

The Planning Board of the Village of Montebello held a meeting on Tuesday, May 13, 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  
Ari Aufgang, Member  
Marlo Dickman, Member  
Nancy Doon, Ad Hoc

OTHERS

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

ABSENT

**Joseph Brachfeld, Rella Owner LLC  
300 Rella Boulevard, Montebello, NY  
Site Plan/Special Permit**

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 Application was adjourned to the June 10, 2025 Planning Board meeting.

**Masa Estate Holdings Corp.—Informal  
Amended Site Plan—Stonehedge Farm Subdivision (220 Spook Rock Road)**

Informal appearance by Masa Estate Holdings Corp. to relocate the detention pond on Lot 12 into the 200-foot preservation buffer.

The Applicant, Marsel Amona, explained that he wished to relocate the detention pond so that the house on Lot 12 will have more space, thereby making the home more marketable. He explained that he went to the Village Board for permission, and that they sent him to this Board to assess how amenable the members are to the amendment. He added that he was not asking for permission, merely for an opinion.

Chairman Caridi noted that Stonehedge Farm Subdivision was approved last year and that Mr. Amona was seeking a modification to Lot 12 only, and that this is a Village Board and an engineering matter. He asked Mr. Spence if the basin will function in the same manner as in the new location, and whether it can be designed to meet the prior approvals. Mr. Spence said that engineering-wise, the only difference is the location and that it will function as planned. He then reviewed his letter he submitted to the Village Board dated April 16, 2025 in which he noted that any approvals by the Village Board will require the applicant to resubmit to the Planning Board for an amended Site Plan approval including hydrology/hydraulics and added test soil borings. The relocation will require an amended SWPP as well.

Mr. Spence said that he received a revised plan and that the detention basin was staked out when he and Mayor Millman visited the site. He observed that the basin does not obstruct any views and that the slopes will maintain the contours. A six-foot chain link fence was proposed around the basin, but the Board may want to replace it with a lower, more architectural fence since it will be somewhat visible from the road, he added.

Member Doon asked if the preservation area has a restrictive covenant. The Chairman answered that it did not, then explained that if the Village Board approves the relocation, Mr. Amona will need to come back for an amended site plan/subdivision and amended SWPP. Chairman Caridi asked how the basin can be reached for maintenance. Mr. Amona explained that the sewer easement will serve as an access path for cleaning and maintenance.

Ms. Terhune suggested that the minutes of this meeting could be submitted to the Village Board in lieu of a formal report and all agreed.

Mr. Amona then asked the Board if the land disturbance fee for the two model homes could be waived, stating that he was not required to submit these fees for [earlier subdivision] Fant Farm. Mr. Spence reminded him of the Land Disturbance criteria and that he can go to the Village Board to appeal this decision.

**Jacob Leitner—PUBLIC HEARING continued**  
**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's attorney Joseph Churgin and his engineer, Josip Medic, were present. Mr. Churgin gave an overview of the application to date and stated that they are getting close to the conclusion. Mr. Stach reviewed his memo dated May 12, 2025 and said the only outstanding issue is that of any signage and that signs won't be permitted without prior approval by the Planning Board. Mr. Churgin assured him that his client had no intention of installing signs.

Mr. Spence reviewed his memo dated May 12, 2025 and said that any outstanding issues are minor, e.g. the soil tests should be mentioned in the drainage report and lighting details must be clarified. We will make sure that outside agencies are satisfied and that issues are addressed correctly, he added.

Member Aufgang noticed a discrepancy on the site plan in that it showed a fifteen-foot light pole, and another for a forty-two inch bollard and asked which was correct. Mr. Medic clarified that the forty-two inch bollard is correct and said that he will remove the fifteen-foot pole from the site plan. Member Aufgang asked if they would see details for the mikvah. Ms. Terhune said that they will be submitted

to the building department for a building permit and that the mikvah is not part of this approval, even though it is shown on the plans. Member Aufgang asked if the calculations for the whole site plan include the mikvah, and added that he was concerned about exceeding the limits of Floor Area Ratio (FAR). Chairman Caridi acknowledged these concerns but noted that if there is anything greater than a single-floor structure indicated on the site plan, then they will have to return to this Board for an amendment. Ms. Terhune said the question was addressed at the last meeting and that she could not recall any objections to the size or placement of the mikvah, which will be 400 square feet. She added that the resolution can state that the mikvah shall be in keeping with all rules and regulations for accessory structures.

Member Aufgang offered again that he did not want to approve a shape or size that does not comply with the law. Mr. Stach said the maximum height of an accessory structure is fifteen feet and cannot exceed 25% of the footprint of the principal structure. The Board asked that a small chart detailing such be added to the site plan. Mr. Spence reminded the Applicant that they will need a permit from the Rockland County Drainage Agency as well.

Member Aufgang noticed that there is an eight-foot fence in the front yard shown on the plans for which no variance was granted, and stated that an approval cannot be granted for something non-conforming. Mr. Spence read comment S-11 of his memo "We defer review of the fence height to the Building Inspector for any comments" and offered that the building department can address the issue when it comes time for permits. Mr. Churgin and Mr. Medic both stated that there will not be an eight-foot fence there and that they will make the correction on the site plan.

Chairman Caridi opened the public hearing. No one from the public wishing to comment on the application, Member Dickman made a motion to close the public hearing, seconded by Member Materna. Upon vote, all were in favor.

Chairman Caridi asked the Board if they wished to vote. Member Shipley said that the outstanding issues should first be addressed. Chairman Caridi noted that the Applicant has been before the Board several times and that the issues are administrative, but Member Shipley said he was concerned about the fence. Member Aufgang said he preferred they make the corrections on the site plan as stated before voting. Member Dickman agreed that they should vote only on the correct site plan. Ms. Terhune said that she will draft a resolution for review and approval at the June meeting. Chairman Caridi advised the Applicant to correct the lighting and fence, to add the mikvah designation chart and to submit for a permit from the Rockland County Drainage Agency and to return in June.

Member Dickman made a motion to adjourn the application to the June 10<sup>th</sup> Planning Board meeting, seconded by Member Aufgang and upon vote, all were in favor.

**Abe Kohn**  
**17 Sterling Forest Lane, Montebello, NY 10901**  
**Stream and Wetlands Protection Permit**

Application of Abe Kohn, 17 Sterling Forest Lane, Montebello, NY for a Stream and Wetlands Protection permit to construct an addition to an existing house and an in-ground pool encroaches into the 100 foot wetlands buffer. The Parcel is located on the west side of Sterling Forest Lane 0 feet north of Highgate Court, and is shown on the Ramapo Tax Map at Section 48.11-1-13 in the RR-50 Zone.

The Applicant's attorney Paul Baum and his engineer Paul Gdanski were present. Mr. Baum explained that the property is a corner lot on Highgate Road and Sterling Forest Lane and thus has two designated front yards. The entire property is within the Wetlands Environmental Protection Overlay District (W-EPOD), and that there are steep slopes, wetlands and the Mahwah River to the rear requiring a Wetlands and Stream Protection Permit from this Board, as well as a permit from the Rockland County Drainage Agency and the New York State DEC, the last of which was recently obtained.

Mr. Baum explained further that the application went before the CDRC several times where they showed several alternative locations for the pool, some of which would put the pool closer to the wetlands and require the construction of a retaining wall causing additional land disturbance. The CDRC agreed that the current location works best since it is furthest from the wetlands, although it will require a side yard variance from the ZBA, a modification of the side yard from required 30 feet to the edge of the water to 24.9 feet, and asked the Board to entertain issuing a waiver of that requirement. We still have to appear before the ZBA for other variances, but this waiver would allow us one less variance, he said.

Mr. Gdanski walked the Board through the layout of the property, the location of the Hampton-style pool and an addition with a small deck in the rear of the house. There will be drywells to catch the storm runoff, and the NYS DEC, which has no issues with the project, issued a permit.

Member Aufgang asked if it was common to place a pool in the wetlands. Mr. Baum countered that the pool will not be in the wetlands, it will be in the buffer to the wetlands at least fifty feet away. The pool does not require much grading, it will not have a patio, there will be no re-grading beyond the limit of the pool, and no trees will be removed, he said.

The Board then engaged in a lengthy discussion on alternate locations for the pool, but there were problems with each suggestion. Member Aufgang felt there was too much visual exposure to Highgate Road and suggested planting evergreens for privacy and the Applicant agreed. Eventually, the Board agreed that the proposed location was the best location for the pool

Referring to comment #5 of the county GML dated May 1, 2025 requiring approval by the Army Corps of Engineers, Chairman Caridi noted that an override is likely needed because there will be no disturbance of the actual wetlands.

Mr. Baum said he appreciated the feedback and that all the Board's concerns will be addressed for future meetings, adding that they will appear before the ZBA later in the week to present the requested variances. Ms. Terhune suggested that the minutes from this meeting be shared with the ZBA to let them know that the Planning Board is satisfied with the location of the pool.

Mr. Baum asked the Board to set the public hearing for July, but Ms. Terhune said she wasn't sure the ZBA would act that quickly. Mr. Baum said if that were the case, the Board can simply adjourn the public hearing. Chairman Caridi said that he and the Board will need to review the application again before setting the public hearing. Member Aufgang added that it would make sense to review *after* the ZBA grants the variances because things could change.

Member Shipley made a motion to adjourn the application to a date uncertain. The motion was seconded by Member Dickman and upon vote all were in favor.

**George Weinberger**

**21 Magnolia Street/1 & 2 Hickory Court, Montebello, NY 10901**

**Amended Subdivision Approval**

Application of George Weinberger/GV Holding LLC & Grandview Enterprises LLC. 1757 East 23<sup>rd</sup> Street, Brooklyn NY 11229 for an amended subdivision approval to allow the proposed homes on lots 21, 22 and 24 to have basements. The Parcels are located on the northwest side of Magnolia Street 500 feet south of Grandview Avenue in the RR-50 Zone.

The Applicant's attorney Paul Baum and his engineer Rhonda Smith were present. Mr. Baum explained that the subdivision was approved in 2009 by the Planning Board. This was supposed to be a 47-lot subdivision that was broken down in four phases. Only Phase one, consisting of ten lots, was filed with the county. At that time, before any improvements were installed, the Board prohibited basements in three lots with the poorest soil drainage due to the high water table, and the developer capitulated. He has since installed robust drainage and, in soliciting sales for the lots, has discovered that most buyers want a basement which is why he seeks to have the restrictions removed. Mr. Baum added that new soil testing was performed at the behest of the Village Engineer, and the report was submitted and accepted by him. There is therefore no logical reason to maintain the basement prohibition, he said.

Chairman Caridi asked if there were grade changes. Ms. Smith said the road and detention pond were installed but there were no changes to the grade. Member Aufgang asked if the SWPP needs to be updated. Mr. Spence said the SWPP is compliant and protected under the old regulations by the DEC because they got their permits prior to the new DEC regulations. Mr. Spence added that the roads and curbing were constructed, the sanitary sewer and water main connections complete, but no lots have yet been developed.

Member Aufgang asked the results of the soil tests. Mr. Spence said his memo dated May 12, 2025 shows that stormwater drains by gravity and no pumps are required. Lots 21 and 22 are raised by two feet, and lot 24 grading stayed at elevation. After briefly reviewing the memo with the Board and the applicant, Mr. Spence said the lots are actually dryer than he would have imagined. There is a seven-foot to eleven-foot difference between the ground water elevation and basement levels, which is a very comfortable difference. Chairman Caridi asked if the installed drainage system is adequate enough to hold off storm runoff, and Mr. Spence said it was.

Mr. Stach read his Planner review memo dated May 8, 2025. Mr. Baum said that the DEIS and SEQR finding statement does not prohibit basements forever if there is proof of satisfactory mitigation. Mr. Stach asked if they were asking for an amendment to the Planning Board resolution, and whether there also needs to be an amendment to the subdivision plat. Mr. Baum said there is no note on the plat, only on the site

plan. Mr. Stach said that the site plan is part of the subdivision plat and therefore both must be amended, which would require a public hearing.

Mr. Baum asked the Board to waive any requirement for a public hearing because the amendments don't affect anything, not even the neighboring lots. It is a minor change and we ask that the Board waive the public hearing and render a decision tonight, he added. After some discussion on the semantics of site plan versus subdivision plat, Chairman Caridi asked if the addition of basements constitute a modification of the subdivision, adding that neither he nor the Board wanted a public hearing on this. If there is no impact to adjoining lots, he continued, he didn't see the point in a public hearing.

Mr. Stach said that either way, SEQR must be amended so that it is consistent with the original finding statement. Member Aufgang made a motion to declare lead agency under SEQR, seconded by Member Materna and upon vote, all were in favor.

Member Shipley made a motion to waive the public hearing, seconded by Member Materna and upon vote, all were in favor.

Member Dickman made a motion to adjourn the application to the June 10, 2025 planning board meeting, seconded by Member Aufgang and upon vote, all were in favor.

#### **Meeting Minutes Approval**

Member Materna made a motion to approve the meeting minutes of April 8, 2025, seconded by Member and upon vote, all were in favor.

Member Dickman made a motion to adjourn the meeting at 8:53 p.m. seconded by Shipley and upon vote, the motion passes unanimously.