

Resolution 01 of 2021
Village of Montebello Planning Board
Granting Final Conditional Subdivision and Site Plan Approval to
Montebello Crossing
SBL 55.10-1-2

The 2017 local law establishing the Route 59 Development District and land use approvals.

On August 16, 2017, the Village of Montebello Board of Trustees adopted Local Law No. 4 adding Assisted Living Residences as a special use in the Route 59 Development District (“R59-DD”). On August 16, 2017, by Resolutions No. 17-112 and 17-113, the Board of Trustees issued a Negative Declaration pursuant to the State Environmental Quality Review Act (“SEQRA”) and granted a Special Use Permit, respectively, to Montebello Crossing LLC (the “Applicant”) for a proposed mixed-use development consisting of a medical office, retail pharmacy and assisted living facility on an 11-acre parcel identified on the Town of Ramapo Tax Map as Section 55.10-1-2 (the “Property”), located on the north side of Route 59 approximately 500 feet west of the intersection of Hemion Road within the Route 59 Development District (“R59-DD”).

Subsequently, on December 12, 2017, by Resolution 04 of 2017 and Resolution 05 of 2017, the Montebello Planning Board (the “Board”) granted subdivision and site plan approval, respectively, to the Applicant to construct a two-story 10,000 square-foot medical office building and a 14,698 square-foot retail drug store on proposed lot 1, and a 200-bed assisted living facility to be known as Braemar on proposed lot 2 in strict conformance with the aforementioned special permit issued by the Village Board.

Annulment of 2017 site plan, subdivision and amended site plan approvals.

On January 17, 2020, the Rockland County Supreme Court annulled the Planning Board’s subdivision and site plan approval granted to Montebello Crossing, LLC, and the amended site plan approval granted to Hemion Holdings ruling that the Planning Board failed to satisfy the procedural and substantive aspects of the State Environmental Quality Review Act (“SEQRA”). The Court remanded the matter back to the Planning Board for SEQRA review. However, the Court did not annul the Village Board’s Special Use Permit and associated SEQRA Negative Declaration, which remain in full force and effect.

The 2020 application for subdivision and site plan approval.

On April 16, 2020, the Applicant re-submitted an application for subdivision and site plan approval to subdivide the Property and construct a medical office, retail pharmacy and assisted living facility thereon. The 2020 application conformed to the subdivision and site plan that had been approved in 2017 with two exceptions: 1) a portion of the required parking spaces would be held in reserve for future use, if needed, which reduced the overall lot coverage, and 2) absence of the proposed traffic signal at the State Route 59 entrance because the New York State Department of Transportation (the “DOT”) declined to grant a signal-installation permit.

Agency referrals.

The Application was duly referred to the Rockland County Department of Planning ("RCDP") pursuant to General Municipal Law § 239-m, which Agency responded by letter, last revised June 3, 2020, containing 32 comments, all applicable comments were adopted by the Planning Board and made part of this approval as if reproduced in full herein with the exception of:

RCDP Modification #5 stating that comments by the Town of Ramapo Building, Planning and Zoning Department ("RBZB") had to be satisfied. Specifically, in its response letter dated May 19, 2020, RBZP demanded that a barrier be erected along the abutting railroad corridor. As noted in the minutes of the January 12, 2021, Planning Board meeting, this demand was overridden by unanimous vote on a motion by Member Ternquist. The Board determined that the placement of the proposed uses on the north side of the site is adequately buffered from the rail corridor and, therefore, no barrier was required.

RCDP Modification #19 stating that the Planning Board must address concerns of the Consolidated Rail Corporation. By email, dated June 9, 2020, a representative of Norfolk Southern Railway Company expressed concern related to storm water discharge. The Board determined that the applicant has adequately addressed any storm water runoff, especially since the proposed subdivision and site plan for Montebello Crossing is essentially a re-application for the same set of proposed uses in the same locations as the previously approved application.

RCDP Modification #26 noting that the sign regulations in the R59-DD zone are more liberal than contained in Chapter 143 of the Village of Montebello Code. However, the proposed signage conforms in all respects with the R59-DD zone and are, therefore, consistent with the intent of the Village Board of Trustees when it adopted the zoning district for this particular commercial corridor and approved a special permit for the mix of uses and placement of uses on the Property.

Therefore, as noted in the minutes of the January 12, 2021, Planning Board meeting, RCDP Modification 19 and RCDP Modification 26 were overridden by unanimous vote on a motion by Member Ternquist. This statement shall serve as the report of final action of the Planning Board with regard overriding the above noted recommendations of the Rockland County Department of Planning pursuant to General Municipal Law §239-m(6) and in accordance with Rockland County Executive Order No. 01-2017.

In addition, the Application was duly referred to other interested agencies, including: Norfolk Southern Rail Road, which expressed concern about storm water runoff, which concerns were addressed. Rockland County Sewer District No. 1, which responded by letter dated May 28, 2020. The Applicant shall comply with the comments contained therein. Rockland County Highway Department ("RCHD"), which responded by letter last revised December 24, 2020. The Applicant shall comply with the comments contained therein including recording all access easements in the Rockland County Clerk's Office and obtaining a right-of-way permit from RCHD prior to starting construction. Tallman Fire Department, which responded by letter dated November 22, 2020. The Applicant shall comply with the comments contained therein including

to provide standpipes at all stairwells and that the proposed medical office building be fully sprinklered. Rockland County Center for Environmental Health, which responded by letter dated July 2, 2020. The Applicant shall comply with the comments contained therein, including the County Mosquito Code and application to the Rockland County Health Department for a sanitary sewer extension.

New York State Environmental Quality Review Act ("SEQRA").

After reviewing Part 1 of the Full Environmental Assessment Form ("FEAF") dated August 4, 2020, the Planning Board determined that subdivision and site plan review for the Montebello Crossing project was an Unlisted Action pursuant to the regulations implementing SEQRA. The Planning Board circulated its Notice of Intent to be Lead Agency and declared Lead Agency on August 11, 2020, after receiving no opposition from any involved agency within the 30-day regulatory period. As Lead Agency, the Planning Board fully identified and reviewed the potential environmental impacts. On August 11, 2020, the Board adopted the FEAF Part 2. On February 9, 2021, the Planning Board adopted the FEAF Part 3, dated December 2020 and issued a Negative Declaration on a motion by Member Ternquist, seconded by Member Shipley. The Negative Declaration was revised to better reflect the extent of the Planning Board's environmental review of the applications and the Negative Declaration was subsequently readopted by the Planning Board at its March 9, 2021, meeting on a motion by Member Ternquist, seconded by Member Hochberg. The Negative Declaration is included in this Resolution of Approval by reference as if fully set forth herein.

Public hearing.

A duly noticed public hearing was convened on June 9, 2020, and adjourned to all subsequent meetings at which the Applicant appeared on the agenda, during which time the Board heard testimony from the Applicant and all those wishing to address the Board on the matter. After hearing from all those who wished to speak, and considering all written comments from the public, the hearing was closed on January 12, 2021.

Decision.

The Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law, all determinations made by the Village Building Inspector, and has been advised by its consulting engineer and planner as regards all materials submitted by the Applicant and determined that the 2020 Application for subdivision and site plan approval is consistent with the Special Permit issued by the Village Board in 2017 and the regulations governing the R59-DD zone.

THEREFORE, BE IT RESOLVED that the Planning Board of the Village of Montebello hereby grants final conditional 3-lot subdivision and site plan approval to the property identified on the Town of Ramapo Tax Map as Section 55.10-1-2, located on the north side of Route 59 approximately 500 feet west of the intersection of Hemion Road within the Route 59 Development District for the purpose of subdividing the Property and constructing a mixed-use development consisting of a 200-bed assisted living facility, a retail drug store with 14,698 square feet, and a

two-story medical office building with 10,000 square feet as shown on:

- Site Plan entitled “Montebello Crossing” prepared by Brian Brooker, P.E., last revised December 3, 2020, consisting of 20 sheets:
 - 1, Title Sheet
 - 2, Subdivision Plat
 - 3, Site Plan
 - 4, Grading & Utility Plan
 - 5, Sediment & Erosion Control Plan
 - 5A, Sediment & Erosion Control Details
 - 6, Signage Plan
 - 7, 8 and 9, Fire Truck Maneuvering Plans
 - 10, 11, 12 and 13, Construction Details
 - 14, Main Access Road Profile
 - 15, Tree Map
 - 16, Tree Table
 - PL-1, Site Planting Plan (by Robert Torgerson)
 - PL-2, Lighting Plan (by LSI)
 - A-001.00 Schematic Floor Plan

BE IT FURTHER RESOLVED that this final conditional subdivision and site plan approval is granted subject to the following conditions:

1. The Applicant shall provide cross-easements for access between the Montebello Crossing development as approved herein and the Hemion Holdings parcel (SBL 55.10-1-3) containing the Rube Goldberg shopping center, which cross-easements shall be approved by the Village of Montebello Planning Board attorney and filed by the Applicant with the Rockland County Clerk’s Office. Proof of filing shall be provided to the Village Clerk.
2. The Applicant shall comply with the resolution of architectural approval known as “ARB 01 of 2018.”
3. The Applicant shall eliminate the crosswalk on Route 59 and associated drop-curb.
4. The Applicant shall add two sidewalk crosswalks and associated drop-curbs along the Hemion Road entrances.
5. The Applicant shall extend the double yellow line lane markings further east on Route 59 and “cat tacks” in a radius format extending to the entrance as discussed with the Planning Board.
6. The Applicant shall comply with any outstanding technical comments noted in the memorandum of Martin K. Spence, P.E., Village Engineer, dated January 8, 2021.
7. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.
8. The Applicant shall comply with any outstanding planning comments noted in the memorandum issued by the Village Planners, Nelson Pope Voorhis, dated January 11, 2021.

9. Full compliance with all of the Rockland County Planning Department recommendations and conditions as stated in its memorandum dated June 3, 2020, with the exception of the recommended modifications specifically overridden by the Planning Board as set forth herein.

The minutes reflect that on February 9, 2021, on a Motion by Member Ternquist, seconded by Member Shipley, the Planning Board granted final subdivision and site plan approval on a roll-call vote of 5 yeas and 0 nays. Subsequent to that vote, as reflected in this Resolution, the SEQRA Negative Declaration was revised to better reflect the extent of the Planning Board's environmental review and was ratified by affirmative vote on March 9, 2021. Therefore, the Planning Board hereby re-adopts its February 9, 2021 Resolution granting final subdivision and site approval on a Motion by Member Ternquist, seconded by Member Shipley, on a roll-call vote of 5 yeas and 0 nays as set forth herein:

MEMBERS PRESENT:

YEA or NAY

Anthony Caridi, Chairman
Jane Burke, Vice Chair, Member
Stan Shipley, Member
Thomas Ternquist, Member
Howard Hochberg, Member

X
X
X
X
X

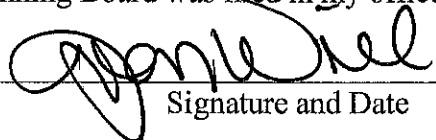
FILED

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VILLAGE OF MONTEBELLO


Anthony Caridi, Chairman

Joan Will, Village Clerk for the Village of Montebello, does hereby certify that the foregoing Decision of the Village of Montebello Planning Board was filed in my office on the following date:


Signature and Date