

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, JANUARY 15, 2019 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 Steven H. Beldock	Mayor Deputy Mayor Trustee Trustee
Absent:	Evan T. Kuperman Warren E. Berbit	Trustee Village Attorney
Recording Secretary:	Joan Will	Village Clerk-Treasurer

Officer Cooperstein of the Town of Ramapo Police Department attended the meeting. Mayor Millman stated that the Village and the Mayor should be notified when there is any occurrence within the Village where the Police and outside agencies are involved. Mayor Millman stated that he received several phone calls regarding the ATV accident this past weekend and that we only learned of it via Facebook. Mayor Millman requested that the Village be notified first.

Mayor Millman stated that we are very happy with the Town of Ramapo Police Department and with Chief Weidel. He stated that we frequently see the Chief riding his bicycle through the Village.

Mayor Millman asked Officer Cooperstein if there were any arrests made in conjunction with the break-in on Coe Farm Road. PO Cooperstein stated that there was no new information or any arrests regarding that.

Mayor's Report:

Mayor Millman stated in the past two weeks he had attended several meetings. One such meeting was with the Town of Ramapo Police Department, Supervisor Michael Specht, and Chief Weidel in reference to the assault of a gentleman in his home in Monsey. The Police Department is urging everyone to remain calm. Mayor Millman suggested that Mayors be notified with the contact information of anyone or group that is using a private armed security guard or companies.

Mayor Millman stated that there needs to be better communication in regard to incident coverage. If there is an incident in one area, then other areas still need to be patrolled and covered and should use outside agencies to cover them in that event.

Mayor Millman stated that this morning he had a meeting at the County Executive Ed Day's offices with a representative of Human Rights and the Sheriff's Department. They discussed different areas and groups that will come together and meet in the future. Open dialogue among everyone. Mayor Millman stated that license plate readers will be purchased and placed on police vehicles that patrol all the major entry areas into Rockland County. The cost of this will be between \$1 - \$3 million dollars. There will be ongoing meetings to discuss the future of the county with neighboring mayors and representatives from our neighbors in New Jersey as well.

They also discussed that a hunting license is not a license to carry a weapon outside of hunting season and people should be aware of the difference.

Mayor Millman stated that there are all religious institutions involved in these discussions and that everyone is invited to join in.

Historic Preservation and Parks Commission (HPPC):

With no one from the HPPC present, Mayor Millman closed this portion of the meeting.

Public Comment:

Prior to continuing the Public Hearing, Mayor Millman stated that Village Attorney Berbit is not in attendance at this board meeting and the Mayor and the Board wish him a speedy recovery. As a note, the Village Attorney, Deputy Village Attorney, Assistant Deputy Village Attorney, and Village Planner were all unable to attend tonight’s meeting and are not required to appear in order to proceed.

At 8:15 PM Deputy Mayor Caridi made a motion to reopen the continued Public Hearing, seconded by Trustee Golden. Upon vote, motion carried unanimously.

Mayor Millman read the letter from the Sisters of Life and the response. Sr. Mary Karen of the Sisters of Life stated that they were very happy with the resolution and liked it very much. They just wanted to make sure everything stayed on track.

Mayor Millman opened the floor to the Public for comments and questions concerning Local Law No 9 and Local Law No 10. Anthony Bruno of 3 Forest Drive – Suffern stated that he is happy with the recommendation to remove the term “temporary” from the Local Law. Sister Mary Karen from the Sisters of Life located at 38 Montebello Road stated that she is very grateful for the work from the Village Planners and the Comprehensive Plan Commission.

At 8:21 PM Deputy Mayor Caridi made a motion to close the Public Hearing. Trustee Golden seconded. All in favor.

Resolution No. 20-001

Village of Montebello

Title: Adoption of Local Law Nos. 9 & 10 of 2019, Amending Chapter 195 Zoning to Implement the Comprehensive Plan of 2017

WHEREAS, a Public Hearing was opened on December 18, 2019 on proposed Local Laws Nos. 9 & 10 of 2019, with all footers dated October 28, 2019, and entitled:

Local Law 9 of 2019: A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO ADD USES AND STANDARDS TO THE LABORATORY OFFICE AND LABORATORY OFFICE-CAMPUS DISTRICTS; and

Local Law 10 of 2019: A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO DESIGNATE STATE CRITICAL ENVIRONMENTAL AREAS FOR TIMBER RATTLESNAKE HABITAT AND HISTORIC AND SCENIC ROADS

thus, amending Chapter 195 of Village Code, as more particularly set forth in said Local Laws, but summarized as follows:

LL9 LABORATORY OFFICE AND LABORATORY OFFICE-CAMPUS DISTRICTS: Recommendations for these Zoning Code Changes are found on page 28 to 31 of the 2017 Comprehensive Plan. Most uses in the district now will require a Special Permit of the Planning Board. New uses have been added to the tables, to reflect changes in the real estate market, such as medical and dental clinics, restaurants and brewpubs, business park flex space, and data centers. Allowable accessory uses to hotels and motels, such as spas and banquet facilities, have been added. Definitions and Special Permit standards for uses have been expanded.

LL10 DESIGNATION OF STATE CRITICAL ENVIRONMENTAL AREAS (CEAs), TIMBER RATTLESNAKE HABITAT & HISTORIC AND SCENIC ROADS: Recommendations for these Zoning Code changes are found on page 44 of the 2017 Comprehensive Plan. The designation of these CEAs will ensure that these areas will be thoroughly considered during the SEQR review process, as impacts on these resources will be “flagged” during the applicant’s filling out of the Environmental Assessment Form, part 1. Submission of this Local Law to the New York State Department of Conservation for filing will be required; and

WHEREAS, the Village Attorney concluded that due notice was given after questioning the Deputy Village Clerk on the record hereat and ascertaining that the following Legal Notice was published in the Journal News on December 8, 2019 and was posted on December 6, 2019

at 7 places, and that said Notice and the versions of said Local Laws before us this evening were provided to the Trustees and made available to the public on December 9, 2019 and were posted at 7 places, published on the Village's website, and notices were hand affixed to the doors of the meeting room:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a Public Hearing will be held on Wednesday December 18, 2019, 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 Laws No.9 and 10 of 2019, amending Chapter 195 Zoning, to implement the Comprehensive Plan, entitled:

Local Law 9 of 2019: Laboratory Office and Laboratory Office-Campus Uses and Standards
Local Law 10 of 2019: Designation of State Critical Environmental Areas for Timber Rattlesnake Habitat and Historic & Scenic Roads; and

thus, amending Chapter 195 of Village Code, as more particularly set forth in said Local Laws, but summarized as follows.

- LL9 Laboratory Office and Laboratory Office-Campus Uses and Standards – Add additional commercial uses, definitions, and strengthen performance standards.
- LL10 Designation of State Critical Environmental Areas for Timber Rattlesnake Habitat and Historic & Scenic Roads – Define locations for Critical Environmental Areas pursuant to SEQRL,6 CRR-NY 617.14, to ensure thorough consideration for these resources during SEQRL proceedings.

All interested parties are invited to attend. The proposed laws 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

November 13, 2019

; and

WHEREAS, at the request of the Mayor, the Village Planner, Jonathan Lockman, AICP of Nelson, Pope and Voorhis explained the local laws as described in his attached memo dated October 23, 2019; and

WHEREAS, the Public Hearing was opened to the floor on December 18, 2019 at 8:30 pm by motion by Trustee Caridi and seconded by Trustee Kuperman, all in favor, and the Village Attorney requested first that the following be included in the Record:

1. Resolution No. 19-123 of November 13, 2019, approving holding a Public Hearing (attached)
2. Legal Notice, and Affidavit of Publishing and Posting (attached)
3. Final correspondence with General Code, in an email dated October 28, 2019 (attached)

4. Draft Local Laws Nos. 9 & 10 of 2019 with General Code Amendments, all dated October 28, 2019 (attached)
5. Planning Board reply of December 11, 2019 prepared by Jonathan Lockman AICP of NP&V (attached), which included the following four recommendations and comments on Local Law #9:
 - 1) Define “medical and dental clinics” and “health service complexes.” Check every use and add any additional definitions as needed. Ensure all use terms are defined.
 - 2) Review definition of “Skilled Nursing Care,” and amend to align with State definitions used in licensing and ensure that Village goals and objectives for the district are met.
 - 3) In both LO and LO-C, eliminate “Shopping Center” and “Distribution/Warehousing” as Uses by Special Permit in sections 2 and 6, and eliminate said uses from the parking requirements lists in sections 3 and 7. These uses are not compatible with the LO and LO-C and would potentially create undesirable truck traffic and traffic congestion.
 - 4) The Planning Board understands that in the proposal, existing bulk standards for uses in these districts have not been altered and follow existing patterns of bulk and area requirements. In the near future, the Planning Board would request that the Village Board authorize the Village Planner to review and propose revisions to the bulk and area standards for these districts as well as other non-residential districts, as a follow-up to adoption of this local law.
6. Planning Board reply of December 11, 2019 by Jonathan Lockman AICP of NP&V (attached), which included the following recommendations and comments on Local Law #10: “Support as written.”
7. Rockland County Planning Department GML review of Local Law 10 of 2019 of December 18, 2019 (attached) which stated they had no comments.
8. SEQRA/FEAF Forms Parts 1, 2, and 3 and Negative Declaration of Environmental Significance, all dated October 23, 2019 (attached). NP&V memo of October 23, 2019 (attached); and

WHEREAS, no members of the public were present and therefore none wished to speak, but as the GML comments from Rockland County Planning on Local Law 9 had not been received, upon the recommendation of the Planner and Village Attorney, the Public Hearing was continued until the next meeting, January 15, 2020 on or about 8 pm by motion, Trustee Caridi moved, and seconded by Trustee Kuperman all in favor; and

WHEREAS, the Public Hearing was re-opened to the floor on January 15, 2019 at 8:15 pm by motion by Deputy Mayor Caridi and seconded by Trustee Golden, all in favor, and the Mayor and Planner in the absence of the Village Attorney summarized what transpired on December 18th and thereafter, and at the behest of the Village Attorney, requested first that the following be included in the record:

1. GML Comments Letter from the Rockland County Planning Department on Local Law 9 of 2019, dated December 18, 2019, received on the morning of December 19th after the first part of the hearing (attached), with three comments, as follows:
 - a. The minimum number of required parking spaces for Restaurants and Brewpubs in both the LO and LO-C zoning districts is stated as one space per 4 persons, plus 5 spaces additional.” It is unclear what “person” refers to. It could refer to the maximum occupancy of an establishment, the number of seats provided, or some other figure. The Village must clarify how the parking requirement is to be calculated.
 - b. This local law allows a greater number of uses allowed by Special Permit in the LO and LO-C zoning districts. Several of the additional uses are less intensive in their impacts than the existing permitted uses. However, some of the proposed uses, such as Restaurants and brewpubs, Specialty Supermarkets, and Shopping

Centers, may potentially produce greater impacts, particularly with regard to traffic, than the currently allowed uses. The Village must be satisfied that traffic generated by the proposed uses can be accommodated by the local road network. The Village must conduct an impact analysis of potential traffic generation of the proposed uses or require that traffic studies be submitted during the review process for individual projects.

- c. Several of the proposed uses for the LO-C zoning district are subject to the bulk requirements of Use Group N. The Table of Bulk Requirements indicates the minimum lot area for this use group is “5”, with no unit of measurement given. The Village must include a unit of measurement for the minimum lot area for Use Group N.

In response to all three of Rockland County Planning Department above recommendations, and as per the NPV memo of Jonathan Lockman dated January 9, 2020 included hereafter by reference and also included in the record, Local Law 9 was revised, and was reprinted with a new footer dated December 19, 2019.

2. Minutes of December 18, 2019 (attached).
3. Submission by Sisters of Life by Robert F. Davis, Esq., dated January 8, 2020.
4. Recommendation with respect to above by Jonathan Lockman, NPV, Planner dated January 9, 2020; and

WHEREAS, regarding the Planning Board’s comments, the Village Board finds, and after the comments in the minutes by the Comprehensive Development Plan (CDP) Chair, that the 2017 Comprehensive Development Plan Commission included representatives of the Planning Board at the time of its consideration. In addition, the recommended plan was adopted by the CDP Commission after Public Hearings, and then by the Village Board of Trustees after Public Hearings. Thus, the Planning Board, as per the reaction of the CDP Chairperson, Melanie Golden, expressed on December 18, 2019, and the members thereof, had multiple opportunities to comment upon and help shape the plan during its development, and it fully availed itself of those opportunities. Once the Plan was adopted it became the guidepost for enabling legislation by the Village Board. Thus, albeit the Village Board respects and takes seriously the recommendations of the Planning Board on proposed Zoning Law amendments to the Village Code, it is constrained to find its recommendations #3 and #4 of December 11, 2019 as inconsistent with the Comprehensive Plan and will not follow the particular recommendations of the Planning Board. Should any site-specific applications for such distribution/warehousing or shopping center uses enabled by this Local Law be made to it, the Planning Board will have ample tools at its disposal under SEQRA and the Code to appropriately shape and scale said uses to address its concerns within the reasonable boundaries of the law; and

WHEREAS, the 2017 Comprehensive Development Plan did not recommend the enactment of stricter bulk requirements in these zoning districts, and also finds the recommendation 4 of the Planning Board on the proposed Zoning Law No. 9 amendments to the Village Code as inconsistent with the Comprehensive Plan and will not follow this particular recommendation of the Planning Board; and

WHEREAS, Trustee Golden commented favorably about removing the word “temporary” from page 6 “Professional Training and Retreat Center” as requested; and

WHEREAS, Anthony Bruno of 3 Forest Drive Suffern and Sister Mary Karen of Sisters of Life gave testimony that they were pleased and satisfied with the recommendation to remove the word "temporary" from the new Local Law. Sr. Mary Karen is grateful for all the hard work of and with the Village planners and the Comprehensive Plan staff and is happy with the resulting Local Law.

Motion to close the Public Hearing at 8:21 p.m. by Deputy Mayor Caridi, and seconded by Trustee Golden, all in favor, no one else wishing to speak.

THEREFORE, BE IT RESOLVED, after due consideration for reasons forth above, that the Village Board of Trustees will only follow recommendations 1 and 2 of the Planning Board’s December 11, 2019 reply regarding Local Law 9. The Village Board will not follow recommendation 3 and 4 of the reply, as they are inconsistent with the adopted Comprehensive

Plan. Language incorporating recommendations #1 and #2 of the Planning Board reply was incorporated into a new version of the Local Law 9 with a footer dated December 19, 2019; and

BE IT FURTHER RESOLVED, having reviewed the SEQR submittals prepared by Village Planner Jonathan Lockman, the Board adopts the Part 2 and Part 3 Full Environmental Assessment Forms and Negative Declarations of Environmental Significance, dated October 23, 2019, and

BE IT FURTHER RESOLVED, after a Public Hearing and due deliberation, that said Local Laws be and hereby are approved by authority of Municipal Home Rule Law §20(5) subject to the following amendments, to become effective upon filing with the Secretary of State:

1. Per General Code recommendations, which amendments already were included in Local Laws Nos. 9 & 10 of 2019 as circulated prior to the opening of the hearing on December 18, 2019 and considered.
2. Amending per Rockland County Planning Department comments #1, 2 and 3 on Local Law 9, dated December 18, 2019, as already included in the version with a footer dated December 19, 2019.
3. Amending per Planning Board recommendations #1 and #2 of their December 11, 2019 reply, on Local Law No. 9 as already included in the version with a footer dated December 19, 2019.
4. Amending per Sisters of Life comments, as set forth in Jonathan Lockman, NPV memo dated January 9, 2020.
5. No amendments were required to Local Law 10 by Rockland County Planning or any other agencies or commenters, so the version with a footer dated October 28, 2019 is approved as on the table.

After deliberation the Board was polled:

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

Local Law No. 9 of 2019 dated 12-19-19 and Local Law No. 10 of 2019, dated 10-28-19, approved as amended, all in favor.

Resolution No. 20 - 002

Village of Montebello

Title: Approval of Minutes for December 18, 2019

BE IT RESOLVED, the minutes of the Board of Trustees of December 18, 2019 be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor

Trustee Beldock - Abstained

Trustee Kuperman – Absent

Upon vote, motion carries unanimously.

Resolution No. 20 – 003

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated January 15, 2020, and totaling \$68,709.01 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. 20 - 004

Village of Montebello

Title: Approval of Abstract & Schedule of Claims – Professional Fees

BE IT RESOLVED, the Abstract and Schedule of Claims-Professional Fee dated January 15, 2020 for Professional Fees, and totaling \$18,721.00 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution 20 -005

Village of Montebello

Title: Ozark Realty located at 7 Hemion Road – Return of Escrow

BE IT RESOLVED, as per the report of Village Engineer, that escrow for Ozark Realty located at 7 Hemion Road, S/B/L 55.10-1-4, “Office Addition and Site Improvements”, in the amount of \$168,013.80 be returned to Ozark Realty as the project is complete and they have received their Final Certificate of Occupancy.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution: 20- 006

Village of Montebello

Title: 2020 Fueling Agreement with Town of Ramapo

WHEREAS, the Town of Ramapo has offered to renew a Fueling Agreement with the Village of Montebello for one-year effective January 1st, 2020 pursuant to Article 5G of the General Municipal Law; and

WHEREAS, as more particularly set forth in said Agreement, referenced as if fully set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, the Village's two vehicles may be fueled at the Town's facility on Pioneer Avenue, Tallman and the Village agrees to pay for such usage at the Town's cost plus 20% administrative fee to cover the Town's expense, said total cost to the Village being less than obtaining fuel by other means.

THEREFORE, BE IT RESOLVED, that said Agreement be entered into, and the Mayor authorized to execute same on behalf of the Village, actual use of the Town's fueling facility to be discretionary, subject to the spillage insured issue.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Title: NYSBOC of Rockland Training Program – Building Inspector, Code Enforcer and Fire Inspector

BE IT RESOLVED, that attendance by Building Inspector, Lawrence Picarello, Code Enforcer, Mike Mandikas and Fire Inspector, Adam Gordon at NYSBOC of Rockland Training Program on Tuesday, April 21, 2020 through Thursday, April 23, 2020 at a cost of \$275.00 for the Building Inspector’s membership fee and \$137.50 for the Code Enforcer’s membership fee and \$137.50 for the Fire Inspector’s membership fee classes is hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon Vote motion carries unanimously.

Public Comment:

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

Old and New Business:

- When signing and dating legal documents, do not use 20 as the year 2020. For example, April 3, 2020 being written as 4/3/20 could be modified to 4/3/2017. Protect yourself and do not abbreviate 2020.
- All tax bills were sent out to the residents in early December. If you have not received your tax bill, please contact Village Hall.
- Village Hall is having delivery issues with the Suffern Post Office. Village Hall is not receiving mail delivery on a daily basis. Mayor to advise.
- The Village is planning on a late February newsletter.
- Anyone who has received a tax assessment change should send a copy of their court notice to Village Hall only if it is not already recorded on their January tax bill.
- The Mayor wishes the Board to consider a change to the Zoning Code with regards to the addition of secondary structures. After several residents came in to complain about the large building structure that was built on Zeck Court, even though it complied with building codes and required no variances, the Mayor is suggesting that maybe any new structure should go before ARB for consideration. Trustee Golden asked what the process should be regarding this. The Mayor stated that he has not fully spoken with our Village Attorney and would like to discuss this with him prior to returning this to the agenda.

At 8:42 PM Deputy Mayor Caridi made a motion to enter executive session to discuss potential legal matters, seconded by Trustee Golden. Note that we have two attorneys sitting on this board and can discuss legal issues without the Village Attorney. Vote carried unanimously.

At 9:05 PM Deputy Mayor Caridi made a motion to exit executive session, seconded by Trustee Golden. Vote carried unanimously.

At 9:06 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Golden. Vote carried unanimously.

Respectfully submitted:

Joan Will – Village Clerk-Treasurer