

The Planning Board of the Village of Montebello held a meeting on Tuesday, July 8, 2025 at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY. Vice Chairman Shipley called the meeting to order at **7:00 p.m.** and led everyone in the Pledge of Allegiance.

PRESENT

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

OTHERS

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

ABSENT

Anthony Caridi, Chairman

Masa Estate Holdings Corp.

Amended Site Plan—Stonehedge Farm Subdivision (220 Spook Rock Road)

Application of Sean Amona/Marsel Amona for an amended site plan/subdivision to relocate the detention pond on Lot 12 so that it encroaches into the 200 foot preservation buffer. The property is located on the east side of Spook Rock Road, approximately 2000 feet from the intersection of Carlton Road in the ER-80 Zone.

The Applicant, Marsel Amona, explained that he wishes to relocate the detention basin from lot 12 of this approved subdivision into the preservation buffer. He said he appeared before the Village Board of Trustees for permission to do so, and that board was amenable to the change and sent the application to the Planning Board for an amended site plan/subdivision approval. Mr. Amona explained that he will mitigate the visual impact on Spook Rock Road by installing 4' arborvitae and other evergreens which will hide the basin and it's chain link fence.

Mr. Stach reviewed his memo dated July 8, 2025 in which he noted that there are a number of issues needing to be addressed. Specifically, the FEAF part I erroneously indicates that the Village Board approved the disturbance of the preservation area for the detention basin. However, that Board merely took a straw poll and indicated, 4 to 1, that they were *inclined* to approve. This application is subject to SEQR and no approvals can be granted until SEQR concludes. Further, if SEQR is amended, then the Neg Nec must also be amended.

After a lengthy discussion about whether the pond relocation would be subject to the new NYS DEC wetland regulations, Mr. Spence confirmed that all the infrastructure has been installed, that there will be no additional encroachment into the wetlands and that the lot lines of the subdivision will not change. Mr. Amona stated that the new pond location is completely out of the buffer to the wetlands. Mr. Stach advised that the approval resolution should reflect that a jurisdictional determination demonstrating that the relocation is outside of the wetlands buffer should be submitted.

Mr. Spence summarized his review memo dated July 6, 2025 and noted that the Applicant should submit all the pages of the site plan, not just those with changes, and to include the latest revision date on each

page to avoid confusion. He also advised that there should be some Norway spruces staggered along Spook Rock Road and to have the arborvitae around the basin fence for extra coverage, especially during the winter months.

No one having further comments, Mr. Stach said that the Notice of Intent (NOI) can be circulated so the Board may take SEQR actions, including Parts II and III, and issue a Neg Dec and approval, perhaps for the next meeting.

Member Doon asked if the proposed access road over the sanitary easement is in the 100-foot buffer. Mr. Amona said that the access road originates at Spook Rock Road and follows the sewer easement to the basin to allow easy access for maintenance, and confirmed that it is not in the buffer as demonstrated on the revised plans. Mr. Stach said that this access road is not shown on the map in its entirety. Mr. Spence said that comment S8 of his memo asks the Applicant to submit the specs of the road to the basin in detail, and that it should be a stable surface of crushed stone that is able to support light vehicles. He added that the road is necessary and that the location sound.

Member Doon noted that the NOI references the actions amending the subdivision, stating that she thought this was merely a site plan amendment. Mr. Spence said that there are new easement lines in Lot 12 that should be shown on the subdivision plat.

Vice Chairman Shipley opened the public hearing.

No one from the public wished to speak. Mr. Amona asked the Board to consider allowing him to build a third model home. Mr. Spence said that there is a note on the plat that allows two model homes to be built before the road is dedicated to the village and improvements are complete. Ms. Terhune asked how much of the infrastructure was completed, to which Mr. Spence said that it is mostly done, and that the rule is in place to protect said infrastructure while it is being built. Two model homes is the policy and there are no exceptions, he added.

No one having further comments, Member Dickman made a motion to adjourn the application and the public hearing to the August meeting. Member Doon seconded the motion and upon vote, all were in favor.

**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.

Present: Ira Emanuel, Applicants' attorney, Engineer Brian Brooker, Architect Jason Anderson of ADG Architecture, Danna Cuneo of B. Laing Associates (sound analysis), and several principals of Rella Owner LLC. Mr. Emanuel delivered a brief summary of past and present iterations of this project, and described the current proposal for warehouse space and office flex space.

He explained that they do not currently have plans as to how the spaces will be configured because there are no tenants yet. There are no issues with parking for both uses because the requirements are the same, although it will be monitored to ensure compliance.

Additionally, he continued, there is more noise mitigation here than in the previous plan. Movement of vehicles on site with three or more axels is restricted to Monday through Friday from 6 a.m. to 9 p.m. These restrictions also apply to outdoor mechanized loading and unloading. Smaller vehicles will not be subject those hours. Regarding their on-going discussions with the Tallman Fire Department over the emergency access road, Mr. Emanuel stated that they finally heard from the chief and that they were planning to address his comments by the next month.

Mr. Brooker briefly discussed the layout of the site plan to the Board, after which Mr. Anderson presented the building designs, and explained that they will contain concrete pre-cast walls, with facades mimicking those of storefronts and office buildings rather than warehouses.

Ms. Cuneo presented the highlights of the sound impact study, explaining that it incorporated local ambient noise, local, state and federal noise ordinances, and day/night ambient noise levels from 2020 and March 2025. Overall, there will be less noise than the current ambient levels, she said, explaining that there will be two retaining walls that will function as sound walls by the Polo Court boundary, wing walls on the corners of buildings to absorb, reflect and scatter noise, and rough surface walls to absorb noise as well.

Mr. Emanuel noted that they have received several consultant reviews, as well as a letter from the Tallman Fire Department dated June 30, 2025 but that they have not yet received sound or traffic reviews from the Village. Member Aufgang referred to the Tallman FD letter, specifically about their comment on grasscrete and said he did not agree with the comment. Mr. Emanuel said that his own engineers were surprised by the comment, since the product is designed to handle emergency vehicles *including* firetrucks. He added that they took no issue with their comment on the length of the emergency access road.

Vice Chairman Shipley asked if the wing walls can be added to the opposite side of the buildings. Mr. Anderson said that would be no problem, and Mr. Emanuel reminded him that the noise on the south side will be significantly lower. Vice Chairman Shipley asked specifically what types of activities are allowed in “flex space.” Mr. Emanuel said that it is difficult to offer details of contemplated activities and that they were working on that internally and will submit to Mr. Stach for his input before presenting it to the Board. Vice Chairman Shipley opined that it could very well include, for example, a plumber cutting a pipe with the door open, or some other innocent but disruptive and noisy activity. Mr. Emanuel said there was no way to study such things and that there will be moments in time when noise will exceed predicted levels and there is no way to control that. The overall design is based upon noise mitigation, whereby large trucks are the worst-case scenario, he said. Ms. Cuneo added that the building facades are facing inward away from any residences, and there is a sound wall for spaces that are not blocked by the buildings themselves. Member Dickman noted that the sound study considers sounds emanating from vehicles, but not from within the warehouses.

Mr. Stach said that public safety, noise and odors and the like are impacts that should be considered in the SEQR Part II. Regulating and monitoring activities is an important part of this application, for example, will there be someone on site during certain hours? Are there activities that need Building Inspector approval? If there is a change of use in any of the buildings, does the applicant need Planning Board approval each time? He noted that it had been 28 days since the Board declared Lead Agency, and once the Part II is submitted, there will be a better understanding of activities within the buildings.

Nancy noted that the traffic measurements did not consider the [former Novartis site] Brookfield truck traffic which may increase the baseline. Ms. Cuneo agreed and said they will gather additional data.

No one from the Board having further comments, Member Doon made a motion to open the public hearing. Member Dickman seconded the motion and upon vote, all were in favor.

Patricia Rummelsburg, 3 Ashwood Drive, Suffern, NY stated that she has lived here for 21 years and that traffic on North Airmont Road has steadily worsened over the years and that she has a great deal of trouble getting out of her street and fears the situation will worsen with this development. She mentioned the recently built Highland Hills and the soon to be built Stonehedge Farms Subdivision and said she could not fathom how much worse the traffic could be. She advised that the Board go to the intersection of Spook Road and North Airmont at 5:00 p.m. to see how traffic is blocked. Additionally, there is a lot of noise from traffic on the road all through the night she said, and added that she is extremely disappointed [with this proposal].

Vice Chairman Shipley said that a traffic study was submitted and that the Village hired their own traffic consultant to review and recommend any traffic mitigation.

Gayle Yodowitz, 23 Montebello Commons Drive, Suffern, NY said that she lives in a building that backs up to the project. She explained that she looked at the plans that were posted online and asked if there are windows, walls, or anything else that she will be looking at once the structures are built. Vice Chairman Shipley said that the Village and this Board are promoting an attractive project, but acknowledged that no renderings or landscaping plans have yet been submitted. Ms. Yodowitz said that there are woods between Montebello Commons and the project, some of which contain wetlands, and that she was worried there will be flooding when the trees are gone. She asked the distance from the property line to the building. Mr. Brooker said it was about 180 feet from the wall of the building to the wall of her building, and that in between there is a buffer of vegetation. Few trees will be cut down, there will only be an area cleared for emergency vehicle access, and the building will be partially obscured by the grade, he said.

Ms. Yodowitz asked about the noise in winter when the trees are bare. Ms. Cuneo said that she could perform some winter analyses, and stated that the Thruway is usually louder at that time as well.

Ms. Yodowitz said she was also concerned with whether anyone will monitor the hours of operation to ensure that all the tenants abide by the rules, and whether the area will be secured. She added that she would very much appreciate a berm with evergreen trees between Montebello Commons and this property, and that she will encourage other Commons residents to join her at the next public hearing.

Schavy Freund, 7 Divot Place, Montebello, NY, said that her bedroom faces North Airmont Road and that she was concerned about noise from all the trucks that will be traversing the road past her house to get to Rella Boulevard, as well as the increase in traffic from an already problematic traffic situation. She said that she cares deeply about her and her neighbors' quality of life and that the more tenants on the site means more traffic and noise. Vice Chairman Shipley noted that most of the trucks will be coming from the Thruway into the site. Ms. Freund agreed but argued that there will also be smaller box trucks coming and going at all hours in both directions.

No one from the public having further comments, Member Dickman made a motion to adjourn the application and public hearing to the August meeting. Member Doon seconded the motion and upon vote, all were in favor. Mr. Emanuel wanted to be sure that the Board hired a sound consultant and a traffic consultant, noting that it was authorized at the last meeting, and he was advised that both were secured.

Zalmen Rubin

66 Mile Road. Montebello, NY 10901

Stream and Wetlands Protection Permit

Application of Zalmen Rubin, 20 Algonquin Circle, Airmont, NY 10952 for a Wetlands and Stream Protection permit to construct and addition to an existing home that lies within the buffer to the wetlands. The parcel is located on the east side of Mile Road, 1500 feet north of Montebello Road, and is shown on the Ramapo Tax Map as Section 48.19 Block 1 Lot 15 in the RR-50 Zone.

The Applicant Zalmen Rubin and his attorney Paul Baum were present. Mr. Baum summarized the application and explained that a stream traverses property and the entire house is within the buffer to the wetlands. Most of the area has already been disturbed because there was a pool that was filled in many years ago, he said. The Applicant is not disturbing pristine land, there will be no disturbance of the wetlands, floodplain or streams, and the NYS DEC submitted their jurisdictional letter. Since Mile road is within the Historic and Scenic Roads Overlay District, a Certificate of Appropriateness from the Historic Preservation and Parks Commission is required. He added that they were there for the public hearing and eager to receive feedback from the Board.

Mr. Spence and Mr. Stach had no review memos because nothing new was submitted since the last meeting. Member Materna made a motion to open the public hearing, seconded by Member Doon, and the motion passed upon vote.

David Caponigro, 3 Brentwood Drive, Montebello, NY said that he could not understand why anyone would be allowed to encroach into the wetlands, and added that he got the impression that the house will be used for something other than a single-family home. If that is the case, he continued, it will change the entire neighborhood.

Allan Leeds, 4 Brigadoon Drive, Montebello, NY said that when the Pines [subdivision] was built, he and his neighbors were told that there would be no negative impacts on their houses. Since then, the stream leading from the detention ponds in Kathy Gorman Ponds Park, the stream has gotten wider and deeper from years of stormwater runoff. He said that he looked at the architectural plans that include two indoor mikvahs, two outdoor mikvahs, a 1500 square foot game room and three exterior entrances, and questioned whether this will be used as a single-family home.

Ms. Terhune noted for the record that Mr. Rubin brought in revised architectural plans that were not yet distributed to the Board because they'd only arrived that day. Mr. Rubin handed the copies to the clerk and explained that the house is for his father, and that the interior plans are not complete. All that is needed for this purpose is the site plan, he said, explaining that he wants a spacious room in the house for the entire family to gather on Shabbos and holidays. He said he plans to make a mikvah in his other house at 3 Senator Levy for his own use, adding that most houses these days do have private mikvahs. The existing house is only 900 square feet with low ceilings, and most of the land is already disturbed. He explained

that he could not build anywhere else on the property due to the stream and the wetlands, and that no variances are needed. He then pointed out that every new house being built is 6,000 – 8,000 square feet.

Mr. Rubin further explained that the two doors on the top floor are sliders leading to the balcony, and that there is the front door. He noted too that the most recent iteration of the architectural plans change the layout and elevations, but not the footprint of the house from the previous version.

Mr. Leeds said that Mr. Rubin could have done his due diligence before buying the home. Mr. Rubin countered that the house sits on 1.5 acres and that he did not realize he couldn't build on eighty percent of the lot.

Ms. Terhune asked if the revised architectural plans are final. Mr. Rubin said the site plan and house footprint are final, but the elevations are not.

Mr. Baum said he wasn't sure any architectural plans should distract anyone from the wetlands permit. We are not here for variances or ARB, only for the right to building on his own property outside of the wetlands. Mr. Baum stressed the fact that they were not disturbing the wetlands, only the buffer to the wetlands, and noted that the house meets FAR requirements and is in line with the size of the lot.

No one having further comments, Member Dickman made a motion to adjourn the application and the public hearing to the August meeting, seconded by Member Doon and upon vote, all were in favor.

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June Meeting Minutes

Member Aufgang made a motion to approve the meeting minutes of June 10, 2025. Member Dickman seconded the motion and upon vote, the motion passed unanimously.

Member Doon made a motion to adjourn the meeting at 8:55 p.m. seconded by member Materna and upon vote, all were in favor.