

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, NOVEMBER 10, 2021, 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 Steven H. Beldock Evan T. Kuperman	Mayor Deputy Mayor Trustee Trustee
Absent:	Melanie Golden	Trustee
Other:	Warren E. Berbit	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, Executive Order 202.1 suspended the portion of New York State law requiring meetings to take place in person, and authorized public meetings to be held virtually. On June 25, 2021, the State Disaster Emergency ended, removing the provision suspending the law. As of September 2, 2021, Governor Kathy Hochul signed legislation (S.50001/A.40001) extending virtual access to public meetings under New York State's Open Meetings Law, which allows New Yorkers to virtually participate in local government meetings during the COVID-19 pandemic. The legislation, which was initially implemented by Executive Order during last year's State of Emergency, allows state and local government meetings that are normally held in person to be held remotely instead, as long as the public has the ability to view or listen to the meeting and as long as the meeting is recorded and later transcribed. This statutory change will reduce the need for congregation at public meetings while the Delta variant is prevalent, while ensuring public business can continue.

PLEASE TAKE FURTHER NOTICE, that the public may access the teleconference recording on Wednesday, November 10, 2021, 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 stated that there seems to be a larger number of vehicles on the road and that he cautions everyone to drive carefully.

Building Department Report:

The following is the Building Department Report for the month of October 2021:

- (17) building permits were filed. A total of \$296,018 in permit fees were collected.
- (8) Certificates of Occupancy were issued.
- \$125.00 in Fire Inspection fees were collected during the month.
- (5) code violations were issued.

Public Comment:

Even though there were people from the public in the audience, no one from the public wishing to speak, Mayor Millman closed this portion of the meeting.

Historic Preservation and Parks Commission (HPPC)

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

Resolution No. 21 - 125

Village of Montebello

Title: Approval of Minutes for October 20, 2021

BE IT RESOLVED, the minutes of the Board of Trustees of October 20, 2021, be and are hereby approved.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

Resolution No. 21 –126

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated November 10, 2021, and totaling \$60,624.39 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor

Second: Trustee Beldock

Upon vote, the Resolution carried unanimously.

Resolution No. 21 – 127

Village of Montebello

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

BE IT RESOLVED, the Abstract and Schedule of Claims-Professional Fee dated November 10, 2021, for Professional Fees, and totaling \$15,815.20 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Resolution: 21 - 128

Village of Montebello

Title: Adoption of 2022 Budget

BE IT RESOLVED, that the Tentative Budget be and hereby is adopted as the Budget of the Village of Montebello for the tax year 2022 in a total amount of \$3,081,964 and that the sum to be raised by taxation of real property, \$1,230,757, shall be and hereby is levied, and that the warrant of the Village should be issued for the collection thereof, based upon a tax rate of 10.64868 per one thousand dollars (\$1,000) of taxable assessed valuation, being and intended to be the sum to be raised by taxation divided by the total taxable assessment of \$115,578,408; and

BE IT FURTHER RESOLVED, that in addition, the Village Clerk-Treasurer is hereby authorized to re-levy unpaid professional and property maintenance fees on those properties subject to same.

Motion: Deputy Mayor Caridi

Second: Trustee Beldock

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

Resolution No. 21 – 129

Village of Montebello

Title: Continuing the Public Hearing on Local Law 4 of 2021 to Amend the Zoning Code §195-62 Rural Preservation Overlay District, and associated definitions and listings in the Table of General Use Requirements, to allow the conversion of the approved Stonehedge subdivision, approved with 11 new single-family homes, alternately to construct 22 new duplex residences.

WHEREAS, the Stonehedge Subdivision was approved by the Planning Board on March 12, 2019, with 12 lots, one containing the preserved historic Minetto farmstead and 11 lots for new single-family residences; and

WHEREAS, the owner of the Stonehedge Subdivision petitioned the Village Board on or about March 17, 2021, requesting that the Village of Montebello Zoning Code be amended to allow the conversion of the approved Stonehedge subdivision, approved with 11 new single-family homes, alternately to construct 22 new duplex residences, while still preserving the Minetto farmstead; and

WHEREAS, the Village Board, is interested in providing an opportunity for this alternative housing type, for which mention was made in the 2017 Comprehensive Development Plan, referred the matter to the CDRC for its review and recommendations, and requested that the Village Planner and Village Attorneys work with the applicant and the applicant’s consultant team to prepare a local law to accomplish the goal of allowing the substitution of duplex houses in the Rural Preservation Overlay, while creating a sensitive design within the objectives of the overlay, maintaining the Spook Rock Road historic and scenic road corridor. and preserving the Minetto farmstead; and

WHEREAS, a draft of Local Law 4 of 2021 has been submitted, with a footer dated September 20, 2021, which has been reviewed by the Village Attorneys and Village Planner; and

WHEREAS, a plan set for Stonehedge Heights Subdivision has been submitted, as follows: Revised Subdivision of Stonehedge Heights, stamped by Steven Sparaco, PE, Sparaco & Youngblood, PLLC, dated August 4, 2021, with the following 5 sheets:

- 1. Proposed Planimetric Plan
- 2. Proposed Grading & Utilities Plan
- 3. Preliminary Sediment and Erosion Control Plan
- 4. Existing Conditions Plan
- 5. Details; and

WHEREAS, a public hearing on Local Law 4 of 2021 and a SEQRA review of the aforementioned plans was commenced on November 10, 2021, after action was taken on October 20, 2021, by the Village Board to circulate EAF’s Part 1 and 2, and to commence the SEQRA coordinated review process; and

WHEREAS, prior to the hearing the applicant also submitted the following documents in support of the petition:

- SEQRA Part 3 Submittal, to CDRC from Lange Planning and Consulting, by John Lange, President, dated November 3, 2021.
- Traffic Evaluation, Stonehedge Heights, 220 Spook Rock Road, signed by Philip Grealy PhD, and Ronald Rieman, Colliers Engineering & Design, dated August 16, 2021.

- Sewer Analysis, prepared for Stonehedge Farm, by Stuart Strow, P.E., Brooker Engineering PLLC, dated October 10, 2019.
- Letter from Steve Sparaco, P.E., Sparaco & Youngblood, PLLC, re: Stonehedge Heights Supplemental Sewer Report, to Planning Board, dated July 14, 2021;
- Memorandum to CDRC, from John Lange, Lange Planning & Consulting, re: School Age Children Comparisons, dated 11/9/21;
- Memorandum to Mayor Millman and Village Board, from John Lange, Lange Planning & Consulting, re: support of Local Law 4, dated 11/9/21; and

WHEREAS, the following agencies submitted comments on Local Law 4 of 2021 and/or the revised plans for Stonehedge Heights:

- Letter from Paul Gdanski, P.E., Town of Ramapo Department of Public Works, re: Sewer Review, Stonehedge Heights, to Planning Board, dated October 18, 2021.
- GML 239 L and M, Letter from Rockland County Department of Planning, from Douglas Schuetz to Village Board, re: Local Law – Rural Preservation Overlay, dated November 3, 2021.
- Letter from Joseph LaFiandra, Engineer II, Rockland County Sewer District No. 1, to Joan Will, re: Local Law No. 4, dated November 10, 2021; and

WHEREAS, the Village Planning Board submitted comments to the Board of Trustees, dated November 9, 2021, in the form of an Intra-Agency Memorandum unavailable for review by the public, causing the Village Attorney to opine that as these comments were private, they did not serve as the Report contemplated by §195-118 of the Village Code. Therefore, the Attorney recommended that he request that the Planning Board submit a Report in a public document prior to the 60-day deadline set in §195-118 which expires November 30, 2021; and

WHEREAS the Village Planner submitted comments to the Village Board of Trustees, dated November 4, 2021, which is made part of the record herein; and

WHEREAS, the General Code company, codifier of the Village Code, provided non-substantive comments on the text of Local Law 4 of 2021 regarding formatting; and

WHEREAS, the following members of the public made the following comments:

1. Jane Burke, Mile Road: As a co-founder of the Village and former long-term member of the Planning Board, stated that she is opposed to Local Law 4 as a form of “spot zoning,” in her opinion. {Note: Due to technical difficulties with the zoom software, Ms. Burke’s testimony was allowed to be given after the public hearing was adjourned, later in the evening during the Village Board meeting, to be included in the record as if on a combined date.}

THEREFORE, BE IT RESOLVED as follows:

1. That pursuant to 6 NYCRR 617 (SEQR), the Village Board after circulating declares itself as Lead Agency in a coordinated review for the adoption of Local Law 4 and review of the Stonehedge Heights Subdivision with 2 lots, with the preserved Minetto Farm on Lot 1, and 11 duplex residences containing 22 dwelling units on Lot 2; and

2. The Village Board finds that it is not ready to make a determination whether or not the proposed local law and plan for Stonehedge Heights will cause a significant or negative environmental impact, as insufficient information has been submitted or insufficient time allotted to study that which has been submitted; and

3. The applicant should submit the following information by December 8, 2021, to the Village Board, so that the hearing may be continued on December 15, 2021, after additional information has been received, but if such does not timely occur then this hearing shall be continued to January 19, 2022, with the following information required by January 12, 2022:

- i. Figures for the square footage of the proposed dwellings units at all levels should be reconciled between the architectural and civil plan sets.
- ii. The extent of the crawl spaces in the basement levels should be clarified, as in the floor plans it is unclear where the proposed crawl space ends and the parts of the basement with an occupiable height will begin.

- iii. A typical cross section should be provided indicating how a “walk out basement” will function. Side and rear elevations that include proposed finished grading should be provided.
- iv. The site plan should be modified to show all front setbacks from the designated street line instead of from the pavement edge.
- v. Conceptual stormwater management details should be submitted.
- vi. New “willingness to serve” letters for the 23-unit project must be provided from both the water and sewer utilities, and the sewer problems indicated in the Town of Ramapo review letter of October 18, 2021, must be addressed.
- vii. The SEQRA Part III submittal and plan set must be amended to include the following:
 - Phasing of the project’s construction, with the setting of a specific maximum area that will be allowed to be disturbed at any one time.
 - A 100-foot buffer should be maintained around the wetlands area. Proposed temporary check dams and materials stockpiles are indicated to be placed during the construction phase, within the 100-foot wetland buffer (see sheet 3 of the site plan set). The applicant should relocate these actions or propose specific mitigation details.
 - Comparisons of potential numbers of dwelling units, lot coverage, traffic, water, and sewer use projected either with or without the passage of Local Law 4 should be listed, discussed, and analyzed in the Part III submittal.

This required additional information is more explicitly described in the Village Planner’s memorandum of November 4, 2021; and

4. Given the incomplete submission, the Village Board did not yet discuss responses to the GML review by the Rockland County Department of Planning as the materials submitted were not complete. Comments from Rockland County included the following:

- i. Plans should be sent to the RC Highway Department, and to the Clerk of the Town of Ramapo, for comments;
- ii. The applicant should adjust its proposal by accepting a limit on the number of two-family units that may be substituted for permitted single-family homes to less than 11, or limit size below 4,011 sf, or to limit number of bedrooms; and

5. Given the incomplete submission, the Village Board did not discuss whether to request the Village Planner to send the petitioner’s traffic study out the Village’s traffic engineering consultant for review and comments; and

6. Given the largely incomplete submittals, the Village Board also reserved on fully discussing its previous request, as the Village Attorney quoted from the July 21, 2021, minutes, that, in addition to simply varying the facades, the petitioner must provide a varied mix of footprints and floor plan layouts, to be more consistent with the character and architecture of the Rural Preservation Overlay District.

7. The Village Attorney is authorized to request that the Planning Board submit its report contemplated by §195-118, no later than November 30, 2021.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote motion carries unanimously.

Resolution No. 21 - 130

Village of Montebello

Title: LPR Installation

WHEREAS, Lt. Blaine Howell, Town of Ramapo Police Department, is overseeing the design and recommendation to install LPR (License Plate Reader) system for the apprehension of vehicles and the occupants thereof suspected of engaging in criminal activity; and

WHEREAS, Lt. Howell, in his response dated October 17, 2021, to the Mayor's and Village Attorney's questions, has adequately allayed their concerns about location, effective range, and limited ability to read and decode license plates and little more, and have assured the Mayor that controls, and protocols are in place to limit access and usage strictly to law enforcement purposes, as more particularly described in his response referenced as if set forth hereinafter; and

WHEREAS, it appears that permitting said LPR's to be installed and utilized within the Village under the assured conditions will improve public safety without jeopardizing individual rights.

THEREFORE, BE IT RESOLVED, that permission is hereby granted to the Town of Ramapo Police Department to install said LPR system within the Village of Montebello for the purposes and upon the conditions and constraints as described.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

Resolution No. 21 - 131

Village of Montebello

Title: Rebid for Carting Services

WHEREAS, bids for Carting Services for a three-year period commencing April 1, 2022, and with an option to extend same two-years through March 31, 2027, were opened on October 15, 2021; and

WHEREAS, after the Village Clerk-Treasurer further explored the marketplace and the Village Attorney engaged in post-bid negotiations, and after reporting to the Mayor, the consensus reached is that re-bidding, including adding several deduct options, as well as exploring other alternatives, is necessary as the bids were and are found to be excessive.

THEREFORE, BE IT RESOLVED as follows:

1. That the bids as aforementioned be and hereby are rejected, with due notice to be given to the bidders in the form of this Resolution as completed.
2. That amended bid specifications and notice to bidders be prepared, including deduct options as prepared by the Village Attorney.
3. That the Village Clerk-Treasurer publish notice to bidders, prepare bid packages, and give direct notice to potential bidders, distributing bid packages to same.
4. That any alternatives to bidding be explored and reported to the Mayor and Village Board timely to accommodate the bid opening which is to be set without necessitating further action of the Village Board, on or about but no sooner than 30 days after publishing and disseminating the bid packages.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carries unanimously.

Resolution 21 - 132

Village of Montebello

Title: Return of Professional Fees - 23 N. Bayard Lane

BE IT RESOLVED, as per the report of Village Engineer, dated November 8, 2021 that Professional Fees for 23 N. Bayard Lane, in the amount of \$66.67 be returned to Chad Glinsky, as the project has been completed.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Resolution: 21 - 133

Village of Montebello

Title: Accept 2020 Independent Audit Report

BE IT RESOLVED, that the audit report from EFPR Group, Certified Public Accountants, for the calendar year 2020 is hereby accepted.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, the Resolution carried unanimously.

Mayor Millman stated that next year he wants EFPR Group to present the audit to the Board of Trustees.

Old / New Business

- Village Attorney Berbit stated that there may be changes to the Braemar PILOT agreement with regards to posting a Bond. Mayor Millman stated that he would like to hear what the School District wishes to do regarding this and discuss at that time.

Public Comment:

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

At 9:12 PM Deputy Mayor Caridi made a motion to enter executive session to discuss 2022 salaries and legal matters (carting bidding terms and conditions), seconded by Trustee Kuperman. Vote carried unanimously.

At 9:21 PM Deputy Mayor Caridi made a motion to exit executive session, seconded by Trustee Kuperman. Vote carried unanimously.

Resolution No. 21 – 134

Village of Montebello

Title: Court Attendant Hours

BE IT RESOLVED, that as a matter of claimed equity and upon their request in their opinion, in order to justify court appearances on evenings when the calendar may be light, the Court Attendants will be paid for a minimum of 2 hours, or their actual hours of attendance, whichever is greater; and

BE IT FURTHER RESOLVED that the action taken herein shall be effective on an interim trial basis, not to exceed 3 months, during which time the Village Clerk-Treasurer shall explore other options and report back to the Village Board.

Motion: Deputy Mayor Caridi

Second: Trustee Kuperman

Upon vote, motion carried unanimously.

At 9:22 PM Trustee Kuperman made a motion to close the meeting, seconded by Deputy Mayor Caridi. Vote carried unanimously.

Respectfully submitted:

Joan Will, Village Clerk-Treasurer