

The Planning Board of the Village of Montebello held a meeting on Tuesday, March 12, 2024 at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY. Chairman Caridi called the meeting to order at **7:00 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Anthony Caridi, Chairman  
Stan Shipley, Member  
Joan Materna, Member  
Ari Aufgang, Member  
Marlo Dickman, Member  
Nancy Doon, Ad Hoc Member

OTHERS

Alyse Terhune, Asst. Village Attorney  
Jonathan Lockman, Village Planner  
Martin Spence, Village Engineer  
Regina Rivera, Planning/Zoning Clerk

ABSENT

**Meeting Minutes Approval**

Member Aufgang made a motion to approve the January 9, 2024 Planning Board meeting minutes, seconded by Member Materna and upon vote all were in favor.

**Rella Warehouse—Subdivision Reapproval  
100-300 Rella Blvd., Montebello, NY**

Application of ACG Acquisitions LLC, 95 Chestnut Ridge Road, Montvale, NJ 07645. The Applicant is proposing the construction of a 224,500 square foot warehouse with 6,000 square feet of office space, and a separate four-story 34,560 square foot retail self-storage building on 18.52 acres at 100-300 Rella Boulevard. The parcel is located on the north side of Rella Boulevard at the intersection of Airmont Road in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.08, Block 1, Lots 5 and 6 in the LO-C Zone.

Present for the Applicant was Attorney Michael Klein. Mr. Klein said he was there to request a re-approval of the subdivision lot line disclaimer because more than 180 days have lapsed since the April 11, 2024 approval and the subdivision plat was never filed with the county. He added that the site plan approval does not expire until October and that, in the event they are not ready to apply for a building permit by then, they will request an extension of that approval. Martin asked the projected start date. Mr. Klein said that was unclear because they are having difficulty getting a prime tenant for the warehouse, which is integral to the financing of the project. He was emphatic that there is absolutely no contemplative change to the design or site plan, but rather, the conditions of the special permit have limited their ability to find a suitable tenant. Mr. Spence noted that the Applicant paid their inspection fee and the SWPP was approved.

Ms. Terhune said that a re-approval, rather than an extension, would restart the clock to 180 days and bring the new expiration date in line with that of the site plan and special permit approvals. She added that she didn't see any harm in granting subdivision reapproval provided there is absolutely no change to the plans. This also gives them a three-year exemption from any zoning changes, she added. Mr. Klein said that his clients wish to build this as quickly as possible.

No one having any comments, Member Dickman made a motion to grant the reapproval of the subdivision lot line disclaimer. Member Materna seconded the motion and upon vote, all were in favor.

**RESOLUTION PB 01 OF 2024**  
**VILLAGE OF MONTEBELLO PLANNING BOARD**  
**REAPPROVING FINAL SUBDIVISION TO**  
**ACG WAREHOUSE & DISTRIBUTION, LLC, FOR PROPERTY LOCATED AT**  
**SECTION 55.08, BLOCK 1, LOT 5 and SECTION 55.08, BLOCK 1, LOT 6**

**WHEREAS**, on April 11, 2023, after a duly noticed public hearing and compliance with SEQRA, the Village of Montebello Planning Board granted final subdivision, special use, site plan and architectural review approval to ACG Warehouse & Distribution, LLC (“Applicant”), owners of the property located at 100-300 Rella Blvd., Section 55.08, Block 1, Lots 5 and 6 (together, the “Property”), within the Laboratory Office-Campus (“LO-C”) Zoning District; and

**WHEREAS**, pursuant to the Village of Montebello Subdivision Law, § 163-12D, subdivision approval expires 180 days from the date of approval unless the subdivider applies for and is granted a 90-day extension, which request may be twice granted by the Planning Board, which approval expired on October 8, 2023; and

**WHEREAS**, pursuant to the Village of Montebello Zoning Law, § 195-53 and 195-69B, site plan and special permit approval shall expire 18 months from the date of approval, which approvals shall expire on October 11, 2024; and

**WHEREAS**, the Applicant failed to request permitted extensions of the subdivision approval, said approval expired, thus requiring application to the Board for “reapproval”; and

**WHEREAS**, the Applicant appeared before the Planning Board on March 12, 2024, and requested reapproval of the subdivision application, which, if granted, will extend the approval to October 4, 2024; and

**WHEREAS**, the Applicant seeks no changes whatsoever to the approved subdivision.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board hereby grants conditional final subdivision to ACG Warehouse & Distribution, LLC (“Applicant”), owners of the property located at 100-300 Rella Blvd., SBL 55.08-1-5 and 6, as approved by Resolution PB03 of 2023. Granting reapproval substantially synchronizes the expiration date of the subdivision, site plan and special permit.

**BE IT FURTHER RESOLVED**, that this reapproval is limited to the subdivision as presented and approved by Resolution PB03 of 2023 and does not authorize any changes thereto.

**BE IT FURTHER RESOLVED** that this reapproval is conditioned on payment of all fees due and owing to the Village of Montebello in connection with this application and approval.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be provided to the Applicant.

**MOTION:** Member Dickman

**SECOND:** Member Materna

MEMBERS PRESENT:	YEA	NAY	ABSENT
Anthony Caridi, Chairman	$\frac{\sqrt{\quad}}{\quad}$	—	—
Stan Shipley, Member	$\frac{\sqrt{\quad}}{\quad}$	—	—
Marlo Dickman, Member	$\frac{\sqrt{\quad}}{\quad}$	—	—
Joan Materna, Member	$\frac{\sqrt{\quad}}{\quad}$	—	—
Ariel Aufgang, Member	$\frac{\sqrt{\quad}}{\quad}$	—	—

**Yosef Emuna**

**Two-Lot Subdivision—96 Viola Road, Montebello, NY**

Application of Yosef Emuna, 129 Grandview Avenue, Monsey, NY 10952 for a two-lot subdivision on 2.22 acres. The Parcel is located at 96 Viola Road, on the north side of Viola Road at the intersection of Spook Rock Road in the RR-50 Zone.

The Applicant, Yosef Emuna, and his attorney Barry Haberman were present. Mr. Haberman stated that his client received a ZBA variance for the undersized lots and a Certificate of Appropriateness from the Historic Preservation and Parks Commission (HPPC), before applying to this Board. Other than the variances that were needed due to the mandatory dedication of a portion of the property to the Rockland Highway Department, this is a fairly straightforward subdivision application, he added.

Mr. Lockman reviewed his memo dated January 28, 2024. In it, he noted that a reconciliation of the dates of the plans submitted to this Board, the CDRC and to the HPPC for a Certificate of Appropriateness must be submitted to ensure that the plans that were received by those Boards were the very same given to and approved by the HPPC. Further, there is confusion about the icehouse that was demolished and the spring house to be repurposed. He recommended that they submit a letter for the record addressing items #2 and #3 of the memo clarifying and confirming what happened and that the plans reviewed by both boards are the very same. He also recommended that the Applicant submit all materials that were submitted to the HPPC. Ms. Terhune noted for the record that, regarding item #3, the ZBA did approve the drawings dated November 9, 2024.

Mr. Spence reviewed his memo dated January 29, 2024. The comments were mostly minor, and he, like Mr. Lockman, wanted clarification in the icehouse/spring house issue. He added that the SWPP was still pending.

Chairman Caridi said he found it curious that Mr. Emuna built the house and *then* filed for a subdivision, and wondered if this was his intent all along. He then advised the Applicant to provide a SWPP, revise the FEAF and application according to the consultants’ recommendations. Ms. Terhune agreed that the timing of Mr. Emuna’s procedure was odd. However, she explained that the ZBA did make a note in its decision that should the applicant return for another variance on the second lot, they were unlikely to grant it.

Asked if he felt the Board should set the public hearing for the April meeting, the Chairman said he did not want to invite public comment until the Board had a chance to review the requested new materials, and adjourned the matter to the next meeting.

Mr. Haberman and Mr. Emuna left the building but soon returned and asked to speak. Mr. Haberman said that, upon further inspection of the plans, they realize they did in fact make all corrections to the drawings and bulk table as per Mr. Lockman’s January memo. After some confusion, it was discovered that Mr. Lockman was not

given the latest drawings for assorted reasons, including the cancellation of the February meeting due to weather, and technical problems. After being shown the drawings with the latest revision date of January 27, 2024, Mr. Lockman promised to have a new review the next day, adding that the Applicant still had much to revise and submit.

## **Hemion Land Lease LLC**

### **Site Plan and ARB—5 Hemion Road, Montebello, NY**

Application of Hemion Land Lease, LLC, 102 Norben Road, Monsey, NY 10952. The Applicant is proposing the construction of a 16,357 square foot, two-story raised office building with parking underneath and outside on 1.57 acres. The parcel is located at 5 Hemion Road on the west side of Hemion Road north of the intersection of Route 59 in the Village of Montebello, which is designated on the Ramapo Tax Map as Section 55.10 Block 1 Lot 5.2 in the NS Zone.

Present was the Applicant's attorney Amy Mele and Engineer Joe Nyitray of Brooker Engineering PLLC. Ms. Mele noted that this application for a 16,000 sf office building with 24 parking spaces underneath and a total of 63 parking spaces has been under review by the Board for almost a year and that they were hoping to receive a Neg Dec, a parking waiver of 13 spaces and a waiver for the width of underground spaces from 19' to 18' in length. We are also asking for an override of comment #11 of the Rockland County Planning Department's GML review dated June 16, 2023 regarding the setback, which was cleared up by a letter of determination dated September 21, 2023 by your Building Inspector (copy on file). Traffic was an issue, she continued, but a final review from the Village Traffic Consultant, Osman Barrie, confirmed that the traffic impact study addressed all issues, albeit with a small degradation of service at morning and evening peak hours, which may be improved by the Rockland Logistics project [at the former Novartis site]. He also agreed the parking will be adequate for peak demand, she added.

Mr. Spence reviewed his August 7, 2023 memo which contained a number of clean-up items, including the submittal of the force main agreement and the cost estimate. He asked if the Applicant took issue with any of the comments. Ms. Mele said they had no issues, and that she and Ms. Terhune would draft the easements.

Member Aufgang asked if there is a new rendering or elevation with the revised "FIVE" address sign. Ms. Mele said there wasn't but assured him that the address "sign" is much smaller. Mr. Aufgang insisted that a revised rendering showing such should be submitted for ARB purposes, and added that he wasn't crazy about the backlighting [behind the number]. Ms. Mele said her client was anxious and asked if this could be move forward. Ms. Terhune suggested that the Board vote on the site plan separately and have the Applicant return next month for ARB approval.

Mr. Lockman said that he will revise the draft Neg Dec with the new dates of the Planning Board meeting. No one having any more comments, Member Dickman made a motion to accept the Neg Dec with the revised dates. The motion was seconded by Member Aufgang and upon vote, all were in favor.

Member Materna made a motion to waive 13 spaces of the required parking, seconded by Member Aufgang and upon vote, all were in favor.

Member Dickman made a motion to accept the reduction in parking space length from 19' to 18'. Member Materna seconded the motion and upon vote, all were in favor.

Member Aufgang made a motion to override comment #11 of the Rockland County Planning Department's GML review dated June 16, 2024. The Motion was seconded by Member Dickman and upon vote, the motion passed unanimously.

Member Aufgang made a motion to grant site plan approval based on the drawings, pages 1 through 9 that were last revised on July 13, 2023. Member Materna seconded the motion and upon vote the motion passed unanimously.

The Applicant will return to the April meeting for Architectural Review.

**Resolution PB 02 of 2024**  
**Village of Montebello Planning Board**  
**Granting Site Plan Approval to**  
**5 Hemion Road**  
**Section 55.10, Block 1, Lot 5.2**

**The application, location of property and applicable zoning law.** On May 10, 2023, Hemion Land Lease LLC (the "Applicant"), owner of 5 Hemion Road identified on the Tax Map as SBL 55.10-1-5.2 (the "Property") applied to the Planning Board for site plan and architectural approval to construct a 2-story 16,352 square foot medical office building. The proposed building is elevated, providing 24 parking spaces under the building and 44 in the surrounding parking lot (the "Project"). The Property is in the Neighborhood Shopping ("NS") zoning district, use group "B". Professional and business office use is permitted in the NS district, and the lot and proposed construction complies with all bulk requirements set forth in use group B.

**Prior approvals.** In 2012, the Planning Board issued site plan approval for the construction of a bank with a drive-through, which approval was granted subject to the placement of the above-mentioned conservation easement to the Village of Montebello on a portion of the Property in exchange for a zoning text amendment allowing the drive-through bank, and while the owner had abandoned the bank project, the conservation easement remained on the Property.

In 2020, the Applicant applied for and was granted an amended site plan approval to construct a 2-story medical office building consisting of a total area of 12,000 square foot together with a 145-foot canopy and a full basement. By Resolution 20-069, dated May 20, 2020, the Village of Montebello Board of Trustees also approved a minor incursion into the conservation easement area to improve approximately 100 square feet of existing asphalt located within the conservation easement and extending the curbing about 25 linear feet to make a permanent edge for the asphalt. The approved project was not constructed and effectively abandoned by virtue of the 2023 application.

**Easement.** By Resolution No. 20-069, dated May 20, 2020, the Village of Montebello Board of Trustees approved a minor incursion into the conservation easement area to improve approximately 100 square feet of existing asphalt located within the conservation easement and extending the curbing about 25 linear feet to make a permanent edge for the asphalt; and

**General Municipal Law § 239-m referral.** Pursuant to General Municipal Law § 239-m the application was duly referred to the Rockland County Department of Planning ("RCDP") on May 18, 2023, which responded by letter dated June 16, 2023, issuing 20 comments. Comment

No. 11 stated that a side-yard variance was required. However, after reviewing RCDP's comment and the Zoning Code, the Montebello Building Inspector concluded that no setback variance was required by determination issued September 21, 2023. During open session on March 12, 2024, the Board unanimously voted to override Comment No. 11.

**Agency referrals.** the application was duly referred to the Town of Ramapo, the Village of Airmont, the Village of Suffern, and all required county agencies for comment including, but not limited to, the Town of Ramapo Department of Public Works, Tallman Fire Department, the Rockland County Highway Department, Rockland County Sewer District No. 1, Rockland County Center for Environmental Health, the Town of Ramapo Department of Public Works, and considered all comments received therefrom.

**Public hearing.** A duly noticed public hearing was convened on September 12, 2023 and adjourned to October 10, 2023, November 14, 2023, December 12, 2023, and March 12, 2024, during which the Board heard testimony from the Applicant and all those wishing to speak on the matter.

**State Environmental Quality Review Act.** On June 13, 2023, the Planning Board declared itself Lead Agency and determined that the proposed project was an Unlisted Action pursuant to the Regulations governing the State Environmental Quality Review Act ("SEQR"), after reviewing Part 1 of the Short Environmental Assessment Form ("SEAF"), dated May 10, 2023. After thoroughly assessing Part II of the SEAF, dated February 13, 2024, the Board concluded that the environmental impacts and required mitigation protected the environment to the greatest extent practicable. On March 12, 2024, the Planning Board adopted a Negative Declaration by affirmative vote on the Motion of Member Dickman, Seconded by Member Aufgang, closing SEQR.

**Waivers.** Pursuant to Planning Board authority granted by §195-28B, permitting a reduction of up to 25% of the required parking spaces, the Applicant requested a 16.1% reduction of 13 parking spaces from the required 81 to 63. The Planning Board's traffic consultant examined the question and concluded that 63 parking spaces was adequate to support the peak parking demand of the proposed medical office. At its March 12, 2024, meeting, on the motion of Member Materna, seconded by Member Aufgang, the Planning Board voted unanimously to grant a parking waiver from the required 81 to 63 parking spaces.

Furthermore, as permitted by §195-29B, on the Motion of Member Dickman, Seconded by Member Materna, the Planning Board voted unanimously to grant the Applicant's request for a waiver of the 19-foot required minimum parking space length to 18 feet for those parking spaces located under the building.

**Deliberation.** The Planning Board 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.

**NOW, THEREFORE, BE IT RESOLVED,** that the Planning Board grants site plan approval to construct a 2-story 16,352 square foot medical office building on property located at 5 Hemion Road, Village of Montebello, New York, identified on the Tax Map as SBL 55.10-1-5.2, as shown on:

1. Application, prepared by Hemion Land Lease, LLC., dated May 10, 2023.

2. Narrative Summary prepared by Brooker Engineering, PLLC, dated May 18, 2023, last updated July 13, 2023.

3. Short Environmental Assessment Form, prepared by Matthew Trainor, P.E., Brooker Engineering, PLLC, dated May 10, 2023.

4. Site Plan Set consisting of 11 sheets, stamped by Brian A. Brooker, PE, dated April 4, 2023, last revised July 13, 2023.

5. Stormwater Capacity Analysis, stamped by Matthew Trainor, P.E., Brooker Engineering PLLC, dated June 29, 2023.

6. Drainage analysis report, prepared by Matthew Trainor, P.E., Brooker Engineering PLLC, dated April 2023.

7. Traffic Impact Study, prepared by Harry Baker & Associates, dated June 19, 2023, last revised January 9, 2024.

8. Architectural Plans consisting of 9 sheets, stamped by Boaz Golani, R.A., AB Design, dated May 6, 2023.

9. Specifications consisting of 4 sheets, Gillette Generators, Liquid Cooled Natural Gas Engine Generator Set, 60 Hz Model SP-2650.

10. Determinations issued by Adam Gordon, Building Inspector, dated April 24, 2023, August 24, 2023, and September 21, 2023.

11. Comments, Martin K. Spence, P.E., Village Engineer, last updated August 7, 2023.

12. Comments, Jonathan Lockman, AICP, Nelson + Pope, last updated January 31, 2024, including traffic analysis of Osman Barrie, P.E., P.T.O.E., P.T.P., dated October 9, 2023, and January 11, 2024.

**BE IT FURTHER RESOLVED**, that the Planning Board accepts and imposes all conditions of all state and county agencies with the exception of Comment No. 11 from the Rockland County Planning Department.

**BE IT FURTHER RESOLVED**, that this Resolution of Approval is limited to the site plan and does not grant architectural review approval.

**BE IT FURTHER RESOLVED**, that this site plan approval is granted subject to the following conditions:

1. The above recital paragraphs are incorporated herein by reference.
2. No building permit shall be issued until the Applicant receives architectural and materials approval.

3. The Applicant shall provide copies of all easements and proof of applicable easement abandonment.
4. The Applicant shall comply with technical comments in the memorandum of Martin K. Spence, P.E., Village Engineer, dated August 7, 2023.
5. The Applicant shall comply with comments noted in the memorandum of Jonathan Lockman, of Nelson Pope Voorhis, Village Planner, dated January 31, 2024.
6. Payment of all fees due and owing to the Village of Montebello connected with this application and approval.

Upon a motion by Member Aufgang seconded by Member Materna, the Planning Board voted as follows:

MEMBERS PRESENT:	YEA	NAY	ABSENT
Anthony Caridi, Chairman	<u>√</u>	—	—
Stan Shipley, Member	<u>√</u>	—	—
Marlo Dickman, Member	<u>√</u>	—	—
Joan Materna, Member	<u>√</u>	—	—
Ariel Aufgang, Member	<u>√</u>	—	—

**Stonehedge Farm Subdivision: Discussion and report for proposed zone amendment**

The Planning Board was asked to discuss and make recommendations, if any, to the Board of Trustees regarding a proposed zone change at 220 Spook Rock Road to allow a five-lot subdivision, with the historic Minetto farmhouse and accessory caretaker’s house on one lot, three new single-family lots, and one lot containing eight (8) duplex buildings with sixteen (16) total housing units and an accessory pool house and two pools on 16.68 acres.

The Chairman requested that paper copies be submitted to each Board member and consultants, and acknowledged that he had not had time to fully review the plans and proposed zone change. However, this Board was asked two years ago to review a plan not dissimilar to this latest proposal, on the same property, and our comments were very direct and were not met favorably by the Board of Trustees, he said.

Mr. Lockman explained for the record that any time the Board of Trustees wishes to amend a zoning law, they request a report from the Planning Board. This is the Planning Board’s only obligation, it is not binding, and we have sixty (60) days from receipt of the materials to submit a report. Because the Trustees will not receive their GML review on the local law change in time for their January 20<sup>th</sup> meeting, they cannot close the public hearing, and the Applicant cannot apply to the Planning Board until the local law is passed.

Member Aufgang asked if there are standards by which zone amendments are made. Mr. Lockman said the Comprehensive Plan provides the framework for this.



A lengthy discussion on the procedure ensued after which, at the Chairman's behest, a workshop to discuss the matter at hand was scheduled for Thursday, March 28, 2023 at 3:30 p.m. at Village Hall.

**February 27, 2023 CDRC Update**

31-33 N. Airmont road, subdivision (lot disclaimers) and site plan for a warehouse. Mr. Lockman said the Applicant still has many issues to address and that they will not be before the Planning Board for quite a while.

Member Dickman made a motion to adjourn the meeting at 8:33 p.m. seconded by Member Materna and upon vote, all were in favor.