

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, AUGUST 15, 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	Mayor
	Stacy Caridi	Deputy Mayor
	Melanie Golden	Trustee
	Steven H. Beldock	Trustee
	Evan T. Kuperman	Trustee
Others Present:	Warren Berbit	Village Attorney
Recording Secretary:	Joan Will	Village Clerk-Treasurer

Mayor's Report:

The Mayor stated the Route 202 paving is almost finished. Orange and Rockland has been trimming trees within the Village. The Village has no control over what they trim. The pine tree at the Community Center was removed due to roof issues. The rest of the trees at the Community Center will only be trimmed. The Village Hall is the final stage of updating the e-mail system and computers. All updates will be finished by Monday, August 20. The parking lot at the Community Center has been approved and signs will be moved when the lighting and drainage are repaired.

Parks Commission:

Chairperson Amy Rapoport stated that the pavilion in Gorman Ponds Park was defaced. She requested a camera and sign be installed. The Chairperson suggested holding a yard sale at Village Hall in October. There would be a donation fee to participate. She suggested the donated funds would go to fund the Eagle Scout's expenses, whose project is to make signs for the park. The Mayor advises this is a discussion for the Village Attorney. Participants can donate to the Eagle Scout if they choose. The Mayor suggested a grill for the Village Hall. The Parks Commission would need to get insurance for the event and make sure everything is legal. In addition, the Commission would need money for a porta-potty and dumpster. The Board informally approved this event.

Chairperson Rapoport stated the pond at Gorman Ponds Park is currently clear of any algae. The Chairperson inquired on the Spook Rock Golf Course chemicals. This needs to be followed up on. The Village Attorney did send a letter to the Golf Course, copying the Town of Ramapo Supervisor and Town Attorney requesting the promised materials. This will be done again.

Public Comment:

Mr. Peter Warren of 4 Lake Road spoke regarding the beaver dam located behind 10 Marion Drive. Due to the excessive rainfall this summer and the dam in place, he is getting flooding at his home. Mr. Warren urged that the dam be removed to alleviate the flooding, and conditions upstream can only exacerbate the known property of the area to flood. The Village will work on finding a solution.

Title: Adoption of Local Law No. 5 of 2018 entitled: “Historic and Scenic Roads Overlay District with Review Procedures and Standards”

WHEREAS, as more fully reflected in Resolution No. 18-077 which is considered a part hereof, the Public Hearing on establishing a Scenic and Historic Roads Overlay District, and Regulations therein, commenced on June 20, 2018, and was continued to today, August 15, 2018, to facilitate amending said proposed Local Law to include a more detailed narrative description of the roads and road segments involved, in addition to the map as also included in the Legal Notice; and

WHEREAS, at the request of the Mayor, the Village Attorney had the Village Clerk read the revised Legal Notice into the record as follows and ascertained that such was published on August 5, 2018, and posted on August 3, 2018, and that copies of the proposed Local Law as revised was made available to the Trustees and the Public on August 3, 2018 and said Notice and Local Law were circulated to:

Rockland County Highway Department, Rockland County Sewer District No. 1, Rockland County Environmental Management Council, Rockland County Department of Environmental Health, Town of Ramapo Highway Department, Village of Airmont, Village of Suffern, Village of Wesley Hills, NYS DEC, NYS DOT, Palisades Interstate Park Commission, and Town of Ramapo Planning Department, and Rockland County Planning Department, General Code and Village of Montebello Planning Board:

“NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a continuation of a Public Hearing will be held on Wednesday August 15, 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 consider adopting Local Law No. 5 of 2018 entitled: “Historic and Scenic Roads Overlay District with Review Procedures and Standards”, 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. Creation of a Historic and Scenic Roads Overlay District.
2. Adoption of procedures and standards for the Planning Board and Historic Preservation Commission that would protect and preserve the character of key scenic and historic road corridors.
3. The location of the overlay district boundary shall be 250 feet from the centerline on both sides of the following road segments, and within the limits of the Village of Montebello:
 - a. Spook Rock Road, from the northern Village boundary to the intersection with N. Airmont and Highview Roads.
 - b. Rt. 202, from the northern Village boundary to the southern Village boundary.
 - c. Orchard Street, for the full length.
 - d. Bayard Lane, for the full length.
 - e. Montebello Road, from Lake Road to N. Airmont Road.
 - f. Viola Road, from Rt. 202 to the eastern Village boundary.

- g. Mile Road, from Viola Road to Montebello Road.
- h. Hemion Road, from Montebello Road to the railroad bridge, south of the Thruway.

(Please see proposed Local Law for more detailed description)

All interested parties are invited to attend. The proposed law with a map of the proposed overlay location will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 am to 4:00 pm 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

June 20, 2018” ; and

WHEREAS, as a consequence of both series of notices, the Village Attorney ascertained and concluded that due legal notice had been given; and

WHEREAS, at 8:40 pm, Deputy Mayor Caridi moved and Trustee Golden seconded, to continue the Public Hearing, all in favor; and

WHEREAS, the Village Attorney inquired of the Village Clerk whether any new or additional commentary or documents were received since the first day of the hearing, and the Clerk responded as follows:

1. Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated July 26, 2018, with 6 comments: It should be noted that these comments duplicate those received in a prior letter from Mr. Schuetz, dated March 29, 2018.
2. Village of Montebello Planning Board memo dated August 14, 2018.
3. Rockland County Center for Environmental Health dated August 2, 2018; and

WHEREAS, the Village Planners, Jonathan Lockman, **AICP**, and Max Stach, **AICP** were asked to summarize and explain the proposed amendments, and they responded as follows:

1. The proposed amendments were recommended in the Comprehensive Plan Update, adopted in October of 2017.
2. The amendments create a Historic and Scenic Roads Overlay District and set out procedures and standards for the Planning Board and Historic Preservation Commission to review construction, clearing or grading activities in said district, that would protect and preserve the character of these key scenic and historic road corridors.
3. The location of the overlay district boundary shall be 250 feet from the centerline on both

sides of the following road segments, and within the limits of the Village of Montebello:

- a. Spook Rock Road, from the northern Village boundary to the intersection with N. Airmont and Highview Roads.
 - b. Rt. 202, from the northern Village boundary to the southern Village boundary.
 - c. Orchard Street, for the full length.
 - d. Bayard Lane, for the full length.
 - e. Montebello Road, from Lake Road to N. Airmont Road.
 - f. Viola Road, from Rt. 202 to the eastern Village boundary.
 - g. Mile Road, from Viola Road to Montebello Road.
 - h. Hemion Road, from Montebello Road to the railroad bridge, south of the Thruway.
4. The procedures/regulations include appearance before the Historic Preservation Commission (HPC), which shall determine the appropriateness of the intended activity in the context of preserving the historic or scenic aspect of the road.
5. As commented upon by the Village Attorney, who originally suggested same, Part D was added to this proposed law to eliminate the need to invoke the hearing process in cases where the activity is defined as minimally intrusive; and

WHEREAS, the Planners further instructed as to SEQRA, as follows:

1. A Full Environmental Assessment Form Part 1, with an attached Narrative, was prepared by Maximillian Stach AICP on May 10, 2018, and signed by Mayor Lance Millman on May 16, 2018, which was subsequently distributed to the Rockland County Planning Department and interested agencies.
2. A Full Environmental Assessment Form Part 2 was prepared by Maximillian Stach AICP Village Planner on May 10, 2018, and was reviewed and accepted by the Village Board on June 20, 2018, which identified only small or no impacts to the environment from the adoption of the proposed Code amendments.
3. A Negative Declaration Notice of Determination of Non-Significance was prepared on June 20, 2018, and was reviewed and accepted by the Village Board on that date as confirmed herein; and

WHEREAS, at 8:40 pm the floor was opened to the public, and the following spoke thereupon:

1. Amy Rapoport of 5 Kings Gate Drive – Montebello, applauded the efforts of the Comp Plan Commission and the Village Board on this pending Local Law; and

WHEREAS, the Planners in reference to the public comments and circulated commentary, recommended the following reactions and/or changes:

1. With respect to the commentary of the Rockland County Planning Department (RCPD), as follows:
 - a. In response to RCPD comment 1, the text was amended in the 20 June 2018 draft to facilitate review of proposed new or altered stone walls by County and State agencies with road or street construction jurisdiction, to ensure that said stone walls, if rebuilt or constructed, do not impede sight distances.

- b. In response to RCPD comment 2, the text was amended in the 20 June 2018 draft to add the NYSDOT to the list of agencies whose transportation improvement programs will be reviewed by the Village on an annual basis. See 195-60 S (3).
- c. In response to RCPD comments 3,4,5 and 6, the text was amended in the 20 June 2018 draft(see section 195-60 L. (6)) to ensure that the Village would address and acknowledge county and state operations within the proposed Overlay District to wit:

“The HPC may limit its jurisdiction and review of any proposed development or action by the County or State with respect to their property within the Historic and Scenic Roads Overlay District, after weighing the nine factors outlined in the 1988 Court of Appeals Decision in the case of Matter of County of Monroe v. City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702.”

2. With respect to any other comments from other agencies, entities or the public:
No other changes were required; and

WHEREAS, there being no other commentary and no one else wishing to speak, Deputy Mayor Caridi moved and Trustee Golden seconded, closing the Public Hearing at 8:49 pm, all in favor and after due deliberation, Deputy Mayor Caridi moved and Trustee Kuperman seconded the following Resolutions:

BE IT RESOLVED pursuant to SEQRA, that the following Negative Declaration was reviewed and accepted by the Village Board on August 20, 2018, reaffirm preliminary action on June 20, 2018:

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

VILLAGE OF MONTEBELLO, NEW YORK

DATE: June 22, 2018

This Notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Board of Trustees of the Village of Montebello, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Comprehensive Plan Implementation of an Historic and Scenic Roads Overlay District, Local Law Amendments to Chapter 195.

SEQR Status: Type I

Conditioned Negative Declaration: No

Description of Action: The 2009 and 2017 Comprehensive Plans recommended

Amendments to Chapters 92, 191 & 195 of the Village Code are proposed to implement these two Comp Plan recommendations.

Location: Within the corporate limits of the Village of Montebello, Rockland County, NY

Reasons Supporting This Determination:

The Proposed Action is not anticipated to result in any potential adverse environmental impacts based on the following:

1. On or about October 23, 2017 the Village of Montebello Board of Trustees as lead agency for review under 6 NYCRR 617 SEQR, adopted a Negative Declaration,

determining that the adoption and implementation of the 2017 Comprehensive Plan, including recommendations for the creation of an Historic and Scenic Roads Overlay District, would not result in environmental impacts, by reason that such provisions recommended in the Plan would reduce the intensity, limit impacts, and guide the design of land uses in or near sensitive historic and scenic resources.

2. On or about February 26, 2018, the Village Board received a proposed set of amendments to Chapter 195 of the Village Code to implement Comprehensive Plan recommendations on creation of an Historic and Scenic Overlay District with development standards, prepared by the Village's Planning Consultants; and
3. Revised drafts were prepared, during March and April, based on input from the Village's attorneys.
4. On or about May 16, 2018 the Village Board convened to discuss and deliberate on the proposed latest draft Code amendments dated May 8, 2018, and scheduled a public hearing for June 20; and
5. On or May 16, 2018 the Village Board assumed lead agency status and filed and ordered that a Part 1 Environmental Assessment Form (EAF) and copy of the proposed local law amendments be distributed to the Rockland County Planning Department;
6. On or about July 11, 2018, the Village Board reviewed a Part 2 EAF and Negative Declaration prepared by the Village Consulting Planner on their behalf, identifying only no or small impacts to the environment from the adoption of the proposed Code amendments;
7. Any significant development proposed subject to regulation by these newly proposed standards will be subject to site-specific SEQR;
8. No other adverse impacts have been identified in connection with the amended proposed action.

as signed by the Mayor; and

BE IT FURTHER RESOLVED, pursuant to §195-118 of the Village Code and §10 of the Municipal Home Rule Law of New York State, that the latest version of the proposed Local Law No. 5 of 2018, dated June 20, 2018, subject to the following changes, be and hereby is approved, to become effective upon filing with the Secretary of State:

All changes already incorporated in the June 20, 2018 version.

Roll Call Vote:

Deputy Mayor Caridi	approve
Trustee Golden	approve
Trustee Beldock	approve
Trustee Kuperman	approve
Mayor Millman	approve

Upon vote, motion carried unanimously.

Resolution No. 18 - 098

Village of Montebello

Title: Adoption of Local Law No. 6 of 2018 entitled: "Create Special Permit Standards and Definitions for Public Gathering Uses, dated June 19, 2018"

WHEREAS, as more fully reflected in Resolution No. 18-088 and as explained therein, which Resolution is considered a part hereof, the Public Hearing herein commenced on July 11, 2018, to be continued hereat, on August 15, 2018, expressly to allow for more comments under SEQRA and GML 239 and Chapter 195 of the Village Code; and

WHEREAS, at 9:06 pm, Deputy Mayor Caridi moved and Trustee Golden seconded, continuing the Public Hearing, all in favor; and

WHEREAS, at the request of the Mayor, the Village Attorney briefly reiterated why the Public Hearing was continued in conformance with the Legal Notice, as introduced on July 11th, and asked that the Village Clerk report on and include any new documents and comments in the record; and

WHEREAS, the Village Clerk responded by reporting on the receipt of the following new commentary and documents, as more fully set forth therein:

1. Rockland County Sewer District No. 1 letter dated July 2, 2018
2. Rockland County Department of Planning letter dated July 26, 2018.
3. Village of Montebello Planning Board Memo dated July 19, 2018; and

WHEREAS, the Planners, Jonathan Lockman, AICP, and Max Stach, AICP, repeated their summary review for those not in attendance on July 11, 2018 and also reacted to additional comments, as follows:

1. 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 proposed 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 (e.g. 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 use of one-half of the square-footage, minimum 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; and

2. In response to the comments in person and document submission of Mrs. D. Munitz on July 11th, in addition to their comments at that July 11th meeting, the Planners reported as follows:

a. In response to Ms. Munitz's comment #4, requirements for buffering and required side and rear yards and setbacks for schools they recommend such should be increased by 10 feet.

b. All of Ms. Munitz's other comments, in person and in writing, do not necessitate any changes which is of no surprise as she actively participated in the comprehensive plan process and, according to the Chairperson, let her ideas be known at those times; and

3. In response to the second document, dated today, August 14, 2018 handed in by Ms. Munitz, who was unable to attend the meeting, which was received and reviewed at the meeting for the first time, also done at this meeting by Special Counsel and the Village Attorney, none of them saw the need to make any changes in reaction to these last minute comments.

4. In response to the latest submission of the Rockland County Planning Department, the Planners reported and recommended as follows:

a. In response to comment #1, they agree that section 195-69D should be amended, to require the Village to give notice to Special Permit holders of upcoming expirations dates.

b. In response to comment #2, as the establishment of minimum lot areas for Schools of General or Special Instruction is based on maximum enrollment capacity, they recommend that the term "maximum enrollment capacity" should be defined as: "the number of students that a special permit applicant discloses as the maximum that can be accommodated within all proposed school structures and that will serve as the maximum number that may be enrolled at any time for the term of that special permit including any renewals thereof."

c. In response to comments 3 and 4, they are procedural and do not require a planning response, or any amendments to text.

d. In response to comment 5, it is in error and should be overridden, as the standard for maximum illumination at the property line of 0.1 foot-candle is already mandated in section §146-9 of the Village of Montebello Code, which broadly covers activities such as those related to gathering places; and

5. In response to the Rockland County Sewer District No. 1, the Planners reported and recommended that no response is required as such shall be dealt with in the context of the issuance of a special permit, and the site plan approval process; and

WHEREAS, at 9:14 pm, all other members of the public were invited to speak, and no one wished to speak; and

WHEREAS, the Planners then oversaw the SEQRA discussion as follows, including accepting EAF's 1 and 2, the Narrative, and the Negative Declaration which was signed by the Mayor:

Full EAF Form, Part 1, with Section F – Additional Information Narrative, prepared 6-21-18 by Maximillian Stach AICP, and signed by Mayor Lance Millman on or about July 11, 2018. The Part 1 form was accepted by the Village Board and distributed on or about July 11, 2018.

Full EAF Form, Part 2, prepared 6-22-18 by Maximillian Stach AICP; and was reviewed and accepted by the Village Board on or about July 11, 2018, as reaffirmed hereat.

A Negative Declaration, prepared by Maximillian Stach on June 25, 2018 and revised August 1, 2018 (to correct a typographical error), was submitted to the Village Board, and was reviewed and accepted on or about July 11, 2018, as affirmed hereat with the corrections; and

WHEREAS, no one else wishing to speak and with no more documents to consider, Deputy Mayor Caridi moved and Trustee Golden seconded to close the Public Hearing at 9:14 pm, all in favor; and

WHEREAS, after due deliberation Deputy Mayor Caridi moved and Trustee Kuperman seconded the following resolutions:

BE IT RESOLVED, the following Negative Declaration, prepared on June 25, 2018, and revised on August 1, 2018 to correct a typographical error, and as tentatively accepted on or about July 11, 2018, be accepted:

State Environmental Quality Review
NEGATIVE DECLARATION

Notice of Determination of Non-Significance

VILLAGE OF MONTEBELLO, NEW YORK

DATE: June 25, 2018, revised August 1, 2018

This Notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Board of Trustees of the Village of Montebello, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Comprehensive Plan Implementation of Special Permit Standards and Definitions for Public Assembly Uses, Local Law Amendments to Chapter 195.

SEQR Status: Type I

Conditioned Negative Declaration: No

Description of Action:

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. 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. Renewal procedures are established for all special permit uses in residential zoning districts.

Location: Within the corporate limits of the Village of Montebello, Rockland County, NY

Reasons Supporting This Determination:

The Proposed Action is not anticipated to result in any potential adverse environmental impacts based on the following:

1. On or about October 23, 2017 the Village of Montebello Board of Trustees as lead agency for review under 6 NYCRR 617 SEQR, adopted a Negative Declaration, determining that the adoption and implementation of the 2017 Comprehensive Plan, including recommendations for the creation of definitions and standards for Public Assembly Uses, would not result in environmental impacts, by reason that such

provisions recommended in the Plan allow such uses to be integrated into residential neighborhoods, with traffic and other impacts mitigated.

2. On or about June 19, 2018, the Village Board received a proposed set of amendments to Chapter 195 of the Village Code to implement Comprehensive Plan recommendations on Public Assembly Uses, prepared by the Village's Planning Consultants and reviewed by the Village's legal team; and
3. On or about June 20, 2018 the Village Board convened to discuss and deliberate the proposed draft Code amendments and scheduled a public hearing for July 11, 2018, ; and
4. On or about July 11, 2018 the Village Board assumed lead agency status and filed and distributed a Part 1 Environmental Assessment Form (EAF) to Rockland County Planning Department along;
5. On or about July 11, 2018, the Village Board reviewed a Part 2 EAF and Negative Declaration prepared by the Village Consulting Planner on their behalf, identifying only no or small impacts to the environment from the adoption of the proposed Code amendments;
6. The Part 2 EAF identified the following ways that the proposed action would have a small environmental impact:
 - a. Question 13.e: The proposed action may alter to present pattern of movement of people or goods; and
 - b. Question 18.e: The proposed action is inconsistent with the predominant architectural scale and character.
7. Consistent with the Comprehensive Plan, the proposed amendments acknowledge that all public assembly must be treated equally throughout the Village, and that places of worship and schools are presumptively beneficial to the public. The proposed amendments allow the Village to be proactive by adopting special criteria designed to permit such uses while ensuring that they are in harmony with the surrounding neighborhoods and residents. The proposed amendments facilitate development in a predictable manner consistent with a well-considered plan.
8. Should the proposed action be taken, the impacts identified in the Part 2 EAF will be small. Residential Gathering Places may occur in residential zoning districts in the future, where they currently are not permitted. Smaller scale Neighborhood Places of Worship and Schools may occur on lots smaller than 10 acres. Insertion of these uses into residential neighborhoods may result in small shifts in pedestrian and/or vehicle traffic patterns when services or gatherings are conducted and may occur in structures somewhat larger than those currently in existence in some of these neighborhoods. However, such small impacts are balanced by the presumptively beneficial aspects of these uses to the citizens of Montebello.
9. Any significant development proposed subject to regulation by these newly proposed standards will be subject to site-specific SEQR;

No other adverse impacts have been identified in connection with the amended proposed action; and

BE IT FURTHER RESOLVED, continuing the adoption process, that subject to filing with the Secretary of State, by operation of §10 of the Home Rule Law of New York State, and §195-118 of the Village Code, that the Special Permit Standards and Definitions for Public Assembly Uses amendment to the Village Code as set forth in the latest version to the proposed amendment to Village Code, Chapter 195, the proposed Local Law No. 6 of 2018, be and hereby is approved, subject to the following changes:

1. In reaction to the recommendations of the Rockland County Planning Department;

a. In response to comment #1, section 195-69D is amended, to require the Village to give notice to Special Permit holders of upcoming expirations dates.

b. In response to comment #2, as the establishment of minimum lot areas for Schools of General or Special Instruction is based on maximum enrollment capacity, the term “maximum enrollment capacity” shall be included, defined as: “the number of students that a special permit applicant discloses as the maximum that can be accommodated within all proposed school structures and that will serve as the maximum number that may be enrolled at any time for the term of that special permit including any renewals thereof.”

c. Comments 3 and 4 are procedural and do not require a planning response, or any amendments to text.

d. Comment 5 is in error and should be overridden, as the standard for maximum illumination at the property line of 0.1 foot-candle is already mandated in section §146-9 of the Village of Montebello Code, as broadly applicable to uses under the code.

2. In reaction to the recommendation of the Rockland County Sewer District No. 1:

a. No changes proposed or required.

3. In reaction to other public comment and upon further deliberation:

a. The subsections are recommended to be renumbered and punctuated to match the formatting requirements of the General Code codification company that maintains the Village Code, as per their instructions received on July 31, 2018, to the extent consistent and logical in the judgment of the Planners, but without changing substantive content or meaning.

b. In response to Ms. Munitz’s comment #4, requirements for buffering and required side and rear yards and setbacks for schools, such should be increased by 20 feet after open discussion between the Planners, Special Counsel, the Village Attorney and the Trustees.

c. Further reaction to RCPD comment #3 re: the definition of “Residential Gathering Place,” after investigating the complexities of the Fire Codes and conferring with local fire inspectors, the definition should be modified slightly, to read: “These gatherings shall not exceed 49 persons, or the maximum occupancy as calculated under the standards of §195-79.A.(3), or the maximum number allowable under the New York State Uniform Fire Prevention and Building Code, whichever is lesser.

Roll Call Vote:

Deputy Mayor Caridi	approve
Trustee Golden	approve
Trustee Beldock	approve
Trustee Kuperman	approve
Mayor Millman	approve

Upon vote, motions carried unanimously.

Title: Adopting Local Law No, 7 of 2018 entitled: “To Allow Assisted Living Residences as a Use by Special Permit of the Planning Board in the LO-C District”

WHEREAS, as more particularly set forth in Resolution No. 18-079, and the earlier Resolutions referenced therein, all referenced as if a part hereof, the Village Board approved holding a Public Hearing on Amending Chapter 195 of the Village Code to add Assisted Living Residences as a Special Permit Use in the LO-C (Laboratory Office Campus) zoning district in furtherance of one of the recommendations of the 2017 Comprehensive Development Plan, and as per the time limited request of The Sentinel seeking to create such a use at 200 Rella Boulevard; and

WHEREAS, at the request of the Mayor, the Village Attorney made inquiry of the Village Clerk and ascertained that the following Legal Notice was posted at seven locations on August 3, 2018 and published in the Rockland edition of the Journal News on August 5, 2018, and that the proposed Local Law was provided to the Trustees and made available to the public on August 3, 2018, and said Notice and Local Law were circulated to:

Rockland County Highway Department, Rockland County Sewer District No. 1, Rockland County Environmental Management Council, Rockland County Department of Environmental Health, Town of Ramapo Highway Department, Village of Airmont, Village of Suffern, Village of Wesley Hills, NYS DEC, NYS DOT, Palisades Interstate Park Commission, and Town of Ramapo Planning Department, and Rockland County Planning Department, General Code and Village of Montebello Planning Board:

“NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held on Wednesday August 15, 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 consider adopting Local Law No. 7 of 2018 entitled: “A LOCAL LAW AMENDING SECTION 195-87.1 AND THE TABLES OF GENERAL USE AND BULK REQUIREMENTS OF CHAPTER 195, ZONING, TO ALLOW ASSISTED LIVING RESIDENCES AS A USE BY SPECIAL PERMIT OF THE PLANNING BOARD IN THE LO-C DISTRICT,” thus amending the Zoning Local Law, Chapter 195 of Village Code, as more particularly set forth in said Local Law, but summarized as follows.

4. Add “Assisted Living Residences (ALR)” as an allowed use by Special Permit of the Planning Board in the LO-C District.
5. Assign Use Group N bulk standards for ALRs in the LO-C District
6. Allow the Planning Board to modify parking and height requirements during the Special Permit review process, as set forth in the local law.

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 am to 4:00 pm as well as on the Village of Montebello website www.villageofmontebello.com.

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

Warren E. Berbit
Village Attorney

July 11, 2018”

; and

WHEREAS, as based upon the forgoing the Village Attorney concluded that due legal notice has been given; and

WHEREAS, Deputy Mayor Caridi moved and Trustee Golden seconded to open the Public Hearing at 9:34 pm, all in favor; and

WHEREAS, the Village Attorney briefly summarized the intent of the Local Law, and requested that the Planners, by Jonathan Lockman AICP and Max Stach, AICP, more substantively explain the Local Law which they did summarize follows:

The 2017 Comprehensive Plan recommended several changes to the LO-C Zoning District, including adding "Assisted Living Residences" as an allowed use (see Comprehensive Plan, item 8 on page 30, Land Use Element, Office Campus Area). The proposed action, which has been petitioned by the Sentinel, 200 Rella Boulevard, would implement this Comprehensive Plan recommendation, proposing amendments to Chapter 195 to add "Assisted Living Residences (ALR)" as a Use allowed by Special Permit of the Planning Board, in the LO-C Zoning District, and to adjust bulk and parking standards for ALR's, in the Special Permit requirements; and

WHEREAS, at 9:34 pm, the public comments were taken, and the following spoke thereat:

Name	Address	Comment
------	---------	---------

1. Amy Rapoport 5 Kings Gate Drive – Montebello: Ms. Rapoport supported the proposal and liked the idea of green roof space.

2 Amy Mele, Attorney for the Petitioner – 4 Laurel Drive – New City: Ms. Mele urged adoption of the proposal, including the height limitations as proposed; and

WHEREAS, no one else wishing to speak, at 9:50 pm, the Planners were asked to respond to and address the circulated comments, including any recommended revisions to accommodate same, and they responded as follows:

1. Rockland County Planning Department dated August 14, 2018.

a. Rockland County Planning Comment 1. Proximity to the Town of Ramapo and the Villages of Airmont and Suffern is one of the reasons this proposal was referred to this department for review. As required under Section 239nn of the State General Municipal Law, these municipalities must be given the opportunity to review the proposed zoning amendments and provide any concerns related to them to the Village of Montebello.

Planners' Response: Said entities were provided notice and did not comment re: adoption of the Local Law. They will be given notice and opportunity to comment on any project at permit and plan approval stage.

b. Rockland County Planning Comment 2. The proposed height limit for an Assisted Living Residence in the LO-C zoning district is 50 feet. The amended Special Permit standards Section 195-87.1H allows an additional 10 feet of height for non-habitable space. This allows a maximum possible height of 60 feet. Other uses in the LO-C zoning district must comply with the bulk restrictions found in use groups A and L. These use groups allow a maximum height of 35 and 30 feet, respectively. The maximum allowed height of an Assisted Living Residence is significantly higher than what is allowed for other uses in the LO-C zoning district. Allowing a special permit use to have heights that exceed the limitations of the bulk requirements for the existing uses seems to be inconsistent and conflictive. Special permit uses should have more stringent requirements, unless there is a rationale for the extra height, so that they remain in character with the surrounding neighborhood and uses. We recommend that the height requirement for this be reduced to more closely conform to the existing requirements for other uses of the zoning district.

Planners' Response: Recommend Override on this Recommendation. See response incorporated hereinafter as findings below (see next page).

c. Rockland County Planning Comment 3. A review must be completed by the county of Rockland Department of Highways and any comments or concerns addressed.

Planners' Response: Said entity was provided notice and did not comment on adoption of the Local Law. They will be given notice and opportunity to comment on any project at permit and plan approval stage.

d. Rockland County Planning Comment 4. A review shall be completed by the New York State Department of Transportation and any comments or concerns addressed.

Planners' Response: Said entity was provided notice and did not comment on adoption of the Local Law. They will be given notice and opportunity to comment on any project at permit and plan stage.

e. Rockland County Planning Comment 5. A review shall be completed by the New York State Thruway Authority and any comments or concerns addressed.

Planners' Response: Said entity was not provided notice on adoption of the Local Law. They have no jurisdiction on this matter.

2. Village of Montebello Planning Board memo dated August 14, 2018.
3. Rockland County Sewer District #1 dated August 15, 2018.

Planners' Response: Agreed. Compliance with sewer rules and policies will occur at permit and plan approval stage, so no zoning local law review or response is needed.; and

WHEREAS, the Planners reviewed SEQRA, and recommended accepting the following:

1. Full EAF Part 1 with narrative, prepared by Maximillian Stach AICP on or about July 6, 2018 ;
2. Full EAF Part 2, prepared by Maximillian Stach AICP, dated 07-30-2018; and
3. Negative Declaration, prepared by Maximillian Stach AICP, dated July 30, 2018; and

WHEREAS, after due deliberation, and upon advice of the Planners, the Village Board has decided to override the Rockland County Planning Department's recommendation number 2 for the following reasons:

The Comprehensive Plan adopted in October 2017, specifically recommended that "the Village should consider relaxing bulk standards (in the LO-C zone) to allow for these uses (including Assisted Living Residences) to realistically be constructed, while safeguarding sensitive adjacent uses and maintaining the character of the community especially at gateways." The Village Board finds that the provision allowing the Planning Board discretion to allow additional height for a non-habitable structure to allow for improved architectural appearance, as part of a special permit process for reviewing ALRs, is entirely consistent and supportive of this Comprehensive Plan recommendation.

The addition of ALR to LO-C District is only the first step in amending the LO-C as recommended in the Comprehensive Plan. Other uses and standards in the LO-C are anticipated to be considered in future local laws. The Village believes that the Special Permit process is a best practice in Land Use Planning that will ensure the quality and compatibility of new development in the Laboratory-Office Campus area. Future projects proposed once this local law is adopted will be subject to site-specific SEQR review during the Planning Board special permit approval process.

BE IT RESOLVED, that the EAF's Part 1 & 2, the Narrative and the Negative Declaration, as appears below, be accepted for filing, and that a Negative Declaration is hereby made upon the findings that the adding of Assisted Living Residences as a permitted use in the LO-C District, would not result in environmental impacts, by reason that such a provision would not increase the intensity of uses allowed in said District.

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

VILLAGE OF MONTEBELLO, NEW YORK

DATE: July 30, 2018

This Notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Board of Trustees of the Village of Montebello, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Comprehensive Plan Implementation of Adding Assisted Living Residences (ALR) as a use by Special Permit of the Planning Board, in the LO-C Zoning District, Local Law No. 7 of 2018, Amendments to Chapter 195.

SEQR Status: Type I

Conditioned Negative Declaration: No

Description of Action: The 2017 Comprehensive Plan recommended several changes to the LO-C Zoning District, including adding "Assisted Living Residences" as an allowed use (see Comprehensive Plan, item 8 on page 30, Land Use Element, Office Campus Area). The proposed action which has been petitioned by the Sentinel, 200 Rella Boulevard, would implement this comprehensive plan recommendation, proposing amendments to Chapter 195 to add "Assisted Living Residences (ALR)" as a Use allowed by Special Permit of the Planning Board, in the LO-C Zoning District, and to adjust bulk and parking standards for ALRs, in the Special Permit requirements.

Location: Within the LO-C zoning district in the Village of Montebello, Rockland County, NY

Reasons Supporting This Determination:

The Proposed Action is not anticipated to result in any potential adverse environmental impacts based on the following:

9. On or about October 23, 2017 the Village of Montebello Board of Trustees as lead agency for review under 6 NYCRR 617 SEQR, adopted a Negative Declaration, determining that the adoption and implementation of the 2017 Comprehensive Plan, including recommendations for the adding Assisted Living Residences as a permitted use in the LO-C District, would not result in environmental impacts, by reason that such a provision would not increase the intensity of uses allowed in said District.
10. On or about April 5, 2018, the Village Board received a proposed set of amendments to Chapter 195 of the Village Code to implement Comprehensive Plan recommendations to add Assisted Living Residences to the LO-C Zoning District, prepared by the Sentinel of Rockland; and
11. 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
12. 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.
13. On or about July 11, 2018 the Village Board convened to discuss and deliberate on the proposed latest draft Code amendments dated July 6, 2018, and scheduled a public hearing for August 15, 2018; and

14. On or about July 11, 2018 the Village Board assumed lead agency status, classified the action as Type 1, and filed and ordered that a Part 1 Environmental Assessment Form (EAF) and copy of the proposed local law amendments be distributed to the Rockland County Planning Department. A revised version of the local law amendments with corrected wording, dated July 12, 2018, was so distributed on or about July 12, 2018;
15. On or about August 15, 2018, the Village Board reviewed a Part 2 EAF and this Negative Declaration prepared by the Village Consulting Planner on their behalf, identifying only no or small impacts to the environment from the adoption of the proposed Code amendments;
16. Any significant development proposed subject to regulation by these newly proposed standards will be subject to site-specific SEQQR;
17. No other adverse impacts have been identified in connection with the proposed action.

; and

BE IT FURTHER RESOLVED, that Local Law No. 7 of 2018 entitled “To Allow Assisted Living Residences as a Use by Special Permit of the Planning Board in the LO-C District”, latest version, be and hereby is approved by authority of Article 10 of the Municipal Home Rule Law of New York State, and Chapter 195-118 of the Village Code, and comment #2 of the RCPD is expressly overridden per the findings set forth above, said law to become effective upon filing with the Secretary of State, subject to the following changes:.

- a. The subsections are recommended to be renumbered and punctuated to match the formatting requirements of the General Code codification company that maintains the Village Code, as per their instructions received on July 31, 2018.

Roll Call Vote:

Deputy Mayor Caridi	approve
Trustee Golden	approve
Trustee Beldock	approve
Trustee Kuperman	approve
Mayor Millman	approve

Upon vote, motion carried unanimously.

Resolution No. 18-100

Village of Montebello

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

WHEREAS, the lease for the two-story office portion of the Dr. Jeffrey Oppenheim Community Center with Chabad Jewish Center of Suffern, Inc. pursuant to Resolution 15-056 expired July 31, 2018; and

WHEREAS, said lease permits renewal at a 3% increase per annum, or at terms as otherwise may be agreed; and

WHEREAS, Chabad gave notice of the intention to renew, terms to be negotiated; and

WHEREAS, pursuant to Resolutions 18-094, the Lease was extended one month to facilitate negotiations; and

WHEREAS, negotiations have taken place between respective counsel and the Village Attorney reports tentative agreement as set forth in the Lease Extension Agreement, referenced as if fully set forth hereinafter, and incorporated herein as follows, subject to the Village Board approval:

1. The extended lease term is August 1, 2018 through July 31, 2021, representing a three year extension.
2. The annual rent in the first year, August 1, 2018 through July 31, 2019, shall remain the same as the rent for August 1, 2017 through July 31, 2018, to wit: \$50,928.00 per annum, payable \$4,244.00 monthly.
3. The annual rent for the next two (2) years, August 1, 2019 through July 31, 2020, and August 1, 2020 through July 31, 2021, shall increase 3% per annum or, respectively, to \$52,456.00 per annum, payable \$4,371.00 monthly for the next year, and to \$54,030.00 per annum, or \$4,502 monthly, for the final year.
4. Use of Meeting Room/Sanctuary
 - (a) Use of the meeting room/sanctuary (Optional Space) shall continue at Tenant's choice and expense as it is now, except that for one use per month Tenant may utilize such Optional Space at no additional charge, subject to (b), hereinafter.
 - (b) Tenant will give as much notice as is possible to reserve the Optional Space for the free monthly usage, and if someone else wishes to rent that space at the same time, Tenant will pay the hourly fee to assure the use (similar to (a)), and the "free time" will be credited to another date.
 - (c) Tenant continues its request that the Landlord consider permitting free use of the Optional Space at other times when it is not in use by other users. The Village has not agreed to this but, as a courtesy, repeats Tenant's request here simply for posterity, its appearance here not representing Landlord's agreement to the request, nor even a promise that the Landlord will consider this request in the future.
5. To the extent not superseded by or in conflict with the above, the Lease shall continue in all other respects in full force and effect.
6. This Extension Agreement is subject to the Resolution of the Trustees of the Village of Montebello.

THEREFORE, BE IT RESOLVED, that Lease Extension Agreement be entered into, thus extending the Lease according to the foregoing terms and conditions.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution No. 18-101

Village of Montebello

Title: Add to Schedule of Fees

BE IT RESOLVED, that the following be added to the Schedule of Fees:

Historic Preservation Commission (HPC) – Certificate of Appropriateness per §195-60J - \$150

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution No. 18-101

Village of Montebello

Title: Add to Schedule of Fees

BE IT RESOLVED, that the following be added to the Schedule of Fees:

Historic Preservation Commission (HPC) – Certificate of Appropriateness per §195-60J - \$150

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution 18-102

Village of Montebello

Title: Storage Post – 2 Dunnigan Drive Existing and New Building Return of Escrow

BE IT RESOLVED, as per the report of Village Engineer, that escrow for the Storage Post facility located at 2 Dunnigan Drive, S/B/L 55.07-1-13, “Existing Building” and “New Building”, in the amount of \$10,800 for the “Existing Building” and \$16,740 for the “New Building” for a total of \$27,540.00 be returned to Storage Post Management LLC as the work has been completed.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carried unanimously.

Resolution No. 18-103

Village of Montebello

Title: Approval of Minutes for July 11, 2018

BE IT RESOLVED, the minutes of the Board of Trustees of July 11, 2018, be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Resolution No. 18-104

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated August 15, 2018, and totaling \$125,054.69 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution No. 18-105

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims dated August 15, 2018, and totaling \$4,059.88 is hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Public Comment:

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

At 10:04 PM Deputy Mayor Caridi made a motion to enter into executive session to discuss litigation and personnel matters, seconded by Trustee Golden. Vote carried unanimously.

At 10:24 PM Deputy Mayor Caridi made a motion, seconded by Trustee Kuperman to end executive session. Vote carried unanimously.

Resolution No. 18-106

Village of Montebello

Title: Hiring of Substitute Assistant Village Attorney

WHEREAS, given that the Village's legal staff is in flux and the Village Attorney recommends the addition of a qualified substitute Assistant Village Attorney to supplement the present staff and on a long-term basis; and

WHEREAS, the need is exemplified by the unavailability of an attorney to be present for the Planning Board's meeting on September 4, 2018; and

WHEREAS, a leading candidate for the recently filled Assistant Village Attorney's position was Elizabeth Cassidy, who could not take the position because of a conflict with her other regularly scheduled municipal meetings; and

WHEREAS, Ms. Cassidy reported in her letter dated August 15, 2018, an ability and willingness to provide services to the Planning Board for the above meeting and at other times when the legal staff may be conflicted or unavailable for the Planning Board or Zoning Board of Appeals at a pass-through rate of \$175 per hour; and

WHEREAS, a review of Ms. Cassidy's CV confirms the Village Attorney's view that she appears to be well qualified for the position, and the Mayor favors such appointment.

THEREFORE, BE IT RESOLVED, that Elizabeth Cassidy is hereby appointed on an at will basis to serve as a substitute Assistant Village Attorney per the above terms and conditions, to be assigned on a needs basis as determined by the Village Attorney or the Mayor.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution 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