



Ira M. Emanuel, Esq. | Amy Mele, Esq. *Of Counsel*  
*Counsel to Freeman & Loftus, RLLP*

Four Laurel Road  
New City, NY 10956

Info@EmanuelLaw.com

www.EmanuelLaw.com

Tel: 845-634-4141

## VILLAGE OF MONTEBELLO PLANNING BOARD

### NARRATIVE SUMMARY

100-300 RELLA BOULEVARD  
TAX LOTS 55.08-1-5 AND 55.08-1-6 (the “Property”)  
Revised February 19, 2025

#### The Property

The Property is comprised of 18.52 acres and is located at the northeast corner of Rella Boulevard and North Airmont Road. The Property is zoned LO-C. It was originally comprised of two parcels, and was subsequently combined into one parcel by ACG Acquisitions LLC (the “Applicant”) in connection with prior approval(s).

#### History of the Project

The Applicant originally submitted an application for the construction of a 312,207 square foot warehouse with 12,000 square feet of supporting office space, for a total of 324,207sf. The Applicant subsequently modified the application to include a mini-storage facility, which increased the total floor area to 331,800sf. In 2023, the Planning Board granted subdivision<sup>1</sup> and site plan approval, a special use permit, and ARB approval for the modified plan (“Second Approval”). As part of the Second Approval, the Planning Board restricted the external operations of the warehouse use to Monday through Friday, 6 a.m. to 9 p.m. That approval has been extended to March 10, 2026 by resolution of the Planning Board.

After the Second Approval, the Applicant diligently attempted to rent out the warehouse space. It found, however, that traditional large warehouses could not accept the hours of operation restriction. Large warehouse uses are generally: 1) require a large amount of space for storage; 2) have few employees; and 3) ship goods for distribution in large (mostly 18 wheel) vehicles. Such uses require close to a 24-hour operation so that goods may be shipped out at different times.

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<sup>1</sup> The “subdivision” was actually a lot line disclaimer which merged lots 5 and 6.

Recognizing that the Planning Board felt strongly about the hours of operation limitation (perhaps, in part, because of the volume of truck traffic), the Applicant has conferred with its leasing broker. It has concluded that a mix of standard warehouse space and smaller warehouses or flex space designed for local tenants will meet the market and address the Planning Board's concerns.

#### Current Proposal

Submitted herewith is a new concept plan dated February 13, 2025. It retains the four buildings in the western and central portions of the site from the site previously proposed. The single long building on the eastern end of the site has been broken into two smaller buildings. This break allows access to the rear of these buildings and eliminates the need for a fire access road or aerial apparatus road along the eastern lot line. Elimination of the access road allows the eastern buildings to be deeper, enhancing their marketability. The northeastern building is deeper than the southeastern building.

The total gross floor area for the project is now 236,860sf, which is 94,940sf smaller than the 331,800sf approved in the Second Approval.

At this time, the applicant is unable to determine which spaces will be used as warehouses and which spaces will be used as flex space. Such a determination is necessarily based on leasing. (Note that the interior divisions of the buildings are for illustration, only. The actual interior divisions will be driven by tenant needs as the spaces are leased.)

The applicant anticipates that there will be a mix of warehouse and flex space based on the physical sizes of the buildings. The applicant notes that the parking requirements for warehouses and flex space are identical: one parking space per 150sf of office area, plus one for every two employees. As with Indian Rock Shopping Center, which started as a standard strip center and became a mix with medical clinics, management of the facility will be required to monitor the parking allocation within the facility to ensure compliance with the parking requirements as the tenant mix evolves. The applicant is willing to place appropriate notes on the site plan drawings to ensure compliance with the parking requirements going forward.

Also submitted herewith is a revised letter from the applicant's leasing broker, Rand Commercial, outlining its unsuccessful efforts to market the site with the current operating restrictions. The applicant recognizes that the current limitations on operations, which confine outdoor activities to the period from 6am to 9pm, Monday through Friday, were imposed to protect neighboring residents from excessive noise. As discussed in the Rand letter, this limitation has made it impossible to profitably lease the facility. This market failure is the driving force behind the applicant's proposals to amend the approved site plan. Recognizing the noise concern and given the change in the project to emphasize smaller users, the applicant proposes the following operational limits:

- a. Movement of trucks having three axles or more: 6am to 9pm, Monday through Friday, only.
- b. Outdoor mechanized loading and unloading: 6am to 9pm, Monday through Friday, only.

The applicant believes that these revised limitations will more specifically address the noise concerns of the Planning Board, which led to the initial limitation. Trucks having three axles or more and mechanized loading/unloading generate significant noise. Smaller trucks and hand loading/unloading are much quieter. In addition, all outdoor activity will be within the interior truck/parking courts. Thus, the buildings will act as noise barriers to protect the adjacent senior citizen residences at Montebello Commons.

In addition, trucks will be prohibited from using the north emergency access road as a driveway to access the interior truck courts. Noise barriers opposite the truck court openings on the north side are retained in this revision. These measures will mitigate noise impacts on the single-family homes to the North. Noise barriers are also proposed between the two eastern buildings, but are configured to allow passage between them. These will help to protect the Montebello Commons complex to the East.

The applicant has also submitted a revised noise study from B. Laing Associates (February 2025 – Revised January 2025 Site Plan), that shows the existing and proposed noise impacts, including a discussion of the impact of the proposed noise mitigation discussed above.

The applicant recognizes the Village Engineer's concerns regarding the mix of trucks and passenger vehicles. However, none of the proposed units will be open to the general public. All vehicles, both trucks and passenger, will be those used at the facility on a regular basis. Drivers will quickly become aware of the need for additional vigilance.

The applicant also recognizes the letter from the Tallman Fire Department expressing concern about the elimination of the eastern loop access behind the now-divided warehouse buildings. The applicant has attempted to discuss these concerns with the Department, but the Department has failed to respond to those attempts. The current proposal conforms to the requirements of the Fire Code and continues to provide 360-degree access to the easternmost buildings, albeit not vehicular access. The applicant remains willing to discuss this matter with the Department but asserts that it is compliant with the Fire Code and applicable regulations.

Dated: February 19, 2025  
New City, New York

EMANUEL LAW, PC

By: 

Ira M. Emanuel