THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, JULY 19, 2006 AT VILLAGE HALL. THE MEETING WAS CALLED TO ORDER AT 8:03 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Kathryn Gorman	Mayor
	Winsome Downie-Rainford	Trustee
	Jeff Oppenheim	Trustee
	Marc Citrin	Trustee
	Lance Millman	Trustee
	Warren Berbit	Village Attorney

Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

The first agenda item was a continuation of a public hearing on the historic designation of 84-86 Viola Road. The Village Clerk/Treasurer read the legal notice into the record:

PLEASE TAKE NOTICE, that a continuation of a Public Hearing which began on June 21, 2006 will be held by the Board of Trustees of the Village of Montebello on Wednesday, July 19, 2006, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard, to consider the recommendation of the Historic Preservation Commission as dated May 4, 2006 that the Village Board designate the structure and property known as "Johnson Farm", located at 84-86 Viola Road (SBL: 49.5-1-17), as a local historic landmark, by operation of 195-60 of the Code of the Village of Montebello.

All members of the public and all interested parties are invited to attend and participate. The Resolution of the Historic Preservation Commission and the application will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m.

The Village Attorney confirmed with the Village Clerk/Treasurer that the legal notice was published on July 9th and posted as required by law on July 10th and that copies of the application were made available to the Board members and the public on July 9th. Mr. Berbit also noted that this hearing was continued at the request of the property owner's attorney.

Mayor Gorman noted that the members of the Historic Preservation Commission are present and asked if any additional correspondence was received.

The Village Clerk/Treasurer responded that no other documents were received.

At 8:10 p.m. Trustee Oppenheim made a motion to open the public hearing, seconded by Trustee Millman. Upon vote, the motion carried unanimously.

Public Comment:

John Edwards, Esq., attorney for the fee owner Rockland Estate Homes, LLC, noted that the property owner had extended a courtesy by allowing the gentleman from the NYS Historical Society and the members of the Historic Preservation Commission to view the interior of the home and expressed his appreciation to the Board in extending the public hearing. Mr. Edwards went on to say in his own humble opinion, that the historic value must be in the eye of the beholder. Although there may be some very old timbers in the basement, overall the house appears to be typical with a mishmash of different periods, some dating back to the 1700's. Mr. Edwards noted that a subdivision application is pending before the Planning Board and has not advanced at this point in

time because the owner feels that the continued existence of this house may adversely affect the application. He continued that the flag lot law also makes this house, in its present location, potentially problematic. Mr. Edwards requested that the Board continue the hearing to allow the subdivision process to continue further, to the point where we have some idea of the process. If the Board is not inclined to do that, then the owner objects to the designation. He continued that he does not believe that the record before this Board, absent the consent of the owner, adequately qualifies this house for historic designation under the local law. He also questioned whether the law itself is not constitutionally infirm.

Mayor Gorman asked how many lots are being proposed?

Mr. Edwards responded, a total of five, including the one on which this house is situated, which would remain.

Trustee Oppenheim asked Mr. Edwards which one he considered a flag lot?

Mr. Edwards responded that he believes it is Lot 2, which would access from the road that is proposed on the subdivision map, rather than coming in Viola which, as the Village Attorney indicated, would create a number of potential environmental and planning objections. Lot 2 is accessed via a 25 foot flag, my understanding is that the adopted law would require a 50 foot pole.

The Village Attorney responded that he is presently sitting on the Planning Board for this particular project, because Mr. Emanuel had to recuse himself. The question came up whether that back lot, under the proposed law, would be considered a flag lot because it has access to two roads, or frontage on two roads but the developer wanted to rely on access to Emerald Lane, the new Emerald Lane. As a courtesy to the Planning Board, I asked the Village Board what it's intent might be with respect to the applicability of the law in the context of a lot like this. The consensus of the Board members was that the law would be applicable.

Mr. Edwards wished to clarify that this was just an advisory view and that the Zoning Board would be the official Board to interpret an ordinance. Mr. Berbit concurred.

Mr. Edwards also noted that the expressed views of members of the Village Board would not be considered binding and certainly would not be considered by the Planning Board.

The Village Attorney responded that it's part of the public record, not binding, maybe not even persuasive, but it's there.

Mr. Edwards showed the Board members the proposed subdivision map referencing Lot 2 which shows a flag off of the extended Emerald Lane.

For the sake of the record, the Village Attorney noted that the lot being discussed envelopes this house to the west and north, so it is on two sides of this house on Lot number 1.

Trustee Oppenheim questioned how the designation of the Johnson Farm would affect the ability to put up another house in the back with a flag lot that would be of any different width?

Mr. Edwards answered that if it were not for the designation, the house that's now being considered for historic

designation would not continue to exist. The subdivision would be configured differently with five lots and five new homes, the location of this house impacts how the subdivision is laid out.

Mayor Gorman asked at what stage this application is before the Planning Board?

Mr. Edwards responded that since the application was filed there has been one meeting and that he believed they were on the August agenda.

Mr. Berbit noted that his understanding was that the applicant requested being taken off the August agenda, that they needed two months to refine the design of the subdivision.

Trustee Citrin asked Mr. Edwards if it was his request for the Board to postpone their decision with respect to this particular homestead, to await a more favorable consensus for the applicant before the Planning Board. You want to tweak it with the Planning Board before you come back to us?

Mr. Edwards responded that once the Board makes the designation the clock starts to tick for us.
I don't want to be in court over the Johnson Farm, it would create problems for me before the Planning Board. He went on to say that he did not expect the Village Board or Planning Board to do other than what they believe appropriate and in the best interest of the Village. If we end up going to court over something, it will be in good faith on our part based upon a decision that I believe you made in good faith.

Trustee Oppenheim noted that the principal argument seemed to be the reluctance to put a flag lot in and laid out a possible reconfiguration to do so.

Mr. Edwards brought up other issues such as the detention basin and the overall topography relating to drainage, engineering matters that will affect the layout of the subdivision.

Neely McCormick- 439 Haverstraw Road, HPC Commissioner, stated that she is confused why we're hear discussing Planning Board issues when what this meeting is about is to discuss this particular house and what the owner of the property might be willing to do in the early stages of planning to accommodate the preservation, regardless of the retention basin and the flag lot. Since the owner is in the early stages of the planning process and had one meeting, is there a willingness on the part of the owner of the property to preserve the house? There has been a lot of talk about cooperation, but what I am hearing is that in the opinion of Mr. Edwards, the house is not worthy of preserving and therefore let's try to keep it out of court. The HPC and the State has determined that it is worthy of preserving so therefore, is your client willing to work with us in a cooperative manner to see how we can preserve this house without having your client lose money?

Mayor Gorman stated that Ms. McCormick is correct and she would be interested in seeing an alternate design with more creative planning, and the Mayor stated that she always strives for a win/win situation.

Discussion continued with Mr. Edwards as to how much time he was requesting and was Mr. Edwards clearly proposing that the Board defer action and adjourn until the application was much further along with the Planning Board?

Mr. Edwards stated that the Planning Board has submission dates and this is a complicated property with complicated features. Mr. Edwards stated that he is not asking to defer indefinitely. Mr. Edwards apologized and felt that he did not make it clear that the owner's want to cooperate. At this time there is not a new layout and if the Planning Board wants one, they will be happy to do so. The existing one is the one that the owner feels works and should work. When your Planner and Engineer point out difficulties with it, that may require modifications, we are more than happy to make changes. We are not strident that this is the only one. Nor am I here

telling you, we want to knock down the house. You want the house to be preserved, we'd like to preserve the house, not for the benefit of the owner, but for the Village. It does not impose limitations on development, and that's all I'd like to see, is the planning process proceed cooperatively, and I don't for a minute question the good faith of the Planning Board, and I know my client is willing to act in good faith. I just prefer to not do it in a more contentious environment that we may be forced to bring about, because the law imposes burdens on us.

Trustee Citrin stated that we already know that there is a flag lot issue and at some point you will need to reconstruct the site plan.

The Village Attorney stated that the dialogue before the Planning Board already indicated that there were some problems with respect to those protected zones with the wetlands and the fact is that it is not so much the existence of the house that's driving the configuration of the five lot subdivision, but its far more significant, there are difficult environmental features. Mr. Berbit asked Mr. Edwards, how much time is needed or if this Board can affirmatively agree not to raise a statute of limitations defense to a challenge for a certain "X" period of time? In other words, the Board takes its action tonight, but it also agrees that you have more time to challenge than is ordinarily granted, if you deem a challenge necessary.

Mr. Edwards stated that he did not necessarily have a problem with that but that he must put a few remarks on the record with respect to the findings of the HPC since the hearing is then going to be closed.

Mayor Gorman wished to recognize another member of the HPC at this time.

Valerie Rainford - 4 Senator Levy Drive, HPC Commissioner stated that at first glance this home did not look historic and it was difficult for the HPC to designate this property. We did, however, send the applicant back out to do homework along with the Village Historian. Also, Mr. Krattinger from the State's Historic Preservation Specialist Office was requested to visit the home. The HPC then relied on the experts to advise us. This home is what Montebello looked like hundreds of years ago. This home was also English land granted and there are not many like it, but what convinced me to support this designation was that there was one family who occupied the house for 200 years with a history of bible records and cemetery records. Not having that many homes like it is why Rockland County tourism used its picture for the front page of their book.. Ms. Rainford requested the Village Board go ahead with designation of this home.

Josephine Bracken - 3 East Place, HPC Commissioner stated that she agrees 100% with Ms. Rainford. In the Village's newsletter, which was received today, the HPC article was the letter that was sent to the Village Board underlying and explaining why we felt the house was historically valid. Ms. Bracken went on to read a portion of the letter: "Further testimony to the Johnson's home; historic significance came from our County government when the Johnson homestead was selected to grace the cover of the official Rockland County tourism book. It was selected from thousands of possible subjects by the publishers of this book to represent the rural character and charm offered to tourists visiting our County." If you look in the New York Times there's an article: Raising Up Against Tear Downs, preservationists explore new ways to save old buildings. A building does not have to be beautiful, but if it's old and it has a history, then it's important. I think that we've lost too much of that in Rockland County, and I think that our Village should be proud that they still have something that they can preserve.

Mr. Edwards apologized if anyone perceived his remarks as a threat of litigation. He chose to make them not as a basis for asking the Board to act tonight, but to advise the Board that things can happen that result in a much more contentious atmosphere that does not have to exist. He went on to say that he would like to work with the Village, but he does not see the historic value either in the house or in the document produced by the

HPC Board.. He does not think the recommendation from the Board adequately addresses the criteria set forth in the Village's ordinance. The Board did not identify the distinctive features and characteristics from the different eras over which the house supposedly was built. The findings by the Board did not demonstrate a unique location or singular physical characteristics; the criteria that this Board put forth when it adopted the law. Mr. Edwards reiterated that the findings are deficient and there is a basis to challenge the designation. No one else wishing to speak, at 8:52 p.m. Trustee Millman made a motion to close the public hearing, seconded by Trustee Citrin. Upon vote, the motion carried unanimously.

Trustee Citrin stated that he thinks that it is important that we provide the owner some period of time, if they feel its necessary to either submit an additional plan or to make changes. However, Mr. Edwards could not give us a time frame. We could consider the Village Attorney's suggestion not to assert the statute of limitations on any prospective Article 78 proceeding for a specific period of time. Disappointed by the fact the owner's attorney doesn't even have a sense of where they would be in two, three or even six months.

Trustee Oppenheim agreed and felt that Ms. Rainford's points strike home the most, whether the decision is made tonight or in six months his opinion would still be the same. Trustee Oppenheim stated that this is a historic site and he wants it preserved and he would like to see the Board vote on it this evening. He went on to say that the threat of litigation would not stop him from acting and he feels everyone in the Village would be happy to use their tax dollars to defend the Village's right to preserve our community.

Trustee Millman noted that the Zoning Board, Planning Board and the Village Board are each completely independent of everybody. The Village Board's opinion does not change the opinions of the Planning Board or Zoning Board. Each Board acts on their own based on their interpretation of the law. Trustee Millman went on to say that we shouldn't be making historic decisions based upon what a Planning or Zoning Board might do. The Village Board set up the Historic Preservation to preserve what we feel the residents of Montebello would want and what they would like to see.

Trustee Rainford endorsed Trustee Oppenheim's comments and applauded the members of the HPC for their contribution on this. Trustee Rainford feels the developer can work around the constraints of this property and still get the five lots they are seeking, even with making this home historic, and agrees to going forward with the preservation of this house.

Mayor Gorman concurred that there seemed to be a consensus to vote on this matter this evening.

The Board members and the Village Attorney discussed adding an addendum to the proposed resolution to waive a statute of limitations defense to a challenge for “x” amount of time after taking action.

Resolution: 06-086 Village of Montebello

Title: SEQRA Determination - Designation of 84-86 Viola Road

WHEREAS, a resolution is pending to designate the Johnson Farm, 84-86 Viola Road, as a local landmark, after public hearing before the HPC and Village Board, and in the opinion of the Village Planner as set forth in his memorandum dated July 18, 2006, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, such represents a Type II action not necessitating review under the State Environmental Quality Review Act (SEQRA).

THEREFORE, BE IT RESOLVED, that the Board hereby finds in conjunction with the pending action that SEQRA review is not necessary.

Motion: Trustee Oppenheim

Second: Trustee Millman

Upon vote, the Resolution carried unanimously.

Resolution:06-087 Village of Montebello

Title: Designation of Local Landmark for 84-86 Viola Road, "Johnson Farm"

WHEREAS, as more particularly set forth in Resolution No. 06-068, referenced as if set forth hereinafter at length, the Board acted to schedule a Public Hearing to consider designating the Johnson Farm and its environs, located at 84-86 Viola Road, (identified as the Ramapo tax map as 49.5-1-17), as a local landmark pursuant to 195-60 of the Code of the Village of Montebello; and

WHEREAS, said action was prompted by an application to the Historic Preservation Commission, ("HPC") for such designation, which Commission after a public hearing approved granting such designation by virtue of Resolution No. 06-009 adopted April 26, 2006; and

WHEREAS, a Public Hearing was held by the Village Board on June 21, 2006 as continued on July 19, 2006 at the request of the attorney for the owner of the subject property, and at the start of said Hearings the Village Attorney ascertained that due notice of said Hearing was given by virtue of publication, posting and mailing of Legal Notices which read as follows:

"PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, June 21, 2006, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard, to consider the recommendation of the Historic Preservation Commission as dated May 4, 2006 that the Village Board designate the structure and property known as "Johnson Farm", located at 84-86 Viola Road (SBL: 49.5-1-17), as a local historic landmark, by operation of 195-60 of the Code of the Village of Montebello.

All members of the public and all interested parties are invited to attend and participate. The Resolution of the Historic Preservation Commission and the application will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m."; and

"PLEASE TAKE NOTICE, that a continuation of a Public Hearing which began on June 21, 2006 will be held by the Board of Trustees of the Village of Montebello on Wednesday, July 19, 2006, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard, to consider the recommendation of the Historic Preservation Commission as dated May 4, 2006 that the Village Board designate the structure and property known as "Johnson Farm", located at 84-86 Viola Road (SBL: 49.5-1-17), as a local historic landmark, by operation of 195-60 of the Code of the Village of Montebello.

All members of the public and all interested parties are invited to attend and participate. The Resolution of the Historic Preservation Commission and the application will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m."; and

WHEREAS, the Village Attorney also ascertained that the Application and HPC Resolution were sup-

plied to the Village Board and made available to the Public; and

WHEREAS, the Village Historian, Craig Long, appeared and gave testimony at the Public Hearings, emphasizing the following points:

1. That the property, known as the "Johnson Farm", significantly represents many generations of the life of a typical farm family with excellent records of lineage.
2. That the majority of the house represents a vernacular farm home from 1825-1835.
3. That a map dated 1854, the R.F. O'Connor Map, lists Johnson at the location of the house.
4. That a 1907 map also lists Johnson.
5. That in the 1920's to 1930's a roadside stand sold produce from the farm.
6. That there are few vernacular farm homes still standing.
7. The Rockland County Planning Department records and the historic survey by the Historic Society reference the Johnson Family and this home; and

recommended that the house and its environs be granted historic landmark status for these reasons; and

WHEREAS, the applicant, Amy Rapoport appeared and gave testimony at the Public Hearings in support of application, in particular stating that the home and its viewshed should be granted status as a classic farmhouse that evolved from the late 1700's through additions in early to mid 1800's, late 1800's and early 1900's, having been in ownership of the Johnson family for many generations until the recent sale to settle an estate which she learned from a member of the family, and was part of a working farm, two other buildings on site having been a farm stand and a mill, a photograph of the house in its setting being utilized in the Rockland County Tourism Magazine this exemplifying its special appearance; and

WHEREAS, in addition to the foregoing the following persons gave testimony at the Public Hearing:

1. Josephine Bracken
2. Hannelore Renud
3. Neely McCormick
4. Valerie Rainford
5. Zsuzsa Neff, all in favor of designation; and
6. John Edwards, attorney for owner, who requested that the Village Board not act while the subdivision proceeds before the Planning Board, and agreed that the owner would preserve the building in the interim, his theory being that although the owner does not wish to challenge a designation, it may have no choice if the impact on its subdivision is uncertain. Just in case of a challenge, Mr. Edwards expressed his belief that the building was not worthy of designation and that the criteria had not been met; and

WHEREAS, as a result of Mr. Edwards comments a dialogue ensued between he, various Village Board members, various HPC members and the Village Attorney, wherein it was pointed out that with or without designation, the developer was seeking 5 lots, that the primary constraint was difficult environmental features such as steep slopes and water courses, not the possible historic designation, and the HPC members took great umbrage at Mr. Edwards's perceived dismissive view of the historic importance of the property, pointing out the rarity of farm houses in the hands of the same family for 200 years with a record of same, and the Village Attorney suggested, as an alternate means to putting off a legal challenge, a 4 month waiver of any statute limitations defense which Mr. Edwards appeared to embrace, and

WHEREAS, after no more persons wished to speak, the public portion of the continued Public Hearing

was closed at 8:52 p.m.; and

WHEREAS, in addition to the foregoing, the following were recorded by the Village Clerk and made a part of the record at this public hearing or by virtue of including the record before the HPC:

1. Application dated November 23, 2005, as stamped in by the Acting Chairperson on January 26, 2006.
2. Village notice letters dated January 12, 2006 and February 9, 2006, respectively.
3. Amy Rapoport's letter dated January 25, 2006.
4. Rockland Estate Homes, LLC's letter dated January 26, 2006
5. HPC's letter to Rockland Estate Homes dated February 3, 2006.
6. Village Attorney's letters dated March 8 and 22, 2006.
7. Rockland Estate Homes, LLC Attorney's letter dated March 27, 2006.
8. Village Attorney's email of April 18, 2006.
9. Historic Preservation Specialist's overview letter dated April 26, 2006.
10. 1854 and 1907 maps.
11. Rockland County Tourism magazine front page and page 23.
12. Color photographs from the site visitation on April 18, 2006.
13. Rockland County Planning Department map printout listing Johnson property as "Revival and Dutch period sites of Historical Society of Rockland County"
14. Historical Society of Rockland County book for Montebello dated December 31, 2003.
15. Viola Grace Baptist Cemetery List from the Genealogy Office in Pomona with Johnson listed as plot names.
16. Johnson Family history from their family bible.
17. Title searches 1834 to 1930 with copy of deeds.
18. Five photographs supplied by the Johnson family.
19. Josephine Bracken's letters dated June 15 & 19, 2006.
20. Village Attorney's memorandum dated June 16, 2006.
21. Letter from John Edwards dated June 21, 2006; and

WHEREAS, the Village Board duly deliberated in public.

THEREFORE, BE IT RESOLVED, as follows:

1. That the Board finds that each and all of the following criteria have been met by virtue of the record procedures and the following reasons stated:

1a. With respect to the criterion that the subject is associated with events that have made a significant contribution to the broad patterns of history of the Village of Montebello, Rockland County, the Hudson River Valley region, New York State or the United States of America, it concludes that the continued use of the home in the Johnson Family from possibly as early as the 1770's meets the criterion of association with events that significantly contributed to the broad pattern in history;

1b. With respect to the criterion that the subject is associated with the lives of persons significant in our past, it concludes that association with many generations of the Johnson Family for over 200 years meets this criterion;

1c. With respect to the criterion that the subject embodies the distinctive characteristics of a type, period or method of construction or that represents the work of a master or that possesses high artistic values or that represent a significant or distinguishable entity whose components may lack individual distinc-

tion, it concludes that as per the overview of the Historic Preservation Specialist and the opinion of the Village Historian, not only is the home a vernacular farm house, few of which have survived, but it is also exemplifies the representative and distinguishable varied methods of construction and architectural styles on about 50 year intervals which meets this criterion as a physically graphic and rare example of the changing construction methods and styles during each renovation and addition;

1d. With respect to the criterion that the subject has yielded or may be likely to yield, information important to prehistory or history, it concludes that the rare opportunity to study the changed construction techniques over 4 distinct periods spread out over 200 years as integrated with the life of many generations of the same family and is likely to yield important historic information;

1e. With respect to the criterion that because of unique location or singular physical characteristic, the subject represents an established and familiar visual feature of the neighborhood in which it is situated, it concludes that such is the case since the structure has been a prominent landmark that has stood out in its neighborhood for approximately 200 years as evidenced by the choice of same for the cover of the Rockland County Tourism Calendar; and

2. That, accordingly, the home and its viewshed from Viola Road traveling in both directions, meaning anything in the foreground that can be reasonably construed as adding to or subtracting from the historic appearance of the home, be designated as a local landmark; and

BE IT FURTHER RESOLVED, as follows:

1. That notice of the designation contained herein be given to the Planning Board, ARB, HPC, Building Inspector, and ZBA.

2. That, more particularly, the subject property including the home and immediate environs representing the viewshed from both directions shall be subject to the HPC Certificate of Appropriateness Application Procedure as set forth in Article XI (2) (K) of the Zoning Local Law, and that approvals shall be subject to issuance of said Certificate.

3. That the HPC review the subdivision Application as it matures and act as required by Article XI, and as is consistent with the processing of the application before the Planning Board in order to help guide the Planning Board.

4. That, as more particularly set forth in the companion SEQRA Resolution, environmental review is not required; and

BE IT FURTHER RESOLVED, to facilitate the planning process and in the hope of sparing all parties needless litigation, that the Board hereby agrees to waive any statute of limitation defense it might have if any challenge to this designation is brought within 4 months of the adoption hereof.

Motion: Trustee Citrin

Second: Trustee Millman

Roll Call Vote:	Trustee Citrin	Aye
	Trustee Millman	Aye
	Trustee Rainford	Aye
	Trustee Oppenheim	Aye
	Mayor Gorman	Aye

Upon vote, the Resolution carried unanimously.

The next item on the agenda was a public hearing to consider the closure of Canterbury Lane at the intersection of Viola Road.

The Village Clerk/Treasurer read the legal notice into the record:

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on July 19, 2006 at 8:00 p.m., or as soon thereafter as the matter can be heard at the Village Hall, One Montebello Road, Montebello, N.Y. 10901, to consider the possibility of a road closure at the intersection of Viola Road and Canterbury Lane.

All members of the public and all interested parties are invited to attend and participate. The proposed Resolution will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m.

The Village Attorney confirmed with the Village Clerk/Treasurer that the legal notice was published on July 9th and posted as required by law on July 10th and that copies of the legal notice were made available to the Board members and the public on July 9th. In addition, the Clerk confirmed that the notice was mailed to all the residents of Canterbury Lane, Lety Lane and portions of Oxford Drive. The notice was sent to the Rockland County Highway Department, Town of Ramapo Highway Department, Town of Ramapo Police Department, and the Board of Fire Commissioners of the Tallman Fire Department.

Mayor Gorman asked if the Ramapo Central School District was notified? The Village Clerk responded, “no”. The Mayor asked if it was necessary that we do so? The Village Attorney responded, “no, not in our opinion”.

Mayor Gorman noted that although this is the first public hearing on this matter it has been discussed at various times through the years and there have been public meetings with the residents of Canterbury Lane.

The Village Clerk added that the Mayor and she met with emergency services personnel from the Ramapo Valley Ambulance Corps, the Rockland Paramedic Service and Ramapo Police Department and they were in favor of a crash gate barrier.

The Village Attorney noted a document from the Ramapo Ambulance Corps, the document is undated but stamped in by the Village on January 20th. The Rockland Paramedic Services letter is dated January 20th, stamped in by the Village on January 23rd.

Mayor Gorman offered up for consideration that the Village has in its' files a petition signed by the residents of Canterbury Lane, requesting closure of the road.

The Village Attorney responded that he will be getting into a summary of the ancient records, put together from 1988 to 1992 when the subject was before the Planning Board. The determinations were made at that time to build Lety Lane, part of the Schwartz subdivision, as the access road and close the Canterbury access to Viola Road. The Village Attorney stated that he would do a synopsis and all of the documents would become part of the record.

The Village Attorney asked that the Clerk read any documents received into the record.

The Village Clerk read the following documents into the record:

Memorandum from Robert Geneslaw, Village Planner, dated July 18, 2006.

Re: Proposed Closing of Canterbury Lane with an Emergency Gate Near the Intersection of Viola Road: SEQRA

The Village Board proposes to install an emergency gate on Canterbury Lane to eliminate use of an intersection with poor sight district. Emergency service providers have requested an emergency gate rather than a full closure.

We have been asked to review the proposal with respect to any evaluation required by the State Environmental Quality Review Act (SEQRA). SEQRA requires that "No agency involved in an action may undertake, fund or approve the action unless it has complied with the provisions of SEQRA" (617.3(a)). In this situation the Village Board of Trustees is the agency, as it is the only agency with authority to undertake the proposed activity since it would occur within Village right-of-way. "Action" is described as a project or physical activity, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

- Is directly undertaken by the agency.
- Involve funding by an agency.
- Require one or more new or modified approvals.

The SEQRA regulations also include a list of actions that have been determined not to have a significant impact on the environment and for which no SEQRA review is necessary. This list (617.5) know as Type II actions, includes:

"(16) Installation of traffic control devices on existing streets, roads and highways".

In our opinion adoption of the proposal is not a project or physical activity that may affect the environment and is consistent with the Type II examples and no SEQRA review is necessary. If the Board agrees, this memo or the reasons contained within it should be referenced in the adoption resolution.

Please let us know if you wish to discuss this matter.

Rockland County Superintendent of Highways Letter dated July 17, 2006.

Re: Canterbury Lane

Dear Ms. Mastroeni:

The Rockland County Highway Department wishes to have the attached letter added to the official record to be read at the public hearing on July 19, 2006 regarding a possible closure of Canterbury Lane and Viola Road.

The attached is a copy of the Rockland County Highway Department's previous notes regarding a request to close Canterbury Lane at the intersection of Viola Road. Also, we wish to reiterate the concerns of the emergency services providers from the Town of Ramapo who have expresses their objection to the closing of Canterbury Lane in that it will delay emergency vehicles in the event they need to respond to a fire, health emergency or need for police assistance. In addition, it is our understanding that the proposed cul-de-sac on

Canterbury Lane could not be constructed on the County Right-of-Way and that under State law, no road may be opened or closed on a County road without the permission of the County Superintendent of Highways.

Attachment, Edward Davies, Engineer III, Rockland County Highways memo to Eve Mancuso, of Brooker Engineering, dated December 29, 2006.

Re: Canterbury Lane Closure

Dear Ms. Mancuso:

After reviewing your request we must advise that we are opposed to the closing of Canterbury Lane since such closure will increase the response time for emergency responders to properties on Canterbury Lane.

Letter of Village Attorney, Warren Berbit, dated July 18, 2006, to counsel of the County Highway Department.

Re: Canterbury Lane - Closure at Viola Road

Dear Mr. Simeti:

I have tried several times in direct conversation with you and by messages of increasing urgency to learn of any support from your perspective for the proposition that the County Superintendent of Highways has veto power over local road openings and closings where such intersect County roads. I promised to be open minded in viewing such support, but none has been forthcoming.

Whereas there may be no argument with respect to openings, there is strong argument with respect to closings. In addition, the 1988-1992 record before the Planning Board regarding the Schwartz Subdivision makes the intent to close the subject intersection clear, with the approval of County Highway, once the new access road to the east (Lety Lane) was ready for public use. If anything, one can fairly state that the construction of Lety was the necessary quid pro quo to mitigate new traffic from the subdivision, while also eliminating the dangerous Canterbury Lane -Viola Road sight lines. In essence, this is not a new action, but the final step in effectuating a prior action.

Thus, I remain quite interested in support for Mr. Vezzetti's letter of July 17, 2006, wherein he states: "...that under State law no road may be opened or closed on a County road without permission of the County Superintendent of Highways", leaving aside that that permission was previously given and relied upon.

Given that Mr. Vezzetti precedes that comment by a discussion of constructing a proposed cul-se-sac on the County Right-of-Way, I wonder if his remarks are predicated upon that assumption? Indeed, at least informally, the Village Board has abandoned that concept, and if it acts to close the intersection, it will likely do so with a properly designed crash gate off of County property. Thus, to a large degree emergency vehicles will continue with access in addition to the new access on Lety.

I intend to read this letter into the record at tomorrow's hearing. I would accord any response from you the same treatment.

cc: Hon. Charles Vezzetti, Superintendent of Highways (FAX & MAIL)
Edward K. Davis, Engineer III (FAX & MAIL)
Hon. Kathryn Gorman, Mayor
Trustees

Robert Geneslaw, Village Planner (FAX & MAIL)
Brian Brooker, Village Engineer (FAX & MAIL)
Tony Sharan, Acting Superintendent of Town of Ramapo Highways (FAX & MAIL)

Letter from Deputy County Attorney Thomas Simeti dated July 19, 2006.

Re: Closure of Canterbury Lane at Viola Road (County Route 74)

Dear Mr. Berbit:

Thank you for your efforts to communicate with me with regard to this matter. On a personal note, I sincerely appreciate your attempts to cooperate with the County in this matter.

As I indicated in our telephone conference yesterday, the County Superintendent withdraws his objection to the road closure as set forth in his letter of July 17, 2006 in light of the understanding that the conceptual plan of Brooker Engineering depicted in a map dated June 14, 2005 is no longer relevant and that any proposed plan developed for the closure of Canterbury Lane will be subject to the review of the County Superintendent of Highways.

Thank you for your continued cooperation in this matter.

The Village Attorney then referenced some old documents:

Letter from Eve Mancuso, Village Engineer's office, dated November 9, 2005 addressed to the Count Highway Superintendent.

Rather than read the entire letter, Mr. Berbit referenced the parts that relate to the sight lines:
quote - "Canterbury Lane looking east onto Viola Road approximately 165 lineal feet. Canterbury Lane looking west onto Viola Road approximately 220 lineal feet. Lety Lane looking east onto Viola Road approximately 300 lineal feet. Lety Lane looking west onto Viola Road approximately 300 lineal feet." This shows the improvement in sight lines of Lety versus Canterbury.

Long document submitted by Mr. Eilbaum in June and another document from Mr. Eilbaum dated May 5th. Mr. Berbit requested both documents be included in the record (attached to the minutes).

The sense of both of the documents are to reiterate the history of this matter, to somewhat reflect the frustrations of the neighborhood involved, and to offer a strong opinion that Canterbury should and must be closed.

Mr. Berbit then proceeded to do a synopsis of the documentation from 1988 through 1990 of materials that were submitted to the Planning Board in the context of the Planning Board's hearings.

10/18/88 - Letter, from our then Engineer, Garfinkel, to Youngblood (Schwartz Subdiv. Engineer): quote:"telephone conversation today, Joe Hornik, and parathetically, Engineer in R.C. Highway Dept., and I were in complete agreement concerning the desirability of an alternate roadway connection location onto Viola Road to improve the present Canterbury Lane access problems. He is willing to entertain this proposal, and asks only that we get him the necessary engineering backup materials."

3/28/89 - Letter, Thomas Gill, Jr., Principal Engineer, technician in the R.C. Highway Department to Carol Adduce, who was and is the Clerk to the Planning Boar, quote: "...a meeting was held in the field on

March 22, 1989, with representatives from the Village and the engineer to attempt to settle the proposed access point of Viola Road. Until such time as revised plans provide for our review, we give no recommendations."

The process continued and Mr. Gill sent another letter:

4/10/89 - Letter Gill to Adduce: We have reviewed the latest plans... and our findings are as follows: The proposed road connection to Viola Road should be as far to the east as practicable along the easterly property line. This location provides the maximum sight distance in both directions. Permits are required for all new road connections to County roads.

5/08/89 - Lengthy document submitted by Amy Rapoport, President of the Montebello Civic Assoc. to Chairperson O'Shea and the Planning Board, quote from part of it:"Canterbury Lane, and I'll leave out the Charnwood part, was not originally engineered to handle any more traffic than presently exists. Both streets have been dead ends for 25 years and altering that condition would radically change the quality of life of the residents of those roads, both Canterbury and Charnwood have very limited sight lines in both directions. There are depressions on Viola where it intersects Canterbury." She attached two communications. One is a petition from the homeowners of Canterbury Lane.... agreeing to construct four additional homes on that road, as well as the closing of the present Viola Road access as a substitution of access for the residents of Canterbury onto Oxford Drive. The purpose of this change would be to reduce by one the number of access roads onto Viola in accordance with County requirements, clearing the way for another access road in a different location onto Viola to the Schwartz Estate.

8/14/89 - Letter, Frank McKee, 9 Canterbury Lane, to the Planning Board: quote: "At the August 9th meeting and he refers to one other meeting, and at a previous meeting you also confirmed that a vote of positively closing Canterbury Lane at Viola Road, the development road is useable, although most residents would have preferred you keep Oxford closed. It's addressed to Mr. Hickey, then Chairman of the Planning Board. My letter of September 26th, signed by the residents of Canterbury Lane." Mr. Berbit stated, "the point of that is that it references the fact that the Board has agreed to close Canterbury."

Another very important document, the final Environmental Impact Statement, dated 8/29/89, number four, Canterbury Lane traffic comment, and asks the question whether Canterbury Lane can accept any future traffic, particularly because of the current safety problems?

Response: The Board concurs with the assessment that any additional traffic on Canterbury Lane will create a greater danger at the present Viola Road intersection. It will recommend closing the Canterbury intersection at such time as the new subdivision road connection is completed.

As part of the final approval process by the Planning Board, in the minutes of the Planning Board dated 11/6/90, they refer to a memo from our Planner, Robert Geneslaw, dated 11/05/90 - : Schwartz Subdivision, recommended conditions for approval, matters for Planning Board determination: the Village should discuss with the Rockland County Highway Department the timing and manner of closing the present Canterbury Lane/Viola Road intersection. The Village Attorney noted that this was a condition attached to the Planning Board's action, that the road be closed.

At this time, Mr. Berbit felt that the historic documents he referenced were sufficient.

Trustee Citrin asked if a letter from Harold Haugeto from 1988 was included?

The Village Attorney responded, "no" that he did not have that letter.

Mr. Haugeto was present and the Village Attorney asked him if he had submitted this letter to the

Planning Board. Mr. Haugeto responded that he did.

Mr. Berbit concurred that it should be part of the record and gave a sense of Mr. Haugeto's comments contained in the letter: that the sight lines are dangerous, that the community was opposed to making the Oxford connection, but if in fact that occurred, that in essence the Canterbury connection for Viola be eliminated.

There was a dialogue between the Board members and the Village Attorney on the interplay of Lety Lane not being dedicated and what that means with respect to the closure of Canterbury. The Village Attorney noted that the alternate connection should not be on a undedicated road, there must be a legal connection.

At 9:41 p.m. Trustee Oppenheim made a motion to open the public hearing, seconded by Trustee Millman. Upon vote, the motion carried unanimously.

Public Comment:

Seth Klein - 21 Lety Lane - expressed his concern that the letters initially written between 1988 and 2003 couldn't have known that there would be approximately 25 children on Lety Lane that range in age from 10 months to 16 years old. Many high school students use the road and the average speed is between 50 to 60 miles an hour. Additional traffic added will compound the problem, speeding problems should be solved before this issue is addressed. There is a visibility problem when you make a left out of Lety Lane.

Bruce Koren-19 Lety Lane - questioned if a study was conducted on how many accidents have occurred at the intersection of Canterbury and Viola? Big safety issue, it is a hard turn. Increased traffic, instead of going two ways on to Canterbury and Lety, creating a bigger problem with all the traffic going onto Lety.

Anthony Costa - 6 Lety Lane - questioned if the study on the sight lines is a public record? Traffic safety is a major concern. Police presence has not occurred in the Pines. Would like to get the Pines closed off like a gated community.

Denise Spinner - 12 Lety Lane - stated that Oxford should be closed off. Expressed concern that school buses will not pick up on a dead end or a cul-de-sac and the parents will now have to allow the children to get on the bus at Viola or go all the way up to Oxford Drive.

Janice Eilbaum- 4 Canterbury Lane - stated that the children are picked up at Viola now, the bus does not pick up on Canterbury, so closing the road will not affect them. When the people bought on Lety they knew that Canterbury was going to be closed.

A voice from the audience stated they were never informed.

Ms. Eilbaum responded that they could have been, it was part of the public record.

Larry Litwack -11 Canterbury Lane - stated that 18 years ago didn't know about the Pines it was just starting to be discussed and the reason why we started discussing Canterbury being closed because of the number of cars and amount of people and traffic from the Pines. Newer homes should of been notified by the builder that this was going to happen. Agrees that it's not fair that the people didn't know but this has been on the record at least 32 different times, and after 20 years of fighting and getting the Highway Department to finally agree, Canterbury has to be closed. There's speeding on Lety and Canterbury and the sight lines as you come around the curve on Senator Levy are so dangerous, some kid is going to killed one day. The closure of Canterbury has been promised for 18 years now, it should be closed, but something should be done for the peo-

ple on Lety.

Max Saravanan-14 Lety Lane - concurs, major lifestyle issue, have four children ages one to eight, dangerous for them to play or be on the street. Montebello is the most beautiful place to live in and raise a family but it is becoming more and more dangerous. Maybe it should be a gated community.

Harold Haugeto - 8 Canterbury Lane - original resident of Canterbury Lane, one of the instigators for village formation to make sure there were no bad developments. We were very interested when the Schwartz Estate was going in and we got this through and have been waiting since 1988 for this to happen. Visited relatives in Norway, there are cameras on the telephone poles that take pictures and if you are speeding you get a ticket. They have this in Manhattan too, maybe Montebello should investigate this option.

Steve Gronich -11 Lety Lane - stated that the speeding occurring on Oxford and Lety is between 50 and 60 mph because the road is a wide straight run. Speeds are excessive and dangerous to the children in the area. Feel for the people on Canterbury, but Lety is very scary.

Harvey Eilbaum - 4 Canterbury Lane - complicated issue, but the first piece of the puzzle has been around since 1988, and that's the closure of Canterbury Lane. Hope the Village Board takes positive and affirmative action regarding that. Doesn't think the closure of Canterbury will make access for emergency vehicles any more difficult or easier than currently exists on any cul-de-sac within the Village. Sight line problems are worse at Canterbury and Viola than they are at Lety and Viola.. The historical evidence before the Board really makes it very clear what your action should be.

Michael Davis - 17 Lety Lane - all pretty much in agreement regarding the speeding issues and wanting a safe environment. Confused about what would be accomplished by closing Canterbury, how it would make it safer by diverting traffic to Oxford and Lety? Feel for the people of Canterbury that were promised this, but should be addressing how to try and make the safest environment possible for all of us.

Richard Direnno - 12 Canterbury Lane - stated that when you exit Canterbury Lane to the left you are completely blind to the dip that's in Viola Road, an accident waiting to happen. There is a real safety issue when you enter or exit Canterbury from Viola Road.

Rosemary Scandura - 11 Mayer Drive - speeding problem is universal in Montebello, spent a half day doing research on the radar lamps, they are being put up on commission and the people who put them up get a percentage of the traffic tickets. It is up to the Village to control the traffic and speeding problems within the Village and they should look into this.

Seth Klein - 21 Lety Lane - discussing a gate at the end of Canterbury, why are we not talking about road improvements to make the sight lines better. Feels most of the traffic is people traveling through the Pines, not living there.

John McSweeney -10 Canterbury Lane - recently retired and spending more time at home, he cannot believe the speeding that goes on on Canterbury and Lety too. Majority of speeding on Canterbury coming from the high school kids. Anxious to see the end of Canterbury dedicated so the kids can't park there anymore.

Kevin Meagher - 3 Canterbury Lane - has lived on Canterbury Lane for 40 years, used to the speeding, feels the young drivers just don't care. Agrees that no parking on Canterbury and Lety Lane will help the problem. His fear is that the high school exit sitting on Canterbury will be opened eventually because the school is overburdened with their parking.

Bruce Koren-19 Lety Lane - even if Canterbury is left open and people are not comfortable making the corner out of Canterbury onto Viola, they are welcome to use Lety. The people who live on Canterbury and Lety are not the speeders.

Jason Weinger-1 Canterbury Lane - has only lived here a couple of months. He has heard all the different opinions, feels what it comes down to is how dangerous that corner is as compared to Lety. Once the high school students are eliminated from parking on Canterbury that would reduce traffic and speeding almost 100%. Everyone on Canterbury has been waiting all these years for this closure, it is the right thing to do.

Anthony Sharan - Town of Ramapo, Acting Highway Superintendent - stated that he was approached by the Village a while ago in reference to plowing the road when it is closed. We did a test to see if the trucks can turn around. There are two houses that are at the end and they end up with the most snow. If we plow out the crash gate, if the EMS is on that side and they have to get in they might have to dig out and that is going to lose time. The Highway Department can cut back the brush at the intersection. The County might be able to cut back the bank. Speeding is a concern all over the Town. The Village might want to consider posting speed limit signs dropped down to 20 or 25 mph so when they do get stopped it's a bigger fine. Speed traps can not be set up because the Village does not own the road, any tickets issued would be thrown out by the Court as long as the road remains private. The plow trucks had a difficult time turning around.

Richard Direnno -12 Canterbury Lane - asked if a stop sign could be installed at the dedicated end of Oxford?

Mr. Sharan responded that before a subdivision is taken ownership by anyone, one thing that should be looked into is the proper signage.

Trustee Oppenheim noted that the Village hired an engineer to provide a report for signage in the Pines. The report indicated over 150 signs.

Mr. Sharan added that the signs are supposed to be paid for by the developer.

Anthony Costa - 6 Lety Lane - there's a decision on the table about a closure, the vast majority of comments have been about the traffic situation. The folks on Canterbury feel for the folks on Lety and the folks on Lety feel for the folks on Canterbury, they have waited twenty years for this. Hope it doesn't take years to get the traffic situation sorted out. Another issue is the high school track team, football and lacrosse teams use Lety and Oxford to run on, dangerous with all the vehicle traffic using these roads as thoroughfares.

Max Saravanan -14 Lety Lane - asked why nothing was done in 18 years for Canterbury people to improve sight line or to improve safety? Why didn't the developer have to take care of the situation when he built the Pines?

No one else wishing to speak, at 10:25 p.m. Trustee Citrin made a motion to close the public hearing, seconded by Trustee Millman. Upon vote, the motion carried unanimously.

Village Board discussion:

Mayor Gorman stated that when the Planning Board designed this project, back then from 1988-1992, the developer couldn't relocate, change the contours of Viola Road, it's a County road. Canterbury Lane was pre-existing, all the engineers felt the sight distance was awful. The County wasn't going to change the topography but they agreed to look at a better location for the ingress and egress. When the Pines was designed they

looked at multiple ingress and egress options because it was such a large subdivision. All of the roads were built to Village/Town and State standards. The speeding issue is not because of the Pines, it has always been here, commuter traffic, school traffic. Mayor Gorman noted that photo camera idea sounds very creative, and that would be a responsible thing for the Village to look in to. The Mayor thanked Mr. Sharan for attending the meeting and for providing them with the information on the interlocking rubber blocks that are used to slow traffic. The Mayor feels that enforcement is the key, the speeders have to be ticketed by the police. After the meeting that occurred in early June in reference to River Road, the police set up radar on River Road and gave out a large number of tickets. Most of the tickets given out in the Village are to people who live here, not commuters. Our residents need to slow down and they need to tell their children to slow down.

Trustee Rainford stated that she appreciates everyone's comments and feels this is a tough call. In her view the Village made a commitment 20 years ago to the people on Canterbury and as a result we have an obligation to do something. Trustee Rainford also feels that speeding is just endemic and agrees with the Mayor that the camera idea is very creative. She also feels the speed limits should be lowered throughout the Village.

Trustee Millman noted that some Board members are newer and unfortunately this matter is something that occurred twenty years ago. Agrees that speeding is a Village wide issue and they have been making efforts to address it. Trustee Millman feels that once the end of Canterbury is dedicated and the high school students can no longer park there, people won't necessarily cut through the Pines. He feels the real problem is the sight distance coming out of Canterbury. Personally would like to see some type of solution on both Canterbury and Lety for the sight problems. Trustee Millman feels the main issue, if we can't fix the sight view out of Canterbury then you have to close Canterbury, it is way too dangerous to keep open. The use of a traffic light might work also. Trustee Millman feels that all possibilities to improve the sight distance should be exhausted before closure of Canterbury Lane.

Mayor Gorman responded to Trustee Millman's comments, speaking generally, she said that she understood his opinion, but for the County to come in and do a major capital improvement, to lower the road, widen the road, do whatever to improve sight distance is way off. If it is ever contemplated, it's way off in the future. Twenty years is long enough, Canterbury has to be closed.

Mayor Gorman looked to Trustee Citrin for comment. Trustee Citrin said he would like to move the resolution. After discussion with the Village Attorney it was agreed that the entire resolution would not be read into the record but that all documents would be included, as well as the speakers comments.

The Village Clerk was asked to read the pertinent portion of the resolution:

Therefore, Be It Resolved, effective as soon as the crash gate has been designed and to be installed and Lety Lane dedicated, whichever is later, that said intersection be closed and the associated segment of Canterbury Lane be discontinued pursuant to Article 6 of the Village Law.

Be it further resolved that the Village Engineer hereby is directed as follows:

1. To expeditiously design a fence and crash gate system located entirely on the Village right-of-way to close off the intersection, leaving openings for pedestrian traffic and providing for appropriate signage.
2. Optimize, to the extent possible, the size of an emergency vehicle which can que the gate without projecting onto Viola Road.
3. Be sure that adequate access remains to the adjacent driveways which will be located on the southern, non-Viola side of the fencing and gate.

4. Provide the preliminary design to the County Superintendent of Highways for review and comment. Take those comments into consideration before finalizing the design.
5. Prepare specifications to solicit proposals or bids.
6. Oversee proposal or bid award and construction.

The resolution was moved by Mayor Gorman and seconded by Trustee Rainford.

Discussion:

Trustee Citrin believes that the appropriate relief to Canterbury is the closure of Oxford Drive. This will restore Canterbury to what it was before the Pines. Trustee Citrin went on to say that he would do what ever he could as a Trustee to work on the issue of the sight lines and roadway improvements with the advice of the various experts. Believes that closing Canterbury at Viola will subject the people on Lety to additional traffic. Closing at Oxford will turn Canterbury into a long dead end, that will solve some of the problems, and it will not have an impact on the traffic flow on Lety.

Trustee Oppenheim feels that both sides have credible arguments, but he is biased of the fact that Canterbury's been promised this for twenty years. Believes if government makes a promise, they really ought to keep it. The people on Canterbury were told they were going to get this, they have lived there a long time, the promise has to be honored. Have been a vocal advocate for addressing the speeding problem throughout Montebello. Traffic engineer has recommended over 150 signs for the Pines subdivision. If the Board decides to close Canterbury at the Viola intersection it will not happen before dedication and ,therefore, it will not happen before the signage issue is addressed. Implementation of the traffic signs throughout the Pines and implementation of strict speeding control throughout the Village must be done. Initially the Board discussed more of a permanent berm with plantings and concrete, we are moving forward with a simple gate, to some degree a gate is reversible. A couple of years from now the people on Canterbury may come back with a petition that they don't like the gate. This gate can be restudied, reanalyzed and is reversible. Trustee Oppenheim went on to say that in a sense this is like an experiment, see if the gate helps to improve the issues raised.

Trustee Millman stated that after listening to Trustee Oppenheim's comments he would favor closing Canterbury under the concept that we revisit it again after one year, keeping track of any accidents involving the gate. He believes that would be fair to everyone and at least we have the option of reversing it.

After further discussion, Trustee Millman offered the following amendment to the Resolution, seconded by Trustee Oppenheim: Be It Further Resolved, that the decision be reconsidered in one year after installation of the gate as a function of accidents, if any, associated with the physical presence of the gate.

Roll call vote on amendment:	Trustee Citrin	aye
	Trustee Millman	aye
	Trustee Rainford	aye
	Trustee Oppenheim	aye
	Mayor Gorman	nay

The Board members proceeded with the adoption of the Seqra Resolution and the amended Resolution for the closure of Canterbury Lane:

Resolution: 06-088 Village of Montebello

Title: SEQRA Determination - Closure of Canterbury Lane at Viola Intersection

WHEREAS, a resolution is pending to close Canterbury Lane with an emergency gate near the intersection with Viola Road; and

WHEREAS, this action was already approved after full review and public hearings in the context of approving the Schwartz Subdivision, and in the opinion of the Village Planner dated July 18, 2006, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, such represents a Type II action not necessitating further review under the State Environmental Quality Review Act (SEQRA).

THEREFORE, BE IT RESOLVED, that the Board hereby finds in conjunction with the pending action that further SEQRA review is not necessary.

Motion: Mayor Gorman Abstain: Trustee Citrin

Second: Trustee Millman

Upon vote, this Resolution carried unanimously.

Resolution: 06-089 Village of Montebello

Title: Closure of Canterbury Lane at Intersection of Viola Road

WHEREAS, a public hearing was held on July 19, 2006 on closing the intersection of Viola Road with Canterbury Lane, thus discontinuing the associated segment of Canterbury Lane; and

WHEREAS, the Village Attorney ascertained with Village Clerk/Treasurer that due legal notice was given by virtue of the publishing of the legal notice on July 9, 2006, the posting of same on July 10, 2006, and supplying said Notice to the Trustees and making same available to the public on July 9, 2006, and sending same to the Rockland County Highway Department, Town Highway Department, Town Police Department, Emergency Services, Fire Commissioners, and the residents of Canterbury Lane, Lety Lane from 2 to 21, and Oxford Drive from 20 to 29; and

WHEREAS, the Clerk read the Legal Notice into the record as follows:

"PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on July 19, 2006 at 8:00 p.m., or as soon thereafter as the matter can be heard at the Village Hall, One Montebello Road, Montebello, N.Y. 10901, to consider the possibility of a road closure at the intersection of Viola Road and Canterbury Lane.

All members of the public and all interested parties are invited to attend and participate. The proposed Resolution will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m."; and

WHEREAS, the Village Attorney summarized the history of the matter by summarizing and placing into the record documents exemplifying the attention given the subject in 1988 through 1992 upon public hearings related to the Schwartz Subdivision, whereby the decision was made to close the intersection once Lety Lane was opened for reasons of public safety due to poor sight distance and to mitigate traffic impact on an existing neighborhood, said documents including the following:

10/18/88 - Letter, Garfinkel to Youngblood (Schwartz Subdiv. Engineer): “In a telephone conversation today, Joe Hornik [Engineer, R.C. Highway Dept.] and I were in complete agreement concerning the desirability of an alternate roadway connection location onto Viola Road to improve the present Canterbury Lane access problems, he is willing to entertain this proposal and asks only that we get him the necessary engineering back-up materials.”

3/28/89 - Letter, Thomas A. Gill, Jr. (Principal Engr. Techn., R.C. Dept. of Highways) to Carol Adduce: “...a meeting was held in the field on March 22, 1989, with representatives from the Village and the engineer to attempt to settle the proposal access point to Viola Road and until such time as revised plans are provided for our review, we can given no recommendations.”

4/10/89 - Letter Gill to Adduce: “We have reviewed the latest plans... and our findings are as follows: The proposed road connection to Viola Road should be as far to the east as is practicable, along the easterly property line. This location provides the maximum sight distance in both directions...Permits are required for all new road connections to County roads...”

5/08/89 - Letter, Amy Rapoport (Pres. Mont Civ. Assoc.) to Planning Board: “Canterbury Lane and Charnwood Drive were not originally engineered to handle any more traffic than exists at present. Both streets have been dead ends for 25 years, and altering the condition would radically change the quality of life of the residents on those roads....Both Canterbury and Charnwood have very limited sight lines in both directions. On Charnwood, the road curves in both directions, and there are depressions on Viola where it intersects with Canterbury.” “Attached are two communications. One is a petition from the homeowners of Canterbury Lane agreeing to construction of four additional homes on that road, as well as the closing of their present Viola Road access, and the substitution of access for the residents of Canterbury onto Oxford Drive. The purpose of this change would be to reduce by one the number of access roads onto Viola, in accordance with County requirements, thus clearing the way for another access road, in a different location, onto Viola from the Schwartz Estate.”

8/14/89 - Letter, Frank McKee (9 Canterbury Lane) to Planning Board: “At the August 9th meeting....At a previous meeting you also confirmed and voted positively on closing Canterbury Lane at Viola Road when the development road is usable, although most residents would have preferred to keep Oxford closed as expressed to Mr. Hickey, then Chairman of the Planning Board, in my letter of September 26, 1988 and signed by the residents of Canterbury Lane”.

8/29/89 - Final EIS: “4. Canterbury Lane - Future Traffic. Comment.” It has been questioned whether Canterbury Lane can accept any further traffic, particularly because of the current safety problems.

Response. The Board concurs with the assessment that any additional traffic on Canterbury Lane will create a greater danger at the present Viola Road intersection. It will recommend closing Canterbury intersection at such time as the new subdivision road connection is completed.”

11/05/90 - Geneslaw, Village Planner memo to Planning Board: “Subject: Schwartz Subdivision: Recommended conditions for approval....Matters for Planning Board Determination...5. The Village should discuss with the Rockland County Highway Department the timing and manner of closing the present Canterbury Lane-Viola Road intersection.”

11/06/90 - Planning Board Minutes: “Motion to approve final subdivision for the Estate of Henry L. Schwartz...subject to...Robert Geneslaw's memo of November 5, 1990.” [Note: although some portions of the memo were modified, the above portion re: Canterbury was not]; and

WHEREAS, the Mayor summarized her recollection of the history of the matter, including more

recent events, confirming what went on in the 1988-1992 time frame and the promise to the Canterbury residents, but indicating that upon notifying emergency service providers of the intent to effectuate the planned closure, said providers requested that a crash gate be used, but the Fire Commissioners objected to closure if their trucks could not cue at the crash gate without projecting out onto Viola Road; and

WHEREAS, the following additional documents were received and included in the record:

1. Legal Notice.
2. Affidavits of Mailing and Posting.
3. 1988-1992 Record before Planning Board
4.. Traffic Report dated May 16, 2006 from Howard Lampert, P.E..
5. County Superintendent of Highways Letter dated July 17, 2006.
6. Letter of Village Attorney dated July 18, 2006, to counsel of the County Highway Department.
7. Memorandum from Robert Geneslaw dated July 18, 2006.
8. Letter from Deputy County Attorney Thomas Simeti dated July 19, 2006.
9. Letter from Harold Haugeto dated May 1, 2002.
10. Planning Board excerpt from Minutes for Schwartz Subdivision; and

WHEREAS, the following persons appeared and gave testimony at the Public Hearing:

1. Seth Klein, 21 Lety Lane.
2. Bruce Koren, 19 Lety Lane.
3. Anthony Costa, 6 Lety Lane.
4. Dennis Spinner, 12 Lety Lane.
5. Janice Eilbaum, 4 Canterbury Lane
6. Larry Litwack, 11 Canterbury Lane
7. Max Saravanan, 14 Lety Lane
8. Harold Haugeto, 8 Canterbury Lane
9. Steve Gronich, 11 Lety Lane
10. Harvey Eilbaum, 4 Canterbury Lane
11. Michael Davis, 17 Lety Lane
12. Richard Direnno, 12 Canterbury Lane
13. Rosemarie Scandura, 11 Mayer Drive
14. John McSweeney, 10 Canterbury Drive
15. Kevin Meagher, 3 Canterbury Lane
16. Jason Weinger, 1 Canterbury Lane

17. Anthony Sharan, Town of Ramapo, Acting Superintendent of Highways; and

WHEREAS, the County Highway Superintendent withdrew his objection, and is to be given the opportunity to shape the design of gate and associated fencing; and

WHEREAS, in weighing all options, and considering that the decision was made to close the subject intersection in 1990 after due public discussion to mitigate traffic impact from the new subdivision on the Canterbury Lane neighborhood and to facilitate traffic safety, the Board finds as follows:

1. That the issue was the subject of substantial public debate at the time of the approval of the Schwartz Estate Subdivision, which became Montebello Pines, and the conclusion was reached at that time that the intersection of Canterbury Lane with Viola Road should be closed once the road to be constructed to the east, Lety Lane, was open for public use.

2. That, due to limited sight lines to the east along Voila Road, traffic safety is enhanced by not allowing exiting from Canterbury onto Viola.

3. That, with the connection from Lety to Viola, even if the Canterbury intersection was not problematic, having one intersection instead of two enhances traffic safety.

4. That traffic safety is also enhanced since northbound Lety Lane traffic wishing to travel westerly on Viola will have two turns eliminated with the elimination of the alternate Canterbury route, (i.e. left on Oxford and right on Canterbury).

5. That emergency vehicles will still be permitted to access Canterbury from Viola by use of the crash gate, in addition to the Lety-Oxford means of access.

6. That to the limited degree that a fire truck may be too long to avoid cuing at the crash gate onto Viola, that vehicle may access via Lety, which, in any event, is the more likely direction of approach.

7. That at the time of subdivision approval the intent was to mitigate the traffic impact on existing neighborhoods, and in particular on Canterbury, which, was to accommodate a cul-de-sac and additional homes at its southern end, but was to be spared the imposition of additional traffic from Lety via Oxford heading for Viola, or vice versa, by closing that intersection.

8. That nothing has occurred in the traffic patterns that have developed since the build-out of Montebello Pines to warrant deviating from the intent to close the Canterbury-Viola intersection; and

WHEREAS, by a separate Resolution the proposed action is construed as a Type II Action under SEQRA not requiring further review.

THEREFORE, BE IT RESOLVED, effective as soon as a crash gate, fencing and signage can be installed and Lety Lane dedicated, whichever is later, that said intersection be closed and the associated segment of Canterbury Lane be discontinued pursuant to Art. 6 of the Village Law; and

BE IT FURTHER RESOLVED, that the Village Engineer or alternate Engineer as determined by the Village Board hereby is directed as follows:

1. Expeditiously design a fence and crash gate system located entirely on the Village right-of-way to close off the intersection, leaving openings for pedestrian traffic, and providing for appropriate signage.
2. Optimize to the extent possible the size of an emergency vehicle which can cue at the gate without projecting on to Viola Road.
3. Be sure that adequate access remains to the adjacent driveways which shall be located on the southern (non-Viola) side of the fencing and gate.
4. Provide the preliminary design to the County Superintendent of Highways for review and comments, and take those comments into consideration before finalizing the design.
5. Prepare specifications to solicit proposals or bids.
6. Oversee proposal or bid award and construction; and

BE IT FURTHER RESOLVED, that the decision be reconsidered in one year after installation of the gate as a function of accidents, if any, associated with the physical presence of the gate.

Motion: Trustee Millman

Second: Trustee Oppenheim

Roll Call Vote:	Trustee Oppenheim	Aye
	Trustee Rainford	Aye
	Trustee Millman	Aye
	Trustee Citrin	Nay
	Mayor Gorman	Aye

Mayor Gorman clarified her vote that it was her duty and honor and that she had promised the residents of Canterbury way back and that she has never gone back on her word. She also noted that she was disturbed by the amendment to revisit in one year.

The Resolution carried 4 to 1.

Trustee Millman left the meeting at 11:00 p.m.

The next agenda item was a public hearing on a proposed Local Law entitled: Adding Article IV to Chapter 167 of the Code of the Village of Montebello entitled: "Providing Tax Abatement for Improvements Made in Furtherance of Local Landmark or Historic District Designations.

The Village Clerk read the legal notice into the record:

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, July 19, 2006, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at the Village Hall, One Montebello Road, Montebello, N.Y. 10901, to consider adding an Article IV to Chapter 167 of the Code of the Village of Montebello entitled: "Providing Tax Abatement for Improvements Made in Furtherance of Local Landmark or Historic District Designations", which provides for a 100% abatement for Village tax purposes of the increase in valuation due to historically related alterations, rehabilitation or renovations for the first 5 years, said abatement decreasing 20% per annum thereafter.

All members of the public and all interested parties are invited to attend and participate. The Local Law will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m.

The Village Attorney confirmed with the Village Clerk/Treasurer that the legal notice was published on July 9th and posted as required by law on July 10th, and that copies of the Local Law were made available to the Board members and the public on July 9th.

The Village Attorney asked that the Clerk read any documents received into the record.

GML from Rockland County Department of Planning dated July 19, 2006.

*Approve

We support the Village's decision to encourage investment in and rehabilitation of historic properties by providing tax incentives. Since the proposed local law will have no adverse impacts on any County-wide interests, this matter is remanded for local determination.

Memorandum from Robert Geneslaw, Village Planner, dated July 18, 2006.

Re: Proposed Local Law for Improvements made in Furtherance of Local Landmark or Historic District Designation: SEQRA

We have been asked to review the proposed local law with respect to any evaluation required by the State Environmental Quality Review Act (SEQRA). SEQRA requires that "No agency involved in an action may undertake, fund or approve the action unless it has complied with the provisions of SEQRA (617.3(a))." In this situation the Village Board of Trustees is the agency, and it is the only agency with authority to undertake the proposed activity, "Action" is described as a project or physical activity, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

- Are directly undertaken by the agency
- Involve funding by an agency
- Require one or more new or modified approvals

Adoption of the proposed local law is not a project or physical activity that may affect the environment.

The SEQRA regulations also include a list of actions that have been determined not to have a significant impact on the environment and for which no SEQRA review is necessary. This list (617.5) known as Type II actions, include several that are relevant:

"(2) Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site"

"(32) Designation of local landmarks or their inclusion within historic districts"

In our opinion adoption of the proposed local law is consistent with the Type II examples and no SEQR review is necessary. If the Board agrees, this memo or the reasons contained within it, should be referenced in the adoption resolution.

Village Attorney's memorandum dated June 16, 2006 with attached statutes:

Re: Local Landmark/Historic District Tax Abatement

I am writing in furtherance of Resolution No. 06-073 which directed that I study the above subject and report to the Village Board for the June 21st Regular Meeting.

I have researched the subject and discussed same with Scott Shedler, the Town Assessor, 1 and with NYCOM. The latter supplied sample laws from around the State. I have rewritten one to better suit our local intent as I understand it, and attach a copy for the Board's review and reaction.

Turning to statutory authority, 444-a of the Real Property Tax Law ("RPTL") (copy enclosed), permits the local governing body of a county, city, town or village by Local Law, or school district by resolution, to grant an exemption from taxation to the extent of increase in valuation due to alterations or rehabilitation made

for means of historic preservation. 444-a, 1.; 2.(b) ii. The exemption can be as high as 100% of the value attributable to the preservation work for up to 5 years, then decreasing 20% per year thereafter, until there is no exemption in the 10th year. Id., 2. (a). The percentage exemption can be lowered versus the associated statutory percentages.

To be eligible, the associated work must be approved by the HPC prior to commencement. Ibid, 2. (b) (iv). Application is made to the Assessor on a form supplied by the State Board of Equalization and Assessment ("SBEA"), Ibid, 3.

The Legislation enacting the aforementioned 444-a of the RPTL in 1997, as amended in 1998, did so in furtherance and amplification of the grant of authority to municipalities contained within 96-a of the General Municipal Law ("GML") (copy enclosed). This grant permits providing "by regulations, special conditions and restrictions for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, works of art, and other objects having special character or special historical or aesthetic interest or value"

Thus, it appears that the Village may enact Legislation granting a tax exemption for the value of an improvement made in furtherance of preserving or enhancing the historic nature of a building or an historic district. The subject property must have been designated as a local landmark or as a part of an historic district. The HPC must have approved the plan, and, then, an application made to the Assessor on a form supplied by the SBEA. The Assessor then determines whether to grant the application. Whereas the Village can only act to create a means to grant an exemption relative to Village taxation, the County, Town and School District can do the same with respect to their levies.

The draft law attached grants the maximum permissible exemption, which is 100% for the first 5 years, and diminishes 20 % per year thereafter (e.g.80% in 6th year, 60% in 7th year, etc.). This can be lowered.

If the other taxing entities likewise act to grant the exemption, the incentive to act to enhance the historic aspect of one's property grows substantially, since the Village tax represents only about 5% of the overall tax bill.

Attachments:
1. Draft Local Law
2. GML 96-a
3. RPTL 444-a

Village Attorney's letter to Attorney General and State Comptroller dated June 28, 2006:

Request for Opinion
(Historic Preservation Tax Abatement)

Dear Honorable Sirs:

I am writing as Village Attorney of the Village of Montebello at the direction of the Board of Trustees. The Board seeks an opinion with respect to the following matter:

Background Information:
The Village recently enacted an Historic Preservation Law ("HPL") and empaneled an Historic Preservation Commission ("HPC") in furtherance thereof. When application is made to designate a Local

Landmark or Local Historic District it becomes the subject of up to two public hearing, the first before the HPC. If the HPC makes an affirmative recommendation, that recommendation comes before the Village Board in the context of a second public hearing.

Once a property is designated by virtue of the above process, the HPC is given the opportunity to pass upon any application relative to the property (i.e. building permits, subdivision, variance, etc.), and the approval process, as well as the possibility that the owner's desire might be curbed or curtailed to some degree.

While a public spirited owner might embrace the process, more than likely the owner will view such a designation as an imposition or even a hardship. To counter such negativism, thereby facilitating historic preservation, the Village Board would like to encourage that owner's embrace the process. Thus, I have drafted a Local Law for the Board's consideration offering tax abatements to owners who renovate or improve the historic aspects of their designated property. The Local Law is patterned after 444-a of the Real Property Tax Law ("RPTL") which, in-turn, appears to have been based upon the broader sounding authority set forth in 96-a of the General Municipal Law ("GML"). The Local Law, which is to be administered by the Town Assessor since the Village is not an assessing unit, offers a 100% abatement of the value of the improvement for the first five years, thereafter diminishing 20% per year.

Given application only to the historic preservation aspect of any improvement done, application only to Village taxes which represents about 5% of the total property tax levy and the sliding scale diminishment of the benefit over time, it is the Village Board's view that the abatement is a fairly insignificant incentive. Hence, this inquiry.

Question Presented:

May the Village Board by the authority of 20(5) of the Municipal Home Rule Law fashion a greater historic property preservation tax incentive by Local Law than that set forth in 444-a of the RPTL? For example, could it ascribe a percentage reduction in Village taxation simply as a consequence of the formal designation of a property recognizing that such designation somewhat circumscribes an owner's freedom to take action with respect to his or her property? Is, indeed, the answer is in the affirmative, then the matter would be given further study and expert opinion sought before a Local Law were drafted.

In Summary, the question presented is as follows:

May a Village Board in furtherance of its Historic Preservation Law offer greater tax incentives than those set forth in RTPL 444-a?

The courtesy of a response is much appreciated.

The letter was signed, Respectfully, Warren E. Berbit, Village Attorney.

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1. The Town, County, and School District may separately act to grant companion abatements.

Letter from State Comptroller, Alan Hevesi, dated July 12, 2006:

Dear Mr. Berbit:

Thank you for your recent correspondence requesting an opinion.

Your letter has been forwarded to the Legal Division in my Office for a timely response.

You should expect to hear from them in the near future. If you do not receive a timely response, please contact me Director of Business Communications, Ellen Evans at: 518-474-4040 or 212-681-4489.

At 11:04 p.m. Trustee Oppenheim made a motion to open the public hearing, seconded by Trustee Citrin. Upon vote, the motion carried unanimously.

No one wishing to comment, at 11:05 p.m. Trustee Oppenheim made a motion to close the public hearing, seconded by Trustee Citrin. Upon vote, the motion carried unanimously.

Resolution: 06-090 Village of Montebello

Title: SEQRA Determination - Tax Abatement for Historic Properties

WHEREAS, a resolution is pending to add Article IV to Chapter 167 of the Code of the Village of Montebello, entitled: "Providing Tax Abatement for Improvements Made in Furtherance of Local Landmark or Historic District Designations", and in the opinion of the Village Planner as set forth in his memorandum dated July 18, 2006, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, such represents a Type II action not necessitating review under the State Environmental Quality Review Act (SEQRA).

THEREFORE, BE IT RESOLVED, that the Board hereby finds in conjunction with the pending action that SEQRA review is not necessary.

Motion: Trustee Oppenheim Absent: Trustee Millman

Second: Trustee Citrin

Upon vote, the Resolution carried unanimously.

Resolution: 06-091 Village of Montebello

Title: Adoption of Local Law: - Adding Article IV to Chapter 167 of the Code of the Village of Montebello entitled: "Providing Tax Abatement for Improvements Made in Furtherance of Local Landmark or Historic District Designations"

WHEREAS, a public hearing was held on July 19, 2006 on adopting a Local Law, adding Article IV, Chapter 167, of the Code of the Village of Montebello, entitled, "Providing Tax Abatement for Improvements Made in Furtherance of Local Landmark or Historic District Designations"; and

WHEREAS, the Village Attorney ascertained with Village Clerk/Treasurer that due legal notice was given by virtue of the publishing of the legal notice on July 9, 2006, the posting of same on July 10, 2006 and supply said Local Law to the Trustees and making same available to the public on July 9, 2006; and

WHEREAS, the Clerk read the Legal Notice into the record as follows:

"PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, July 19, 2006, at 8:00 p.m. local time, or as soon thereafter as the matter

can be heard at the Village Hall, One Montebello Road, Montebello, N.Y. 10901, to consider adding an Article IV to Chapter 167 of the Code of the Village of Montebello entitled: 'Providing Tax Abatement for Improvements Made in Furtherance of Local Landmark or Historic District Designations', which provides for a 100% abatement for Village tax purposes of the increase in valuation due to historically related alterations, rehabilitation or renovations for the first 5 years, said abatement decreasing 20% per annum thereafter.

All members of the public and all interested parties are invited to attend and participate. The Local Law will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m."; and

WHEREAS, the Village Attorney summarized the substance of the Proposed Local Law as providing incentive to the owners of designated properties by abating for Village tax purposes 100% of the assessed value of improvements made in furtherance of the historic designation of the first 5 years, thereafter said abatement being reduced 20% per annum pursuant to RPTL 444-a, the law to be revisited if the Attorney General or Comptroller indicate latitude to increase the tax incentive offered; and

WHEREAS, the following documents were received and included in the record:

1. Legal Notice.
2. Affidavit of Posting and Publication.
3. Local Law.
4.. Village Attorney's memo dated June 16, 2006 with attached statutes.
5. Village Attorney's letter to Attorney General and Comptroller dated June 28, 2006.
6. Letter from State Comptroller, Alan Hevesi, dated July 12, 2006.
7. Memorandum from Robert Geneslaw, Village Planner, dated July 18, 2006.
8. GML from Rockland County Department of Planning dated July 19, 2006.; and

WHEREAS, no one appeared and gave testimony at the Public Hearing; and

WHEREAS, said Local Law is in the public good as it will foster historic preservation by providing an incentive to the owners of designated properties.

THEREFORE, BE IT RESOLVED, that said Local Law to be known as Chapter 167, Article IV of the Code of the Village of Montebello, be and hereby is adopted by virtue of 444-a of the RPTL, 96-a of the GML, and 20(5) of the Municipal Home Rule Law, to become effective upon filing with the Secretary of State.

Motion: Trustee Oppenheim Absent: Trustee Millman

Second: Mayor Gorman

Upon vote, the Resolution carried unanimously.

Resolution: 06-092 Village of Montebello

Title: Approval of Minutes

BE IT RESOLVED, the minutes of the Regular Meeting of June 21, 2006 be and are hereby approved.

Motion: Trustee Citrin Absent: Trustee Millman

Second: Trustee Rainford

Upon vote, the Resolution carried unanimously.

Resolution: 06-093 Village of Montebello

Title: Alternate Engineering Services for Projects Before the Village Planning Board

WHEREAS, the Village Engineers, Brooker Engineering, PLLC, in a letter dated July 13, 2006 by Eve Mancuso, advised that due to an addition to staff and potential conflict they must recuse themselves from two projects before the Planning Board, Monsey Jewish Center and the Fant Subdivision; and

WHEREAS, the Village Board had previously resolved to utilize the services of Boswell, McClave Engineering at $106.00 per hour when the need for outside engineering services arose; and

WHEREAS, the Board also wishes to utilize the engineering services of Martin Spence, P.E. when the need for outside Engineering arises.

THEREFORE, BE IT RESOLVED, that Boswell, McClave Engineering be retained to act as the Village Engineer before the Planning Board with respect to the Monsey Jewish Center application; at an hourly rate of $106.00; and

BE IT FURTHER RESOLVED, that Martin Spence, P.E. be retained to act as the Village Engineer before the Planning Board with respect to the Fant Subdivision application at an hourly rate of $75.00.

Motion: Trustee Oppenheim Absent: Trustee Millman

Second: Trustee Citrin

Upon vote, the Resolution carried unanimously.

Resolution: 06-094 Village of Montebello

Title: Approval of Abstract and Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated July 19, 2006 and totaling $81,396.38 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Oppenheim Absent: Trustee Millman

Second: Trustee Citrin

Upon vote, the Resolution carried unanimously.

Resolution: 06-095 Village of Montebello

Title: Hire Structural Engineer to Investigate Porch Area

WHEREAS, a Village Hall feasibility study was conducted by Michael Shilale Architects; and

WHEREAS, said study includes in Section 6 a Proposal from Tectonic Engineering & Surveying Consultants, P.C., dated June 1, 2006, referenced as if set forth hereinafter at length, a true copy of which shall be appended to the Minutes hereof, proposing performing a structural slab investigation of the porch area of the Village Hall at an estimated fee of $2,781.00; and

WHEREAS, it appears reasonable and prudent that said investigation be conducted as recommended by the Architect to ascertain the structural integrity of said slab in the interest of safety, and to ascertain what work may be necessary to repair same.

THEREFORE, BE IT RESOLVED, that said proposal from Tectonic be accepted, and the estimated cost of $2,781.00 be authorized to be expended for such purposes, said sum in no event to exceed $3,200.00, without notice to and further approval of the Village Board.

Motion: Trustee Rainford Absent: Trustee Millman

Second: Trustee Oppenheim

Upon vote, the Resolution carried unanimously.

Trustee Oppenheim made a motion to schedule a public hearing at the next regular meeting of the Village Board on August 16, 2006 to hear the request of Mr. and Mrs. Greenbaum of 1 Golf Course Drive, for relief from intrusions into the Conservation/Drainage Easement. Mayor Gorman seconded the motion. Upon vote, the motion carried unanimously.

Trustee Citrin made a motion to adjourn, seconded by Mayor Gorman. Upon vote, the motion carried unanimously. The meeting adjourned at 11:28 p.m.

Note: A stenographic transcript of the Public Hearings for the Historic Designation of 84-86 Viola Road and the Closure of Canterbury Lane are on file in the Office of the Village Clerk.

Respectfully Submitted,

Debra Mastroeni, Village Clerk