

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, AUGUST 16, 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
	Bruce Egenhauser	Trustee
	Warren E. Berbit	Village Attorney

Recording Secretary: Joan Will	Village Clerk-Treasurer
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**Mayor's Report:**

Mayor Millman wished to welcome newly appointed Trustee Bruce Egenhauser to the Board of Trustees.

Mayor Millman commented that the Village is still moving forward with the discussions with Homeland Tower for the potential leasing of a cell tower outside at the Community Center.

Mayor Millman commented that the rental offices at the Community Center will be discussed in Executive Session later in the meeting since terms were being negotiated.

Mayor Millman commented that the Verizon franchise fees were received by the Village at approximately the same rate as last quarter.

Mayor Millman commented that there have been a lot of animal sightings in the Village, especially large bears. Please be careful and be advised that the police will not do anything about the bears unless they are in danger or endangering you.

Mayor Millman stated that the Code Enforcement Officer has been monitoring the garbage situation in the Village and placing warning and violation notices on resident's trash cans. Please remember that cans must be removed from the roadway after pickup, and they should not be placed at the curb more than the night before pickup. There were in excess of 50 warnings placed on the trash cans this week.

Mayor Millman thanked all the residents for maintaining their lawns and property throughout this rainy season.

Mayor Millman thanked Jay Golland, our Court Prosecutor, for ably handling our Village Ordinance cases.

Mayor Millman will be meeting with Rockland County Executive Ed Day and other Mayors and fire department personnel to discuss an unauthorized fire response group that is spreading throughout the County which is a potential danger to us all.

Mayor Millman reminded everyone that there have been quite a few burglaries in the Airmont area and in Montebello, and that your house should be secured before you leave, do not

leave a garage door open during the day and lock your cars. He stated that you should not make it easy for burglars to enter your homes.

### **Building Department Report:**

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

- (13) building permits were filed. A total of \$6,696.00 in permit fees were collected.
- (5) Certificates of Occupancy were issued.
- (23) locations were inspected; \$3,650.00 in Fire Inspection fees were collected during the month.
- (9) code violations were issued.

### **Historic Preservation and Parks Commission (HPPC)**

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

### **Public Comment:**

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

### **Presentation: Salerno Brokerage Corporation**

Maryann Aiello from Salerno Brokerage Corporation presented remotely the new proposed policy with the Board at length. She discussed the various companies that they went out to bid on and why they were discounted. Certain insurers would not cover the dams within the Village others would not cover Article 78 claims, for example. The Board and Mayor discussed with Ms. Aiello the various coverages available and what is covered. Maryann discussed bundling the coverage in order to save money as well as taking onboarding classes and training, which the Village participates in.

Maryann Aiello believes that the Village is with the right carrier and that they are giving the right service but the entire industry is experiencing high increases. (see Resolution). She believes that there are too many shortcomings with the other carriers to be a benefit to the Village and their residents. The Mayor asked that Salerno consider an internal adjustment of fee to help lower the policy.

### **Resolution No. 23 - 106**

Village of Montebello

Title: Village Insurance Renewal- September 7, 2023 - September 7, 2024

WHEREAS, it is prudent that the Village maintain insurance coverage for loss to property, general liability, auto, hired car-non owner auto, crime, public officials, boiler/machinery, and umbrella liability, etc., as has been covered in prior years, the coverage for which will expire on September 7, 2023; and

WHEREAS, last year competitive proposals were sought via our broker, Salerno Brokerage, such coverages through our broker remain available this year at a still optimized cost as set forth hereafter, the total cost being about \$8,112.00 higher than last year; and

WHEREAS, Salerno Brokerage described the proposals it received in its letter dated and received August 14, 2023, a true copy of which with attachments shall be appended to the Minutes hereof as if a part of the Resolution, as summarized as follows:

	<b>Travelers and Cyber</b>
<b>Travelers Municipal Package</b>	<b>\$58,444</b>
<b>Including: equipment breakdown and inland marine; General Liability including Employee Benefits Liability, Municipal Automotive, Public officials Liability and Employment Practices Liability, and Municipal Umbrella</b>	
<b>Municipal Public Employee Blanket Crime</b>	<b>Included</b>
<b>Property Fee</b>	<b>Included</b>
<b>Motor Vehicle Fee</b>	<b>Included</b>
<b>Cowbell Cyber Insurance</b>	<b>\$2,351</b>
<b>Total</b>	<b>\$60,795</b>

;and

WHEREAS, Salerno Brokerage recommends that said coverage be obtained as afore described in the best interest of the Village.

THEREFORE, BE IT RESOLVED, that insurance coverage as afore described for the Village be renewed with Travelers and Cowbell Cyber as brokered by Salerno Brokerage for the period of September 7, 2023 to September 7, 2024, at the cost of \$60,795.00, less any possible reduction caused by Salerno after reviewing and analyzing all numbers, such expense found to be reasonable and prudent, all factors considered; <sup>1</sup> and

BE IT FURTHER RESOLVED that the terms and conditions of such insurances and undertaking shall be as set forth on the face of same, which policies and undertaking shall be considered appended to the minutes hereof as if fully set forth hereinafter.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, resolution was carried unanimously.

**Resolution No. 23 - 107**

Village of Montebello

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<sup>1</sup> After adopting Salerno reported being able to lower the expense by \$1,000, to \$59,795.00

Title: Adoption of Local Law No. 4 of 2023, Amending Chapter 195 Zoning to Conform the Decision Criteria Governing Actions by the Zoning Board of Appeals to State Law, and Modifying Definitions and Standards Related to Accessory Buildings;

WHEREAS, a Public Hearing was opened on August 16, 2023, on proposed Local Law No. 4 of 2023, with all footers dated August 10, 2023, and entitled:

**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 MODIFYING DEFINITIONS AND STANDARDS RELATED TO ACCESSORY BUILDINGS” and**

thus amending Chapters 195 of the Village Code, as more particularly set forth in said Local Law, but summarized as follows:

1. The definitions of “Accessory” are clarified and a new definition of “Building Footprint” is added.
2. Regulations are clarified regarding the placement of accessory structures with respect to front, side and rear setbacks.
3. A new set of standards, setting a maximum size of accessory buildings has been added, to ensure that such buildings, structures, and uses are appropriately sized in relation to the principal buildings, structures, and uses on the lot.
4. The Board of Appeals powers and duties are clarified, to be consistent with State laws.
5. The Planning Board’s authority is clarified to modify bulk requirements in the ER-80 and RR-50 zoning districts in response to the presence of certain environmental features.

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 August 6, 2023 and was posted on August 4, 2023 at several places, and that said Notice and the version of said Local Law before us this evening were provided to the Trustees and made available to the public on August 4, 2023 and were posted at several 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, August 16, 2023, beginning at 7:00 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.4 of 2023, amending Chapter 195 Zoning, entitled:

**“A LOCAL LAW 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”**

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

1. The definition of “Accessory Building or Structure” is clarified and a new definition of “Accessory Use” is added, to ensure that such buildings, structures, and uses are

- appropriately sized in relation to the principal use on the lot.
2. The Board of Appeals powers and duties are clarified, to be consistent with State laws.
  3. The Planning Board's authority is clarified to modify bulk requirements in the ER-80 and RR-50 zoning districts in response to the presence of certain environmental features.

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](http://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 19, 2023

WHEREAS, the Public Hearing was opened to the floor on August 16, 2023, at 8:00 pm by motion by Deputy Mayor Caridi and seconded by Trustee Liebergall, all in favor, and the Village Attorney requested that first the following be included in the Record:

1. Resolution No. 23 – 101 of July 19, 2023, approving holding a Public Hearing (attached).
2. Legal Notice, and Affidavit of Publishing and Posting (attached).
3. Draft Local Law No. 4 of 2023, dated August 10, 2023. This new draft incorporated the changes requested by the Planning Board and those required by the Rockland County Department of Planning GML reviews in the letters cited in paragraphs 4 and 5 below, as well as the editorial changes provided in the review of the Village's codification company, General Code.
4. Planning Board reply of June 16, 2023, prepared by Alyse D. Terhune, Esq. (attached), which recommended changes to the proposed text of Local Law No. 4 of 2023.
5. Rockland County Planning Department GML reviews of Local Law 4 of 2023, dated June 2, 2023, and July 25, 2023, (attached) with several required comments and required modifications.
6. SEQRA/FEAF Forms Parts 1, 2, and 3 and Negative Declaration of Environmental Significance, all dated July 19, 2023 (attached); and

WHEREAS, before asking for public comment and with the permission of the Mayor, the Village Attorney explained that this is the second effort to adopt a Local Law on the subject. The first effort pertained to proposed Local Law No. 2 of 2023, which Public Hearing commenced May 17, 2023, but due to substantial changes recommended by the Planning Board and the

Rockland County Department of Planning, in an abundance of caution, the process was restarted, and the Local Law renumbered to No. 4 to maintain the adoption sequence. As a result, he asked that the record previously created on then proposed Local Law No. 2 of 2023 be included with record herein as added to that outlined and listed above; and

WHEREAS, no members of the public wished to speak, Deputy Mayor Caridi moved and Trustee Golden seconded closing the Public Hearing at 8:07 pm, all in favor; and

WHEREAS, having reviewed the SEQR submittals prepared by Village Planner Jonathan Lockman, the Board adopted the Part 1, at its meeting held on July 19, 2023, and at this meeting held on August 16, 2023, adopts the Part 2 and Part 3 Full Environmental Assessment Forms and Negative Declaration of Environmental Significance; 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 §20(5), to become effective upon filing with the Secretary of State:

The Board was polled:

Mayor Millman	-	approve
Deputy Mayor Caridi	-	approve
Trustee Golden	-	approve
Trustee Liebergall	-	approve
Trustee Egenhauser	-	approve

Local Law No. 4 of 2023 dated August 16, 2023, approved, all in favor.

Discussion ensued amongst the Board in regard to the height structure.

**Resolution No. 23 – 108**

Village of Montebello

Title: Adoption of Local Law No. 5 of 2023, Amending 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

WHEREAS, a Public Hearing was opened on August 16, 2023, on proposed Local Law No. 5 of 2023, with all footers dated August 10, 2023, and entitled:

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; and

thus, amending Chapters 195 of the Village Code, as more particularly set forth in said Local Law, but summarized as follows:

1. A new definition of “Printing and Publishing” is added, to ensure that such a use would be of a scale and nature to be compatible with others already permitted in the Laboratory Office zoning district.
2. “Printing and Publishing” is added as an additional use permitted by special permit of the

Planning Board in the Laboratory Office zoning district in the Table of General Use Requirements.

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 August 6, 2023 and was posted on August 6, 2023 at several places, and that said Notice and the version of said Local Law before us this evening were provided to the Trustees and made available to the public on August 6, 2023 and were posted at several 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 August 16, 2023, beginning at 7:00 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 2023, amending Chapter 195 Zoning, entitled:

“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”

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

1. A new definition of “Printing and Publishing” is added, to ensure that such a use would be of a scale and nature to be compatible with others already permitted in the Laboratory Office zoning district.
2. “Printing and Publishing” is added as an additional use permitted by special permit of the Planning Board in the Laboratory Office zoning district in the Table of General Use Requirements.

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.org](http://www.villageofmontebello.org).

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Warren E. Berbit  
Village Attorney

July 19, 2023; and

WHEREAS, the Public Hearing was opened to the floor on August 16, 2023, at 8:15 pm by motion by Deputy Mayor Caridi and seconded by Trustee Liebergall, all in favor, and the Village Attorney requested that first the following be included in the Record:

1. Resolution No. 23-102 of June 21, 2023, approving holding a Public Hearing (attached).
2. Legal Notice, and Affidavit of Publishing and Posting (attached).
3. Draft Local Law No. 5 of 2023, dated August 10, 2023.



4. Rockland County Planning Department GML review of Local Law 5 of 2023, dated August 3, 2023 (attached) which stated they recommended added a use group and parking requirement for “printing and publishing,” which was added to the August 10, 2023, draft.
5. SEQRA/FEAF Forms Parts 1, 2, and 3 and Negative Declaration of Environmental Significance, all dated July 19, 2023 (attached).
6. Comments from General Code, the Village’s codification vendor, undated, with punctuation and numbering comments, which were included in the August 10, 2023 draft,
7. Letter from Michael Klein, Esq. dated August 15, 2023, re: Rockland County Department of Planning comments re: Parking; and
8. Planning Board recommendation dated August 16, 2023, which was incorporated in the law presented.

WHEREAS, with the permission of the Mayor, the Village Attorney summarized that the process leading to this evening began with a presentation at the May 17<sup>th</sup> meeting by the owners of Executive Park; the attorney for Executive Park; representatives of the Schreiner Group, with a high end, sophisticated, international printing business with facilities in Germany and Blauvelt amongst other places, and an immediate need for a new facility in Rockland County. In addition, and a good deal of time and effort was spent going back and forth locally and with the parent company, assuring that all potential forms of sophisticated “light printing” were included, but still limiting heavy printing, like massive newspaper type roller presses, thus being certain that such a proposed Special Permit Use would be compatible with present and future uses in the Laboratory Office district; and

WHEREAS, opening the floor, speaking in favor of the Local Law were:

- Michael Klein, Attorney with Hartmann, Doherty, Rosa, Bermand, & Bulbulia, LLC, who fully supported the Local Law, emphasized how long the Executive Park could not find an occupant, but felt the Village Board should override the Rockland County Department of Planning on parking since only 50 of 100 employees would be present at any time.
- Brian Zumbolo, President of US Plant for Schreiner Group introduced himself and thanked the Board.
- Joshua Goldstein, Owner of Executive Park introduced himself, pointed out finding a good tenant was a long time coming and whereby all of the above thanked the Village Board for moving quickly; and

WHEREAS, no other member of the public wished to speak, Deputy Mayor Caridi moved and Trustee Golden seconded closing the Public Hearing at 8:24 pm, all in favor; and

WHEREAS, the Village Attorney again confirmed the chronology that this change partly evolves from the public appearances by the office park representative and a potential tenant which alerted the Board that such Special Permit uses in the LO zone was compatible with the zone as it developed and represents a worthwhile additional use by Special Permit within same; and

WHEREAS, the Village Board has reviewed the Planning Board’s comments on this Local Law, and those of the Rockland County Department of Planning and the developer’s reaction to same re: parking, which was a reasonable concern but, as reported by the Village Attorney, neither he nor the Planner thought it would be wise to reduce parking for this and Special Permit Use and

thereby attempt to override the Rockland County Department of Planning, but suggested allowing the Planning Board to address the issue in its discretion, and given Executive Park’s prior comment that there was adequate extra parking within the back if needed; and

WHEREAS, having reviewed the SEQR submittals prepared by Village Planner Jonathan Lockman, the Board adopted the Part 1, at its meeting held on July 19, 2023, and at this meeting held on August 16, 2023, adopts the Part 2 and Part 3 Full Environmental Assessment Forms and Negative Declaration of Environmental Significance; 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 §20(5), to become effective upon filing with the Secretary of State:

The Board was polled:	Mayor Millman	-	approve
	Deputy Mayor Caridi	-	approve
	Trustee Golden	-	approve
	Trustee Liebergall	-	approve
	Trustee Egenhauser	-	approve

Local Law No. 5 of 2023 dated August 16, 2023, approved, all in favor.

**Resolution No. 23 - 109**

Village of Montebello

Title: Approval of Minutes for July 19, 2023

BE IT RESOLVED, the minutes of the Board of Trustees of July 19, 2023, be and are hereby approved.

Motion: Trustee Golden

Second: Trustee Liebergall

Abstain: Trustee Egenhauser

Upon vote, motion carries unanimously.

**Resolution No. 23 –110**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated August 16, 2023, and totaling \$138,304.60 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 – 111**

Village of Montebello

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

BE IT RESOLVED, the abstract and Schedule of Claims – Professional Fee dated August 16, 2023, for Professional Fees, and totaling \$27,234.06 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 – 112**

Village of Montebello

Title: Approval of Abstract & Schedule of Claims – ARPA Funds

BE IT RESOLVED, the abstract and Schedule of Claims – ARPA Funds dated August 16, 2023, for ARPA Funds, and totaling \$16,253.70 hereby approved, and the claims listed hereon shall be paid.

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, the Resolution carried unanimously.

**Resolution: 23 - 113**

Village of Montebello

Title: Appointing Ad-Hoc Member to the Planning Board

WHEREAS, there is an additional Ad-Hoc position on the Planning Board which has been vacant for some time; and

WHEREAS, the Mayor recommends the appointment of Rosemary Millos, a Village of Montebello resident to be appointed as Ad-Hoc of the Planning Board to serve until April 2024, or until a successor is duly appointed, and

THEREFORE, BE IT RESOLVED, that Rosemary Millos be appointed to fill the vacant Ad-Hoc seat effective September 1, 2023

Motion: Deputy Mayor Caridi

Second: Trustee Egenhauser

Upon vote, the Resolution carries.

**Resolution No. 23 - 114**

Village of Montebello

Title: Accepting Resignation of Clerk Typist (PT)

WHEREAS, Clerk Typist (PT), Marilia Deras, has tendered her resignation effective August 3, 2023, due to personal matters.

THEREFORE, BE IT RESOLVED, that said resignation is accepted effective August 3, 2023, and said position declared as vacant until further notice.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, the Resolution was carried unanimously.

The Mayor stated that the Village is not planning on filling this position at this time.

**Public Comment:**

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

**Old / New Business**

- Mayor Millman advised the Board that Homeland Towers has answered the questions posted by Village Attorney Berbit and after a brief discussion, it was decided that the Village remains interested in moving forward with their proposal and lease agreement.
- Mayor Millman advised that he will be meeting with Rockland County Executive Ed Day, Chris Kear, Director of Fire and Emergency Services with the County of Rockland and various other fire companies and Mayors to discuss the unauthorized fire department. Discussion with the Board ensued.
- Mayor Millman discussed the Oxford Drive parking sign letter that went out. After reviewing the responses from the residents with an almost equal number of for signs and against signs, it was decided not to move forward with the installation creation of more of No Parking areas. The Mayor requested that the Clerk advise the Code Enforcement Officer regarding this.
- Realterm Energy submitted their results of the bidding for new street lighting fixtures. Mayor Millman stated that we will need to set up a meeting with them to discuss. The Clerk was requested to notify them to set up a meeting.
- NYPIRG will be soliciting within Montebello in the coming months.

At 8:43 PM, Deputy Mayor Caridi made a motion to go into Executive Session to discuss with the Village Attorney possible legal actions and negotiations and contractual issues, seconded by Trustee Golden. Vote carried unanimously.

At 9:02 PM, Deputy Mayor Caridi made a motion to exit the Executive Session, seconded by Trustee Golden. Vote carried unanimously.

At 9:02 PM, Deputy Mayor Caridi made a motion to close the meeting, seconded by Trustee Liebergall. Vote carried unanimously.