

The 2024 Village of Montebello held a meeting on Tuesday, August 13, 2024 at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY. Acting Chairman Shipley called the meeting to order at **7:00 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

Ari Aufgang, Member
Joan Materna, Member
Stan Shipley, Member
Marlo Dickman, Member
Nancy Doon, Member

OTHERS

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

ABSENT

Anthony Caridi, Chairman

FilBen Montebello Propco, LLC

Amended Site Plan—250 Lafayette Avenue, Montebello, NY

Application of FilBen Montebello, Propco, LLC, 201 Borad Street, 5th Floor, Stamford, CT 06901 for an amended site plan for The Braemar assisted living facility currently under construction, to allow the issuance of a temporary certificate of occupancy prior to the completion of the construction of a full access connection to State Route 59. As proposed, The Braemar would only take access from one planned driveway from Hemion Road until Route 59 improvements required by the Montebello Crossing subdivision approval are completed. The parcel is located on the north side of Lafayette Avenue, 1000 feet west of the intersection of Hemion Road in the Village of Montebello which is known and designated on the Ramapo Tax Map as Section 55.10-1-2.1 in the RT-59DD zone.

Present was the Applicant and owner, Richard Filaski, and project manager Jessica Cotellesse both of FilBen Propco LLC, their attorney Lynn Weinig, and Brian Brooker of Brooker Engineering PLLC. Mr. Brooker presented, noting that they received all county agency reviews, and that they are requesting and override of comment #1 of the Rockland County Planning GML review dated August 2, 2024 requiring them to comply with comments made by the Rockland County Highway Department. Mr. Brooker explained that all three of the County Highway Department's comments are irrelevant because they didn't understand that the project is already being built.

Mr. Spence summarized his review dated August 12, 2024, which included minor comments on construction and maintenance of the road.

Mr. Lockman explained that while he did not issue a new review memo, he did work with village Traffic Consultant Frank Filiciotto on the review of the traffic impact study submitted by the applicant, dated August 5, 2024. Mr. Filiciotto concluded that the Assisted Living Facility use can operate satisfactorily with access via Hemion Road only, as long as the front two lots of the Montebello Crossing subdivision remain undeveloped.

Ms. Terhune said that, if the Board has all the information it needs, it can direct the consultants to prepare a resolution for adoption at the next meeting. Member Aufgang asked what would happen should Lots 1 and 2 begin construction. Mr. Brooker said that the Route 59 gated emergency and construction access will

continue to serve only construction and emergency vehicles. If Braemar is in operation, construction vehicles working at the front two lots of the Montebello Crossing subdivision would be prohibited from using the Hemion Road access, and would only be permitted to use the gated construction access. Mr. Spence said there will be signage for such and that this will certainly be addressed when the front lots are subjected to Planning Board review. Member Aufgang asked if others would be subjected to such restrictions in any other similar cases. Mr. Lockman said they would, and that any and all construction vehicles will be prohibited from using the Hemion Road access, once Braemar opens.

Mr. Brooker noted that there will be an issue for construction vehicles in that they will be unable to make a left turn out of the development. Mr. Lockman said that isn't much of a problem as they can get to wherever they have to go and it would only take them an extra ten or fifteen minutes.

Mr. Spence emphasized that the Board was not restricting the future use of the Hemion Road access, and that the restriction is in place only during construction. He added that should there be development on the front lots, he will require them to install fencing between the active construction site and The Braemar.

Member Dickman asked Mr. Spence if he anticipated additional improvements to the internal subdivision road that are not stated overtly. Mr. Spence said the improvements include the slight widening of the Hemion Road access to accommodate the anticipated usage of the Assisted Living Facility where the pavement edge is cracking. He stated that since we don't know the timeframe of the completion of the Route 59 improvements and the opening of the full service Route 59 driveway access, the edge of the access drive at the east end of the internal subdivision road should be stabilized.

Ms. Terhune suggested that the Board make this temporary use approval conditional upon renewal after a year. If nothing changes within that period, the Applicant will be required to return for a renewal. Ms. Weinig said there is a problem with that approach because, from the owner's perspective, they have no control over what is constructed on the two front lots. Ms. Weinig stated that the Tallman Fire Department's letter requires that Rt 59 emergency and construction access be maintained and in passable condition, which eliminates the need for them to come back on a yearly basis for renewals of the temporary access. Ms. Terhune countered that this is a temporary use request and that the Board will want to re-review this request should nothing change in that period of time, regarding the status of improvements at the front two lots and/or to required improvements in the Route 59 right of way. To grant the request permanently is not what was asked for in the application and it's not what you'll receive, she added. The Village understands the predicament and wants to help make the Braemar successful, but it really isn't the Village's problem, she said, adding that she felt strongly that the Chairman would not be in favor of a blanket permanent approval for only one access for Braemar to Hemion Road.

Ms. Weinig asked if there would be a limit to the number of times the approval can be renewed, stating that their financial lenders will want to know. Mr. Filasky said that additionally, the New York State Department of Health will be concerned and will want insurance that nothing can be revoked.

Ms. Terhune said the [original site plan] approval was granted in anticipation that everything would be done concurrently to a reasonable extent. The Planning Board understands that Montebello Development has asked for permits for construction of the Route 59 access and improvements in the Route 59 right of way, but there is a possibility they can decide to sit idle for the next five years, she said. Ms. Terhune stated that we don't recommend any limits on renewals, therefore, and said she believed more will be known in a year, if not less.

Mr. Filasky reiterated his concerns about the lending institutions and the NYS Health Department. Mr. Lockman, noting that their application is for “temporary access” only, said that perhaps they should apply for something different if they actually want only one access permanently. Ms. Terhune said that the best solution was to grant temporary access so they can get their Temporary Certificate of Occupancy (TCO) and revisit the issue in the future. It’s likely things will change, she said.

Ms. Weinig asked if the Board could identify certain criteria or standards to be met for a future renewal decision vis-à-vis the maintenance of the road, or the gate, for example, but Ms. Terhune said that too much is unknown at this point. Mr. Filasky again said he did not want to suggest to other interested parties that this operation could fail. Ms. Terhune assured him that a resolution will be drafted with certain conditions and the Board can contemplate the timing of the approval. Vice Chairman Shipley suggested that a clause be added to the resolution recommending the duration of future extensions and temporary access.

Mr. Spence asked Mr. Filasky if their lenders will review the conditions of the TCO, adding that typically, for a project of this scale, the TCO comes with a list of conditions to be completed. Will they want to see those conditions? he asked. Mr. Filasky did not know, but said the lender will surely want to protect their investment.

Vice Chairman Shipley asked if they would return to this board if the lender or the state gives them a problem. Mr. Filasky said they would if there was something they couldn’t solve themselves.

The Board had no further comments. Member Dickman made a motion to override comment #1 of the Rockland County GML (GML-24-0093) dated August 2, 2024. The motion was seconded by Member Doon and upon vote, the motion passed unanimously.

Member Dickman made a motion to direct the Planning Board consultants to draft an approval resolution for review and adoption at the September meeting. Member Materna seconded the motion and upon vote all were in favor.

Stonehedge Heights Corporation

Subdivision/Site Plan—220 Spook Rock Road, Montebello, NY

Application of Stonehedge Heights Corporation, 130 East Route 59, Spring Valley, NY for re-approval of a 12-Lot Subdivision entitled “Stonehedge Farm.” The property is located on the east side of Spook Rock Road approximately 500 feet south of Topaz Court in the village of Montebello which is known and designated on the Ramapo Tax Map as Section 49.13, Block 1, Lot 13 in Zone ER-80.

Present were the Applicant Marsel Amona and his attorney Michael Klein. Vice Chairman Shipley stated for the record that the public hearing was closed at the July meeting and asked the applicant to present. Mr. Klein said that this matter was adjourned last month and that they were here today for consideration of the Neg Dec and draft resolution for preliminary and conditional final approval. He stated that they received all agency and consultant reviews and that all preliminary matters were seen to.

Vice Chairman Shipley confirmed that each Board member reviewed the draft Neg Dec. Mr. Lockman clarified that it is the same draft from early July, but with the addition of the newest Town DPW letters. As you know, this project was designed and approved previously, he said, stating that it is the same layout save for the addition of a detention pond on lot 12 per the NYS DEC’s new stormwater requirements.

No one from the Board having comments, Member Aufgang made a motion to adopt the Neg Dec. Member Dickman seconded the motion and upon vote, the motion passed unanimously.

Ms. Terhune reviewed the draft resolution with the Board and the Applicant, and after some discussion, she asked who would prepare the covenants to protect lots 1 and 12 and the road dedication documents. Mr. Klein said he would take care of those items. Ms. Terhune noted that the plat will not be signed by the Chairman until the County Health Department endorses the plat, money in-lieu-of land and the inspection fees are submitted and the Applicant completes all infrastructure improvements. She reviewed all of the other conditions in the draft resolution.

The discussion turned to the construction of a water connection for the Spook Rock Golf Course, which was a requirement by the Town of Ramapo DPW in exchange for the sewer connection. Mr. Amona said that the water line coming from Topaz Court to the hot box at the golf course is shown on page two of the site plan. Mr. Lockman said that he must provide a construction plan with details for the water connection as this is what [municipal water company] Veolia will require. Mr. Spence asked if the water line was approved by the health department and Veolia. Mr. Amona said it was by both.

A long discussion ensued about the requirements to connect the golf course to the water line. Mr. Lockman said this was an outstanding item since Mr. Amona developed the Fant Farm subdivision, and gave a brief background on the genesis of the agreement.

Mr. Spence reminded the Applicant that he will not review the water line in detail and that it was up to Mr. Amona to submit a construction plan to the DPW and to Veolia.

Mr. Spence asked about the lighting plan. Mr. Amona said there is none and that he wasn't going to install a conduit at Spook Rock Road. Mr. Spence said the installation of a conduit is one of the subdivision requirements because the Village may one day want to install streetlights. Mr. Amona said that it would be a waste of money, especially since the Village long ago removed the streetlights along Spook Rock Road. Mr. Spence noted that that was twenty years ago and that the Village would prefer to have the option.

Mr. Lockman said the proposed streetlight conduit is actually on the most recently submitted plans on sheet #6 of 12, as well as on numerous plans sets submitted previously. He advised Mr. Amona that he could revise the subdivision plans and return to the Planning Board next month to ask the Planning Board to consider the project without the streetlight wiring conduit. Mr. Amona said that he wanted to change the plans and come back. Mr. Lockman said that he was really surprised that Mr. Amona was willing to stop the approval process for something that was on his plans the whole time. Mr. Amona acknowledged that this was an oversight. Mr. Spence noted that not only has the conduit appearing on the plans, but there also is a line in the construction cost estimate document for the conduit priced at \$5,000.

Mr. Amona dug his heels in and said it was a matter of principle, explaining that he didn't want to install the conduit because it will just lay there unused and will eventually be damaged by some careless digging by some homeowners or the town and repeated that it will be a complete waste of money.

The consultants pointed out that should he choose to revise his plans, he would be spending upwards of \$10,000 to save \$5000. Mr. Amona did not understand why the Board couldn't reflect this condition in the resolution, and Ms. Terhune explained that the Board could not approve a subdivision plan that showed the wrong improvements. She explained further that no one knows who will be living in the development five

years from now and whether they will require streetlights. The requirement for the conduit is not based on speculation, it is required by code for subdivisions. Mr. Amona took a moment and decided to acquiesce.

No one having further comments, Member Aufgang made a motion to adopt the resolution to grant preliminary and conditional final approval for the subdivision . Member Doon seconded the motion and upon vote, the motion passed unanimously.

RESOLUTION 06 OF 2024
VILLAGE OF MONTEBELLO PLANNING BOARD
GRANTING FINAL CONDITIONAL SUBDIVISION AND SITE PLAN APPROVAL TO
PROPERTY LOCATED AT 220 SPOOK ROCK ROAD (SBL 49.13-1-13)
a.k.a. STONEHEDGE HEIGHTS

The property location, zoning district and proposed project. On or about April 21, 2024, the Planning Board received the application of Stonehedge Heights Corporation (the “Applicant”) requesting approval to subdivide property located at 220 Spook Rock Road, Village of Montebello, identified on the Ramapo Tax Map as Section 49.13 Block 1 Lot 13 (the “Parcel”). The Parcel is currently improved with the Minetto farmstead and an accessory caretaker’s cottage (the “Minetto farmstead”). Estate Residential (80,000 square feet per lot) Zoning District (“ER-80”) and is subject to the Rural Preservation Overlay District (“RPOD”) because of its frontage on Spook Rock Road in the Historic and Scenic Overlay, and the presence of the historic Minetto Farmstead . Therefore, it is subject to the regulations and procedures in § 195.62 of the Village of Montebello Zoning Law which allows cluster development with reduced lot sizes in exchange for preservation of the Historic and Scenic corridor and the farmstead.¹ The Applicant seeks to subdivide the 16.68-acre Parcel into twelve (12) lots. The proposed subdivision preserves the existing Minetto homestead on proposed Lot 1 and creates eleven (11) new lots for the construction of single-family homes on Lots 2 through 12.

Prior approval. The Planning Board granted the Parcel conditional final approval for a 12-lot subdivision by Resolution PB04 of 2019 substantially identical to the current Application. The approval was extended three times, but the Applicant failed to file the subdivision plat with the County of

¹ Density calculation was derived pursuant to § 195.62C(1), which permits rural residential cluster development subdivisions to be platted in accordance with the bulk requirements for the RR-50 zoning district.

Rockland and the approval expired by operation of law. Thus, the 2024 submission was subject to review as a wholly new application.

General Municipal Law § 239-m. The application was duly referred to the Rockland County Department of Planning (“RCDP”) pursuant to GML § 239-m. By letter dated May 22, 2024, RCDP issued twenty (20) comments. All were accepted by the Planning Board and the Applicant agreed to comply with each comment by letter prepared by the Applicant’s attorney, Michael Klein, dated June 28, 2023.

Agency referrals. The Application was referred to all external agencies having jurisdiction to comment on the proposed subdivision and issue necessary permits or approvals. By letter dated July 7, 2024, the Tallman Fire Department stated that it is two (2) additional fire hydrants are required within the proposed development, specifically one at the dead end of each cul-de-sac. By letters dated July 22, 2024, the Town of Ramapo Department of Public Works (“DPW”) commented on two discrepancies in the plans. By letter dated July 29, 2024, the DPW stated that the plans were found to be satisfactory, that inspection fees would become due, and noted that the water connection to the Town’s Golf Course must be completed. By letter dated May 13, 2024, the Rockland County Drainage Agency (“RCDA”) stated that a Rockland County Stream Control permit would not be required. However, RCDA required the preparation of a stormwater pollution protection plan (“SWPPP”) to ensure that water quality and/or quantity control systems that comply with the revised New York State Stormwater Management Design Manual (“NYSSMDM”) be constructed on the Parcel. By letter dated May 24, 2024, Rockland County Sewer District No. 1 containing eight (8) comments.

Public Hearing. A duly noticed public hearing was convened on June 11, 2024, and continued on July 9, 2024, during which time the Board heard testimony from the Applicant and all those wishing to address the Board on the matter. After hearing all comments from the public, the hearing was closed on July 9, 2024.

State Environmental Quality Review Act (SEQRA). The Planning Board assumed Lead Agency for the purpose of complying with SEQRA and categorized the action as “Unlisted.” The Planning Board considered whether any potential negative environmental impacts would result from the proposed subdivision and residential development and to what extent mitigation would be required. After diligently evaluating all potential impacts and requiring mitigation to the greatest extent practicable, the Planning Board determined that the proposed action would not have a significant adverse

effect on the environment and adopted a Negative Declaration on August 13, 2024, thus closing SEQR.

Submissions. The following submissions were considered by the Planning Board in making their decision and incorporated by reference as if fully set forth herein:

1. Application package and narrative for Stonehedge Height Corporation, prepared by John F. Lange, Project Planner, and signed by the owner, Marsel Amona, dated April 21, 2024.
2. FEAF Part I, signed by John F. Lange, Project Planner, dated April 24, 2024.
3. EAF Part III Submittal, by John F. Lange, Lange Planning & Consulting, dated June 25, 2024.
4. Final Subdivision Plat of Stonehedge Heights, unstamped, by Sparaco & Youngblood PLLC, dated December 3, 2019, with latest revision date of July 1, 2024.
5. Civil Engineering Plan Set, for Revised Subdivision of Stonehedge Heights, consisting of Plan Set, 12 sheets, stamped by Steven Sparaco, P.E., Sparaco & Youngblood PLLC, dated November 4, 2022, last revised July 1, 2024 (unless otherwise noted), with the following sheets:
 - a. Planimetric Plan (sheet 1 of 12)
 - b. Proposed Drainage, Grading, & Utilities Plan (Sheet 2 of 12)
 - c. Proposed Drainage, Grading, & Utilities Plan (Sheet 3 of 12)
 - d. Phasing, Sediment and Erosion Control and Removals Plan (Sheet 4 of 12)
 - e. Existing Conditions Plan, dated August 4, 2021 (Sheet 5 of 12)
 - f. Proposed Landscaping & Lighting Plan (Sheet 6 of 12)
 - g. Road Profiles (Sheet 7 of 12)
 - h. Storm Profiles (Sheet 8 of 12)
 - i. Sewer Profiles (Sheet 9 of 12)
 - j. Water Profiles (Sheet 10 of 12)
 - k. Details Sheet 1 of 2 (Sheet 11 of 12)
 - l. Details Sheet 2 of 2 (Sheet 12 of 12)
6. Wetlands Adjacent Area Permit Narrative, by John F. Lange, Lange Planning & Consulting, dated July 2, 2024.
7. Responses to Village Engineer, Ramapo DPW Comments, by Steve Sparaco, P.E., Sparaco & Youngblood, PLLC, dated July 2, 2024.
8. Storm Water Pollution Prevention Plan (SWPPP) stamped by Steven Sparaco, P.E., dated May 28, 2024.

Submission Waiver. The applicant requested in writing a submission requirements waiver as it wishes to rely upon the 2018 survey information which is over one year old. The applicant has provided opinions from their surveyor and the Village Building Inspector that the 2018 survey is adequate. The Planning Board hereby grants the submission waiver for submission of a survey older than one year.

NOW, THEREFORE, BE IT RESOLVED, that in making its decision, the Planning Board has considered all relevant provisions of the Village of Montebello Zoning Law and Subdivision Law,

Rockland County agency comments, the advice of its consulting engineer and planner as regards all materials submitted by the Applicants, and all public comments related to this application. After deliberation, the Planning Board hereby determines that the Application for a twelve-lot subdivision is consistent with Village of Montebello Code.

BE IT FURTHER RESOLVED, that the Planning Board of the Village of Montebello hereby grants conditional final subdivision approval to the Parcel located at 220 Spook Rock Road, Village of Montebello, County of Rockland, State of New York, identified on the Tax Map as Section 49.13 Block 1 Lot 13.

BE IT FURTHER RESOLVED, that the aforesaid conditional subdivision approval is granted pursuant to the following conditions:

1. Payment of all fees due and owing to the Village of Montebello as related to the project approval process.
2. Compliance with all comments from the Rockland County Department of Planning contained in its GML review letter dated May 22, 2024.
3. Compliance with comments M-4 through M-7 contained in the July 8, 2024, memorandum prepared by Martin K. Spence, P.E., Village Engineer.
4. Compliance with all conditions of contained in the July 10, 2024, memorandum prepared by Jonathan Lockman, AICP, Planning Consultant, specifically including, but not limited to:
 - a. Comment 1, revision of sheet 5, the existing conditions plan, to include a new revision date and stamped by the engineer of record to reflect the removal of the horse barn and pens which already occurred several years ago.
 - b. Comment 13, revise FEAF part 1 form to answer question D.2.d as “yes,” and fill out details on proposed impervious surfaces consistent with the plans and SWPPP.
5. The Planning Board imposes the following conditions to be met before the Chairman signs the final subdivision plat:
 - a. “Willingness to serve” letters and approval of construction details from Veolia Water, RC Sewer District #1, and the Town of Ramapo DPW.
 - b. The Applicant shall prepare covenants to protect the preservation area and historic buildings on Lot 1, as well as the preservation area on lot 12 should be prepared and submitted for approval by the Planning Board attorney and subsequently filed by the applicant in the Rockland County Clerk’s Office. Proof of filing shall be submitted to the Montebello Village Clerk.
 - c. The Applicant shall prepare road dedication documents to be submitted for approval by the Planning Board attorney and subsequently filed by the Applicant in the Rockland County Clerk’s Office. Proof of filing shall be submitted to the Montebello Village Clerk.
 - d. The Applicant shall deposit a cash payment in lieu of land reservation in the amount of \$7900 per lot (\$94,800) with the Village Board pursuant to §122-2E.
 - e. All required inspection fees shall be paid before any infrastructure or site work is commenced.
 - f. County Health Department endorsement.

- g. All improvements shall be fully constructed and receive final inspection and approval by the Village Engineer prior to signing the final subdivision plat.
- h. The Applicant shall install two additional fire hydrants located at the end of each cul-de-sac pursuant to the Tallman Fire Department letter dated July 7, 2024.
- i. Submission to the Village Attorney (copy to the Planning Board Attorney) of the proposed Homeowner Association (“HOA”) Declaration and Certificate of Incorporation prepared for submission to the New York State Attorney General (“AG”) for approved, and a copy of the AG-approved HOA Declaration and Certificate of Incorporation allocating the responsibility for maintenance of the stormwater retention pond on Lot 12 and all other common elements owned and maintained by the HOA, including, but not limited to, drywells and landscaping,.
- j. The Applicant shall prepare deed restrictions on Lot 1 and Lot 12 providing for no further subdivision in a form approved by the Village Attorney (copy to the Planning Board Attorney), which the Applicant shall file in the Rockland County Clerk’s Office. Proof of filing shall be provided to the Village of Montebello Village Clerk.
- k. The Applicant shall complete the water connection to the Town’s Golf Course clubhouse, as required by the Town of Ramapo Department of Public Works letter, dated July 29, 2024, and shall provide the Planning Board with a copy of the construction plans for the water connection for its records.
 - a. The Applicant shall be responsible for providing the street lighting conduit as shown in the Proposed Landscaping & Lighting Plan on Sheet 6 of 12, stamped by Steven Sparaco, P.E., Sparaco & Youngblood PLLC, dated November 4, 2022, last revised July 1, 2024
- l. All plans shall be stamped by preparers and endorsed by owners and outside agencies as required by law.

On the Motion of Member Aufgang, seconded by Member Doon, the Planning Board granted final subdivision approval on a roll-call vote of 5 yeas, 0 nays, as set forth herein:

MEMBERS PRESENT:	YEA	NAY	ABSENT
Anthony Caridi, Chairman	_____	_____	<u> X </u>
Stan Shipley, Vice Chairman	<u> X </u>	_____	_____
Marlo Dickman, Member	<u> X </u>	_____	_____
Joan Materna, Member	<u> X </u>	_____	_____
Ariel Aufgang, Member	<u> X </u>	_____	_____
Nancy Doon, Member	<u> X </u>	_____	_____

Meeting Minutes Approval

Member Materna made a motion to approve the July 9, 2024 meeting minutes seconded by Member Dickman and upon vote, all were in favor.

New Business

Discussion of the proposed Local Law to lower the number of HPPC Members from nine to seven to increase efficiency: After a brief discussion, the Board directed Mr. Lockman to draft a memo to the Village Board in support of this proposed local law.

Comp Plan Discussion: Land Use and Natural Resources. The Board will review these elements of the 2017 Comprehensive Plan more thoroughly and submit any comments to Mr. Aufgang who is serving on the 2024 Comprehensive Plan committee.

CDRC Update

Mr. Lockman gave an overview of 1 Sheilah Court, the subject of an application for a special permit for a home occupation. The Applicant is proposing a Physical Therapy office that is not on a County or State road, which does not have the required parking and has too many employees. The Applicant is considering seeking area variances or a use variance from the ZBA.

Member Dickman made a motion to adjourn the meeting at 8:27 p.m. seconded by Member Materna and upon vote, all were in favor.