

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, MARCH 22, 2018 AT THE DR. JEFFREY OPPENHEIM COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NEW YORK. THE MEETING WAS CALLED TO ORDER AT 8:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Lance N. Millman Stacy Caridi Melanie Golden Evan T. Kuperman	Mayor Deputy Mayor Trustee Trustee
Absent:	Steven H. Beldock	Trustee
Others Present:	Warren Berbit	Village Attorney
Recording Secretary:	Joan Will	Village Clerk-Treasurer

Mayor's Report:

The Mayor explained that due to the snow storm the Village Board meeting was moved from Wednesday, March 21, 2018 to today Thursday, March 22, 2018. Notices were posted at the regular posting locations and on the Village website.

The Mayor was informed that the Montebello Senior Group was not receiving funding from the Town of Ramapo this year. Mayor Gigante from the Village of Airmont and Mayor Millman met with the Supervisor Specht of the Town of Ramapo and were able to get the funding re-established. In the future, the Town will have a budget to fund the Montebello Senior Group.

The Mayor reminded everyone that there have been a number of storms since the beginning of March. With the March 7th storm, approximately 75% of Montebello residents experienced an outage. There were several issues with Orange and Rockland regarding response and customer service. The Mayor would like to thank Deputy Mayor Caridi for being an advocate for the residents with Orange and Rockland during the storm. Through multiple conversations she also worked to ensure roads were cleared for the schools and residents. The most recent storm did not report any outages. The Village is going to invite Orange and Rockland to appear before the board to discuss how we can better prepare the Village for future storms and update our contacts.

The Mayor and the entire Board of Trustees would like to congratulate Trustee Evan Kuperman for his election and we welcome his continued work with the Board and Village of Montebello.

Trustee Golden advised everyone that Orange and Rockland will reimburse homeowners that experienced power outages of more than three days that they may apply for a rebate for food and medicine loss from them. Business owners are also eligible to apply for a rebate as well.

Parks Commission:

With no one present to speak from the Parks Commission, Mayor Millman closed this portion of the meeting.

Public Comment:

With no one wishing to speak, Mayor Millman closed this portion of the meeting.

Resolution: 18 - 022

Village of Montebello

Title: Certifying of Elected Officials

BE IT RESOLVED, that the results of the Village Election held on March 20, 2018, be and hereby is certified, and the following declared as elected:

Evan T. Kuperman, Trustee, for the one year unexpired term, by a vote of 92 to 0; and it being understood that said term ends on the first business day in April, or until a successor is elected and sworn.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution No. 18 - 023

Village of Montebello

Title: Adoption of Local Law: Adding Chapter 52 entitled “Amending the Village Code to Permit and Regulate Beekeeping” within the Village of Montebello.

WHEREAS, a Public Hearing on proposed Local Law No. 1 of 2018, entitled “Amending the Village Code to Permit and Regulate Beekeeping” adding Chapter 52 to the Village Code was held on February 21, 2018, and by virtue of Resolution No. 18-012, said proposed law was adopted, subject to filing with the Secretary of State; and

WHEREAS, the next day, February 22, 2018, a reaction was received from the Rockland County Planning Department dated on that date, containing 3 recommendations with respect to said law, and the Village Attorney advised as a consequence, in an abundance of caution, that said law not be filed, but recommended that said Public Hearing be re-opened and re-noticed to consider said recommendations; and

WHEREAS, the Village Attorney questioned the Village Clerk on the record hereat and ascertained that the following Legal Notice was published in the Journal News on March 11th and was posted on March 9th at 7 places, and that said Notice and the version of said Law as adopted on February 21, 2018, including any changes made at said Public Hearing was provided to the Trustees and made available to the public on March 12th, as was the Rockland County Planning Department letter:

“NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held on Wednesday March 21, 2018, beginning at 8:00 p.m. or as soon thereafter as the matter can be heard at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY 10901 to reopen Local Law No. 1 of 2018, Chapter 52 of the Village Code, entitled: “Amending the Village Code to Permit and Regulate Beekeeping” which was enacted on February 21, 2018 after a Public Hearing at the time in the belief that no recommendation from the Rockland County Planning Department would be forthcoming, but as such was received one day after the Public Hearing, to address the contained recommendations not addressed at the first Public Hearing, to wit:

1. The proposed local law states beekeeping shall be permitted in the ER-80, R-50, R-35 and R-25 zoning districts. It is unclear whether this activity is considered an accessory use to a residence, a home occupation, or an agricultural use, which would be a principal use in its own right. The Village must clarify what type of use it considers beekeeping to be.
2. The village must address other types of activities that could be associated with

beekeeping, such as the bottling, labelling, storage, and sale of honey. Would the on-site, retail sale of honey or the processing of honey produced from off-site hives be considered an extension of the allowed activity? The village must establish criteria for what is appropriate as associated activities to beekeeping.

3. A review must be completed by the County of Rockland Department of Health and their comments considered.

The Public Hearing will be held on March 21, 2018 at 8 pm local time, or as soon thereafter as the matter can be considered, to consider the Rockland County Planning Department's recommendation as aforesaid.

All interested parties are invited to attend. The proposed law will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m. as well as on the Village of Montebello website www.villageofmontebello.org

Joan Will
Village Clerk - Treasurer
Village of Montebello
One Montebello Road
Montebello, NY 10901
(845) 368-2211

Warren E. Berbit, Village Attorney

February 22, 2018”
and

WHEREAS a third Notice, adjourning the Public Hearing one day to this evening due to inclement weather, was also duly noticed, to the maximum extent circumstances permitted and therefore it was concluded that due legal notice had been given, said Notice reading as follows:

“PLEASE TAKE NOTICE

In the interest of public safety, the Regular Meeting of the Village Board of the Village of Montebello scheduled for Wednesday, March 21st, 2018 beginning at 8 pm, at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, is hereby postponed until Thursday, March 22nd, 2018, beginning at 8 pm, same location.

Please take special notice that in addition to the regular business of the Village, two Public Hearings are to take place at said meeting, to wit: on Reopening of the Hearing on enacting Chapter 52 of the Village Code (“The Bee Law”), to consider the recommendations of the Rockland County Planning Department; and, in furtherance of a portion of the 2017 Comprehensive Development Plan, to consider amending Chapter 195 of the Village Code to combine Neighborhood Shopping (NS) and Professional Office (PO) into the NS zoning district, and to add Veterinary Clinics and Animal Hospital uses in said district, and related changes.

By order of the Mayor and Trustees

Joan Will
Village Clerk – Treasurer

Warren E. Berbit
Village Attorney

March 20, 2018”

; and

WHEREAS Deputy Mayor Caridi moved and Trustee Kuperman seconded opening the Public Hearing at 8:25 pm, said Motion also approving, retroactively, reopening the Public Hearing as previously closed, all in favor; and

WHEREAS, at the request of the Mayor, the Village Attorney explained that we proceeded on February 21, 2018, and closed the Public Hearing, in the belief that recommendations from the Rockland County Planning Department would not be supplied, but given recommendations made by the same dated and received the next day, and although such could have been overridden by a super majority, such still requires an explanation in the form of findings as provided to the said Department, but, in the circumstances there having been no opportunity to consider said recommendations, and no means to make findings, he recommended the prudent course of reopening the Public Hearing; and

WHEREAS, the Village Attorney directed at the reopening that the record include any new materials received since February 21, 2018, as well as the entire record as it existed on that date including the amended law, and the minutes including the formal adoption resolution; and

WHEREAS, as questioned, the Village Clerk reported new materials received as follows:

1. Aforereferenced County of Rockland County Planning Department letter dated February 22, 2018.
2. Correspondence from Janet Gigante, a Village resident and member of the Zoning Board of Appeals, questioning the secondary, accessory use intent of the beekeeping law, if Zev Oster, a beekeeper who testified at the February 21st hearing, is representative given his statements on the record as contrasted in her view with his website, for which she supplied the link, www.Rocklandhoney.com which reveals a highly trafficked, commercial intent, replete with \$15 per person touring fee, and even having acquired 200 bee protective suits to accommodate tours.
3. Response of Rockland Department of Health, indicating in a letter dated March 13, 2018, "no comment".
4. Letter by Zev Oster dated February 21, 2018 with reference to allegedly representative beekeeping permit fees elsewhere; and

WHEREAS, the Village Attorney concluded that the County of Rockland Department of Health letter fully addressed the Rockland County Planning Department recommendation No. 3, but left open to consideration the first two recommendations, to wit:

(1) The proposed local law states beekeeping shall be permitted in the ER-80, R-50, R-35 and R-25 zoning districts. It is unclear whether this activity is considered an accessory use to a residence, a home occupation, or an agricultural use, which would be a principal use in its own right. The Village must clarify what type of use it considers beekeeping to be.

(2) The village must address other types of activities that could be associated with beekeeping, such as the bottling, labeling, storage, and sale of honey. Would the on-site, retail sale of honey or the processing of honey produced from off-site hives be considered an extension of the allowed activity? The Village must establish criteria for what is appropriate as associated activities to beekeeping; and

WHEREAS, the Public Hearing was opened to the floor at 8:30 pm and the following person spoke thereat:

1. William "Zev" Oster, property owner at 131 Spook Rock Road, who believed the permit fee too high, and also who thought the beekeeper should not be so limited in bringing in people, nor in the number of hives, but who remained thankful for the Law; and

WHEREAS, no one else wishing to speak, the Public Hearing portion was closed at 8:35 p.m. motioned by Deputy Mayor Caridi, seconded by Trustee Kuperman, all in favor, and the Board duly deliberated thereafter; and

WHEREAS, the Board agreed with the concerns expressed by the Rockland County Planning Department in Recommendation Nos. 1 and 2, and also expressed by the concerned citizen, especially in light of the commercial impression created by the referenced website, as such might be and appeared inconsistent with a use intended as secondary to, as accessory and incidental to a residential use, in a residential zoning district, and as incompatible with the low

density residential districts within which beekeeping is to be permitted, also reasons for the hive limits.

THEREFORE, BE IT RESOLVED, given the concerns expressed by the Rockland County Planning Department and the concerned resident, and after due deliberation by the Village Board, that the Local Law be amended as follows:

Add new “j”, to section 3 but amended as follows, representing softenings suggested by the Village Attorney on number’s 2.and 3. as per Board discussion, and re-lettering “j” to “k”:

j) Use Secondary and Accessory to Residential Use. Irrespective whether a lot upon which beekeeping is proposed is improved by a dwelling or not, beekeeping as permitted herein is to be considered secondary and accessory to the underlying potential residential use, as contrasted with a commercial use. Factors to be considered in determining whether the use is secondary and accessory, versus commercial, include the following:

1. Processing, bottling, labelling, shipping, or sale on site, shall be limited to the product of the bees on site. Honey produced off-site shall not be brought on site.
2. The hive limits, among other purposes, are intended to limit on-site production of honey to an amount sufficient to supply the needs of the beekeeper, family and friends, but not to represent a commercially viable quantity.
3. Persons coming on-site to view the beekeeping activity shall be limited to family and guests, and in no event shall such include tours by strangers, or persons invited by advertisement, nor shall admission fee be charged for such purpose.
4. It is not intended that this use generate significant foot or vehicular traffic representative of a commercial operation versus a personal, accessory, hobby level use.
5. The site shall not be advertised as a commercial site accessible to persons responding to such advertisement; and

BE IT FURTHER RESOLVED, that said Local Law as amended be and hereby is adopted, effective immediately upon filing with the Secretary of State, the permit fee structure to be dealt with by separate Resolution.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

The Board was polled:	Mayor Millman	-	Yea
	Deputy Mayor Caridi	-	Yea
	Trustee Golden	-	Abstained
	Trustee Beldock	-	Absent
	Trustee Kuperman	-	Yea

Amendment accepted, law adopted.

Resolution No. 18 - 024

Village of Montebello

Title: Setting Beekeeping Permit Fees and Fines

WHEREAS, the Village Board re-opened this evening the Public Hearing on adopting Local Law No. 1 of 2018, Chapter 52 of the Village Code, entitled: “Adoption of Local Law: Adding Chapter 52 entitled “Amending the Village Code to Permit and Regulate Beekeeping within the Village of Montebello.”, in order to consider the recommendations of the Rockland County Department of Planning, and after so doing, readopted said law as amended this evening, effective upon filing with the Secretary of State; and

WHEREAS, this presented the opportunity to consider more information on preliminarily setting permit fees subject to the further Resolution of this Board, the Beekeeping Permit Application Fee, to be added to the Schedule of Fees, and to likewise establish a fine for violations of the permit process, to be added to the Schedule of Fines; and

THEREFORE, BE IT RESOLVED, after due deliberation and further consideration, that the following be added to the Schedule of Fees:

Beekeeping Permit (reference Chapter 52):

Fees:	<u>Number of Hives</u>	<u>Initial Fee</u>	<u>Renewal Fee</u>	
	Up to 10 boxes	\$ 20.00	\$ 20.00	
	11 to 25 boxes	\$ 30.00	\$ 30.00	
	26 to 40 boxes	\$ 100.00	\$ 60.00	
	Over 40 boxes	\$ 125.00	\$ 75.00	; and

BE IT FURTHER RESOLVED, that the following be added to the Schedule of Fines:
Violation of Chapter 52 (Beekeeping):

- \$ 250 per infraction
- \$ 500 (second infraction or more if within 18 months.)

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the motion carries unanimously.

Resolution No. 18-025

Village of Montebello

Title: Public Hearing Amending the Montebello Code by Combining the Neighborhood Shopping (NS) and Professional Office (PO) Zoning Districts into the NS District, and Certain Other Changes to the Uses therein in Furtherance of the 2017 Comprehensive Plan, as well as Adding a Special Permit Use into said Merged District: Animal Hospitals and Veterinary Clinics

WHEREAS, a Public Hearing is open regarding amending the zoning code to merge the Neighborhood Shopping (NS) and Professional Office (PO) zoning districts; and

WHEREAS, the recommendations of the Rockland County Department of Planning dated today, March 22, 2018, as received today, has implications which necessitate keeping such hearing open.

THEREFORE, BE IT RESOLVED AND FOUND AS FOLLOWS:

1. With respect to Recommendations Nos. 1 and 2, review by the Rockland County Department of Highways and by the NYS Department of Transportation, and consideration of their comments, that such are expressly overridden as outside the purview and authority of GML Section 239, Section l and m, as the pending action is legislative in nature involving the Zoning Code, and ample opportunity will be given for those agencies to comment should land use applications be made applying said amended provisions.
2. With respect to recommendation No. 3, such incorrectly refers to GML 239 Section nn which on its face is not applicable to the pending legislative action, but such is governed by Village Law Section 7-702, and, thus, notice to the referenced municipal entities shall be given, and the hearing kept open to duly consider any responses.
3. With respect to recommendation No. 4, that such is accepted, said Local Law to be amended by deleting the parking standards for libraries, museums and art galleries from the Table of Use Requirements in the NS zoning district, as these uses are to be eliminated, and given continuation of the Hearing, that animal kennels shall similarly be removed from the code; and

BE IT FURTHER RESOLVED, that the Public Hearing be continued at the April 18, 2018 meeting of the Village Board for the above purposes, and that the Rockland County Department of Planning be given notice of these actions.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote the motion carries unanimously by a vote of 4 – 0.

PUBLIC COMMENT

William “Zev” Oster, property owner at 131 Spook Rock Road, brought up questions about the fee schedule of the Bee Law.

With no one else from the public wishing to speak, Mayor Millman closed this portion of the meeting.

Resolution No. 18 - 026

Village of Montebello

Title: Conducting Public Hearing to Amend the Zoning Code in Furtherance of the 2017 Comprehensive Plan (Adopting Environmental Protection Overlay Districts and Aquifer Protection Regulations)

WHEREAS, as per the memorandum of the Village Planner, Max Stach, dated December 19, 2017 and attachments thereto, amendments are proposed to the Village Code in furtherance of the 2017 Comprehensive Plan, as approved by the Village Board on October 27, 2017, as lead agency for review under 6NYCRR 617 (SEQR); and

WHEREAS, said proposed amendments include designating Environmental Protection Overlay Districts, or "EPODs" that would include specifically identified environmental resources deserving special consideration, with enhanced standards to better protect these resources. The following three EPODs are proposed to implement the Comp Plan recommendations: 1) Floodplain EPOD; 2) Wetlands, Waterbodies and Streams EPOD; and 3) Steep Slopes EPOD. The amendments further propose aquifer and wellhead protection measure be implemented; and

WHEREAS, said Memorandum included the redlined text of the proposed amendments, maps describing the boundaries of the EPODS and a Full EAF Part 1; and

WHEREAS, said Memorandum was supplemented by a second Memorandum dated March 16, 2018 which includes a revised Full EAF Part 1, including additional information in a narrative description thereof as well as responses to comments by the Planning Board Attorney; and

WHEREAS, Village Special Counsel provided additional comments on March 16, 2018 and a Final Draft of the Proposed Local Law incorporating those comments was received by the Board on March 22, 2018;

THEREFORE BE IT RESOLVED as follows:

1. That, pursuant to 6 NYCRR 617 (SEQR), the following shall occur:

a.) That the Village Board designates itself as Lead Agency for adoption of a proposed Zoning Local Law Amendment and immediately assumes such status there being no other agencies involved in the Action for which such designation to be coordinated with; and

b.) That the Village Board as Lead Agency classifies the action as Type 1 for the purposes of SEQR; and

c.)That the Village Board as both project sponsor and Lead Agency accept the Part 1 Environmental Assessment Form ("EAF") and Narrative as prepared by Maximilian A. Stach, AICP as adequate for distribution and find that it appropriately describes the proposed action; and

2. That a public hearing shall be held on April 18, 2018, beginning at 8 pm local time, on said Local Law amending the Zoning Code as aforementioned, and per the referenced attachments; and

3. That due notice with respect to same pursuant to GML §239 and Village Law 7-702 be given to the Rockland County Planning Department, and any abutting municipal entities and the New York State Department of Transportation, and to consider any recommendations therefrom; and

4. That notice be given to the Montebello Planning Board because an amendment to the Zoning Local Law is proposed, and to consider any recommendation therefrom; and

5. That the Village Clerk is authorized to post and publish any required Legal Notice to be drawn by the Village Attorney.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote motion carries unanimously.

Mr. Eric Newhouse of The Sentinel of Rockland – 167 Route 304, Bardonia, NY and Attorney Amy Mele – 4 Laurel Road, New City, NY requested an appearance before the Village Board to discuss the possibility of building a an Assisted Living Facility on the property owned by Dr. Jeffrey Oppenheim and located at 200 Rella Boulevard – Montebello.

Mr. Newhouse explained that his company currently has 10 facilities in New York in hotel settings. They are all licensed by the New York Department of Health, funded by Medicare and Medicaid. The facility they wish to build at 200 Rella Boulevard would employ 70 – 80 employees, would be a hotel setting and approximately 100,000 square feet.

Mr. Newhouse advised the board that the Assisted Living Facility would be a for-profit venture and that no PILOT agreement would be sought.

The Board remarked that they have interest in Mr. Newhouse pursuing the plan and would like him to assure the Board that the aesthetics and quality of the project would be fitting with the Montebello area.

Ms. Mele would like permission to continue to the CDRC and Planning Board with an application and would like a “text amendment” written to add assisted living to the zone.

The Board took an informal vote to see if there was any interest in the project being moved forward and the informal voting was as follows:

Mayor Millman	-	Yes
Deputy Mayor Caridi	-	Yes
Trustee Golden	-	Yes
Trustee Beldock	-	Absent
Trustee Kuperman	-	Yes

At this point the Board advised Ms. Mele and Mr. Newhouse to use their discretion to complete an application including the full legislative amendments they hope to achieve.

Resolution No. 18-027

Village of Montebello

Title: Approval of Minutes for February 21, 2018

BE IT RESOLVED, the minutes of the Board of Trustees of February 21, 2018, be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the motion carries unanimously.

Resolution No. 18-028

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated March 21, 2018, and totaling \$120,800.23 is hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the motion carries unanimously.

At 10:15 PM Trustee Kuperman made a motion to enter into Executive Session to discuss a personnel matter involving adding to legal staff, seconded by Deputy Mayor Caridi. Vote carried unanimously.

At 10:25 PM Trustee Kuperman made a motion to exit Executive Session, seconded by Deputy Mayor Caridi. Vote carried unanimously.

At 10:25 PM Deputy Mayor Caridi made a motion to adjourn the meeting, seconded by Trustee Kuperman, vote carried unanimously.

Respectfully submitted:

Joan Will, Village Clerk - Treasurer