirmation from the DEC on the correct map date approval. Mr. Brooker will compare the current map to the DEC map prior to the Chairman signing the map.

Member Caridi wanted to make sure that the Planning Board has the most current up-to-date drawings before granting approval. Member Caridi stated that he has the same problem as Member Burke with all the numerous revisions to the maps.

Mr. Brooker explained his letter from Brooker Engineering, dated June 9, 2009 (copy attached) in regards to the four points that need to be addressed by the Applicant.

Robert Geneslaw, Village Planner, read his letter, dated June 8, 2009 (copy attached). Mr. Burt Dorfman stated that he had no objections to Mr. Geneslaw's letter.

Mr. Emanuel stated that map note 34, the gas line easement, needs to be extinguished of record. This needs to occur before the plat is filed so therefore it cannot be a plat note it will be a condition for approval.

Mr. Emanuel asked Mr. Dorfman for the status of the litigation? Mr. Dorfman stated he had no problem discontinuing the litigation.

Mr. Geneslaw would like a general description of the landscaping plan for the retention basin. Mr. Rocks stated the landscaping plan for the retention basin has not substantially changed. The landscaping plan was worked out with the DEC based upon the level of inundation of the pond. The landscaping plan was a condition of the permit and has not changed significantly as a result of the relocation. On the current plan there are shade trees lining the road in front of the retention basin. Mr. Geneslaw inquired if more landscaping could be provided between the basin and the street without interfering with DEC approval? Mr. Rocks replied, "Yes, more landscaping could be provided along the edge of the road."

Member Burke stated that individual wetland markers should be on the homeowner's individual plans with an explanation to the homeowner. Mr. Emanuel will write the resolution stating that individual lot surveys shall show location of wetland boundaries and markers as appropriate.

Brief discussion on the clarification of Sections 1,2,3,4 of the plot plan, the key map should be changed to A, B, C, and D.

Chairman Rubin opened the Public Hearing. Mr. Fred Newmark, 70 South Parker Drive, Monsey, New York would like to thank Mr. Weinberger in being forthcoming with the tree survey adjacent to his property. Mr. Newmark inquired about the buildability of the property where trees are falling down. Chairman Rubin responded that field surveys will be conducted during the building process.

No one else wishing to comment, Member Iatropoulos made a motion to close the Public Hearing for Final Subdivision Approval of the Weinberger Subdivision; the Planning Board will reserve the vote until the next scheduled meeting of the Planning Board on July 14, 2009, seconded by Member Caridi. Upon vote, the motion carried unanimously.

### **9 Bayard Lane – Public Hearing – Continued Wetlands Permit**

Application of Dominick R. Pilla, 23 Depew Avenue, Nyack, New York 10960 for approval of a Wetlands Permit entitled “9 Bayard Lane” consisting of .76 +/- acres located on the south side of Bayard Lane approximately 389 feet from the intersection of Haverstraw Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 48.10 Block 1, Lot 76 in a R-35 Zone.

The Applicant has submitted a request for an adjournment until the July 14<sup>th</sup> Planning Board meeting. Mr. Emanuel stated that since the Applicant has requested adjournment for quite a number of months from this Board, the Planning Board should adjourn the Public Hearing without date and re-notice the public hearing when the Applicant is ready to appear before the Planning Board. Chairman Rubin replied that it would be an appropriate way to proceed. Member Iatropoulos made a motion to adjourn the Public Hearing on the Application of Dominick Pilla for approval of a Wetlands Permit entitled “9 Bayard Lane”, without date seconded by Member Caridi. Upon vote, the motion carried unanimously.

### **Congregation Shaarey Israel – Public Hearing Amended Final Site Plan Approval**

Application of Congregation Shaarey Israel, 18 Montebello Road, Montebello, New York 10901 for an Amended Final Site Plan Approval to permit the construction, maintenance and use of a playground and revision to Lighting of Monument Signs. The subject property is located on the West side of Montebello Road approximately 1000 feet North of Airmont Road and is known and designated on the Ramapo Tax Map as Section 55.07 Block 1, Lot 1 in a RR-50 Zone.

Barry Haberman, the Applicant’s attorney, explained the newly submitted landscaping plan. The Applicant would be planting thirteen trees around the playground. The trees serve as a barrier to the view of the playground from Montebello Road.

Chairman Rubin stated that there were a number of points the Planning Board brought up at the last Planning Board meeting that have still not been addressed. The first point being that the Lot Lines have not been changed or extinguished to make the property an approximate six acre lot (1 lot). The second point was the neighbor Mr. Liam McGuirk, 22 Montebello Road, Montebello, New York and his unsightly view of the Applicant’s property from his backyard. The Planning Board had requested additional screening for Mr. McGuirk’s property that the Applicant has not provided at this time. Chairman Rubin stated that in his view white pines should not be planted as a screening tree due to the fact that the trees lose its bottom branches rapidly over time. The final

point was that the Planning Board asked for varied points of view of the playground from different directions and different types of cars traveling on Montebello Road.

Member Iatropoulos brought up the pictures submitted by Mr. McGuirk, at the last Planning Board meeting, of views of the Applicant's property from Mr. McGuirk's backyard. Member Iatropoulos stated that the playground is a massive structure intended for a large school. Member Iatropoulos would like to be presented with a holistic picture for the entire property.

Mr. Haberman responded that on the landscaping plan for the property the Applicant planted approximately twenty (20) trees on the neighbors' property last year of the size that was approved by the Planning Board. Mr. Haberman stated the Applicant has no surprises for the future and in his understanding the Planning Board can only evaluate the plan before them. Mr. Haberman stated that the Applicant has only proposed what is their right to propose in the Village of Montebello or anyplace in the state of New York. Mr. Haberman feels the playground proposed is not a large playground for its congregants. The placement of the equipment was laid out by people who specialize in playground equipment to ensure the safety of every child. Mr. Haberman stated that the playground serves the needs of the congregants.

Chairman Rubin requested that the Applicant provide the Planning Board with pictures of the colors of the playground proposed. The more muted the colors the less obvious the playground will be to the neighbors. Chairman Rubin recommended the Applicant attend the CDRC prior to the next Planning Board meeting. Chairman Rubin stated that there are still many questions that need to be answered by the Applicant.

Mr. Peter Weiss, 4 Belvedere Path, Montebello, New York a member of Congregation Shaarey Israel would like to know why the Planning Board is interested in controlling the colors of the playground equipment when the playground will be screened from view with trees. Mr. Weiss believes the Planning Board is micro-managing their playground.

Mr. Haberman briefly described the pictures submitted by the Applicant. Chairman Rubin asked if the ladder is representative of the playground height. Mr. Haberman responded that the ladder is representative of the playground height, the height is twelve feet.

Chairman Rubin complimented the Applicant for putting up a beautiful building and the plantings around the property reflect care. Chairman Rubin is very concerned for the neighbors' (Mr. McGuirk) views from his property. The concept of changing the 13 white pines to mixes of non-white pines would be preferable to the Planning Board. Chairman Rubin assured the Applicant that the Planning Board is not trying to prohibit the use of the property for anything other than what it is intended for.

Member Burke stated her displeasure with the Applicant's proposal; she understands the need for recreation but wanted to know how often the playground will be utilized in terms of hours and days. Mr. Haberman responded that at this time he could not give a definitive answer but at this point in time they do not foresee the playground being used in the evenings. Mr. Haberman believes the playground will be used during Saturday morning services and on certain holidays.

Member Burke responded that as residents of the Village they owe a certain amount of protection to its residents and neighbors. Member Burke would like to know the plans for the Rabbi's house and feels the Applicant is providing only small segments of the total picture. Member Burke would like to withdraw her comment from the last Planning Board meeting where she stated she wanted the playground to be moved behind the Rabbi's house. Member Burke felt her suggestion would not be beneficial to Mr. McGuirk.

Mr. Martin Spence, Village Engineer, stated that the elevation of the playground will be seen from Mr. McGuirk's property. The landscaping that was proposed on the original site plan was planted. Mr. Spence stated

that the original landscaping plan did not anticipate the proposed playground use. The screening along the northwest property line is in but there are gaps. Mr. Spence explained the post screening submitted to the Planning Board shows nine (9) trees on the one hundred (100) feet side and four (4) trees on the forty (40) feet side. Mr. Spence stated that with nine (9) trees in one hundred (100) feet there will be gaps. Mr. Spence recommends staggering the trees and adding more plant material.

Chairman Rubin asked how many trees should the Applicant plant? Mr. Spence would like the Applicant to provide in-fill screening along Mr. McGuirk's property as well as additional screening against the playground. Mr. Spence approximates 20-22 trees around the playground and 6-8 trees along Mr. McGuirk's property.

Chairman Rubin would like the Applicant to work with Mr. Spence to come up with a plan that will provide adequate screening.

Mr. Spence pointed out discrepancies of the placement of the playground equipment on the submitted plans. Mr. Weiss agreed that the plan was inaccurate.

Chairman Rubin would like the Applicant to provide the actual colors of the playground equipment as well as the placement of the equipment. Chairman Rubin would also like the Applicant to work with Mr. Spence to come up with a planting plan. Mr. Emanuel would like the Applicant to start the Lot Line application.

Member Burke asked what age group the playground is geared for? Mr. Haberman responded that the playground is designed for children up to mid-elementary school age (2-12).

Member Caridi commented that the current lights installed at the entrance sign are visible from any direction. Chairman Rubin would like Mr. Spence to inspect the lights.

Mr. Emanuel would like the Applicant to show the fencing and location of gates around the detention basin and the playground on the plans.

Member Iatropoulos made a motion to continue the Public Hearing for Amended Final Site Plan Approval for Congregation Shaarey Israel until the next scheduled Planning Board meeting on July 14, 2009, seconded by Member Caridi. Upon vote, the motion carried unanimously.

### **New Business**

The Board briefly discussed Novartis Pharmaceuticals two stage plan for a proposed Data Center.

Member Iatropoulos made a motion to adjourn the meeting, seconded by Member Caridi. Upon vote, the motion carried unanimously. The meeting adjourned at 9:20 p.m.



