

**Resolution 02 of 2021
Village of Montebello Planning Board
Granting Amended Site Plan Approval to
Hemion Holdings
SBL 55.10-1-3**

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, Block 1, Lot 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 ("R59-DD").

The conceptual development approved by the Special Use Permit included an amendment to an adjoining parcel owned by the Applicant affecting property shown on the Tax Map as Section 55.10, Block 1, Lot 3 ("SBL 55.10-1-3"), also known as the Hemion Holdings parcel.

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. By Resolution 06 of 2017, the Planning Board granted final amended site plan to the Hemion Holdings parcel.

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 seeking approval of an amended site plan for Hemion Holdings (the "Application"). The Planning Board noted that the 2020 Hemion Holdings application is consistent in all regards with the 2017 approval.

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 20 comments, all comments were adopted by the Planning Board and made part of this approval as if reproduced in full herein with the exception of:

The Application was referred to the Town of Ramapo Building, Planning and Zoning Department (“RBZB”). By letter dated May 19, 2020, directed to the “Montebello Crossing/Hemion Holdings” applications, RBZP demanded that a barrier be erected along the abutting railroad corridor. Since the Hemion Holdings site does not abut the railroad this comment was directed to Montebello Crossing. 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. This statement shall serve as the report of final action of the Planning Board with regard to 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, Rockland County Sewer District No. 1, Rockland County Center for Environmental Health, and Tallman Fire Department, which responsive comments were specific to Montebello Crossing, not Hemion Holdings. Rockland County Highway Department (“RCHD”) 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, which responded by letter dated July 2, 2020.

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 an amendment to the Hemion Holdings site plan 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 amended site plan approval to the property identified on the Town of Ramapo Tax Map as Section 55.10-1-3, for the purpose of modifying ingress and egress to Route 59 and cross-connections to the Montebello Crossing property 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 amended site plan approval is granted subject to the following conditions:

1. The Applicant shall provide cross-easements for access between the Hemion Holdings parcel as approved herein and the Montebello Crossing development (SBL 55.10-1-2), 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 any outstanding technical comments noted in the memorandum of Martin K. Spence, P.E., Village Engineer, dated January 8, 2021.

3. 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.

4. Full compliance with all of the Rockland County Planning Department recommendations and conditions as stated in its memorandum dated June 3, 2020.

5. Payment of all fees due and owing to the Village of Montebello in connection with this application and approval.

The minutes reflect that on February 9, 2021, on a Motion by Member Ternquist, seconded by Member Levine, the Planning Board granted final amended site plan to 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 ratified by affirmative vote on March 9, 2021. Therefore, the Planning Board hereby re-adopts its February 9, 2021 Resolution granting final amended site approval on a Motion by Member Ternquist, seconded by Member Hochberg, 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

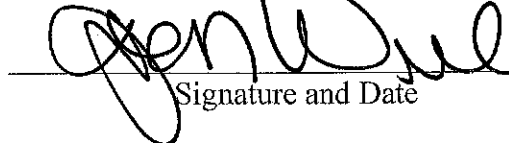
FILED

MAR 09 2021

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