

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, DECEMBER 16, 2020 VIA TELECONFERENCE ZOOM MEETING. THE MEETING WAS CALLED TO ORDER AT 7:30 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
Other:	Warren E. Berbit Alyse Terhune	Village Attorney Deputy Village Attorney
Recording Secretary:	Joan Will	Village Clerk-Treasurer

Mayor's Report:

Mayor Millman read the following statement:

PLEASE TAKE NOTICE, on March 12, 2020 and in response to the current COVID-19 virus emergency, Governor Andrew Cuomo issued Executive Order 202.1 that suspended the Open Meetings Law requirement to hold in public in-person meetings and allowed official meetings to be held via telephone conference or similar technologies.

PLEASE TAKE FURTHER NOTICE, that the public may access the teleconference recording on Wednesday, December 16, 2020 at 7:30 pm by joining our ZOOM Meeting. Links to gain access have been posted to our website www.villageofmontebello.com. Please note the rules for public participation are as follows:

- 1 – the public is allowed to view and listen to the Board of Trustees meeting live via Zoom.
- 2 – if the public wishes to make a comment or has a question, they were asked to send their questions into the Village Clerk at villageclerk@villageofmontebello.com prior to the start of tonight's meeting.
- 3 – all participants of this meeting will be muted.

PLEASE TAKE FURTHER NOTICE that a copy of this Board of Trustees meeting link and agenda have been available on our website @ www.villageofmontebello.org and the minutes of this meeting will be available to the public and the public will be given additional opportunity to make comments at that time.

AS A REMINDER TO EVERYONE that this meeting is being recorded and posted to our website. In order for each of the Board of Trustees to be heard, please make sure only one person speaks at a time so that there will be an understandable recording.

Mayor Millman spoke about the upcoming Winter Storm Gail that is approaching. Orange and Rockland have not called any executive meetings as of yet; however, if they do himself and Deputy Mayor Caridi will be in attendance. They are predicting heavy snow falls with many downed trees and wires. County Executive Ed Day has advised everyone to stay at home during the storm for everyone's safety.

Building Department Report:

The following is the Building Department Report for the month of November 2020:

- Thirteen (13) building permits were filed. A total of \$5,006 in permit fees was collected.
- Ten (10) Certificates of Occupancy were issued.
- A total of \$1,425 in Fire Inspection fees was collected.
- Three (3) code violations were issued.

Historic Preservation and Parks Commission (HPPC)

With no one from HPPC was in attendance, Mayor Millman closed this portion of the meeting.

Public Comment

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

Presentation

Marsel Amona of 220 Spook Rock and the owner of Stonehedge Heights Development (S/B/L 49.13-1-13) wished to address the Board of Trustees regarding a prospective change to the building plans for that development. Mr. Amona wishes to make the 11 homes, which he already has the approval for, into 22 condominium style homes. He would like to put two attached homes on each parcel lot instead of the one that was already approved. Each attached home would be no more than 3200 square feet with an attached garage. He would like the homes to be high-end exclusive. The Village would not be responsible for the maintenance of the community as it would be run by the Homeowner’s Association.

Mr. Amona stated that currently there is no zoning in that area for condominiums. He thinks these homes would be attractive to small families.

Mayor Millman advised Mr. Amona that the Board will discuss this and get back to him. He also advised that the Board may wish to see renderings and drawing. Village Attorney Berbit stated that they would also need to see Engineering reports including drawing layouts, bulk table and area tables. Deputy Village Attorney Terhune stated that there would be a number of steps needed to be accomplished before approval including the change to add duplexes to ER-80 district. There would be additional steps regarding spot zoning and tax implications.

Discussion ensued. Trustee Golden asked if this would impact the Scenic and Historic setbacks for that district. Mayor advised that the Board would notify Mr. Amona within 30 days whether there is enough interest for him to continue the process, with no guaranties, of course.

Resolution No. 20 - 126

Village of Montebello

Title: Amending “The Temporary and Political Sign Law”, Chapter 143 Section 8 of the Village Code

WHEREAS, a Public Hearing was opened by ZOOM on December 16, 2020 on proposed Local Law No. 4 of 2020 entitled: Local Law amending §143.8 of the Montebello Code with respect to signs; and

WHEREAS, the Village Attorney concluded that due notice was given after questioning the Village Clerk on the record hereat and ascertaining that the following Legal Notice was published in the Journal News on December 6, 2020 and was posted on December 4, 2020 at several places that remained open despite Covid, and that said Notice and the versions of said Local Law before us this evening were provided to the Trustees and made available to the public on December 4, 2020, 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 16, 2020, beginning at 7:30 p.m. or as soon thereafter as the matter can be heard via ZOOM, to consider Local Law No. 4 of 2020 amending § 143-8(b) of the Village Code, to clarify application procedures for, and regulations about, temporary or political signs requiring permits, and to affirm the Building Inspector’s or designee’s authority to take action with respect to unpermitted signs, or signs creating a safety concern, such as obscuring sight-lines on a roadway.. The final draft version of the Local Law will be available no later than ten (10) days before the actual hearing date.

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

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

Warren E. Berbit
Village Attorney

November 4, 2020

WHEREAS, at the request of the Mayor, the Village Attorney explained the local law as coming at the request of the Building Inspector who, or his designee, oversees the subject, and who suggested the clarification but without substantively changing the law; and

WHEREAS, the Public Hearing was opened to the floor on December 16, 2020 at 8:05 pm by motion by Deputy Mayor Caridi and seconded by Trustee Golden, all in favor, and the Village Attorney requested first that the following be included in the Record:

1. Resolution No. 20-125 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 (attached)
4. Draft Local Law No. 4 of 2020; and

WHEREAS after observing the ZOOM holding room, the Village Clerk reported no members of the public were present, no one from the public wished to speak, motion by Deputy Mayor Caridi to close the Public Hearing, and seconded by Trustee Kuperman at 8:08 pm, all in favor; and

THEREFORE, BE IT RESOLVED, after a Public Hearing and due deliberation, that said Local Law be and hereby is approved by authority of Municipal Home Rule Law §10(5) to become effective upon filing with the Secretary of State.

After deliberation, the Board was polled:

Mayor Millman	-	Approve
Deputy Mayor Caridi	-	Approve
Trustee Golden	-	Approve
Trustee Beldock	-	Approve
Trustee Kuperman	-	Approve

Local Law No. 4 of 2020 approved, all in favor.

Resolution: 20 - 127

Village of Montebello

Title: Amendment of 2021 Budget

WHEREAS, the 2021 Budget was approved and adopted on November 4, 2020 for the tax year 2021; and

WHEREAS, the Town of Ramapo Assessor's office has made changes to the Taxable Assessed Value since the adoption and has added pro rata billings for properties in a special district; and

BE IT RESOLVED, that the amended taxable assessed value be amended to \$113,337,610; the sum to be raised by taxation of real property be amended to \$1,230,757; and a tax rate of 10.85921 per one thousand dollars (\$1,000) of taxable assessed valuation shall remain the same; and

BE IT FURTHER RESOLVED, that in addition, \$30,423 that shall be appropriating surplus in order to keep the tax rate at 10.85921 per one thousand dollars of taxable assessed value.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

The Board was polled:	Mayor Millman	- approved
	Deputy Mayor Caridi	- approved
	Trustee Golden	- approved
	Trustee Beldock	- approved
	Trustee Kuperman	- approved

Resolution No. 20 - 128

Village of Montebello

Title: Authorizing Increase in Legal Consulting Fees

WHEREAS, pursuant to Chapter 65 of the Village of Montebello Code, the Village Board of Trustees hereby finds and determines that it is necessary to provide professional legal advice to the Planning Board and Zoning Board of Appeals in order to facilitate each Board's respective statutory requirement to fully review and decide land use applications, applications for variances and Zoning Law interpretations; and

WHEREAS, such legal expertise is required to support each Board's decision-making function and ensure that applications for land use, applications for variances or for interpretations comply with the Village of Montebello Comprehensive Plan, the Montebello Zoning Law and with state and local procedural law applicable to planning and zoning matters; and

WHEREAS, to accomplish said compliance, the Village must engage an attorney with land use expertise and knowledge as well as attorneys with more specialized knowledge when called on; and

WHEREAS, said attorney's or attorneys' reimbursement should remain consistent with his or her level of experience and with fees similarly charged to or through municipalities for comparable land use legal consulting within the County of Rockland and

WHEREAS, pursuant to Chapter 65 of the Village of Montebello Code, the Village shall be reimbursed for said legal consulting fees by the applicant.

NOW, THEREFORE, BE IT RESOLVED that the current reimbursement of \$175.00 per hour for legal consulting to the Planning Board and Zoning Board of Appeals for land use applications, applications for variances or for interpretations is increased to \$200.00 per hour, which hourly rate is consistent with the general fees charged to or through municipalities throughout Rockland County, and which is noted as significantly lower than that charged by attorneys representing applicants to municipal entities, it being understood that the rate charged to the Village by an attorney with specialized knowledge is also likely to be significantly higher, the Village expecting that it will pay the difference, and that such direct cost to the Village will facilitate acceptable determinations by its boards, case by case, whether such specialized legal consultants is reasonably necessary in addition to regularly assigned counsel which determination will be explained on the record. This goes into effect on January 1, 2021.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

Title: Authorizing Special Consultant Review

WHEREAS, pursuant to Chapter 65 of the Village of Montebello Code, the Village Board of Trustees hereby finds and determines that the Village Board, Planning Board and Zoning Board of Appeals (together, the “Reviewing Board or Reviewing Boards”) may, in addition to the Village’s general land use consultants, require specialized engineering, legal, technical, planning and environmental consulting support during the review of specific types of land use applications. Said applications may require specialized professional training, knowledge and expertise of, for example, radio frequency, hazardous material transmission, public health law, vehicular traffic analysis, pedestrian movement and safety analysis, rail siting analysis, constitutional and religious law expertise, specialized environmental impact, affordable housing law, and so forth; and

WHEREAS, such specialized consulting expertise is hereby determined to be necessary to the decision-making function of said Reviewing Boards in order to accomplish their statutory obligation to ensure compliance with the Village of Montebello Comprehensive Plan as embodied in the Montebello Zoning Law as well as any applicable state and federal statute or regulation, and fully review the potential impact of land use on the health and safety of the residents of the Village of Montebello.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees, having reviewed the Table of General Use Requirements contained in the Montebello Zoning Law, hereby finds and determines that the following categories of land use allowed in any zoning district may require specialized consultant expertise,¹ as determined by the individual Reviewing Board:

1. Underground surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto, except transmission towers, telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities.
2. Agricultural operations, provided, that there shall be no structures or storage or odor – or dust- producing substance within a distance of 300 feet from any lot line:
 - a. Nurseries, greenhouses and other enclosed structures for growth and production of plants
 - b. Open field agriculture, including orchards, truck gardening, vineyards and other field crops
 - c. Keeping, breeding and raising of sheep, goats and horses on lots of 20 acres or more, but not within 100 feet of any lot line
3. Public utility buildings or structures not elsewhere identified including, including power generation and distribution centers, equipment storage and crew facilities and transmission towers
4. Community residence facilities, subject to Village Board approval as to site selection, pursuant to § 41.34 of the Mental Hygiene Law
5. Nursing homes and convalescent facilities licensed by the State of New York
6. Gathering places, residential
7. Places of worship, neighborhood

¹ The types of uses contained herein are found in the corresponding references to the Table of General Use Requirements:

ER-80: B-1, B-2, B-5, C-1, C-12, C-15, C-18, 19, 20
RR-50: All ER-80 uses cited herein also allowed in RR-50, and C-2
R-35: All ER-80 uses cited herein also allowed in RR-35, and C-2
R-25: All ER-80 uses cited herein also allowed in RR-25, and C-3
R-15: All ER-80 uses cited herein also allowed in RR-15, and C-3
RSH: C-1, C-2, C-3 and C-4
R-AH: C-1 and C-2
R59-DD: D-1
NS: All ER-80 uses cited herein also allowed in NS, and C-8, C-10, C-11
LO: All ER-80 uses cited herein also allowed in LO, and C-16, C-18
LO-C: All ER-80 uses cited herein also allowed in LO-C, and C-3, C-11
PI: All ER-80 uses cited herein also allowed in PI
PI-C: All ER-80 uses cited herein also allowed in PI-C

8. Places of worship, community
9. Family- and group- care facility (non-Padavan)
10. Senior citizen housing development subject to Article XII, § 195-77
11. Housing development for the physically handicapped subject to Article XII, § 195-80
12. Affordable housing development subject to Article XII, § 195-81
13. Assisted living residences.
14. Continuing care retirement communities
15. Skilled nursing care; and

BE IT FURTHER RESOLVED that, at any time during the review of an application meeting the use category identified herein, each Reviewing Board shall be empowered to engage such specialized consulting support on a case-by-case basis after determining that the subject land use application meets one or more of the following criteria:

1. The proposed land use falls within a category specifically identified in the Table of General Use Requirements contained in the Zoning Law as set forth herein.
2. The Village's legal, engineering and planning consultants are sufficiently knowledgeable to review and advise the Reviewing Board of said land use application's compliance with the Village Code, applicable state law, civil engineering and the principals of planning as set forth in the Montebello Comprehensive Plan, but that the application implicates the need for additional training, knowledge and expertise in a specialized area as generally set forth herein.
3. The intensity of the particular use in comparison with the surrounding land use pattern, the amount of land impacted by the proposed use or the regional impact of the proposed use on Montebello, its surrounding communities or Rockland County's economic or structural infrastructure is deemed to be out of the ordinary.
4. The Reviewing Board determines that the additional consulting fee is reasonably necessary to the accomplishment of its statutory decision-making function; and

BE IT FURTHER RESOLVED that where the Reviewing Board evaluates the land use application pursuant to the criteria enumerated above and determines that additional specialized professional training, knowledge and expertise is necessary to accomplish its decision-making function, thus supplementing the regularly assigned consultant(s), such as land use counsel, said Reviewing Board is hereby authorized to refer said application to such special consultant or consultants; and

BE IT FURTHER RESOLVED that pursuant to Chapter 65 of the Village Code, the applicant shall be responsible for reimbursing the Village for said reasonable costs of said special consultant or consultants in addition to the regularly assigned consultants, as more particularly described in the companion Resolution adopted herewith.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carries unanimously.

Resolution 20-130

Village of Montebello

Title: 10 Sycamore Lane – Return of Escrow

BE IT RESOLVED, as per the report of Village Engineer, dated November 5, 2020 that escrow for 10 Sycamore Lane, in the amount of \$5,000.00 be returned to the escrow poster, A&B Improvements, as the project has been completed.

Motion: Trustee Golden

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Resolution 20 - 131

Village of Montebello

Title: 15 Sycamore Lane – Return of Professional Fees

BE IT RESOLVED, as per the report of Village Engineer, dated June 17, 2020 that Professional Fees for 15 Sycamore Lane, in the amount of \$378.50 be returned to A & B Improvements, as the project has been completed.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Resolution 20 - 132

Village of Montebello

Title: 581 Haverstraw Road – Application and Professional Fee Refund

BE IT RESOLVED, as per email from the proper authorities, dated December 8, 2020 that Professional Fees for 581 Haverstraw Road, in the amount of \$600.00 be returned to James Osborne, owner, as it was determined that a Land Disturbance Permit was not needed.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Resolution No. 20 – 133

Village of Montebello

Title: Masonry Work at Village Hall

WHEREAS, the Village Engineer informed the Village that the archway on Village Hall needs to be repaired in order to prevent the stonework from cracking due to water infiltrating the cracks; and

WHEREAS, the Village Engineer sought proposals from several masonry contractors to repair and seal the archway, yielding the following proposals:

Vendor		Price Quote
Belleville Landscaping Inc.	<ul style="list-style-type: none"> • Power wash stone retaining wall. • Gentle wash of coping and wall • Heavy wash of area at garage doors • Scaffold and repoint stone at garage area. • All joints to be ground out, cleaned and mortared. Follow crack line to coping above garage filling any voids. • Grind out joints in coping (30 linear feet) above garage area. • Install Hilti expanding caulk (masonry) and re-grout joints. • Install sealer on call coping above wall 	\$3,100 for power washing & sealing \$7,200 for masonry work, tooling joints – all labor & materials \$10,300 Total
JS Masonry Construction LLC	<ul style="list-style-type: none"> • Power wash the stone wall including the heavy wash of the area in the garage door • Repoint the stone that is located at the garage. • Grind out all joints, clean and fill out with Mortar Mix Cement • Grind out all joints in the clopping above the garage and re-grout joints. • Install sealer on all the caping above the all • Install Sika expanding caulk 	\$2,000.00

; and

WHEREAS, after the Village Engineer reviewed the proposals and compared the scope like for like; and

WHEREAS, based on the proposals as outlined the best and most economical choice, is from JS Masonry Construction LLC., at a total cost of \$2,000.00.

THEREFORE, BE IT RESOLVED, that the proposal of JS Masonry Construction. be accepted at a total cost of \$2,000.00, the expenditure of which for these purposes is hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, motion carried unanimously.

Resolution No. 20 – 134

Village of Montebello

Title: Approval of Minutes for November 4, 2020

BE IT RESOLVED, the minutes of the Board of Trustees of November 4, 2020 be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution No. 20 – 135

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated December 16, 2020, and totaling \$459, 983.66 is 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 - 136

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims-Professional Fee dated December 16, 2020 for Professional Fees, and totaling \$23,734.25 is hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Old and New Business:

- We have the Verizon contract in front of us now, which is within the statutory renewal period, Mayor Millman advised that the Village has sent them a letter asking for a Formal Review of the Franchise Agreement which expires on June 20, 2023.
- The Mayor advised that the Town of Ramapo has memorialized the Highway and Fueling Agreement with the Village of Montebello for 2021 with no new increase.

- The Mayor has advised that the 2021 Tax bills have all been sent out to the residents. Any questions about this, residents should contact Village Hall.

Public Comment:

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

At 8:30 PM Deputy Mayor Caridi made a motion to enter executive session to discuss legal matters of rental of property to outside individuals and what actions to possibly take with those individuals as a consequence, seconded by Trustee Golden. Vote carried unanimously.

At 8:51 PM Deputy Mayor Caridi made a motion to exit executive session, seconded by Trustee Kuperman. Vote carried unanimously.

At 8:51 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