The Planning Board of the Village of Montebello held a meeting on Tuesday, September 13, 2011 at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York. Chairman Rubin called the meeting to order at 7:20 p.m. and led everyone in the Pledge of Allegiance.

PRESENT	OTHERS
Al Rubin, Chairman	Warren Berbit, Village Attorney
Jane Burke, Member	Ira Emanuel, Assistant Village Attorney
Michael Iatropoulos, Member	Robert Geneslaw, Village Planner
Anthony Caridi, Member	Martin Spence, Village Engineer
Thomas Ternquist, Member	Gloria Scalisi, Planning & Zoning Clerk
Melanie Golden, Member	

Member Iatropoulos made a motion to approve the minutes of August 9, 2011, seconded by Member Caridi. Upon vote, the motion carried unanimously.

Empire Executive Inn (Crowne Plaza)
Architectural Review
Sign Permit Approval—Public Hearing—Continued

> Application of Empire Executive Inn, LLC (Crowne Plaza Hotel) 3 Executive Boulevard, Montebello, New York 10901, for Architectural Review of a revised building façade and porte cochere (covered entrance) resulting from the conversion of existing Holiday Inn Hotel to Crowne Plaza Hotel, and Sign Permit Approval relating to replacement monument and gateway signs. The subject property is located on the south side of Executive Boulevard approximately 1500 feet from the intersection of North Airmont Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.07, Block 1, Lot 5 in a LO Zone.

In attendance is Mr. Michael Klein, the Applicant's Attorney, along with Mr. John Jovan the Applicant's agent. Mr. Klein stated that they are back before the Planning Board to tie up loose ends and would also like to seek approval for an additional item on their gateway sign. Mr. Klein addressed the first item of plantings along Airmont Road and Executive Blvd around the gateway sign. Mr. Jovan stated that the idea behind the plantings is to keep the plantings low to the ground so that the sign can be visible and the lighting is a 4 foot fixture that shines up toward the sign. Mr. Jovan stated that the fixture itself has a hood on the back so that the light does not interfere with traffic coming down the road. Mr. Klein then addressed a recent modification to the application to add the name of a potential non-commercial business bank tenant to the gateway sign. Mr. Klein assured the Board that this will not be the first of many modifications to the gateway sign.

Chairman Rubin informed the Applicant that the Planning Board has worked diligently with the Applicant on the appearance of the gateway sign and they have split the application in many parts to allow for the Applicant's time deadlines. Chairman Rubin stated that there is also a very unique tower sign that can be seen either north or south on the thruway. Chairman Rubin informed the Applicant that he takes offense to the proposed additional signage on the gateway sign. Chairman Rubin explained to the Applicant that the Planning Board will not make any further modifications to the gateway sign. Chairman Rubin gateway sign make a classy statement as it stands and is in the wrong taste to put advertising on Executive Boulevard.

Mr. Klein disagrees that adding one tenant to the sign will make the sign unpleasant. Mr. Klein stated that the tenant that they wish to accommodate is different than any other tenants that are currently there. Mr. Klein explained to the Planning Board that if they don't receive approval for the additional sign then they will loose the tenant.

Member Iatropoulos questioned the applicant on the need for signage for an investment bank with commercial clients. Mr. Klein replied that it is a bank that will cater exclusively with business clients. Mr. Jovan stated that there is enough potential business in the area for the bank to want a sign.

Member Burke would like the Applicant to discuss the proposed landscaping plan around the gateway sign. Member Burke believes that it is difficult to read "Executive Blvd" with the plantings that exist at the moment. Member Burke questioned the Applicant on the size of the area being planted and doesn't believe there is enough room for all of the proposed plantings.

Mr. Jovan explained to the Board that they are not going further than what is currently landscaped the sidewalk will remain.

Member Ternquist questioned the Applicant on the placement of the "Wedding Garden Area" and the placement on the property.

Mr. Jovan explained the area between the hotel and the office building where the tennis courts used to be is where the wedding area will be.

Member Burke expressed her concern with adding close to 200 plantings around the gateway sign and believes it is a small area for that many plantings.

Mr. Klein informed the Board that they plan on removing the existing "Wave" sculpture and replacing the area with grass. Mr. Jovan stated that the "Wave" will be relocated to the wedding area.

Member Burke stated that with the removal of the wave the mechanicals and the other building will be more visible. Mr. Klein stated that the applicant would like to replant on Executive Boulevard but never discussed planting on Airmont Road. Mr. Klein stated the opinion of the Board was not very favorable towards the sculpture.

Chairman Rubin questioned the Applicant on their ability to plant some trees instead of grass when the sculpture is removed. Chairman Rubin would prefer to see the top of a tree rather than an air conditioning unit.

Mr. Klein questioned the Board on what type of trees they would prefer.

Chairman Rubin would like the boulders to stay.

Mr. Klein discussed the last item on tonight's proposal; the wedding area. The arbor does not require any bulk zoning variances and all the seats will be removable. Mr. Klein stated that the wedding area will only be used on a seasonal basis.

Member Burke questioned the applicant on the lighting and audio use of the area. Mr. Jovan replied that the lighting will be very low ambient just some string lighting and no spotlights. Mr. Jovan informed the Board that the Wedding Area will be for the ceremony only not for the wedding reception. Mr. Klein stated that when it is not being used for ceremonial purposes it is just a garden area. Mr. Jovan stated that seating for the Wedding Area is all removable seating.

Mr. Klein stated that the fountain feature in the front of the Hotel is in operation only when the weather permits it, usually not in use in the winter.

Mr. Martin Spence, Village Engineer, read his memo dated September 13, 2011 (copy attached).

Chairman Rubin made a motion to open the Public Hearing.

Chairman Rubin proposed a resolution to adopt the changes as proposed by the Applicant, Empire Executive Inn, which includes S1- S5 of the Village Engineer's memo dated, September 13, 2011; no changes to the gateway sign on Airmont Road; the landscaping and planting plans conform to what was reviewed at the September 13, 2011 Planning Board meeting; the wedding area as proposed; as a field change the Village Engineer, Martin Spence, will work with the applicant to establish a planting plan for the "Wave" removal. Upon vote, the resolution passed unanimously.

Member Iatropoulos made a motion to close the Public Hearing of Empire Executive Inn (Crown Plaza), seconded by Member Ternquist. Upon vote, the motion carried unanimously.

9 S Bayard Lane—Public Hearing—Continued
Wetlands Permit
Site Plan Approval-Conservation Overlay District

> Application of Dominick R. Pilla, 23 Depew Avenue, Nyack, New York 10960, for Approval of a Wetlands Permit entitled "9 S. Bayard Lane" to allow disturbance and construction within 100 feet of a freshwater wetland and for Approval of a Site Plan for construction within a Conservation Overlay District. The proposed construction is for a one story dwelling with a new driveway. The existing one story residential dwelling will be demolished and the existing gravel driveway, stone walls and slate walkway will be removed. The subject property is located on the south side of Bayard Lane approximately 389 feet of 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 an R-35 Zone.

In attendance is Mr. Dennis Michaels, the Applicant's Attorney, along with Mr. Dominick R. Pilla. Mr. Michaels submitted a Legal Brief/outline that references both 9 and 11 S Bayard Lane. Mr. Michaels stated that the application has undergone several project revisions suggested by the Planning Board such as; removing the basements; reducing footprints and floor areas; reducing the size of the deck on house #9 and relocating seepage pits. The applicant requests approvals at tonight's Planning Board meeting with the Village Engineer's technical requirements as conditions. Mr. Michaels discussed Mr. Pilla's credentials as a New York state licensed professional engineer, registered architect, an associate professor of architecture, and a consulting engineer for the Planning Board for the Town of Orangetown and the Borough of Palisades Park, New Jersey. Mr. Michaels discussed Mr.

Torgersens resume. Mr. Michaels informed the Planning Board that the Applicant has submitted numerous detailed reports from its professionals which testified that there will be no adverse impacts to the Conservation Overlay District, regulated area, wetlands, water courses or any other environmentally sensitive area. Mr. Michaels went on to state that the consultant the Planning Board hired, David Griggs of ERS Consultants, is not licensed in New York as and Engineer, Architect or a Landscape Architect.

Mr. Pilla stated that the existing buildings have zero drainage systems or water quality systems. Mr. Pilla is proposing developing the lots with "very" robust drainage systems which will result in net zero runoff. The calculations were based on a 100 year storm. Mr. Pilla stated that Hurricane Irene was in excess of a 100 year storm. Mr. Pilla stated that the proposed plans have minimized hardscapes and are quantified.

Chairman Rubin questioned the Applicant if the proposed elevation on house #11 is higher than the existing elevation. Mr. Pilla responded that the proposed elevation is indeed higher than the existing elevation on all points, approximately four feet higher.

Mr. Pilla stated that as per FEMA regulations the foundation will have small openings where the water will flow. Mr. Spence stated that if the houses were inside the floodplain the openings would be required. The Applicant is volunteering building the foundation with openings to allow water to flow through.

Mr. Pilla discussed the revisions to house #9 and #11.

Mr. Torgersen discussed the most recent Landscaping Plan submitted to the Planning Board. Mr. Torgersen stated that the foundation/building will take the place of the trees (removed) for soil stabilization.

Mr. Pilla stated that he would gladly bring a representative from the Lamont Doherty Tree-Ring Laboratory to discuss the conditions of the trees.

Member Iatropoulos questioned the Applicant on where on the properties did the final ponding of water, from Hurricane Irene, result to. Mr. Pilla responded that on Monday August 29, 2011 at 10 am the water was where it should be after 24- 48 hours after the event.

Chairman Rubin informed the Applicant that a neighbor took a 5 minute video of the flooding from Hurricane Irene on the Applicants property.

Mr. Pilla stated that on House # 9 water came close to the 321-322 line. Mr. Pilla stated that on House #11 he visibly saw a water mark on the house but by Monday the water was gone. Mr. Pilla estimates that on house # 11 the water came to the 322 line.

Mr. Spence will measure where the water went to on House # 11.

Mr. Pilla presented drawings, dated December 23, 2008, which were before the Planning and Zoning Boards in 2008 (copies at Village Hall).

Jeremy Honey, 39 Bayard Lane, Montebello, New York informed the Planning Board of his experience as a Federal Disaster Manager with the Federal Government. Mr. Honey stated that he

authored the federal disaster plan for the island of Saint Lucia and has been around the world assisting in federal disasters. Mr. Honey believes he has vast knowledge and experience and is not just a "lay" person. Mr. Honey further explained the 5 minute video that he submitted to the Planning Board.

Mr. Michaels continued his presentation to further discuss the lack of variances required for both applications (9 and 11). The Applicant has further modified the plans to show a decrease in development coverage in lot area. Mr. Michaels stated the proposed houses have been "cut back" just by operation of the Village of Montebello's Zoning Code before the Applicant "put pencil to paper". Mr. Michaels informed the Board that state law states that the more specific statutory provisions, such as zoning regulations, trump more general statutes addressing the same subject, such as the Conservation Overlay District considerations.

Mr. Michaels stated that 17 S Bayard Lane, Montebello, New York, though it was not reviewed by the Planning Board, received a Building Permit in 2006 and a Certificate of Occupancy in 2010. The Conservation Overlay District was established in 2003. Mr. Michaels stated that 17 S Bayard Lane was never reviewed by the Planning Board and is "stark evidence of Montebello's Planning Boards disparate treatment of Mr. Dominick Pilla and is a depravation of his constitutional rights to equal protection of the laws by selectively enforcing Montebello's Zoning Laws against Mr. Pilla but not against his abutting neighbor".

Chairman Rubin questioned the Applicant on the number of trees to be removed on the properties. Chairman Rubin suggested shrinking the house or relocating the house to save trees to be removed.

Mr. Emanuel stated that Chairman Rubin Identify the trees to be saved on Sheet LP1. Chairman Rubin stated that there is a 42 inch red oak, a 24 inch tree and a 30 inch tree along the western boundary.

Mr. Pilla stated that those were the trees in which he consulted with Lamont Doherty Tree-Ring Laboratory to discuss the conditions of the trees.

Mr. Emanuel informed the applicant that according to the applicant's landscaping plan the trees in question are labeled as #16 a 24 inch ash listed in fair condition; #17 a 30 inch red oak listed in good to fair condition and #18 a 24 inch ash listed in fair condition.

Mr. Pilla informed the Planning Board that he will bring an expert from the Lamont Doherty Tree Ring Laboratory to discuss the conditions of the trees. Chairman Rubin would like to hear testimony from the expert at the next Planning Board meeting.

Member Ternquist made a motion to continue the Public Hearing for a Wetland Permit for "9 S Bayard Lane" until the next scheduled Planning Board meeting on October 11, 2011, seconded by Member Iatropoulos. Upon vote, the motion carried unanimously.

11 S. Bayard Lane—Public Hearing—Continued
Wetlands Permit
Site Plan Approval-Conservation Overlay District

> Application of Dominick R. Pilla, 23 Depew Avenue, Nyack, New York 10960, for Approval of a Wetlands Permit entitled "11 S. Bayard Lane" to allow disturbance and construction within 100 feet of a freshwater wetland and for Approval of a Site Plan for construction within a Conservation Overlay District.

The proposed construction is for a one story dwelling with a new gravel driveway, deck, patio and walkway. The existing one story residential dwelling will be demolished and the existing macadam driveway, stone walls and wood shed will be removed. The subject property is located on the south side of Bayard Lane approximately 600 feet of 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 75 in an R-35 Zone.

Mr. Pilla summarized the changes to his application from the last submission.

Member Ternquist made a motion to continue the Public Hearing for a Wetland Permit for "9 S Bayard Lane" until the next scheduled Planning Board meeting on October 11, 2011, seconded by Member Caridi. Upon vote, the motion carried unanimously.

Town of Ramapo—Public Hearing
Coe Farm Road Sewer Extension
Wetlands Permit

Application of the Town of Ramapo, 237 Route 59, Suffern, New York 10901, for Approval of a Stream and Wetlands Permit entitled "Coe Farm Road Sewer Extension" to allow disturbance and construction within 75 feet of a freshwater wetland. The proposed construction is for the extension of sanitary sewer service from Coe Farm Road to provide gravity sewer service to an existing dwelling at 585 Haverstraw Road, which will cross 75 feet of wetland. The subject property is located on the west side of Coe Farm Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Sections 40.20, Block 1, Lots 21 and 52 in a RR-50 Zone.

The Applicant has submitted a request for an adjournment until the November 8, 2011 Planning Board meeting. Member Ternquist made a motion to adjourn the Public Hearing on the Application of the Town of Ramapo for approval of a Wetlands Permit for the Coe Farm Road Sewer Extension, as per the Applicant's request, until the November 8, 2011 Planning Board meeting, seconded by Member Caridi. Upon vote, the motion carried unanimously.

New Business

Member Golden made a motion to adjourn the meeting, seconded by Member Ternquist. Upon vote, the motion carried unanimously. The meeting adjourned at 9:50 p.m.

Appendix

To: Village of Montebello Planning Board

From: Martin K. Spence, PE Village Engineer

Date: September 13, 2011

Re: Crowne Plaza, 3 Executive Boulevard Empire Executive Inn, LLC

Lighting and Landscaping Revisions including Arbor at Wedding Area
Signage for Bank

This office has received the following regarding the above referenced application:

- T1, Title Sheet, as prepared by Gunn Lanscape Architecture, last revised September 1, 2011
- L1, Sign Planting Plan, as prepared by Gunn Lanscape Architecture, last revised September 1, 2011
- L2, North Airmont Road Planting Plan, as prepared by Gunn Lanscape Architecture, last revised September 1, 2011
- L3, Wedding Area Plan, as prepared by Gunn Lanscape Architecture, last revised September 1, 2011
- L4, Fountain Plan, as prepared by Gunn Lanscape Architecture, last revised September 1, 2011
- Narrative Summary prepared by Klein and Klein, PC dated August 18, 2011

Additionally a color photo of the N. Airmont Road sign and specification for fluorescent lights has been provided.

Generally, the application consists of the following:
- Lighting and landscaping at N. Airmont Road and Executive Blvd signage.
- Proposed supplemental lettering at existing signage for Hudson Valley Bank
- Removal and relocation of the "Wave" sculpture. (Relocation to wedding area)
- Wedding area improvements (arbor, hardscape and landscaping)
- Planting and fountain at front port cochere

N. Airmont Road and Executive Blvd signage

The plantings at the entry sign at N. Airmont are low maintenance grasses with some bulbs/perennials. The lighting is an approximate 4' wide fluorescent fixture, with a proposed 54W bulb.
During the CDRC meeting, the applicant stated that the fixture will be a maximum 18" above grade. The fixture is located approximately 1' (horizontally from the sign face)
The monument sign is approximately 8'-7" high
Two ground lights (up lighting) will be removed. These appear to be temporary and did not receive prior approvals.

The photometrics show illumination of the sign, approximately 20-30 fc 5' above grade with less at top of sign.

Applicant shall demonstrate the illumination of the proposed fixture. Additionally the fixture has the option of a hood extension to control light

Wedding Area Improvements

A wood arbor with a base area of 490 SF is proposed along the east building line within an area currently improved with a prior asphalt pad which was used for tennis/sport court.
Landscaping is being improved and supplemented with the addition of property line plantings.
Hardscape (bluestone walk) is being constructed from an existing sidewalk to access the arbor.
The proposed seating as shown on the "grass" is not permanent.
Based on the plans the net increase in development coverage is 452 SF.
Lawn and existing areas are generally flat. No proposed grading is shown on the plans.

We offer the following comments:

S-1. The applicant shall demonstrate that the 452 net increase in development coverage is compliant with Zoning.

S-2. Future maintenance of the areas such as the N. Airmont and Executive Boulevard shall be performed by the property owner.

S-3. Existing drainage inlets at wedding area may be required to be reset due to the improvements. Insure that revised grading continues to collect surface runoff. There are two visible grates within close proximity.

S-4. Listing of removals and proposed coverages on Sheet L3.0 shall note that the 2,143 SF of existing sidewalk (to be rmoved).

S-5. Final rotation of fixture head and hood extension may be required based on field inspection.

c. Warren Berbit, Village Attorney
Robert Geneslaw, Village Planner