

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, JULY 19, 2023, AT THE DR. JEFFREY OPPENHEIM COMMUNITY CENTER, 350 HAVERSTRAW ROAD, MONTEBELLO, NEW YORK. THE MEETING WAS CALLED TO ORDER AT 7:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Lance N. Millman	Mayor
	Stacy Caridi	Deputy Mayor
	Melanie Golden	Trustee
	David A. Liebergall	Trustee
	Warren E. Berbit	Village Attorney
Absent:	Evan Kuperman	Trustee
Recording Secretary:	Joan Will	Village Clerk-Treasurer

Mayor's Report:

Mayor Millman reported that Orange and Rockland is staying on top of the storms that are hitting our area with constant notifications. Thankfully, no Montebello resident lost power during the past few storms.

Mayor Millman reported that our Building Inspector and our Code Enforcement Officer are working diligently for the residents. Violations are being addressed with warnings and citations.

Mayor Millman reported that he has been in contact with Garrett Vigrass, an Aquatic Biologist in the Division of Fish and Wildlife with the Department of Environmental Conservation in regard to the trout streams running through the village. Mr. Vigrass is looking for locations to advertise for anglers' access to the streams. Mayor Millman advised him that the areas in question are difficult to access and the park restricts fishing due to the discarded fishing line tangling the other wildlife.

Mayor Millman reports that residents should be mindful of the air quality. Always drive with your air conditioning on in your vehicle and refrain from outdoor activities.

Mayor Millman reports that Governor Hochul announced that there will be grants available to install charging stations. The budgeted amount is \$15M for charge ready installations in workplaces.

Mayor Millman reports that a traffic study has been ordered for NY Route 202. In coordination with Senator Bill Weber, the Mayor is looking to reduce the speed on Route 202 and to install a traffic light on the corner of Route 202 and East Mayer Drive.

Mayor Millman reminds everyone that with the additional rain there is the need for additional mowing of the lawns. Lawn maintenance is important to the beauty of the village. Any lawns higher than 10 inches will be in violation and a citation will be issued by the Code Enforcement Officer.

Mayor Millman is looking into hosting a Montebello Jazz Festival once a year in September as was once done by the owner of the Ryan Mansion. Such would include good music and food trucks with the event being overseen by our Historic Preservation and Parks Commission.

Building Department Report:

The following is the Building Department Report for the month of June 2023:

- (28) building permits were filed. A total of \$37,130.00 in permit fees were collected.
- (15) Certificates of Occupancy were issued.
- (5) locations were inspected; \$225.00 in Fire Inspection fees were collected during the month.
- (24) code violations were issued.

Historic Preservation and Parks Commission (HPPC)

- Work orders for installation of Washington-Rochambeau Revolutionary Route have been issued for the County/Village portion of the Route. The first signs have been installed on Lake Road. State approval for sign installation pending.
- 2023 Certificate of Appropriateness hearing for 103 Montebello Road. Date of public hearing was March 1, 2023. The public hearing remains open due to the applicant being represented by new counsel and having not submitted required documents needed to appear on the agenda.

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

Public Comment:

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

Resolution No. 23 - 098

Village of Montebello

Title: Approval of Minutes for June 21, 2023

BE IT RESOLVED, the minutes of the Board of Trustees of June 21, 2023, be and are hereby approved.

Motion: Trustee Golden

Second: Trustee Liebergall

Upon vote, motion carries unanimously.

Resolution No. 23 - 99

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated July 19, 2023, and totaling \$141,064.29 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

Upon vote, the Resolution carried unanimously.

Resolution No. 23 - 100

Village of Montebello

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

BE IT RESOLVED, the abstract and Schedule of Claims – Professional Fee dated July 19, 2023, for Professional Fees, and totaling \$26,684.72 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

Upon vote, the Resolution was carried unanimously.

Resolution No. 23 - 101

Village of Montebello

Title: Schedule Public Hearing for Local Law No. 4 of 2023 (Conducting Public Hearing to Amend the Zoning Code, Chapter 195, to clarify standards of the Zoning Board of Appeals):

LOCAL LAW 4 OF 2023: AMENDING CHAPTER 195, ZONING, TO CONFORM THE DECISION CRITERIA GOVERNING ACTIONS BY THE ZONING BOARD OF APPEALS TO STATE LAW AND MODIFY THE DEFINITION OF “ACCESSORY, BUILDING OR STRUCTURE”

WHEREAS, the Village periodically reviews its Zoning Code to ensure that the various provisions continue to effectively implement the purposes set forth in § 195-3 of the Village Code, which directs the zoning law to protect and enhance environmental, human and community resources and maintain the rural and semirural character of the Village, among other things, while complying with New York State Law; and

WHEREAS, in doing so, the Village identified certain provisions of Article XV of Village Zoning Law, “Board of Appeals,” specifically § 195-108, “Powers and duties” that may be inconsistent with NYS Village Law § 7-712-b, “Permitted action by boards of appeal.” While the Montebello Zoning Board of Appeals under advice of counsel has consistently followed New York State Law as it has evolved, it is prudent that Chapter 195 reflect same verbatim; and

WHEREAS, the Village also determined that the definition of “Accessory, building or structure,” was inconsistent with the purposes set forth in § 195-3 in that accessory buildings or structures could approach or be larger than the principal use on the lot; and

WHEREAS, the Village Board directed the staff to prepare code amendments to address these issues; and

WHEREAS, the proposed amendments are needed to assist the Zoning Board of Appeals in its review of variance applications for both principal and accessory buildings and structures. and to assist the Building Inspector in the orderly administration of building permit applications; and

WHEREAS, the initial proposed amendments were contained within proposed Local Law No. 2 of 2023, which came on before the Village Board at a Public Hearing on June 21, 2023, and which record included recommendations from the Rockland County Department of Planning as dated June 2, 2023 and received June 8, 2023, and the recommendation of the Village Planning Board dated June 13, 2023, but not received by the Village Board until shortly before the Public Hearing and, in the opinion of the Village Attorney, embracing said respective recommendations necessitated fuller discussion and in an abundance of caution, renumbering said Local Law to Local Law No. 4 of 2023 and recirculation and posting; and

WHEREAS, as a consequence draft Local Law No. 4 as now proposed reflects the recommendations of both the Rockland County Department of Planning and the Montebello Planning Board; and

WHEREAS, on July 12, 2023, the General Code Company who codifies the Village’s Laws submitted recommendations that were also incorporated into this revised draft.

THEREFORE, BE IT RESOLVED as follows:

1. That, pursuant to 6 NYCRR 617 (SEQR), the following shall occur:
 - a) That the Village Board designates itself as Lead Agency for adoption of proposed Zoning Amendments found in Local Law 4 of 2023, and immediately assumes such status, there being no other agencies involved in the Action for which such designation is to be coordinated with; and
 - b) That the Village Board as Lead Agency classifies the action as Type 1 for the purposes of SEQR; and
 - c) That the Village Board as both project sponsor and Lead Agency accepts the Part 1 Environmental Assessment Form ("EAF") as prepared by Jonathan Lockman, AICP on behalf of Mayor Millman as adequate for distribution and finds that it appropriately describes the proposed action (electronic file date March 24, 2023, as later updated); and
2. That Public Hearing shall be held on August 16, 2023, beginning at 7 pm local time, on said Local Law 4 of 2023 amending the Zoning Code as aforementioned; and
3. That due notice with respect to same pursuant to GML §239 and Village Law 7-706 be given to the Rockland County Planning Department, all abutting municipal entities, outside agencies, and to consider any recommendations therefrom with the evolution from proposed Local Law No 2 to 4 as explained: and
4. The revised Local Law shall be provided to the Planning Board to explain that such already embraces the Planning Board’s previously suggested changes.
5. That the Village Clerk is authorized to post and publish any required Legal Notice to be drawn up by the Village Attorney.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote motion carries unanimously.

Resolution No. 23 - 102

Village of Montebello

Title: Schedule Public Hearing for Local Law No. 5 of 2023 (Conducting a Public Hearing to Amend the Zoning Code, Chapter 195, to Add “Printing and Publishing” as an Additional Use Allowed by Special Permit of the Planning Board in the Laboratory Office Zoning District)

LOCAL LAW NO. 5 OF THE YEAR 2023

A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO ADD “PRINTING AND PUBLISHING” AS AN ADDITIONAL USE ALLOWED BY SPECIAL PERMIT OF THE PLANNING BOARD IN THE LABORATORY OFFICE ZONING DISTRICT

WHEREAS, the Village periodically reviews its Zoning Code to ensure that the various provisions continue to effectively implement the purposes set forth in § 195-3 of the Village Code, which directs the zoning law to protect and enhance environmental, human and community resources and maintain the rural and semirural character of the Village, while also providing opportunities for employment and economic development; and

WHEREAS, The Village finds that printing and publishing, which is a compatible use to others located in the Laboratory Office (LO) District, should be defined and added to the list of allowable special permit uses in said District, which includes pharmaceutical distribution, research, professional offices, and the like; and

WHEREAS, the Village Board directed the staff to prepare code amendments to address these issues; and

THEREFORE, BE IT RESOLVED as follows:

1. That, pursuant to 6 NYCRR 617 (SEQR), the following shall occur:
 - a.) That the Village Board designates itself as Lead Agency for adoption of proposed Zoning Amendments found in Local Law 5 of 2023, and immediately assumes such status, there being no other agencies involved in the Action for which such designation is to be coordinated with; and
 - b.) That the Village Board as Lead Agency classifies the action as Type 1 for the purposes of SEQR; and
 - c.) That the Village Board as both project sponsor and Lead Agency accepts the Part 1 Environmental Assessment Form ("EAF") as prepared by Jonathan Lockman, AICP on behalf of Mayor Millman as adequate for distribution and finds that it appropriately describes the proposed action (electronic file date 6/19/23); and
2. That a public hearing shall be held on August 16, 2023, beginning at 7 pm local time, on said Local Law 5 of 2023 amending the Zoning Code as aforementioned; and
3. That due notice with respect to same pursuant to GML §239 and Village Law 7-706 be given to the Rockland County Planning Department, all abutting municipal entities, outside agencies, and to consider any recommendations therefrom; and
4. The local law shall be provided to the Planning Board for review at its meeting scheduled for August 8, 2023, and with a request that the Planning Board provide recommendations to the Village Board regarding the matter, if any.
5. That the Village Clerk is authorized to post and publish any required Legal Notice to be drawn by the Village Attorney.

Motion: Trustee Golden

Second: Deputy Mayor Caridi Upon vote motion carries unanimously.

Resolution No. 23 - 103

Village of Montebello

Title: Accepting the Resignation of a Trustee

WHEREAS, Trustee Evan Kuperman, whose term on the Village Board was to run through April 2027, and who has served since December 2017, in his letter dated July 17, 2023, tendered his resignation effective July 31, 2023, by reason of pursuing a different career path in another part of the country; and

WHEREAS, Evan also served with many organizations in the area making his positive connections and public spiritedness a true and special benefit to the Board, public and Village, and such will be missed, as will Evan's positive personality and can-do attitude; and

WHEREAS, the Village Board has no alternative but to declare Evan Kuperman's seat as vacant.

THEREFORE, BE IT PROCLAIMED AND RESOLVED AS FOLLOWS:

1. That Evan Kuperman's seat as a trustee and member of the Village Board be reluctantly declared as vacant effective July 31, 2023.
2. That July 2023, be declared as Evan Kuperman Month in the Village in his honor.
3. That two originals of this Proclamation be prepared in ceremonial form, to be signed by the Mayor, Trustees, Village Attorney, and Village Clerk-Treasurer, and to be framed, one to be presented to Evan Kuperman, and the other to be hung in a place of honor at the Village Hall or in the Dr. Jeffrey Oppenheim Community Center.
4. That Evan and his family be wished the best, and "smooth sailing", as they embark upon their new adventure.

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

Upon vote, the Resolution carried unanimously.

Resolution No. 23 - 104

Village of Montebello

Title: Filling Trustee Vacancy

WHEREAS, the seat of Trustee Evan Kuperman was declared as vacant by Resolution earlier this evening, effective and fillable as of August 1, 2023; and

WHEREAS, after soliciting candidates, reviewing credentials, and conducting interviews, the Mayor has recommended the appointment of a long-term Montebello resident, residing at 9 Mayer Dr., businessman, Bruce Egenhauser, a graduate of St. Thomas Aquinas and father of two children attending or who graduated from Suffern High School; and

WHEREAS, Bruce, a community leader having served the Cub Scouts as a Den Leader through Cub Master and having coached for the Ramapo Little League, from T-ball through the Majors wishes to continue his community service with an emphasis on maintaining and preserving the beauty of the Village.

THEREFORE, BE IT RESOLVED, that the Mayor's recommendation be and hereby is ratified, thus appointing Bruce Egenhauser to the vacancy effective August 1, 2023, to continue to serve through the end of the calendar year, and until a successor is elected in a Special Election, appointed and sworn, as required by Village Law §3-312, it being understood that a Special Election must be set for such purposes as explained by the Village Attorney.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution carried unanimously.

Title: Accept Current Procurement Policy

BE IT RESOLVED that the Village of Montebello Procurement Policy dated June 18, 2014 is hereby designated as the official Procurement Policy for the Village of Montebello, and may be amended from time to time is approved as such.

Motion: Deputy Mayor Caridi

Second: Trustee Liebergall

Upon vote, the Resolution carried unanimously.

Public Comment:

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

Old / New Business

- The board discussed that the village has been approached by a cell tower company to discuss the possibility of installing a cell tower at 350 Haverstraw Road (Route 202)
- The board discussed the possibility of installing a pickle ball court on the grounds at Village Hall. However, after investigating with our insurance carrier, a country club that has pickle ball courts, and our Village Attorney, it was determined that the village will not pursue this at this time.
- Letters have been mailed to the residents in the vicinity of Oxford Drive in regard to the possibility of installing no parking signs during school hours.
- Mayor Millman read a letter issued from Mayor Curley of Village of Suffern.
- The board discussed the possible 4 Emerald Lane ownership change from Rockland Recovery Homes to Lexington House and advised the clerk to notify the new owners of a suggestion they hold a public forum, for optimum transparency despite the opinion of our Planner and legal staff that the present Special Permit allows the change.

At 7:53 PM, Trustee Golden made a motion to go into Executive Session to discuss legal issues, personnel matters, and wages, seconded by Deputy Mayor Caridi. Vote carried unanimously.

At 8:23 PM, Deputy Mayor Caridi made a motion to exit the Executive Session, seconded by Trustee Liebergall. Vote carried unanimously.

BE IT RESOLVED, until any further review of the Village Board that our prosecuting attorneys Jay Golland and Eric Holzer, each be paid \$175 per hour for their legal services.

A motion by Trustee Golden, seconded by Trustee Liebergall. Vote carried unanimously.

At 8:24 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Liebergall. Vote carried unanimously.

Respectfully submitted:

Joan Will – Village Clerk-Treasurer