

# Village of montebello review



Jeff Oppenheim, Mayor, Lance Millman, Deputy Mayor, Marc Citrin, Stacy Caridi, Steven A. Sorrillo, Trustees

## Greetings from the Mayor



### THE "STATE OF THE VILLAGE"

In this column I would like to offer my first annual "State of The Village" report. This will

be an opportunity to present the economic condition of our Village government, including some of the challenges and opportunities we face. I am pleased to report to you that the economic standing of our Village, backed by \$1.159 billion in real estate value, is excellent.

At the November meeting of the Board of Trustees, the second Independent Audit of the Village's finances was officially accepted. This audit, completed by KRPJ, provided us with a clean report that indicates no significant deficiencies. In addition, the auditors identified \$82,802 of escrow funds that could be transferred to our General Fund, thereby improving our available resources. The audit is available on our website for your review.

Notably, the auditors found that the Village's assets exceeded liabilities at the close of the most recent fiscal year by \$5,460,858. Although this figure includes the value of illiquid assets, such as the Village's roads, the positive nature of this value stands in stark contrast to the negative value of many other municipalities nationwide that are heavily leveraged and straddled with debt. Montebello's debt, even with the recent purchase of the former Reform Temple, is

very small.

Recognizing our outstanding financial condition, Moody's Investors Services recently assigned Montebello an A1 rating for our bonds. They hailed our low debt burden (0.2%), which is much smaller than that of either the Town of Ramapo(1.2%) or the Ramapo Central School district (1.2%). They write, "Moody's expects the Village's financial position will remain strong given healthy reserve levels, relatively limited expenditure pressures, and fully guaranteed property tax receipts."

The recently approved budget for 2008 requires a tax increase in order to pay for the added debt cost associated with the purchase of the former Reform Temple of Suffern (RTOS), now called the Montebello Community Center. This increase amounts to about \$100 per household, or less than a 1% increase in the total property taxes paid by the average homeowner. As you probably know, this purchase was approved at a special election held on July 10th by more than a 4:1 ratio of voters. The Village purchased the property in October after negotiating a supplementary \$25,000 reduction in price. We saved additional money on the closing costs thanks to the hard work of our attorney, Warren Berbit.

Our 2008 budget was written with a slightly different approach than past budgets. For example, in order to make line items easier to understand, we have identified where monies are reimbursable to the Village and where they are not. Another new feature in the

budget is a "pay as you go" approach to road paving. This new approach is intended to reduce the chance that the Village will need to have to issue new bonds in the future to pay for road paving. Since road paving should last about 20 years, and since we have about 15 miles of road, we will set aside enough money each year to pave .75 miles of road.

Because a tax increase is necessary for the coming year, it is particularly important that the budget is frugal. For this reason, none of the Boards will receive a net increase in payments to members. Full time employees received a 4% COLA increase in salaries.

In addition to the purchase of the RTOS, several other factors will result in higher costs and lower revenue. For example, we face the first increase in trash collection fees in 5 years (as the old contract expired). The new trash contract reflects a 5% per year increase, or roughly 25%. At the same time, we have also instituted trash service to the affordable housing development at Indian Rock.

Non-tax revenues are anticipated to decline in the coming year for several reasons. Fewer developers are expected to be approaching our Boards and, therefore, net fees are anticipated to decline. The mortgage recording tax will almost certainly decline in the setting of the current real estate slump. The recently added sales tax surcharge in Rockland was written to provide revenue only to municipalities with police forces, thereby excluding Montebello. These are

**The "State of The Village"** *(continued)*

just a few examples of the facts that make us cautious about revenue.

At the same time, Montebello's assessed value went down for the third year in a row. On November 14th the Board of Trustees invited the Town Assessor, Scot Shedler, to explain the reason for this decline. He noted that while the "Assessed Value" of our Village fell from '06 to '07 by more than one million dollars to \$143,567,829.00, the "Full Value" went up from \$1.064 to \$1.159 billion dollars.

The explanation for this discrepancy is that an equalization rate (set in Albany) is applied to properties throughout Ramapo to determine yearly changes in the assessed value. This has the unexpected effect of changing the assessed value independent of the full (or actual) value. In the abstract, this rate change does not have an absolute or even a relative impact on the amount of taxes that a homeowner pays. Consider a hypothetical scenario in which the budget doesn't change from one year to the next: a homeowner with a \$10 tax bill in the first year could see his assessed property value go down, his tax rate go

up, and yet his bill would still be \$10 in the second year.

Since we are anticipating and preparing for austere times, the Board has been making efforts to save money in every possible way. In the last few months we realized significant savings. As noted above, we recovered \$82,802 from an escrow account. By switching to a private natural gas supplier last year we saved 9% from O & R's rate. We recently requested an accounting from the law firm litigating the ASHD suit in conjunction with 4 other Villages. We found that some of the other Villages had not kept up with our level of contributions. This differential is being corrected.

We changed the Village's insurance provider (saving us 25%) and have requested that our prior insurer refund our surplus reserve. We have also amended our schedule of the fees paid by developers to make the charges consistent with other Villages. Recently, we stopped paying for senior cab fares for medical visits, as the county (under a State grant) is now handling this service.

Savings in the last 6 months have been substantial. We avoided a presumed \$1

million dredging project with a simple fix. We obtained approximately \$175,000 in grant money to help pay for the renovation and repair work done at Village Hall. This work will make Village Hall more energy efficient and less expensive to operate. We also collected grant money from FEMA and Cablevision, and materials support from the Town of Ramapo.

No one enjoys paying property taxes. Therefore, we must be certain that every one of your tax dollars is spent carefully and frugally. A transparent budget process allows everyone to see that this is exactly what we are trying to do and that your tax dollars are not being wasted. The state of our Village is excellent because we have an inventory of ideas, a diversity of talent, and the foresight to deal with our problems.

Please feel free to contact me with your thoughts, questions, comments and complaints.

Happy Holidays to all.

Jeffrey S. Oppenheim  
*Mayor*

Our 2008 budget is available for your review on our website.

Here are some of the highlights:

**Revenue**

Money raised by property taxes	\$1,134,607	49%
Money raised from all other sources	\$726,900	31%
Appropriated surplus	\$475,000	20%
Total Revenue	\$2,336,507	100%

**Selected Appropriations**

Salaries and wages (42 people)	\$458,134
Highway Maintenance Contract	\$386,400
Garbage/Trash hauling Contract	\$490,700
Serial Bonds payments	\$243,248
Highway improvements	\$105,000

**PARKS COMMISSION**

*Submitted by  
Bob Congionti, Parks Commissioner*

The Parks Commission is aggressively working on moving the Ponds Park Project ahead and will continue in 2008.

The first step of the process is to dredge the Ponds to the original depths post construction however a lot of thought is going into the plan on where to store and place the material removed from the Ponds.

Updates on Ponds Park Project are communicated through the Village Newsletter, Park Commission meetings and Village Board Meetings. Village Board Meeting can also be seen on Cablevision Access Channel on Sunday nights at 9:00pm.

For information on meeting dates and times, please see our website:  
[www.villageofmontebello.com](http://www.villageofmontebello.com).

The Parks Commission will also be busy in 2008 resuming Summer Concerts, Family Camp-Out, Montebello Clean Up Day and several beautification projects.

As you may have noticed, several of our Village Signs have been landscaped and will be maintained as part of our beautification efforts for our Village. We would like to thank the Montebello Civic Association for their financial contribution on this project and we look forward to working together with them in the future.

I would encourage membership to this organization so that we can insure we have a well funded watch group looking out for our best interest in community activities.

Montebello Clean Up Day will be our first Event of the year this coming April and we look forward to an even better turnout than last year, as our streets surely could use some Spring cleaning!

We continue to raise the "Clean Up" issue in our Village at every opportunity since we find that some people ignore our continued effort in advocating cleanliness of our streets, playgrounds and parkland clean. Quality of life is important to many in Montebello and we will continue these efforts in hope that everyone will do their part not only on Montebello Clean Up Day but always.

The Ponds Park will soon be part of our community however many are using this Park as a dumping ground for Trash, grass clippings and in some cases tree and tree stump dump site.

I urge all those living in the Pines to report any of these activities to local authorities.

***The Parks Commission would like to wish all of you Happy, Healthy and Safe Holiday Season.***

We would just like to remind you emblems that attach to the storm drains that read "NO DUMPING-DRAINS TO STREAM are available at Rockland County Division of Environmental Resource, Mary Hegarty at 845 364-2669 at the Rockland County office or Amy Rapoport at 845 357-5929.

The Parks Commission meetings are held the first Thursday of every month, all are welcome to attend. Share your ideas and thoughts with us.

***PLEASE KEEP OUR VILLAGE CLEAN. ■***

***FROM THE DESK OF  
HARRY P. LEWIS...  
Building Inspector***

***Tree Removal***

This past year the Building Department has been the recipient of numerous complaints regarding the removal of trees without the required approval from the Village.

Prohibited activities are as follows:

To cut, destroy, remove or substantially injure any tree.

Place or maintain upon the ground any substance or impervious surface which would impede the free access of air and water to the roots of any tree that would cause the tree to die.

Apply any substance to any part of a tree including the roots with the intent to injure or destroy the tree.

Permitted activities are as follows:

The cutting, pruning, or trimming of trees in a manner that is not harmful to the health of the tree.

The cutting, destruction or removal of trees which are diseased or dead or which endanger public safety and pose immediate peril based upon a determination made by our Arborist.

The cutting or removal of not more than four trees during any two year period from any lot unless said removal is in accordance with a site or subdivision plan approved by the Planning Board. Said trees shall have been identified on said plans and no additional trees shall be cut without approval of the Planning Board.

The cutting, removal or destruction of a tree as necessary to construct any structure for which a building permit has been issued by the Building Inspector and which does not require subdivision or site plan approval provided said cutting, removal, or destruction is kept to the absolute minimum required to construct the structure. Any application shall indicate the extent of the tree removal on the property. The Building Inspector upon review of a building permit application which requires extensive tree cutting or removal may refer the application to the Planning Board for approval.

*Continued on Page 4*

**From the Desk of Harry P. Lewis... (continued)**

"Extensive" shall be defined as the cutting or removal of four trees or more.

The cutting, removal, or destruction of any tree pursuant to an order or directive of the Village, County, or State Agency shall not apply to activities involving trees within the public rights-of-way or publicly owned properties.

The cutting or removal of trees as shown on an approved site plan or subdivision plan, or a plan approved by the Planning Board.

**Exceptions:**

Upon written application to the Planning Board, the Board may, by resolution, grant an exception from any of the requirements mentioned. The decision by the Planning Board shall be made within 30 days of receipt of the request or at the next regular Planning Board meeting if not within 30 days. The Planning Board may grant such exceptions from the requirements as may be reasonable and within the purpose and intent if the enforcement of one or more of the provisions is impractical or will exact undue hardship because of peculiar conditions pertaining to the property in question.

All of the above mentioned excerpts are from our Code of the Village of Montebello Chapter 176 Section 176-6 entitled "Tree Removal."

**Definition of a tree:**

A woody plant, the branches of which spring from and are supported upon a main trunk, with a minimum caliper of five inches measured four feet from the ground.

Failure to abide with the above mentioned Code will result in penalties as follows:

**Penalties for offenses':**

The Village Engineer shall determine

compliance with this chapter, and any person violating any of the terms or provisions of this chapter or refusing to comply with the rules and regulations of this chapter shall, upon conviction, be subject to a fine not exceeding \$100 for each offense. Each tree that is cut or damaged without appropriate approval from a Village agency shall constitute a single offense, up to a maximum penalty of \$5,000 per lot.

Persons developing properties which have received site plan or subdivision approval, and who violate the terms and conditions of said approvals, by clear cutting, removing or otherwise damaging trees through construction, grading or other activities, shall be subject to a fine not exceeding \$200 for each offense. Each tree that is cut or damaged shall constitute a single offense, up to a maximum penalty of \$10,000 per lot.

The Planning Board may require such remedial or protective measures to be undertaken as may be necessary to protect the balance of the original landscaping plan, such as, but not limited to, the use of snow fencing, chain link fencing, or other protective measures.

In addition to any other penalty, the violator will be required to replace, in kind, each and every tree removed, cut down or destroyed in violation of this chapter. If a tree was so large and mature that it cannot be replaced, the Planning Board may require the planting of multiple trees instead, based on the sole determination of the Planning Board if the number, species and size of trees necessary to meet the objectives of this chapter. No Certificate of Occupancy shall be issued for new construction on the property on which occurred any violations of this chapter unless and until the provisions of the subsection have been complied with.

Where a tree of any size is removed, cut

down or destroyed in a conservation easement or conservation area designated on a plan approved by the Planning Board, fines may be doubled.

Whenever the Village Engineer shall determine that any activity is being conducted in violation of this chapter, the Village Engineer shall request that the Building Inspector notify the owner of the property, the owner's agent, or the person performing the work, to suspend and halt work. Such direction by the Building Inspector (a stop-work order) shall be in writing and delivered to the owner, or the owner's agent, or the person performing the work or affixed to the site. Such stop-work order shall state the reasons therefore and the conditions under which the work may be resumed.

To the residents of Montebello who may be cutting or removing trees without the necessary approval, your cooperation pertaining to the Tree Removal Code is appreciated. Please "THINK BEFORE YOU CUT". ■

.....

**FROM THE  
VILLAGE CLERK'S OFFICE**

Village Tax Bills will be mailed out before the end of the month and are due by January 31, 2008. Payments received after that date are subject to a penalty.

There is NO PARKING on Village roads between November 15th and April 15th between the hours of midnight & 6:00 am.

Holiday Schedule for Garbage: There will be no garbage pickup on Christmas Day and New Years Day.

Village Hall is closed on Christmas Day and the day after, the staff at Village Hall wishes all of our residents a Happy and Healthy Holiday Season.

**HISTORIC PRESERVATION COMMISSION**

The Montebello HPC has had a very rewarding and productive 2007. We have been busy and really needed some extra assistance. Help came unexpectedly when the Village Board of Trustees gave us two new members, Wayne Leone and Chantel Schwartz. At that point one of our three founding members, Neeley McCormack resigned due to personal commitments. Fortunately a new member of our Village, Sandra Ward, is very interested in historic preservation and was happy to join our little group. I am certain she will be a great asset. Valerie Rainford, Hannelore Renud, and Dodie Bracken, round out our commission. We look forward to the future, with its new challenges and creative ideas. Suggestions from our Village residents are always welcome.

On July 25, 2007, the HPC issued its new Certificate of Appropriateness. We had been working on the Certificate for a few months, consulting Albany and the internet to be sure it was right. Larry Turco, who is planning to construct twenty condominiums for people 55 and older on the mansion property off Hemion and Montebello Roads was looking forward to receiving his certificate. We were ready to give it to him. At the beginning of the project the HPC was very concerned that these new buildings would compliment the Historic District that the mansion occupied. We were adamant about keeping the feeling of the appropriate architectural period of the mansion. We were very lucky to obtain pictures of the original buildings on the district's property; like barns, carriage houses etc. these structures helped us to visualize the necessary shapes, colors, materials, windows, doors, trims etc. Our mission was to try to replicate a feeling rather than a copy. This process was long and hard, but in the end we felt we were successful.

The HPC's final approval was the first certificate we had to issue and we were glad to give it to Mr. Turco. He had waited patiently for two years before we all came to an agreement.

We are now involved with Mr. Marcel Amona who is planning the redesign and

construction of the cottage at the Historic Preservation District of the Fant Farm on Spook Rock Road. Mr. Amona would like to turn this small cottage, built in the early 1900's, into a 21st century family home. Our mission is to preserve the historic architectural integrity of the cottage and still make it a profitable project for the builder. We spent hours comparing similar structures, discussion, reviewing plans and receiving input from our Village Architect. We now think we are ready to share our results with the Village residents at a public hearing. After compiling all the results we will be ready to give Mr. Amona a Certificate of Appropriateness if he has complied with all our requests.

If any Village resident would like to recommend a historic structure for preservation, they can get an application from the Montebello website or the Village Hall.

So now we move on to the New Year!

Hope it will be healthy and happy for everyone.

Dodie Bracken, HPC Chairman ■

**MONTEBELLO COMMUNITY CENTER**

by Trustee Steve Sorrillo



In October, the Village of Montebello officially purchased the site formally known as the Reform Temple of Suffern located on Route 202 in the Village of Montebello.

This was done with the support of the residents of the Village as expressed in a referendum held in July. That referendum passed by an 82% majority. The purpose of this acquisition is to establish a community center where we can hold meetings and have a venue for civic and recreational purposes. We have therefore renamed it the Montebello Community Center.

The center consists of two structures connected by a passageway, as well as a large parking lot. These two structures include

an older house that was used for office/teaching space and a large single story room suitable for meetings and other gatherings. We plan to construct a wall and effect certain other structural changes in order to separate these two structures. This will permit these two areas to be utilized independently. Because the office space is not currently needed by the Village and because we want to save money, we will try to lease the office space in order to derive some income for the Village. The space up for lease only includes the older house structure since it's layout is more appropriate for office use. We believe this strategy will enable us to partially defray the cost of owning and operating the Center. Although the Village is not in the business of being a landlord, this course of action is more logical than allowing the space to be underutilized. To this end an agent has been retained to find a suitable tenant to lease this portion of the Center.

The meeting area is large (approximately 2000 square feet) and suitable for many functions. A primary use will be for the various Village boards and committees to hold meetings. Unlike the current Seniors' room at Village Hall, the new meeting room has room for hundreds of people. In the past there have been occasions when the Seniors' room is too small, or simply unavailable. The new meeting room will also be available for use by the Village residents, Seniors, civic groups, and others for gatherings and other purposes. In the coming months we plan to set up a process by which citizens can request the use of this room.

Currently we are in the process of renovating the structure to accommodate the usage we envision. This includes the repair of the parking surface as well as changes and upgrades to the structure itself. These renovations were taken into account at the time of purchase and the cost included in our estimate of the total cost to be incurred. We will be residing the exterior where the wood is in disrepair. We will be upgrading the fire and security system. We will also repaint the walls and repair the floors. It is our hope to have the center up and running by the first quarter of 2008. ■

**MONTEBELLO DAY 2007!**

by Lance N. Millman, *Deputy Mayor*



Without the support and help from you, our residents, Montebello Day could never have been this good.

This year was extremely successful. Our parking lot

was overflowing with cars and unfortunately we even had to turn people away.

We were extremely fortunate to have so many restaurants donate food to our day. One restaurant went beyond the call of duty, that restaurant was ZZest. ZZest donated food for approximately 200 people and when the owner who actually attended our day as a server saw our great turnout and response to his food, he put the order to his restaurant to keep the food coming. What is usually about two good hours of food almost lasted the entire 4 hours! We are very grateful for ZZest donation.

The other very supportive restaurants and food distributors that rounded out the rest of our food were La Vera Cucina, The Outback Steakhouse, Overseas Chinese Restaurant, Ole Ole, Nicky's Pizza, Pasta Cucina, Crumbs Bakery and water being supplied by Manhattan Beer Distributors. Without all of these donations it would have been just another day.

Supporting these restaurants and eating in our local establishments strengthens our businesses and supports our local economy.

We thank all of the information tables and organizations who attended our event and those individuals and businesses who supported our event with monetary donations.

Informational tables were represented by: Astronomy Club, Cornell Cooperative, D.A.R.E (Town of Ramapo), D.A.S. Martial Arts Academy, Good Samaritan Hospital, Healthy Lungs at Play from Rockland County Health, Human Potential Pilates, ISI Solar, Indian Rock Yoga, Life Plex Hudson Valley Aquatics, Men's Club of MJC, Montebello Civic Association, Rockland Toyota, Suffern Presbyterian Church, Tallman Fire Dept., The Boy Scouts and the Village of Montebello Parks Commission.

This year, we tried something new with our music. We asked any Montebello residents that have a local band that they play in to donate their time and their bands to play at our event. At first I was a little worried, but the calls start pouring in. We had nine groups call up and ask to play. I think everybody would agree that we had great diversified music this year. We extend our gratitude once more to these bands and hope you have a chance to hear them around the county as well as in future events. The three bands in case you missed them were:

- Miss Diagnosis, which included Montebello resident, Barry Kraushaar
- The Pete James Blues Band, which included Montebello resident, Kenneth Stern
- Zsoltar, which included Montebello resident, Paul Golenya

Our first ever Annual Cookie Baking Contest was a success. We started off with only two contestants and ended up with ten residents entering their unbelievable delicious cookies. Our top winner was Zoe Levine with her Oatmeal Raisin cookies. Besides a winning Certificate and Ribbon from our Village, the top winner received a \$50 gift card with 2nd and 3rd place each receiving \$25 gift cards. Not only was this a lot of fun for our judges, but afterwards the spoils were given as dessert to our residents. I will tell you there was not a cookie left over.

A special thank you to all the teachers and students from the Montebello and Viola Elementary schools who participated in submitting drawings and pictures to our Village Time Capsule.

I personally would like to thank all Montebello and non-Montebello residents who volunteered their time to help serve food, set up and clean up our event. We even had Middle and High School students who volunteered for community service, including Suffern High School's DECA group.

A few thoughts for next year event, please let me know what you think?

- Expand our cookie contest to a cookie and cake contest.
- Best flower garden in Montebello, those interested would allow

residents and judges to tour their property a week before Montebello Day and then residents and judges would vote.

Please let me know if you have other suggestions.

We look forward to next year's event and hope that more will help and volunteer their time to make our Montebello Day an even better one! ■

**"I'LL SEE YOU IN COURT!"**

By Marc D. Citrin, *Trustee*

For most of us, the Courthouse is a place we only view from a distance, until it's time to respond to that jury notice that comes in the mail. However, litigation is an essential element of our democracy and the right to have a case heard before a judge and/ or a jury is embedded in both the New York State and United States Constitutions. Here in Rockland County, we have a multi-tiered court system that is designed to serve the the public's interest from small disputes between neighbors to the most serious criminal matters

The lowest courts in the County are Village and Town Justice Courts. These courts are authorized to hear small claims and civil matters where the amounts in dispute do not exceed \$3,000. These courts also adjudicate traffic infractions and misdemeanors. In Montebello, there is no village court. Our local court is the Town of Ramapo Justice Court which sits at Town Hall on Route 59 in Airmont.

The next level within the court system contains three separate county-wide courts all located in the county seat in New City. The County Court handles primarily felony criminal matters, but also has jurisdiction to hear civil cases involving monetary disputes of \$25,000 or less. The Family Court is authorized to issues involving children including custody, visitation, child support and adoption. The Surrogates Court hears cases involving the estates of the deceased as well as will contests and adoptions.

The highest level court within the county is the court of general trial jurisdiction, the Supreme Court. If the amount in controversy

**"I'll see you in court"** (continued)

in a civil dispute exceeds \$25,000, the case must be brought in the Supreme Court. In addition, the Supreme Court handles divorce proceedings as well as any actions not involving a monetary dispute where one party seeks to stop or enjoin another party from engaging in specific activities. As the trial court of general jurisdiction, the Supreme Court also concurrent or shared jurisdiction of many matters handled in the lower courts.

While the Courthouse may be "foreign territory" to most of us, it is an integral part of our community. Here in Montebello, we are honored to have three of our residents sitting on the bench; Justice Robert Berliner of the Supreme Court, Judge William Warren of the Family Court and Justice Arnold Etelson of the Ramapo Justice Court. ■



### MONTEBELLO WELCOMES FIRE INSPECTOR FRANK WILSON

Frank Wilson, the former Battalion Chief of the Suffern Fire Department has joined Montebello as the Fire Inspector. Frank is a graduate of Suffern High School, a Vietnam Veteran and is retired from the U.S. Postal Service. He has more than 30 years of experience in the Fire Department and is a certified Assistant Fire Inspector.

### MONSEY JEWISH CENTER Q & A

by Stacy Caridi, *Trustee*

Recently, a new Congregation, Sharay Israel, began to prepare a property on Montebello Road for the construction of a new synagogue. Their preparation work led to numerous phone calls and emails to Village officials by concerned citizens. I would like to address some of the concerns that residents have expressed in a question and answer format.

Sharay Israel is a new Congregation that was formed by the merger of two Congregations that have been in Rockland County for many years, Monsey Jewish Center (MJC) and Sharay Tifila. They have a membership of approximately 280 members. They purchased property in Montebello (under the MJC name) extending from Montebello Road to Executive Blvd.

**Q.** Why was it necessary for them to perform drainage work on Montebello Road?

**A.** That work is intended to (a) meet the developer's responsibilities under the Village's site plan regulations and

(b) upgrade the existing drainage structures in those roads. The Village's site plan regulations, together with the requirements of the New York State Environmental Quality Review Act (SEQRA) and other requirements of the New York State Department of Environmental Conservation, the Rockland County Highway Department, and the Rockland County Drainage Agency, mandate that the rate of surface water runoff from a property be no greater after construction is completed than before construction is started. Runoff rate (i.e., speed) should not be confused with runoff volume, which must necessarily increase with any increase in impervious surfaces.

This concept is known as "zero net incremental rate of runoff", usually short-handed as "zero-net". To achieve zero-net, engineers design various detention and retention structures. These structures slow the rate of the runoff to pre-construction levels. The entire drainage system may be involved in this effort. The system is designed by the applicant's professional engineer and reviewed by a professional engineer hired by the Village. In this case,

the applicant's engineer was Stuart Strow, P.E., and the Village's engineer was Elliot Sachs, P.E., of Boswell Engineering.

Messrs. Strow and Sachs worked together over a period of ten months until Mr. Sachs and the Planning Board were satisfied with the system. During that time, public hearing sessions were conducted almost monthly by the Planning Board to discuss this and other aspects of the plans. In addition, the Zoning Board of Appeals held public hearings to discuss requested variances.

The first Planning Board session was held on August 8, 2006. The general design of both on-site and off-site drainage improvements was approved at a session held on January 7, 2007. Refinements to the plan continued until the project received final approval on June 12, 2007. During this review, proposed plans and revisions, together with Mr. Sachs's written comments and minutes of the Planning Board's meetings, were available for public review at Village Hall. They are still available to any member of the public who wishes to read them.

Continued on Page 8

**Monsey Jewish Center Q & A** *(continued)*

In addition to meeting the zero-net requirements, any drainage project must meet NYSDEC requirements relating to turbidity and comply with MS-4 regulations. They must also meet Rockland County Drainage Agency and Rockland County Highway Department requirements. Mr. Sachs, in his reviews, addressed these matters, and more.

Montebello Road is a county road in this area. Any disturbance to the road requires a Rockland County Highway Department Work Permit, and the work must conform to the permit and to the regulations of the Department. The Department was involved in the review process from the beginning, as was the Rockland County Drainage Agency and the Rockland County Planning Department. The Highway Department also oversees work within its roads.

**Q.** Were all the neighbors properly noticed about the hearings?

**A.** Yes. The Planning Board when reviewing the Monsey Jewish Center project followed public hearing notice procedures. Site plan applicants must send a notice of public hearing to owners of all properties within 500 feet of the project site. Notices are mailed prior to the first session of a public hearing, not before each session. Once a public hearing is opened, the Planning Board can continue it from meeting to meeting without the giving of new notices.

In this case, the site plan application was amended partway through the process to take into account additional land that had been added to the site. As a result of the amendment, a second round of public hearing notices was given. The Planning Board continued the public hearings from meeting to meeting at the end of each session. The Board does so immediately upon the conclusion of the meeting segment

devoted to an application, rather than waiting until the end of its agenda. In this way, all who are present for the presentation of the application can hear the date on which the hearing is to be continued. The public hearing notices were published in the Journal News and posted at Village Hall.

**Q.** Was it legal to clear so many of the trees on this property?

**A.** Mostly, yes. The clearing of trees is permitted within a designated area on an approved plan based on several factors. For example, trees can be removed where a building or house is to be erected. Trees can also be removed in areas that require changes of grade and in areas that will have driveways, sidewalks and/or parking lots. On the tree-clearing map for Sharay Israel, this includes most of the property. Our engineer believes that fewer than 10 trees may have been removed from outside the limits of this map. Much of the lot that was cleared was already a field devoid of trees but obscured by the house that was demolished.

The tree plan requires Sharay Israel to replant about 140 trees and many more shrubs. The map demonstrating this plan is available for review at Village Hall.

**Q.** Does the Village of Montebello support tree preservation?

**A.** Emphatically, yes. In the past few years the Village has established new limits on development near wetlands, preserved "historic Properties", limited development of new "flag" lots with new local laws, passed local laws to improve watershed preservation, proposed a new approach to tree preservation, hired a new Village engineer, raised Board fees for developers, increased the money in lieu of land fee for developers, and developed an

increased focus on open space and parks.

The Board is currently working on strengthening our Tree Preservation law and rigidly enforcing violations of our conservation easements. However, it is important to recognize that every home in Montebello was built at the expense of some trees and bushes. It is not legal to simply deny people who own property from their right to develop their property within the Village Code. Our efforts are directed to reasonable modifications of the code to strengthen conservation and preservation.

**Q.** What will be the impact upon traffic on Montebello Road?

**A.** Sharay Israel has agreed to restrict construction vehicles from entering the property on Montebello Road and to limit them to Executive Blvd access. Similarly, on the Jewish High Holidays all traffic is expected to be directed through Executive Blvd. This will limit significantly the adverse impact of high volume traffic.

**Q.** Sharay Israel is the 3rd religious group to reside on Montebello Road. Can the Village limit the number of Houses of Worship that are built?

**A.** No. The First amendment to the Constitution prohibits government from prohibiting the free exercise of religion. The RLUIPA law, passed by Congress and signed by President Clinton further limited the circumstances under which a municipality may restrict land use for religious purposes. There are many cases now being litigated under this law across the country. However, a blanket prohibition on Houses of Worship would be illegal. ■



## FROM THE DESK OF THE VILLAGE ATTORNEY

Once again conservation easements (C.E.'s) gain attention. Hopefully, for the final time.

It should be well understood by now that a C.E. is a property interest in land owned by the Village. It is superimposed atop and conditions the fundamental ownership right of the homeowner in the same land (the "fee" interest). The C.E. preserves and protects all natural features of the land, including all plant matter. Thus, the Village's interest benefits the entire public, as these easements help maintain Montebello as the beautiful place that it is.

A homeowner cannot take any action in the C.E. that is detrimental to the Village's interest. Plants and trees cannot be removed (nor added), lawns or ground cover established, structures installed (such as fences, pools, sheds, patios, swing sets, playhouses, etc.), debris deposited or even firewood stacked.

Ordinarily, when a violation occurs the Building Department first issues a Violation Notice. The Department then reinspects, and if the problem has not been cured the homeowner will be prosecuted. This can lead to a Court Order to correct the problem and a fine. If the problem persists, further prosecution is possible as the homeowner will then also be in contempt of a Court Order. In addition, in particularly egregious or complex situations involving cutting down and removal of significant trees and brush, the matter may be directed to the Planning Board to develop and institute a replanting plan, akin to what happens with respect to violations of the Village's Tree Law. (Indeed, an incursion into the C.E. can violate both the Village's property interests and the Tree Law).

The subject comes to a head because the Building Department finally com-

pleted its study of the Village's C.E.'s and reported the result to the Village Board on October 14th. Disturbingly, many of the Villages C.E.'s bore signs of violation (e.g., about 20% of those in Montebello Fields and a high majority of those in Montebello Pines). Of course, the violations varied in nature and degree, and it is possible that some violations occurred by the hands of others, such as the developer, and not those of the homeowner.

The Village Board acted on October 14th to direct giving impacted homeowners six (6) months from notice to effect a cure. Initially, all property owners whose apparent violations include structural incursions are being sent a notice letter together with supporting documentation. These documents will explain the nature of each violation. The process will later be repeated for other forms of violation which do not include structural incursions. The noticed owners are urged to contact the Building Department to confirm what steps must be taken to cure the problem.

The Building Department will have the green light to proceed to Court in conjunction with the prosecuting Assistant Village Attorney if the 6 months pass without the violation being satisfactorily dealt with. A limited alternative to curing the problem is to apply to the Village Board for relief in the form of a variance. This process is time intensive for the Village, and will be a waste of time and money if a compelling health or safety reason or strong interest of justice reason for relief cannot be shown. For example, ignorance, a desire to formalize or "improve" the property, the cost of the incursion plus the cost to cure (unless the incursion is relatively minor and the cost to cure enormous) are all non-factors. As a consequence, the Board established a two-tier application fee: the first \$250 informally places the matter before the Board which will deliberate in public on whether there is sufficient merit to

warrant a full public hearing. If the Board decides in the affirmative, a second fee of \$250 will be due to cover the cost of setting up and conducting a hearing. Of course, getting to the second stage is not a guaranty that relief will be granted.

I hate to be perceived as the Grinch, but the timing is such that it was best that this subject be aired as soon as possible. On a more positive note, now that the extent of the problem is known we have a baseline for correction and comparison. Henceforth, the Village will actively monitor its C.E.'s. We will all be better off once the C.E.'s are brought up to par. Certainly, homeowners should hereinafter not be taken by surprise. It is worthy of mention that the continuous buffers and green areas created by CE's will benefit most those homeowners whose properties are subject to C.E.'s because of the proximity of companion C.E.'s.

My best to one and all for a festive and joyous holiday, and to the entire Montebello family for a wonderful (and green) New Year.

Sincerely,

Warren E. Berbit  
Village Attorney ■

The FAA plans to reroute  
400-600 planes per day over  
Rockland County.

Montebello is  
strongly opposed  
to these plans.

On Sunday, December 16th  
at 11AM there will be

a rally at  
The Suffern

Community Center

41 Washington Avenue

Please join us and help send  
a message to the FAA

January 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 <i>CLOSED</i> <i>New Year's Day</i>	2	3 <i>Parks Commission</i> <i>7:30 pm</i>	4	5
6	7	8 <i>Planning Board</i> <i>7:15 pm</i>	9	10	11	12
13	14 <i>Economic Development Committee</i> <i>7:30 pm</i>	15	16 <i>Board of Trustees</i> <i>8:00 pm</i>	17 <i>Zoning Board of Appeals</i> <i>7:45 pm</i>	18	19
20	21 <i>CLOSED</i> <i>Martin Luther King Day</i>	22	23	24	25	26
27	28	29 <i>CDRC</i> <i>9:30 am</i>	30 <i>Historic Preservation Comm.</i> <i>7:00 pm</i>	31		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 <i>Planning Board Workshop</i> <i>7:00 pm</i>	6	7 <i>Parks Commission</i> <i>7:30 pm</i>	8	9
10	11 <i>Economic Development Committee</i> <i>7:30 pm</i>	12 <i>Planning Board</i> <i>7:15 pm</i>	13	14	15	16
17	18 <i>CLOSED</i> <i>President's Day</i>	19	20 <i>Board of Trustees</i> <i>8:00 pm</i>	21 <i>Zoning Board of Appeals</i> <i>7:35 pm</i>	22	23
24	25	26 <i>CDRC</i> <i>9:30 am</i>	27 <i>Historic Preservation Comm.</i> <i>7:00 pm</i>	28	29	

February 2008

March 2008

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 <i>Planning Board Workshop 7:00 pm</i>	5	6 <i>Parks Commission 7:30 pm</i>	7	8
9	10 <i>Economic Development Committee 7:30 pm</i>	11 <i>Planning Board 7:15 pm</i>	12	13	14	15
16	17	18	19 <i>Board of Trustees 8:00 pm</i>	20 <i>Zoning Board of Appeals 7:45 pm</i>	21	22
23	24	25 <i>CDRC 9:30 am</i>	26 <i>Historic Preservation Comm. 7:00 pm</i>	27	28	29
30	31					



**MONTEBELLO CLOSES ON THE PURCHASE OF THE NEW COMMUNITY CENTER**

*In October, the Village of Montebello purchased the former Reform Temple of Suffern for use as the new Montebello Community Center. Work is currently under way to renovate and to repair the premises for use beginning in early 2008.*



**MONTEBELLO BEGINS USING SOLAR ENERGY**

*At noon, on November 18th, the Village of Montebello became the first municipality in Rockland to power its Village Hall with photovoltaic power. This new 6200-Watt system will generate about 35% of the building's electrical supply needs. 80% of the cost of this system was paid with state grants.*

*With a new electric meter installed, the switch to turn on the system was thrown by Montebello residents Erin, Bryn and Grace Weidel. James Albert, of ISI Solar, provided an explanation to the assembled residents about how the system works. A new meter will make it possible to follow how much energy the panels have generated.*



**PLANNING BOARD UPDATES**

- Info USA - Site Plan: The Board accepted the Environmental Assessment Form Part III and approved a Negative Declaration. The applicant has applied to the Zoning Board of Appeals for variances for Floor Area Ratio; Development Coverage, Height and for parking in the front setback.
- Weinberger Subdivision: is in the process of finalizing their map and wetlands permit.
- Fant Subdivision was given final subdivision approval and they were issued a Wetlands Permit approval. However, they are due back before the Planning Board for a revised final and Wetlands Permit due to the Town of Ramapo requesting a revision of the sewer design.
- Monsey Jewish Center received a Site Plan approval.
- Emerald Pines is a 4 lot subdivision located on Viola Road, has received Preliminary Plat approval.
- Empire Executive IX - Revised Site Plan is a proposal to build two small office buildings at the end of Executive Boulevard instead of one large building as was originally proposed under the Town of Ramapo, has been adjourned until the January meeting.
- Condon Subdivision- Preliminary Subdivision for four lots off of Route 202, has been adjourned until the January meeting.