

The Planning Board of the Village of Montebello held a meeting on Tuesday, April 8, 2025 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

OTHERS

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

ABSENT

Ari Aufgang, Member
Marlo Dickman, Member
Nancy Doon, Ad Hoc

**Rella Owner, LLC/Joseph Brachfeld
300 Rella Blvd., Montebello, NY**

Site plan/Special Permit – Informal presentation

Application of Rella Owner LLC, 95 Chestnut Ridge Road, Montvale, NJ 07645 for a Site Plan/Special Permit to construct a combination of standard warehouse space and smaller warehouses on an 18.5 acre commercial lot. The Parcel is located on the north side of Rella Boulevard at the intersection of North Airmont Avenue, and is shown on the Ramapo Tax Map as Section 55.08 Block 1 Lot 6 in the LO-C Zone

The Applicant's attorney, Ira Emanuel, presented. The Applicants' engineer, Joseph Nyitray, their Sound Engineer Mike Bontje, and their Architect Jason Anderson were also present.

Mr. Emanuel explained that the project, originally a large warehouse and a separate retail self-storage building, was previously approved in 2022. Mindful of the nearby Assisted Living Facility and the Senior Housing, the Planning Board placed operational restrictions on the complex so that these sensitive residences were not bothered. These restrictions, however, have made it nearly impossible to find a tenant and so we are returning with this new concept of a mix of different sized buildings for different sized users, he said.

Some of the proposed buildings are small flex space warehouses, others are larger, ranging in size from 24,200 square feet to 106,560 square feet. Additionally, we recognize the sensitive noise receptors nearby and propose mitigations to address operational noise issues, he continued. There will be limits when large 18-wheelers can operate within the complex, and less restrictions on smaller box trucks and sprinters since they make less noise. Mr. Emanuel asked the Board to determine what can and can't work so they can adjust appropriately.

Mr. Nyitray presented the site plan in greater detail, and explained that the same modifications will be made to the Rella Blvd. median and the corner of North Airmont Road as proposed for the last iteration of the project, and that where there once were dozens of loading bays for large trucks, there now are only twelve. The access road originally proposed to the east of the property was eliminated, and all trucks will be routed directly off of Rella and immediately into the complex.

There will be an emergency access entrance on the south side of the property strictly for fire trucks and emergency vehicles. Finally, the largest building is significantly smaller than the originally approved warehouse by a third, and no variances are required, he said.

Mr. Anderson presented the architectural details, noting that the loading docks for larger trucks are in the center of the warehouses facing each other away from all residences. The other buildings facing east and west do not have loading docks, but rather garage doors through which box trucks can drive to load and unload on the inside of the buildings, he explained. Mr. Anderson said that through extensive research, they found that the community and the market require smaller spaces, which is why these buildings of varying sizes were designed. Further, In deference to the sensitive noise receptors in the area, all activity will take place between the buildings, which function as natural noise barriers. Mr. Anderson noted the letter from the Tallman Fire Department dated March 12, 2025 in which they demanded that the secondary access road remain. He said wrote a response letter to the fire department and has been trying to reach out to the Fire Chief to discuss the issue, to no avail.

Regarding parking, Mr. Anderson explained that they assigned value to the spaces according to square footage of the proposed office spaces.

Sound Engineer Mike Bontje presented his new sound report dated February 2025. However, he explained, additional measurements were performed and the report was revised. He handed those copies to the Board and explained how noise levels were measured, where they were measured and at what times, noting that the noise levels in the surrounding residential areas are already high, at 60+ decibels, due to the proximity to the NYS Thruway. Nonetheless, there will be a sound wall at each alley opening where the buildings do not block sound to mitigate all loading and truck traffic noise. He stressed that the former iteration of the proposed 12-foot sound walls in the previous project became unnecessary because the buildings themselves will function as sound walls.

Mr. Bontje described in detail the process by which he determined that all truck noises will be significantly suppressed through all the aforementioned mitigations. Ms. Terhune asked if the noise levels will be less than the noise levels are presently, and Mr. Bontje confirmed that the noise is projected to be eight to ten decibels lower. Ms. Terhune asked if they modeled the noise levels at night, and Mr. Bontje said that they did not, but that small trucks are quieter and they will be the only vehicles driving on the site at night. Chairman Caridi asked their definition of a "small truck," noting that the road entrances to the smaller warehouse are wide enough to accommodate 18-wheelers. Mr. Anderson said that they were wide for the turning radius only.

Chairman Caridi said that the board will want to hire a sound engineer to study the sound report thoroughly before the next meeting. Mr. Emanuel said there should be no concern about noise from the emergency access road because all traffic will enter from Airmont Road directly into the complex. Chairman Caridi wanted assurance that no trucks other than emergency vehicles will use the southern access entrance. Mr. Emanuel said that it will be gated and that there will be a Knox box.

Chairman Caridi asked how many box trucks will pass through in one week. Mr. Anderson guessed about four or five each in the mornings and evenings. The Chairman was incredulous and Mr. Anderson reminded him that these spaces are for small contractors, like plumbers and electricians, who will mainly store their equipment there.

Mr. Stach summarized a memo from former planner Jonathan Lockman dated March 5, 2025, in which he asked for the projected number of employees working in the flex office space and to factor in the impacts of newer peer projects in region. Chairman Caridi asked for the proposed hours of operation and activity levels, explaining that the Board's original approval for the special permit set extremely specific hours of operation during which activity could occur. This is a completely different project, albeit a better one than the previous, he added, but the sound and traffic studies will be critical. He added that he will need further comments from the Tallman Fire Department, and that it would be good for the Building Inspector to weigh in as well.

Mr. Emanuel said they would be happy to discuss this further with the Fire Department and that they have attempted to contact them numerous times to request a meeting, but they have been unresponsive. Chairman Caridi asked why they wanted to eliminate that access road. Mr. Emanuel said that if this were a school or a place of assembly they would build it, but that it is unnecessary here, and that in any case, the entire site is compliant with New York State fire code.

Mr. Stach asked the maximum height of the buildings and whether there will be any mezzanine spaces. Mr. Anderson said the buildings will be no higher than 30 feet and no mezzanine spaces are proposed. Chairman Caridi asked if the exterior architectural features will be the same as the former project, and after learning that the features will be the same, expressed his appreciation that it would not change, and added that the project seemed more viable than the previous concept.

Mr. Emanuel said that he appreciated the feedback which will allow them to embark on the challenging task of designing the project. He asked what the next steps were and whether the Board needed anything in the interim.

Mr. Stach explained that SEQR could either be amended or treated as a whole new application. Chairman Caridi said that he preferred to amend the Neg Dec issued for the first project based on supplemental SEQR materials. Ms. Terhune said that the noise and traffic are now quite different. Chairman Caridi advised that they revise the FEAF Part I and submit a new traffic study.

The Applicant plans to attend the May 13, 2025 Planning Board meeting.

Nachman Rotenberg
62 Montebello Road, Montebello, NY
2-Lot subdivision

Application of Nachman Rotenberg, 8 Herrick Avenue, Ap. 212, Spring Valley, NY for a two-lot subdivision at 100 Montebello Road, Montebello, NY. The Property is located on the north side of Montebello Road, approximately 50 feet north of Mayer Drive in the Village of Montebello, and is shown on the Town of Ramapo tax map as Section 48.18 Block 2 Lot 10.3 on the RR-50 Zone.

Standing in for the Applicant's attorney Amy Mele was Armond Mele, Esq, who explained that he was there to answer any questions that may arise during the review of the draft resolution.

The Board, having previously read the draft, had no questions or comments. Member Materna made a motion to accept and adopt the resolution approving the two lot subdivision, seconded by Member Shipley. Upon vote, the motion passed unanimously.

Resolution PB 01 of 2025
Village of Montebello Planning Board
Granting Conditional Final Subdivision Approval
62 Montebello Road
SBL 48.18-2-10.3

WHEREAS, on or about March 1, 2023, Nachmen Rotenberg (the Applicant) submitted an application to the Planning Board seeking approval of a two-lot subdivision of property located at 62 Montebello Road, in the Village of Montebello. The property is located in the Residential-35 (50,000 square feet per lot) (R-35) Zoning District and is subject to the Historic and Scenic Roads Overlay District because of its frontage on Montebello Road. The property is identified on the Tax Map as Section 48.18, Block 2, Lot 10.3, and consists of 2.37-acres. The proposed lots are Lot 1 with 52,884 square feet (51,226 net sq. ft.) and Lot 2 with 50,337 square feet (49,283 net sq. ft.). Lot 1 has a preexisting one-family home on the property as well as a freestanding 2-story garage building. A new house with a two-car garage is proposed on Lot 2.

The application was reviewed multiple times between the original 2023 submission until the last submission on or about February 13, 2025.

Compliance with the Village of Montebello Zoning law.

The Planning Board (the “Board”) reviewed the proposed subdivision. After requiring modifications to meet conditions set by the Board and its consultants, including the removal of a circular driveway, the Board determined that the Application, as modified, is consistent with the rules and regulations promulgated by the Village of Montebello with respect to subdivisions in the R-35 district and the Historic and Scenic Roads Overlay District. The Historic Preservation

and Parks Commission issued a Certificate of Appropriateness on December 4, 2025, by Resolution No. 24-05.

Referral to outside agencies and municipal entities.

The Application was duly referred to all involved and interested agencies and municipal entities including the following: The Rockland County Highway Department, which responded by letter dated January 16, 2025, suggesting a gratuitous dedication of a portion of the private land along Montebello Road to Rockland County for widening and drainage improvements. However, the Board noted that the Village is not inclined to require dedication because of its policy to preserve stone walls within the Village, including, most particularly here, the stone wall fronting Montebello Road. The Town of Ramapo Department of Public Works, which responded by letter dated January 22, 2025, noting several comments that the Applicant agreed to honor. The Rockland County Health Department, which responded by letter dated January 28, 2025, noting that the Applicant must comply with the County Mosquito Code, which the Applicant agreed to do. Rockland County Sewer District No. 1, which responded by letter dated December 23, 2024, noting that if the use or occupancy of either lot changes from single-family residential to another use, then an impact fee may be due.

General Municipal Law § 239-n

The application was referred to the Rockland County Department of Planning (RCDP) as required pursuant to GML § 239-n. RCDP responded by letter dated January 16, 2025, issuing seven (7) comments. The Applicant shall comply with all comments of RCDP.

State Environmental Quality Review Act (SEQRA).

As the only municipal board with authority to grant subdivision approval, the Planning Board is the Lead Agency for the purpose of conducting the environmental review as per the regulations implementing the New York State Environmental Quality Review Act (SEQRA). 6

N.Y.C.R.R. 617.2(u). The Board reviewed the Full Environmental Assessment Form (FEAF) filed by the Applicant and determined that the proposed subdivision was an Unlisted Action under SEQRA. After consulting with the Village Engineer, Planner and Building Inspector, the Board prepared Part 2 of the FEAF, identifying all potential negative impacts. As a result of its review, the Board required specific modifications to the proposed subdivision, including covenants to protect scenic and aesthetic resources. Thereafter, the Applicant prepared Part 3 of the FEAF, for review by the Board, which concluded on February 11, 2025, that potential negative environmental impacts had been identified and mitigated to the greatest extent practicable. On March 11, 2025, the Planning Board issued a Negative Declaration, closing SEQRA.

Public Hearing.

A duly noticed public hearing was convened on February 11, 2025. The Planning Board heard from the Applicant and all those wishing to speak. Hearing no comments from the public, and receiving no written comments, the hearing was closed.

Submissions upon which this application was decided.

1. Narrative prepared by Civil Tec Engineering + Surveying, unsigned, last updated February 13, 2025.
2. Application Review Forms, signed by Nachmen Rotenberg, dated March 1, 2023.
3. Drainage Calculations and Soils Information, by CivilTec, dated February 2023.
4. Soils information, prepared by CivilTec, dated October 2024, unstamped.
5. IPaC Resource List including critical habitat information, from U.S. Fish & Wildlife Service, dated February 16, 2023.
6. FEAF Part 1 form, with EAF Mapper Summary, signed by Rachel Barese PE, dated November 13, 2024.
7. Response Memorandum, prepared and signed by Rachel Barese, P.E. of Civil Tech Engineering + Surveying, last revised February 13, 2025
8. Sewer Capacity Analysis 62 Montebello Road, Prepared by Civil Tech Engineering + Surveying, dated February 2025.
9. Survey Map for 62 Montebello Road, prepared by Stephen P. Dolson, P.L.S. of Civil Tech. Engineering + Surveying, dated October 5, 2022.
11. Subdivision Plan for 62 Montebello Road, prepared and signed by Rachel Barese, P.E. of Civil Tech Engineering + Surveying, last revised February 24, 2025:
 - DWG No. 1 of 6: Subdivision

- DWG No. 2 of 6: Slope Zone Analysis
 - DWG No. 3 of 6: Layout Plan
 - DWG No. 4 of 6: Grading, Drainage & Utilities Plan
 - DWG No. 5 of 6: Landscaping & Erosion Control Plan
 - DWG No. 6 of 6: Details
12. Architectural Plan Set, 13 sheets, unstamped, by Silverlock Design Group, dated February 19, 2024, as follows:
- Cover
 - A-1, Introduction, link to model
 - A-2, Perspective Rendering
 - A-3, Front Elevation
 - A-4, Site
 - A-5, Landscaping
 - A-6, Front & West Elevation
 - A-7, Rear & East Elevation
 - o A-8, Basement Plan
 - o A-9, Level 1 Plan
 - o A-10. Level 1 Model
 - o A-11, Level 2 Plan
 - o A-12, Level 2 Mode

WHEREAS, the Planning Board has considered all relevant provisions of the Village of Montebello subdivision regulations and applicable 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 hereby grants final conditional approval to a 2-lot subdivision of the 2.37-acre property shown on the Tax Map as Section 48.18, Block 2, Lot 10.3. Lot 1 consists of 52,884 square feet (51,226 net sq. ft.) and Lot 2 consists of 50,337 square feet (49,283 net sq. ft.). This approval is granted subject to the following conditions:

1. Submission of a full set of Final Subdivision Plat plans in compliance with the Preliminary Subdivision Sketch Plat approved herein, which shall be approved by the Village Engineer prior to signature by the Planning Board Chairman.
2. Full compliance with the materials submitted to the Planning Board as part of this application and upon which the Board relied to grant subdivision approval.

3. Full compliance with all Rockland County Planning Department recommendations and conditions as stated in its memorandum dated January 16, 2025.

4. The Applicant shall comply with comments 2 and 3 of the review memorandum prepared by Jonathan Lockman, Nelson, Pope & Voorhis, LLC, Village Planner, dated March 5, 2025.

5. The Applicant shall comply with technical comments S-1 through S-7 of the review memorandum prepared by Martin K. Spence, P.E., Village Engineer, dated January 12, 2025..

6. Full compliance with Village of Montebello subdivision regulations § 163-15, titled “Improvements and security.”

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

8. Payment of money in lieu of parkland for the creation of one new lot pursuant to § 122-2 E of the Village of Montebello Code.

On the Motion of Member Materna seconded by Member Shipley, the Planning Board granted final subdivision approval on a roll-call vote of 3 yeas, 0 nays, as set forth herein:

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

Jacob Leitner—PUBLIC HEARING
8 Henry Court, Montebello, NY
Special Permit for Residential Gathering Place

Application of Jacob Leitner, 8 Henry Court, Montebello, NY which was submitted to the Village of Montebello Zoning Board of Appeals for variances for: Floor area ratio [max.0.20, proposed 0.22]; Side yard [required 20’, proposed 9.5’]; Parking spaces total for residence and RGP [required 7 spaces, proposed, 5 spaces]; Privacy fence height [max. 6’, proposed 8’] As per Section 195-13, Use group q, and Sec. 195-19 of the zoning code of the Village of Montebello. The Parcel is located on the north side of Henry Court, approximately 310 feet north of the intersection of Zeck Court, and is shown on the Ramapo Tax Map as Section 48.10 Block 1 Lot 36 in the R-35 Zone.

The Applicant Jacob Leitner was present, along with his attorney Joseph Churgin, his engineer, Josip Medic and expediter Eliezer Brecher. Mr. Churgin presented the application and stated that they were there tonight for the public hearing.

Ms. Terhune said that according to the Village Planner's previous memos, the applicant was asked to show compliance with the standards of Section 191 Wetlands and Stream Protection of the village code, noting that she saw nothing in the latest submission addressing this. She explained further that the Applicant must make an argument as to why this proposal deserves a wetlands permit. This is the only piece missing, everything else has been addressed, she added.

Mr. Brecher said that he thought his narrative dated March 3, 2025 covered it. Ms. Terhune advised him to re-read Mr. Lockman's March 5, 2025 memo and use it as a guide in addressing all the wetlands permit requirements for the next submission.

Mr. Aljovic reviewed his engineering memo dated March 10, 2025, and asked if soil tests were done. Mr. Brecher soil tests were done, and asked if the lengthy process of obtaining a permit from the Rockland County Drainage Agency permit would hold up the Planning Board approval. Chairman Caridi and Ms. Terhune assured him that it would not.

Chairman Caridi opened the public hearing.

Moses Weinstein, 7 Zeck Court, Montebello, NY explained that he is a congregant and that this shul is only needed on Saturdays and holidays. He said that this is especially important to him and the other congregants and that he hopes the Planning Board will grant an approval.

Joseph Kessler, 7 Charnwood, Montebello, NY said that he also worships at this shul, which is a half-hour walk from his home. He assured the Board that their worship will cause no disturbances in the neighborhood.

No one among the public having further comments, Member Materna made a motion to adjourn the public hearing and the application to the next meeting. Member Shipley seconded the motion and upon vote, all were in favor.

**Daniel Nacca on behalf of Israel Weinberger
9 Emerald Lane, Montebello, NY
Tree Removal/Planting Plan**

Application of Daniel Nacca, 3 Todd Court, Airmont, NY on behalf of the property owner Israel Weinberger, for approval of a tree removal/planting plan at 9 Emerald Lane. The Parcel is located on the north side of Emerald Lane at the intersection of Diamond Court, and is shown on the Ramapo Tax Map as Section 48.08, Block 1 Lot 36 in the RR-50 Zone.

John Reeves, a certified arborist, represented the Applicant. He explained that the homeowner wishes to remove a row of white pine trees that were originally planted 30 years ago for privacy, and that are now

50 or 60 feet tall and difficult to maintain. They have shallow root systems and are prone to breaking and falling, and since they are so tall, their canopies are too high to offer any privacy. I normally do not want to remove the trees unless there is a safety issue, he said, but assured the Board that they will replace those trees with 51 green giant arborvitae.

Mr. Stach said that this application falls under the Tree Preservation and Landscape Maintenance code which is the purview of the Village engineer and that the Applicant is here only because of the substantial number of trees to be removed. Chairman Caridi asked if it were possible that Mr. Spence, who is not present tonight, would have any rejections, especially if these arborvitae will outlast their efficacy over time. Mr. Reeves said that these trees only grow to about 30 feet maximum and are quite easy to maintain.

Chairman Caridi asked the Board if they had any objections and no one did. Mr. Aljovic summarized Mr. Spence's memo dated March 10, 2025 in which he recommended planting arborvitae that are five to six feet tall and spaced four to five feet apart. Additionally, he recommended adding some Blue or Norway spruces to close in the gaps visible to Diamond court. Mr. Reeves had no problem with the additional plants and asked that he be given instructions by Mr. Spence on how many spruces to plant.

Ms. Terhune said there are a lot of trees to be removed and that a bond may be required to ensure all the plantings are complete, and suggested that the Board could approve this application conditioned on finalizing the plan with the Village Engineer and setting the bond amount.

Chairman Caridi asked the time frame of the project. Mr. Reeves said that if approved, it can be done in two to three weeks. Mr. Stack asked if there was concern about potential disease that could decimate all the arborvitae, and Mr. Reeves said there was not and that they are very hardy trees.

The Board Members and consultants were satisfied and had no further comments. Member Shipley made a motion to approve the application to the Village Engineer's satisfaction. The motion was seconded by Member Materna and upon vote all were in favor.

Meeting Minutes Approval

Member Shipley made a motion to approve the meeting minutes of February 11, 2025, seconded by Member Materna and upon vote, all were in favor.

Member Shipley made a motion to adjourn the meeting at 8:29 p.m. seconded by Member Materna and upon vote, all were in favor.