

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, JULY 24, 2024, 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 (left at 8:15pm) |
| | Melanie Golden | Trustee |
| | Bruce Egenhauser | Trustee |
| | Michael Humphrey | Trustee |
| | Warren E. Berbit | Village Attorney |
| Recording Secretary: | Joan Will | Village Clerk-Treasurer |

Mayor's Report:

(Note: due to compelling personal reasons Mayor and Deputy Mayor appeared via ZOOM). Mayor Millman announced that the Montebello Jazz Festival will be held at Village Hall on September 8th from 1 – 6pm. The performers will be The Bill O'Connell Quintet ft. Randy Breck and Billy Hart, The Curtis Brothers, and Richie Morales Quartet. The Village was able to secure the Cousins Maine Lobster Truck and the Roll & Smoke BBQ Truck. We are looking forward to seeing everyone there.

Mayor Millman wishes good luck to all the athletes competing in this summer's Olympic Games and good luck to the USA.

Mayor Millman announced that the next newsletter will be out at the end of August.

Mayor Millman announced that the Historic Preservation and Parks Commission is looking for a new member. Anyone interested should contact the Village Clerk.

Building Department Report:

The following is the Building Department Report for the month of June 2024:

- (9) building permits were filed. A total of \$4,276.00 in permit fees were collected.
- (4) Certificates of Occupancy were issued.
- (23) locations were inspected; \$3,300.00 in Fire Inspection fees were collected during the month.
- (30) code violations were issued.

Historic Preservation and Parks Commission (HPPC) Report

Due to the holiday the July 3rd meeting was rescheduled. The commission met on Wednesday, July 17th.

Jazz Festival Update

- Food Trucks
 - Cousins Maine Lobster truck booked.
 - Roll & Smoke BBQ food truck (Kosher) booked.
 - Looking into the possibility of an ice cream/shaved ice truck/cart
- Port-a-potties booked.
- Talent booked.
- Volunteers – from HPPC and others are still needed.
- Security will be handled by TOR PD in coordination with the Sheriff's department.
- Advertising has been assigned.

Historic Preservation

- Certificate of Appropriateness Status:
 - Applicant David Fried, 37 Viola Road, was previously issued a Certificate of Appropriateness. He was to submit one last document, a letter of certification by his landscapers but was absent from the July 17th meeting. He is placed on the agenda for the August 7th meeting.
 - Public Hearing was opened for applicant Yosef Emuna, 96 Viola Road, at the July 17th meeting. He presented his renderings and was granted a Certificate of Appropriateness that evening subject to conditions.

Parks

- Member Josh Goldstein has volunteered his time at the KGPP to clear up around the gazebo and plant its flower beds. He will also attempt to fix the park benches as well.

With no one from the HPPC wishing to speak, 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.

Resolution No. 24 - 082

Village of Montebello

Title: Withdrawal of Stonehedge Duplex/Single Family Housing Application

WHEREAS, a Public Hearing on the Stonehedge Heights Duplex/Single Family Homes Subdivision, tax map 49.13-1-13, and the associated proposed Local Law 1 of 2024, later renumbered to Local Law 2 of 2024, had been continuing before the Village Board, but as of on or about since March, 2024, has been held in abeyance as a consequence of the applicant's determination to, in lieu thereof, reapply to the Planning Board for a single family home, only subdivision, akin to and similar to that granted by the Planning Board in 2019, said approval having been allowed to lapse by the applicant; and

WHEREAS, on or about April, 2024, the applicant made such application anew to the Planning Board which, similar to the 2019 subdivision, includes 11 new single-family homes, plus the Minetto Farmstead and an accessory cottage, making such inconsistent with continuing with the still pending application before the Village Board, and the applicant has so confirmed such, in his email dated June 11th, requesting that the application before the Village Board be withdrawn and that said Public Hearing be ended.

THEREFORE, BE IT RESOLVED, that the aforesaid application for the Stonehedge Heights Duplex/Single Family Homes Subdivision, and associated proposed Local Law be and hereby are accepted as withdrawn, and said Public Hearing ended, effective immediately.

Motion: Trustee Golden

Second: Trustee Egenhauser

Upon vote, motion carries unanimously.

PRESENTATION – Montebello Development, LLC

In attendance: Brian Brooker, Architect
Joe Nyitray, Engineer
Michael Halpern, Managing Owner

Proposal: Petition to change previously approved development plan, the largest segment being the Assisted Living Facility, which is almost completed, but substitute for 10,000 sq foot, 2-story medical arts building and approximately 15,000 sq foot pharmacy with drive thru, with the following:

- 55,000 square foot building
- 4 suites per floor
- 12 suites in total
- Parking underneath and in large, centralized area (lot 3)

For the benefit of the newer Village Board members the Village Attorney, Warren E. Berbit, reviewed in depth the history of the project, including that the map was signed two years ago when work commenced, that the Assisted Living Facility was almost ready for occupancy, and that the applicant purchased the front lots one year ago. The design is locked together in his opinion, and the Village Board can simply reject the petition in its legislative discretion, or informally hear the applicant, explore all aspects, and then so decide, or consider at its discretion variations not be locked in any way into the request which proposes a large increase in square footage, etc. If there is to be any possible change the entire SEQRA, circulation, and Public Hearing process will need to be redone.

The applicant presented by its Engineer followed by the Managing Partner who claimed not to have fully understood the obligation of the owner of the front lots and the locked in nature of the prior approval when he purchased over a year ago.

The Village Board after informal discussion found it needs to review the updated traffic study for this project and will need comments from our professionals, and to dialogue with same in detail before it preliminarily decides whether to consider whether to simply adhere to prior approvals. If there is any possibility of change it will be lead agency and the Public Hearing and SEQRA process will need to be completely redone.

Resolution: 24 – 083

Village of Montebello

Title: Accept Resignation of Historic Preservation and Parks Commission Member

WHEREAS, Robert Israel reluctantly has submitted an email dated June 27, 2024, resigning as a member of the Historic Preservation and Parks Commission.

THEREFORE, BE IT RESOLVED, that the resignation of Robert Israel be accepted, effective immediately and his seat on the Historic Preservation Commission be declared vacant.

BE IT FURTHER RESOLVED that the Board of Trustees does hereby extend its gratitude to Mr. Israel for his long and effective service as a member of the Historic Preservation and Parks Commission, wishing him and his family well.

Motion: Trustee Golden

Second: Trustee Egenhauser

Upon vote, the Resolution was carried unanimously.

Resolution No. 24 – 084

Village of Montebello

Title: Conducting a Public Hearing to Amend the Zoning Code, Chapter 195, to lower the number of HPPC members from nine to seven

LOCAL LAW NO. 2 OF THE YEAR 2024

A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO LOWER THE NUMBER OF HPPC MEMBERS FROM NINE TO SEVEN TO INCREASE EFFICIENCY

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 the current required nine members for the HPPC, including seven members at large and two ad hoc members, decreases the efficiency of the commission. A lower number of members, with five full members and two ad hoc members would provide for greater efficiency of communication and decision making by the commission; 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 2 of 2024, 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 II for the purposes of SEQR, thus requiring no further actions under SEQR; and
2. That a public hearing shall be held on August 21, 2024, beginning at 7 pm local time, on said Local Law 2 of 2024 amending the Zoning Code as aforementioned; and
3. That due notice with respect to same pursuant to GML §239 and Village Law 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 13, 2024, 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: Trustee Egenhauser

Upon vote, motion carried unanimously.

Resolution No. 24 – 085

Village of Montebello

Title: Approval of Minutes for June 12, 2023

BE IT RESOLVED, the minutes of the Board of Trustees of June 12, 2024, be and are hereby approved.

Motion: Trustee Golden

Second: Deputy Mayor Caridi

Upon vote, motion carries unanimously.

Resolution No. 24 - 086

Village of Montebello

Title: Appointment from Provisional to Permanent Assistant Building Inspector (Marcos Padilla)

WHEREAS, the appointment of Marcos Padilla as Assistant Building Inspector containing, as the position is defined within the Village as filed with the Rockland County Department of Civil Service, with components of Fire Inspector, Building Inspector and Code Enforcement, a

necessarily Provisional considered position under NY Civil Service Law, awaiting the testing of candidates for the position and then the further internal review of credentials of the candidates therefor; and

WHEREAS, Marcos has successfully served in said position as Provisional appointee while awaiting the results of said testing and further selection process, and the Rockland County Personnel Department of Civil Service reported said results on or about June 7, 2024. Supplying a list of 12 candidates to the Village Clerk-Treasurer who canvassed the top 10 candidates, of which only 4 responded; and

WHEREAS, the Village Clerk-Treasurer further reports interviewing the 4 candidates who responded and opted to be interviewed, and then was compelled to eliminate two such candidates who did not have the NYS Building Safety Inspector, NYS Code Enforcement Official courses A-F of the NYS Code Enforcement Basic Training Program satisfactorily completed, the Village not having an in-house training program.

WHEREAS, of the remaining 2 candidates, the Village Clerk-Treasurer strongly recommends that Marcos Padilla be given the Permanent Appointment, being eligible and qualified under the Civil Service Law, and has successfully completed all necessary Course Certifications and with the most applicable experience; and

WHEREAS, the Mayor highly recommends the appointment of Marcos Padilla as permanent Assistant Building Inspector (FT) as consistent with the recommendation of the Village Clerk-Treasurer.

THEREFORE, BE IT RESOLVED, effective July 19, 2024, that Marcos Padilla appointed as Provisional Assistant Building Inspector be changed to a Permanent Assistant Building Inspector (FT) subject to any associated rules and regulations of the New York State and the Civil Service Department.

Motion: Deputy Mayor Caridi

Second: Trustee Golden

Upon vote, the Resolution was carried unanimously.

Resolution No. 24 - 087

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

THEREFORE, BE IT RESOLVED, the Abstract and Schedule of Claims dated July 24, 2024, and totaling \$161,137.02 hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Trustee Egenhauser

Upon vote, the Resolution was carried unanimously.

Resolution No. 24 - 088

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 24, 2024, for Professional Fees, and totaling \$18,417.88 hereby approved, and the claims listed hereon shall be paid.

Motion: Trustee Golden

Second: Trustee Egenhauser

Upon vote, the Resolution was carried unanimously.

Resolution 24 - 089

Village of Montebello

Title Approval of the Holding of and Expenditures for the Village of Montebello Jazz Festival on September 8, 2024

WHEREAS, by virtue of 2024 Village Budget line item A7550, “Celebrations”, the Village Board recognized the benefit to the community of sponsoring as a Village event the 2024 Jazz Festival, and allocated an expenditure of up to \$20,000 to fund such event; and

WHEREAS, in furtherance thereof, the Mayor, Village Clerk and staff, have expended significant effort in arranging and organizing such event to be held on September 8, 2024, on Village Hall grounds, from 1 to 6 pm, in conjunction with the Historic Preservation and Parks Commission, and the Deputy Mayor and Trustees, including having arranged performances by the following renowned jazz musicians who have agreed to rain, or shine perform as follows:

1. Bill O’Connell Quintet (by Bill O’Connell)
2. The Curtis Brothers (by Luques Curtis)
3. Richie Morales Quartet (by Richie Morales)

At a total cost of \$9,500; and

WHEREAS, sound systems and sound production has been arranged by Say Watt Sound, LLC at a cost of \$1,000; and

WHEREAS, it is estimated that all other expenses for advertising, flyers, signage, supplies, water, security, insurance, portable toilets, and miscellaneous as necessary in the judgement of the Mayor and Village Clerk-Treasurer will not exceed the budgeted amount; and

WHEREAS, donations are being solicited from businesses supporters with connections to the area in order to help defer the expenses of the event, which will reduce the net expenditure; and

WHEREAS, admission will be without charge, but the food and beverages will be by individual purchase from the vendors arranged to be on site.

THEREFORE, BE IT RESOLVED, as consistent with the budgeted line item, that the aforesaid event and expenses therefore be and hereby are approved, and any associated contracts are approved, as consistent with the 2024 Budget, said expenditure not to exceed \$20,000 without further action of the Village Board, it being understood that funds donated towards the event by business sponsors, will help defer the above expenses all which shall be gratefully acknowledged on the record by announcement and printed notice as having helped to sponsor said event.

Motion: Trustee Golden

Second: Trustee Egenhauser

Abstain: Mayor Millman

Upon vote, motion carried unanimously.

Resolution: 24 - 090

Village of Montebello

Title: Jazz Festival Portable Toilet Rental

WHEREAS, the Montebello Jazz Festival will take place on Sunday, September 8th at Village Hall grounds from 1 pm to 6 pm; and,

WHEREAS, Village Hall will not be open during this event so portable toilets are needed for the attendees; and

WHEREAS, estimates were sought from several vendors to provide the costs for portable toilets, yielding the following:

| Vendor | Description | Price Quote |
|----------------|--|--|
| John to Go | JTG ADA-Compliant Portable Toilets (2) includes delivery and pick up | \$567.00 |
| United Rentals | Standard Restroom plus Handicap Accessible Restroom Delivery & Pick up | \$175.00 + \$295.00 + 90.00 = \$560.00 |
| A John Inc. | Regular Portable Toilet with Sink plus ADA-Compliant Portable Toilet includes delivery and pick up | \$225.00 + \$350.00 = \$575.00 |

; and

WHEREAS, based on the estimate provided, the recommendation of the Village Clerk-Treasurer is to rent the portable toilets from John to Go.in the amount of \$567.00.

THEREFORE, BE IT RESOLVED that the proposal of John to Go be accepted at a total cost of \$567.00, the expenditure of which for these purposes is hereby approved.

Motion: Trustee Golden

Second: Trustee Egenhauser

Upon vote, motion carries unanimously.

Resolution: 24 - 091

Village of Montebello

Title: Amending Village Attorney and Deputy Village Attorney Hourly Pass-Through Rate

WHEREAS, the Board of Trustees amended Chapter 65 of the Village Code, Resolution No. 10-085, adding legal services to the professional fees to be reimbursed in the context of certain land use applications; and

WHEREAS, the Village Board set an hourly rate for legal services reimbursement for preparedness of said Chapter by authority of Section 65-1 and for contract work for the Village, outside salaried work, to be adjusted from time to time by action of the Village Board.

THEREFORE, BE IT RESOLVED, that the Board of Trustees upon request that such rate lag behind other municipalities does hereby increase the hourly rate for legal services reimbursement from \$200.00 per hour to \$210.00 per hour, effective August 1, 2024.

Motion: Trustee Golden

Second: Trustee Egenhauser

Upon vote, the Resolution was carried unanimously.

Resolution 24 - 092

Village of Montebello

RE: Speed Table Request – River Road

WHEREAS, the Village Board established a Traffic Calming Program by virtue of the procedure set forth in Village Board Resolution No. 06-101, whereby a neighborhood may petition for the installation of speed tables (“speed bumps”) to calm traffic road segments alleged to be dangerous; and

WHEREAS, such a petition dated on or about June and July 2023 for the installation of speed tables on River Road, between Victory and Montebello Roads, was found deficient by the

Village Engineer in his letter dated September 19, 2023, with which the Village Attorney concurred, because an insufficient number of signatures was obtained from River Road households vs. the required 75% vs. those on Victory and Montebello Roads: and

WHEREAS, additional signature pages were obtained and supplied, which when added to the earlier River Road signatures have been construed by the Village Engineer, given the subject road segment ALSO having been reduced to River Road between Rocklyn Drive and Moriah Lane, as meeting the requirement for those impacted on River Road, being 87% of same vs. 75% requirement, as sufficient to justify a Public Hearing per his letter dated June 19, 2024; and

WHEREAS, the Village Attorney concurs that a reasonable interpretation of events is to construe the combined submission as sufficient to justify a public hearing; and

WHEREAS, the Village Engineer reports that, preliminarily in his view, one speed table appears feasible and reasonably justified, subject to the Public Hearing, given the straight-away which is conducive to speed, and suggests a speed table appropriately mid segment.

THEREFORE, BE IT RESOLVED, that a Public Hearing be held on August 21, 2024, beginning at 7:00 PM local time, on the possible installation of a speed table on River Road, and that the Village Engineer is authorized to temporarily mark the proposed location thereof, and that notice of said Public Hearing be drawn by the Village Attorney, and that same published and posted and that the application and any additional materials be made available to the Public and Village Board.

Motion: Trustee Golden

Second: Trustee Humphrey

Upon vote, motion 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 Mayor and Village Attorney will be meeting with Homeland Towers with regards to a potential cell tower.
- The Mayor and Village Attorney are reviewing the contracts for the Streetlight project.
- Village Hall is currently under construction with a painting overhaul.

At 8:22 PM, Trustee Golden made a motion to close the meeting, seconded by Trustee Humphrey. Vote carried unanimously.

Respectfully submitted:

Joan Will, Village Clerk-Treasurer