

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, JULY 11, 2018 AT THE VILLAGE HALL, ONE MONTEBELLO 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 Steven H. Beldock Evan T. Kuperman	Mayor Deputy Mayor Trustee Trustee Trustee
Others Present:	Warren Berbit	Village Attorney
Recording Secretary:	Louise Renud	Deputy Village Clerk

Mayor’s Report:

The Mayor stated he was called by the county commission handling the shared services program and they will be sending their report to all the Villages and Towns to see who is participating in the shared services as per Governor’s mandate. If we choose not to participate we would need to write a letter to the Governor stating, why we chose not to participate.

Parks Commission:

With no one from the Parks Commission available, Trustee Golden spoke regarding the Yoga in the Park program which started on Tuesday, July 10th. A total of 18 individuals RSVP’d for the event, with a total of 10 individuals showing up for the program. Since it was a hot, humid evening it was a good turnout. The future yoga events will take place every Tuesday in July from 5:30 to 6:30 PM. Mayor Millman encouraged everyone to come out for the remaining events.

Public Comment:

There were several individuals from the public in attendance. Mayor Millman thanked them for attending. However, with no one wishing to speak at this time, Mayor Millman closed this portion of the meeting.

Resolution No. 18-088

Village of Montebello

Title: Public Hearing Amending the Montebello Zoning Local Law, Chapter 195 of the Village Code entitled: “Create Special Permit Standards and Definitions for Public Gathering Uses”.

WHEREAS, the 2017 Comprehensive Plan identified the need to define and set standards for public assembly uses, including schools and places of worship throughout the residential areas of the Village of Montebello. The Plan recommended to protect the character and integrity of residential areas by requiring such uses only by Special Permit; and

WHEREAS, the proposed amendments include Special Permit Standards for Schools of General or Special Instruction, Dormitories, Residential Gathering Places, Neighborhood Places of Worship and Community Places of Worship. Bulk standards and Definitions are established for these uses; and

WHEREAS, renewal procedures are established for all special permit uses in residential zoning districts; and

WHEREAS, the Village Attorney questioned the Deputy Village Clerk on the record hereat on the first day of this hearing, on July 11, 2018, and ascertained that the following Legal Notice was published in the Journal News on July 1, 2018 and was posted on June 30, 2018 at 7 places, and that said Notice and the proposed Local Law was provided to the Trustees and made available to the public on July 1, 2018, and circulated at that time, therefore concluded that due legal notice had been given sufficiently to open the hearing,

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held on Wednesday July 11, 2018, beginning at 8:00 p.m. or as soon thereafter as the matter can be heard at the Village Hall, One Montebello Road, Montebello, NY 10901 to be continued as may be necessary on Wednesday, August 15, 2018, same time and location, to consider adopting Local Law No. 6 of 2018 entitled: “Create Special Permit Standards and Definitions for Public Gathering Uses”, thus amending the Zoning Local Law, Chapter 195 of Village Code, as more particularly set forth in said Local Law, but summarized as follows.

1. The 2017 Comprehensive Plan identified the need to define and set standards for public assembly uses, including schools and places of worship throughout the residential areas of the Village of Montebello. The Plan recommended to protect the character and integrity of residential areas by requiring such uses only by Special Permit.
2. The proposed amendments include Special Permit Standards for Schools of General or Special Instruction, Dormitories, Residential Gathering Places, Neighborhood Places of Worship and Community Places of Worship. Bulk standards and Definitions are established for these uses.
3. Renewal procedures are established for all special permit uses in residential zoning districts.

All interested parties are invited to attend. The proposed law will be available for inspection and review at the Village Office during normal working hour, Monday through Friday, 9:00 am 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

July 1, 2018

; and

WHEREAS, the Village Attorney explained that in an abundance of caution to give more notice than necessary versus less, especially re: the 30-day comment period, the Legal Notice expressly stated that the Public Hearing would continue on August 15, 2018, thus he recommended that the Hearing be opened tonight so that notice and the record be established, that public comment be taken, and then that the hearing be continued on August 15th to permit maximum public participation; and

WHEREAS, Deputy Mayor Caridi moved and Trustee Golden seconded opening the Public Hearing on July 11, 2018, at 8:15 pm, all in favor; and

WHEREAS, after introductory comments by the Mayor, the Village Attorney summarized the intent of the local law to implement the Comp Plan recommendations as described in the Legal Notice, and he asked that Jonathan Lockman and Max Stach, the Village Planners, to make opening remarks after procedural formalities pertaining to first establishing the record, and in particular he requested that they explain the reasoning for and the impact of the proposed Local Law, understanding that the process would be continued in depth as may be necessary on August 15; and

WHEREAS, upon questioning of the Deputy Village Clerk by the Village Attorney, the following were included on the record:

1. Legal Notice

2. Proposed Local Law
3. EAF Part 1 and Narrative
4. Letter from Rockland County Sewer District dated July 2, 2018; and

WHEREAS, the Public Hearing was opened to the floor with the intent to take testimony understanding that the Hearing would remain open on August 15, 2018, and the following spoke thereat:

1. The Planners, primarily by Jonathan Lockman Principal Planner at Nelson, Pope and Voorhis, as supplemented by Max Stach, AICP, Village Planner, who explained that the purpose of the law was to fully comply with state and federal law and associated case law, while to the maximum extent reasonably and lawfully permitted, regulating public gatherings in the interests of balancing the right to engage in such activities with public safety, and minimizing environmental and quality of life impacts.

They explained that a very involved process was undertaken in obtaining information and ideas and in evolving a multi-faceted reaction before the Commission, in yielding the gathering place section of the Comprehensive Plan, and then, again, with input from the Planners, Chairperson, and three attorneys, and outside comment to fully accommodate applicable statutes and case law, thus yielding the Local Law.

In a brief summary, the amendment does away with distinctions between religious and non-religious schools. It creates General (K-12) and Special (eg. vocational) Schools of Instruction. The present Code is arguably devoid of adequate standards regarding schools, and re: places of public assembly, such as houses of worship. This is remedied. The amendment also creates 3 tiers of gathering places, to wit: Residential Gathering Places in homes, maximum ½ square footage, 40 square feet per activity participant not to exceed 49 persons. The other two tiers are Neighborhood Places of Worship, on a minimum of 2 acres, and Community Places of Worship, on 5 or more acres. Dormitories are also carefully regulated if needed. Clear, carefully derived dimensional and area standards are supplied for each, which require the grant of a Special Permit, which is renewable at which time any site related issues are to be dealt with.

2. Mrs. D. Munitz – 5 Rose Hill Road, spoke at length, and handed in a document with questions and comments which was handed to the Planners and Special Counsel for review and reaction reflected herein, but in fuller detail at the hearing. Synopsing, Mrs. Munitz indicated she understood and thought an admirable job had been done addressing the law re: gathering places, schools and houses of worship. She had questions and suggestions, such as the following:
 - 1) Putting together a final integrated bulk table, which she believed would aid comprehension. (It was explained that such will appear in the Code but the standard way to make changes more apparent was to proceed by redlining at the start)
 - 2) Whether side lots were adequate for neighborhood houses of worship?
 - 3) That exemplifying the various bulk requirements by reference to existing schools and houses of worship would assist understanding impact on neighboring properties. (The Village Attorney pointed out that this was done at least with respect to comparing to various public schools)
 - 4) Parking is a big issue with such uses, and such should include coordination of present, overflow, and expansion for future needs.
 - 5) And comments of a similar nature more fully explained in her handout requesting attention to her comments, especially since she indicated she will be unable to attend the August 15th meeting; and

WHEREAS, during the course of Mrs. Munitz's comments and presentation there was a spirited dialogue with Trustee Golden who chaired the Comprehensive Plan Commission, and with the Mayor, Village Attorney, Special Council and the Trustees. Trustee Golden pointed that all of Mrs. Munitz's comments to her or the Commission were given attention at those times. The Planners and Special Council were instructed to further review her written submission as needed; and

WHEREAS, no one else wishing to speak at this time, 9:05 p.m., the following Resolution was presented:

BE IT RESOLVED, that the Public Hearing be continued on August 15, 2018, beginning at 8:00 pm local time or as soon thereafter as the matter can be heard in order to permit sufficient time for responses under SEQRA and the GML, and to consider same and any further testimony at that time.

Moved by Deputy Mayor Caridi

Seconded by Trustee Kuperman

Upon vote, the motion carried unanimously.

Resolution No. 18-089

Village of Montebello

Title: Setting a Public Hearing on Application of the Sentinel, 200 Rella Boulevard, to amend Chapter 195, Zoning, of the Village of Montebello Code by adding Assisted Living Residences (“ALR”) as a use by Special Permit of the Planning Board, in the LO-C Zoning District

WHEREAS, the Sentinel of Rockland submitted a petition, dated April 5, 2018, for an amendment to the Zoning Local Law, to add an Assisted Living Facility or equivalent use to the LO-C Zoning District, which is consistent with a recommendation made in the 2017 Comprehensive Development Plan; and

WHEREAS, by virtue of Resolution No. 18-066, adopted on April 18, 2018, the Village Board expressed an interest to consider this petition by The Sentinel to add ALF or equivalent use to the LO-C Zoning District, sent same to the Planner for a reaction and recommendation, leading to the Planner’s memoranda dated April 26, 2018 and July 6, 2018, the latter in response to Resolution No. 18-079 adopted June 20, 2018, whereby the Board directed that this proceed to a hearing, all made a part hereof; and

WHEREAS, the Applicant by himself and his attorney indicated that time was of the essence for it to be able to proceed as a matter of its business judgement, and the conditional terms of a contract to purchase the subject parcel, and time was limited to retaining its State permit; and

WHEREAS, proceeding with phasing in the legislative initiatives necessary to effectuate the 2017 Comprehensive Plan has made it difficult to add this initiative, but the Board is cognizant that this appears to be a reasonably appropriate and desirable use for the subject property, which opportunity could be lost if there is further delay; and

WHEREAS, said Memorandum of July 6, 2018, was accompanied with an EAF Part 1 form with a narrative description of the proposed amendment to Chapter 195 of the Zoning Code, including to the text of the Special Permit Standards in §195-87.1, the addition of “Assisted Living Residences” to the Table of General Use Requirements in the LO-C District, as a Use by Special Permit of the Planning Board.

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 to add “Assisted Living Residences” or the equivalent as a use by Special Permit of the Planning Board, and to amend the text of the Special Permit standards for such use, 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 SEQRA; 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 August 15, 2018, beginning at 8 pm local time, or as soon thereafter as the matter can be heard, 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 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.
5. That the Village Clerk is authorized to post and publish any required Legal Notice to be drawn by the Village Attorney, and to make available this proposed amendment.

Motion: Trustee Golden

Second: Trustee Kuperman

Deputy Mayor Caridi was temporarily out of the meeting room.

Upon vote, the motion carries unanimously.

Resolution No. 18-090

Village of Montebello

Title: Approval of Minutes for June 20, 2018

BE IT RESOLVED, the minutes of the Board of Trustees of June 20, 2018, be and are hereby approved.

Motion: Trustee Kuperman

Second: Trustee Golden

Deputy Mayor Caridi stepped temporarily out of meeting room.

Upon vote, the Resolution carried unanimously.

Resolution No. 18 - 091

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated July 11, 2018, and totaling \$235,443.07 hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Kuperman

Second: Trustee Golden

Deputy Mayor Caridi stepped temporarily out of meeting room.

Upon vote, the Resolution carried unanimously.

Resolution No. 18-092

Village of Montebello

Title: Approval of Abstract & Schedule of Claims – Parks Fund

BE IT RESOLVED, the Abstract and Schedule of Claims dated July 11, 2018, and totaling \$2,790.00 is hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Trustee Kuperman

Deputy Mayor Caridi stepped temporarily out of meeting room.

Upon vote, the Resolution carried unanimously.

Resolution No. 18-093

Village of Montebello

Title: Appointment of Code Enforcement Officer P/T

WHEREAS, the Village sought candidates to fill the position of Code Enforcement Officer P/T, not to exceed 10 hours per week as needed; and

WHEREAS, after reviewing applications and interviewing the lead candidates, the Village Attorney and Village Clerk-Treasurer recommended that Sean Tichenor be appointed to the position; and

WHEREAS, Mr. Tichenor, an experienced contractor, presently serves the Village of Hillburn as P/T Code Enforcement Officer, is in a Code Enforcement Training Program, and ultimately will have the training and experience to also serve as a Building Inspector; and

WHEREAS, the Mayor agrees with the recommendation of the Village Attorney and Village Clerk-Treasurer and recommends Mr. Tichenor's appointment.

THEREFORE, BE IT RESOLVED, that Sean Tichenor be appointed as Code Enforcement Officer (P/T) effective retroactive to July 2, 2018, for a term to expire at the reorganization meeting in April 2019, or as soon thereafter as a successor can be appointed, but with the Village Board reserving the right to end the appointment at any time, compensation to be at \$23.00 per hour, not to exceed 10 hours per week as needed.

Motion: Trustee Golden

Second: Trustee Kuperman

Deputy Mayor Caridi stepped temporarily out of meeting room.

Upon vote, the Resolution carried unanimously.

Resolution No. 18 - 094

Village of Montebello

Title: Extension of Lease for Office Portion of the Dr. Jeffrey Oppenheim Community Center

WHEREAS, Chabad of Suffern leases the two-story office portion of the Dr. Jeffrey Oppenheim Community Center from the Village of Montebello, which lease expires July 31, 2018; and

WHEREAS, Chabad stated a desire to renew the lease, negotiations are ongoing, and it has asked for a one-month extension of the present lease such that negotiations can be finalized; and

WHEREAS, in the judgement of the Mayor and Village Attorney, Chabad has been a good tenant and has earned that opportunity.

THEREFORE, BE IT RESOLVED that said one-month extension at present terms to facilitate negotiations be granted it being understood that any increase as negotiated be retroactive to the start of said one-month extension.

Motion: Trustee Kuperman

Second: Trustee Golden

Deputy Mayor Caridi stepped temporarily out of meeting room.

Upon vote, the Resolution carried unanimously.

Resolution: 18-095

Village of Montebello

Title: Establishing a Standard Work Day for Retirement System Purposes

BE IT RESOLVED, that the Village of Montebello Location Code 40575 hereby confirms establishing 6 hours per day as the standard work day for Elected and Appointed Officials and will report days worked to the New York State and Local Employees’ Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body, as based upon said standard work day in accordance with Regulation 315.4 of the New York State & Local Retirement System; and

BE IT FURTHER RESOLVED, that all Elected and Appointed Officials that are presently members of the New York State & Local Retirement System, shall have days worked reported on the monthly report, set as per the attached Form RD2417-A, and shall include the term of office and expiration for each elected and appointed official.

BE IT FURTHER RESOLVED, that upon adoption, this Resolution shall be posted on the Village’s website for 30 days and the Village Clerk shall submit an affidavit of posting and a copy of the Resolution to the Office of the State Comptroller within 45 days of adoption.

Motion: Trustee Golden

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Resolution: 18 - 096

Village of Montebello

Title: Accepting Dedication of Roads

WHEREAS, the NYSDOT reviewed the Local Highway Inventory for the Village of Montebello and reviewed their findings with the Village Engineer/Highway Superintendent; and

WHEREAS, the following portions of roadways of previously dedicated village roads were not included in the mileage measurements in the previous Local Highway Inventory listings – West Gate Road, NYS COT ID#196694 from Babbling Brook to end, 2,006’ (0.38 miles) – additional 950’ (0.18 miles) to be dedicated; and

WHEREAS, the following roads which are currently being maintained by the Village (Town of Ramapo Highway Department) as public roads; need to be dedicated to the Village:

- Bogey Place, NYS DOT ID # _____ from Par Road to Cul-de-Sac (C-D-S), 739’ (0.14 miles)
- Cobblestone Farm Court, NYS DOT ID # _____ from Viola Road to C-D-S, 1,267’ (0.24 miles)
- McKenney Court, NYS DOT ID # _____ from North Airmont Road to C-D-S, 528’ (0.10 miles)

THEREFORE, BE IT RESOLVED, that the Village Board accepts dedication of the roads as well as extension of an existing road and accepts full legal responsibility including maintenance and repair for the roadways within the village for a total additional 3,484’ (0.66 miles) as listed below:

West Gate Road, NYS COT ID# 196694 from Babbling Brook to end, 2,006' (0.38 miles) – additional 950' (0.18 miles) to be dedicated.

Bogey Place, NYS DOT ID# _____ from Par Road to C-D-S, 739' (0.14 miles)

Cobblestone Farm Court, NS DOT ID# _____ from Viola Road to C-D-S, 1,267' (0.24 miles)

McKenney Court, NYS DOT ID# _____ from North Airmont Road to C-D-S, 528' (0.10 miles)

Motion: Trustee Golden

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Public Comment:

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

At 9:34 AM Deputy Mayor Caridi made a motion to enter into executive session to discuss legal matters with the Village Attorney regarding negotiating a lease and also possible prosecution of a Chapter 180 violation, seconded by Trustee Kuperman. Vote carried unanimously.

At 9:45 PM Trustee Golden made a motion, seconded by Deputy Mayor Caridi to end executive session. Vote carried unanimously.

At 9:46 PM Deputy Mayor Caridi made a motion to adjourn the meeting, seconded by Trustee Golden, vote carried unanimously.

Respectfully submitted:

Louise Renud
Deputy Village Clerk