

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, APRIL 25, 2012 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 8:07 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Jeffrey Oppenheim	Mayor
	Lance N. Millman	Deputy Mayor
	Steven A. Sorrillo	Trustee
	Stacy Caridi	Trustee
	Melanie Golden	Trustee
Others Present:	Warren Berbit	Village Attorney

Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

Mayor's Report:

Mayor Oppenheim began his report by announcing another successful Clean Up Day that took place on April 14th. The Mayor thanked the members of the Parks Commission who led this event and all of the volunteers who participated in cleaning up the Village. Mayor Oppenheim also noted that the Village is looking very clean thanks to our litter patrol worker, Frank Vella.

The Mayor had a meet-and-greet with 5th grade girls from our local Girl Scout Troop. They learned about our solar electric system, the electric charging station and the Village's organic Community Garden.

Mayor Oppenheim announced that the newsletter was sent out and it is also posted on the Village's website.

The Mayor announced that he and the Trustees will be honoring the students who reside within the Village who scored in the top ten percent of the 2012 Suffern High School graduating class at the Board meeting next month. In addition, on Monday, April 30th, at 4 p.m. we will be planting a tree for Arbor Day at the Warren E. Berbit Nature Preserve. All are welcome to attend.

Our Village Engineer has prepared the MS4 Annual Report for Stormwater Management, there will be public comment at our meeting next month. The Mayor mentioned that there is a pending lawsuit in Westchester County to stop the process of MS4's, but until we hear otherwise these reports must be submitted annually.

There have been very few issues with the new garbage carter, Carlo Minuto Carting. Residents are getting used to the earlier schedule and must be diligent about putting their garbage and recycling out by 6 a.m. on the scheduled pick up days.

Mayor Oppenheim reported that Josephine Bracken, a founding member of the Historic Preservation Commission and current Chairperson has resigned and noted that he was very sorry

to see her leave and thanked her for her tremendous contribution and service to the Village. Kathryn Cupak also resigned and Donald Wanamaker who was a member for a very short period of time resigned to serve on the Planning Board.

The Mayor recognized the untimely passing of Dennis Kay, the Mayor of the Village of Airmont. Dennis was a personal friend and wonderful person; many people will be deeply affected by his passing. He will be greatly missed.

Mayor Oppenheim announced that the Village has received federal funding reimbursement in the amount of \$16,392.28, to cover a portion of the expenses related to the debris removal in the aftermath of Hurricane Irene.

A couple weeks ago Mayor Oppenheim met with the Montebello Elementary School 2nd Grade Class. The kids made a list of complaints they would like to be taken care of: no more potholes, no more graffiti, kill the mosquitos, stop cars from going too fast. The Mayor found it a great privilege to meet with these students, and noted that “this is what makes it so interesting to be Mayor”.

The Mayor advised that the Supreme Court dismissed an Article 78 action against the Village and thanked Deputy Village Attorney Ira Emanuel for a job well done.

Over the last few weeks, people have been observed using grills/hibachi’s under the Village gazebo. It was recommended to post a sign prohibiting this.

Mayor Oppenheim gave a brief update on the property at 547 Haverstraw Road noting that Supreme Court Judge Garvey issued a preliminary injunction. Our prosecuting attorney, Jay Golland is handling this matter.

On the second Wednesday of June the Village Justice Court will be operational and in session. Arnold Etelson will be the Village Justice and Marc Citrin will be the Acting Justice. A part time Court Clerk has been hired and will start on May 7th. Mayor Oppenheim and the Village Clerk/Treasurer Debra Mastroeni met with Captain Weidel from the Ramapo Police Department to get things in order and discuss a smooth transition from Ramapo. We are also creating a Judge’s chambers at the Community Center/Court.

Mayor Oppenheim has received complaints from residents regarding the poor condition of Spook Rock Road. He has contacted County Legislature Alden Wolfe who in turn will speak to County Highway Superintendent Skip Vezzetti about the possibility of getting the county owned roadway paved in the area of Spook Rock closer to Wesley Hills. There has been a lot of utility work performed and they are waiting for that to settle before they start any road work.

The Mayor mentioned that the Village has created a Facebook page. He encouraged everyone to join and leave comments/complaints they may have.

We are awaiting an update from our Legislator Alden Wolfe about the replacement of the Montebello Bridge.

The Parks Commission has authorized the Eagle Scouts to build two benches around two trees and the restoration of a stone picnic table near pond 6 in the Kathryn Gorman Ponds Park. We are all looking forward to the completion of this project.

A proposal was sent to the Village regarding performing an audit of our gross receipt taxes. The Mayor explained that the utility companies, Orange & Rockland, United Water, Verizon, Cablevision pay the Village a percentage of money of their gross receipts as per our local law. This company will review our receivables to make certain the Village is getting its fair share from the utility companies. If it turns out we are due more, they will take a share of the additional monies obtained, if nothing is due, they do not take any fees.

Belleville Landscaping has begun the work on the Community Garden Expansion. Belleville has donated all labor on this project and the Board extends its' sincere appreciation. The garden will double in size. The Mayor announced that the Village has the most successful garden on the west side of Rockland County.

The HPC has asked the Village Board for approval on mailing out a letter to have an Open House on May 23rd to invite residents who own homes that were built prior to 1940 which were recognized in the Historic Reconnaissance Survey in August 2010. The Commission is actively trying to recruit residents to historically designate their homes.

Property maintenance on an abandoned house on Bruce Court will be discussed later in the meeting.

The Board received a letter dated April 3, 2012 from former Trustee Helen Airo requesting consideration on putting a three-way stop sign on the corner of Mile Road and Montebello Road. Her concern is the increase in traffic over the last few years, and she has been finding it increasingly harder to enter either road safely. The Mayor requested and received accident reports from the Town of Ramapo Police Department from the last four years for that intersection. There were a total of six accidents reported. Mile Road is a Village road but that portion of Montebello Road is a County road, therefore, she should be advised to send her request to the County.

Mayor Oppenheim noted that the property at 96 North Airmont Road is being cleaned up and the house will be sided by the bank that has taken it over.

At this time, the Mayor introduced Frank Wilson, our Fire Inspector, who is in attendance to touch base on open fires in our Village. Three weeks ago Mr. Wilson was approached by a new resident and asked if it was permitted to have camp fires. Mr. Wilson reviewed and researched the Montebello Code and realized it was very vague about open fires/burn permits. He explained various types of recreational fires (fire pits), rubbish fires, open flame cooking, and the types of permits that are required when operating such. He stated our Code does not address particular fires and there is no guidance in the Code for a Fire Inspector to make a uniform decision on issuing a permit for open fires. Mr. Wilson gave the Board examples of different New York State code regarding same and asked the Board for their consideration on revising the Village's code.

The Board requested that the Village Attorney work on this with the Fire Inspector to review our code and report back to them.

The Board members thanked Mr. Wilson for his presentation.

The next agenda item was an application from Cambridge Medical Office Development for property located at 250 Lafayette Avenue in the R59-DD zoning district.

The Applicant is seeking approval of a 100,000 square foot medical office building, consisting of three floors and parking for approximately 500 cars. The property is approximately 11 acres and one of the parcels is located in the Village of Suffern.

Attorney Berbit provided the Board with a background of the project, going over the historical chronology of the property and the changes that were made to the zoning district when the Revised Comprehensive Plan was adopted in 2009, creating the R59-DD zoning district. The concept was to create alternate uses in lieu of the as of right use as those in an ER-80 zone, by ascribing whether a proposed use falls within the NS, LO-C, R-AH or R-25 zoning district or a mix thereof, and by establishing bulk regulations. In this District the application goes before the Village Board and proposed projects are not eligible for variances or other relief from the Zoning Board of Appeals.

The applicant has appeared before the CDRC twice and contends that the proposed use falls both within the “medical and dental clinics and health services complexes” use permitted in the LO-C district, and the “local office building” use permitted in the NS district. The property is located directly across from Good Samaritan Hospital, and the proposed entrance to the property lines up with the hospital emergency entrance. The applicant stated they already have approval from NYS Department of Transportation for a traffic signal to control ingress and egress from Route 59.

There are historical features located on the property, such as old stone walls. When the zone was created a 100’ conservation easement was established along Route 59 and a 50’ easement on the westerly side of the property where it borders Tagaste Monestary.

The applicant suggested either the LO-C or the NS zoning, one permitting offices and the other more specific uses to do with medical offices and clinics. It appears to the CDRC professionals that the LO-C use is closer to what is proposed. The use still requires variations of some of the bulk requirements as far as raising the maximum permissible height from 30 to 35.6 feet, but they are asking for 40 just in case, increasing the coverage from 50% to 55%, and, requires making a much smaller side yard on the side facing the shopping center to the east, a significant need in order to fit in parking. CDRC talked about internal connections of the parking lots, perhaps sidewalks from the proposed building to the shopping center lot to the east.

The definition in the Village Code requires that the Village Board act as the lead agency for SEQRA purposes, but also requires a referral to the Planning Board for its review and recommendation. The Planning Board will have direct jurisdiction over site plan approval and will also act as the Architectural Review Board.

The Village Board has creativity and flexibility over this project. Mr. Berbit noted that upon the preliminary review the proposed project can be considered to be an unlisted action under SEQRA if you eliminate the conservation area and count that as non-disturbance, which will reduce the acreage down to 9 acres, including counting the 50' wide access easement as disturbance. It will be below the 10 acre category for a Type I.

The Village Planner, Bob Geneslaw, discussed the SEQRA process, he has prepared a Notice of Intent to declare lead agency status to the Village Board. The first action would be to adopt the NOI (Notice of Intent) which will be sent out to all agencies that we are required to notify. They have 30 days to respond; a one page form is included for their response. Mr. Geneslaw also provided the Board with a memo listing the procedures going forward.

The Applicant is prepared to make a brief presentation tonight; they have tried to design this project as closely as possible within a combination of uses from the LO-C and NS zoning districts. Mr. Geneslaw felt this was a great way to approach this project. They have maintained the 100' setback along Rt. 59, they maintained the 50' setback along the Monestary, they are proposing to relocate portions of the stone wall in order to make room for the entrance drive. They have looked at a lot of the elements that the Village Board thinks are important, and have incorporated it into their concept.

Mayor Oppenheim asked about the SEQRA process and Mr. Geneslaw's determination.

Mr. Geneslaw stated that his first impression when he started reviewing the project was a Type 1 action, which would have likely required the preparation of an Environmental Impact Statement, with "likely" being the operative word, but does not require the lead agency to make the judgment, the regulations state that Type I actions require physical disturbance, not site size, but physical disturbance. Counting the setbacks that are not going to be disturbed, this falls under the 10 acres threshold, which is why Mr. Berbit and he felt it can be handled as an Unlisted Action.

A Type 1 action is likely to require an EIS, which has more reporting and deadline requirements, more substantive requirements, an Unlisted Action would allow the applicant to do a lesser number of studies than if they needed to do an EIS. Mr. Geneslaw feels that pertinent studies needed at this point would be traffic, which they have to do anyway to support the traffic light that is being requested from the state; stormwater, which they have to do because of the size of the site and the DEC requirement; probably a visual analysis; and, the fourth would be, if requested at all, an archeological study, and he would recommend they speak to Craig Long, the Village Historian, who has better knowledge of the history of the site.

There was an estate house on this property years ago, which was linked to the shopping center to the east and the Indian Rock Shopping center even further east. The owners owned all that property. There was a play house in one of the barns, which was a predecessor of the Antrim House; there was a lot of activity on this property at one time. They were many important families in the area years ago, if Mr. Long feels a study and search is necessary, then the literature records can be researched, and request a specialist to review the historical society records as well as obtaining copies of county, property, tax maps and even checking the state

historic office registers to see what records they have. If substantial records turn up, then a second phase may be warranted, a shovel test of digging sample holes, if something critical was found, then a more indepth level of investigating would be done. There are foundation remains on the property and stonewall remnants. Indian Rock is across the street, the likelihood is that something will be found, but Mr. Geneslaw recommended speaking to Craig Long first and foremost.

Mr. Geneslaw touched on the Environmental Review aspect, from the technical perspective the applicant completes an Environmental Assessment Form, this document describes the property and the project, Part II allows the Board to evaluate the impacts, which he will go over with them in June to list what the impacts may be, from there he will be able to advise which studies would be needed, being the three to four from which he touched on at the beginning of the presentation.

Attorney Berbit added that Part 3 of the EAF, even if the Board is calling the action unlisted, the Board can add special studies as more information comes in. The Board should do as many studies as possible, because you will learn more and more about the property, you will learn things that you didn't know, so best not to limit yourself.

Mayor Oppenheim reiterated that the resolution the Board is approving tonight is not a resolution of approval, it is a resolution declaring the Village Board Lead Agency and to have the Planning Board provide the Board with its review and comments.

Brian Quinn, Attorney for the applicant, of Montalbano, Condon & Frank, New City, NY, introduced Mr. Francis Sapienza, from Cambridge, Brian Brooker, Brooker Engineer and Phillip Greeley, Traffic Engineering Consultant from Collins Engineering. They are all representing Cambridge Healthcare Development.

Mr. Quinn gave a brief presentation on the project, and reiterated a lot of what was said by the Village Attorney and Village Planner. The building directly across from the proposed project entrance was constructed by Cambridge, it is fully occupied and there is a need for additional space. They had looked at other sites and found this one, because of its location to the hospital. It will continue to enhance the hospital's ability to provide specialized medical services to the community.

Mr. Quinn stated this is apparently the only lot in the R59-DD zone. As he understands it, this zone was designed to provide for flexibility in the development of the property, but in this instance this zone designated by the Village Board was to give the Board authority to review and approve the use, review and approve the bulk requirements and also to do the SEQRA review. Mr. Quinn knows that the Board does not normally review this sort of project, which is left up to the Planning Board. He is left with interpreting certain aspects of the zone and his hope for this evening is to get a reaction from the Board, whether it be favorable or not, he is looking for a designated road map and a timetable for approval.

They have already been contacted by interested parties who have given letters of intent. There have also been parties who are asking when the space will be available for occupancy. He does not want to short cut anything, and would like the Board to review everything carefully, but he

would like to understand the procedure that he and his representatives have to do. One thing the zone specifies is that the review will be done in conjunction with the Planning Board. In the application narrative, it was suggested to have a coordinated or joint meeting with the Planning Board.

Mr. Quinn stated that Cambridge is a contract vendee, they signed a contract to purchase the property, and there are certain contingencies in that among them environmental reviews of the site itself. They are operating under a timetable.

Mayor Oppenheim asked about particulars with the contract.

Mr. Quinn stated he is not the attorney on the contract; there is separate counsel who is handling that, he asked Mr. Sapienza, from Cambridge to comment.

Mr. Sapienza stated currently right now they are under contract through June 13, 2012 and will close by July.

Mr. Quinn stated they are somewhat under the gun; they are very interested in the project and would like some guidance and reaction from the Board as to whether the project they have presented is feasible. The time involved with an environmental study could impact this project.

Brian Brooker, Brooker Engineering, gave a presentation with regard to review of the zoning aspect. He presented a couple of plans showing how the project complies with the NS zone and how it complies with the LO-C zone. He explained the topography on both plans and how it tied into the actual buildings. Discussion on the bulk tables of both zones.

Discussion on the height of the building, Mr. Brooker stated the front elevation is less than the 30' elevation requirement per the code. Discussion on screening for the air conditioning units that will sit on top of the roof. There will be a retaining wall on a portion of the property.

Mr. Brooker explained that right now when you drive west on Rt 59, the intersection with the hospital does not allow for a left turn in, consequently the ambulances come in off of Hemion Rd., the traffic light will allow the left hand turn in.

Discussion on where pedestrian crosswalks will be located and how connections will tie into the 7-11 shopping center.

Mr. Greeley, the traffic engineer explained the traffic study that was performed. The plan is to widen Rt 59, provide a left hand turn to have the ability to come into the hospital property, there will be an arrow to turn into the proposed property and also the installation of a traffic signal, this location was chosen because it was at a location that could be coordinated with the traffic signal at Hillcrest Rd and the Library entrance light. There will be a three lane cross section.

Members questioned the amount of traffic that will be coming and going on a daily basis. There was a traffic study performed when the building across the street from the proposed property was

built, Mr. Greeley gave statistics on traffic percentages that the medical office will generate. A further traffic study will be done for this project.

Discussion on the emergency grass crete access area on the east to the property. Brian Brooker stated they do not have deeded rights to use this access for medical emergency access. A gate can be installed is necessary.

Members asked about the square footage of the building and how the applicant proposes the space to be allocated. Mr. Sapienza responded that they have 5 to 6 major tenants; the cancer center would utilize approximately 30,000 square feet; medical oncology group, contract lab, primary care, independent physicians would occupy the rest. This building will have larger practices and not a lot of individual primary care practices as the building across the street does. These facilities will be very efficient to the hospital.

Discussion on the re-sale of the building, ratables, and taxes.

Discussion was mentioned of possibly having a healing park/seating area/park space for patients that have frequent doctor's appointments.

Attorney Berbit stated the corner shopping center to the east may change once the renal center opens, but it has been his observation that a small percentage of the parking spaces are used. Maybe overflow parking could be used there, and more green space can be given to the proposed project. It is just a suggestion. Mr. Brooker stated it maybe a possibility. They will have to speak to the neighbor. As far as a path for integrating vehicular traffic from one property to the other, he did not think it was a good idea.

Mr. Brooker stated that they will not need all the parking that is being requested, one thought was to have a parking reserve, leaving it green, if it is needed in the future, it will be there.

Board Members have concerns with the empty space that is all around in neighboring commercial buildings. The representative stated that all empty buildings in the area have been considered, and none of them are what they are looking for, they would have to be demolished and rebuilt. There are financial constraints in a lot of those buildings, it was not appropriate. This property came available and could become more of a campus, which makes more sense.

Trustee Sorrillo asked about cost of the project. Mr. Sapienza responded that approximately 24 million dollars. This amount is ballpark, not including the additional cost that the tenants will put in to tailor the space. The structure will take 4-6 months to design and 12 months to build. Timing is critical. The tenants have to be in the space very quickly. If the building is not ready, they will walk.

Questions arise regarding the amount of taxes that were paid on the property. The representative did not know off-hand what was paid, but they were paid this year.

Mayor Oppenheim thanked the parties involved for attending the meeting and read the last portion of the resolution.

Title: Referral of Cambridge Medical Office Development Application and Designation of Lead Agency

WHEREAS, an application has been made by Cambridge Medical Office Development for approval of a medical office building of about 100,000 square feet with three floors, and parking for about 500 cars located on 11.1 acres in the Route 59 Development District (“R59-DD”) zoning district, on tax lots 55.10-1-2 and 55.38-1-1, according to the tax map of the Town of Ramapo, street address, 250 Route 59, all as more particularly set forth in the Application dated April 13, 2012, received April 16, 2012; and

WHEREAS, said Application consists of and includes the following:

1. Application Review Form
2. Narrative, Brooker Engineering dated April 5, 2012
3. Full Environmental Assessment Form
4. Concept Plan from Brooker Engineering, PLLC, entitled Cambridge Office Park, original date, 2/27/12, last revised 4/11/12;and

WHEREAS, the application was explained at the meeting by Brian Quinn, Attorney for Applicant, Brian Brooker, Applicant’s Engineer, Phillip Greeley, Traffic Engineer for John Collins Engineering, and Frances Sapienza, Cambridge, appearing for the Applicant; and

WHEREAS, the Applicant previously came before the CDRC on 11/29/2011 and 3/27/2012 to discuss the feasibility of the application, as memorialized in the Minutes of the CDRC on said dates, and the Memorandum of the Building Inspector for the same dated 3/27/2012, and the e-mail reaction of the Assistant Village Attorney dated March 21, 2012, each referenced as a part hereof; and

WHEREAS, the Village Attorney and the Village Planner explained the application at the meeting from their perspectives and the process, responded to questions, and the Planner submitted a memorandum dated April 25, 2012, and a proposed Notice of Intent to Declare Lead Agency, which were included in the record; and

WHEREAS, the applicant contends that the proposed use arguably falls both within the “Medical and Dental Clinics and Health Services Complexes” use permitted in the LO-C District and the “Local Office Building Uses” permitted in the NS District ;and

WHEREAS, by virtue of the provisions and controls of the R59-DD zoning district, the Village Board retains discretion to approve alternate uses in lieu of the as of right use as those in an ER-80 zone, by ascribing whether a proposed use falls within the NS, LO-C, R-AH or R25 Zoning District or a mix thereof, and by establishing bulk regulations, and since development in this district is by application to the Village Board and is subject to negotiations, the development proposal is not eligible for variances or other relief from the Zoning Board of Appeals, and, thus, the Village Board appears to have authority to permit a use such as that proposed, and to set all

dimensional standards and to generally select which bulk and other standards are to be applicable; and

WHEREAS, R59-DD district necessitates that development within same be reviewed and approved by the Village Board, with consultative input from the Planning Board, the Village Board to review and approve use and bulk and to apply the requirements of the State Environmental Quality Review Act (SEQRA), the Village Board to be Lead Agency for SEQRA purpose with the Planning Board acting as its consulting arm, and the proposal then being subject to site plan review and approval by the Planning Board, and also subject to review and approval by the Planning Board acting as the Architectural Review Board to assure that development is consistent with the design goals, policies and guidance expressed in the Comprehensive Plan adopted by the Village Board in 2003, as amended in 2008;and

WHEREAS, the Applicant has reproduced the bulk tables for both the LO-C and NS zoning districts, and asserts that the proposal meets most, but not all of the bulk requirements for either zoning district, and to the Village Board it appears at this early stage that the uses of the LO-C zoning district seem most closely applicable, and the Village Board is willing to negotiate adjusting the maximum height limitations to accommodate 3 floors, especially since the view from Route 59 will be 2 floors, the land dropping off to the rear with 3 floors constructed in the northwest portion of the building, visually apparent from the rear and westerly side, only, preliminarily as limited to a maximum height of 40', measured to the average lowest ground level touching the facades of the building, impact of any roof top equipment if any, also to be negotiated, which must in any event be screened across the faces of same; and

WHEREAS, the Village Board is also willing to consider adjusting the side yard requirements to facilitate the proposed parking and better access with the shopping center to the east and proposed emergency grass crete access to the east, Hemion Road, and adjusting coverage limits to the minimum amount needed, subject to a clearer understanding why 500 parking spots are needed versus why such number cannot be reduced thus eliminating or reducing any coverage issues and limitations to the side yard, as compared to the configuration as proposed, all as subject to the evolving details, to environmental review under SEQRA and input from the Planning Board, Architectural Review Board and outside agencies; and

WHEREAS, the Village Board retains lead Agency status under SEQRA, and hereby declares itself as Lead Agency, subject to the review and advise of the Planning Board as the consultative arm of the Village Board for SEQA purposes, the reaction from outside agencies, and understanding the separate need for final Site Plan review; and

WHEREAS, the Village Board preliminarily finds the proposal to have sufficient merit to start the SEQR coordinated review process by sending the application to the Planning Board to begin its review as the consultative arm to the Village Board, as aforementioned, and also in its role as Architectural Review Board, and to all interested outside agencies and entities under coordinated review, and is prepared to schedule a Public Hearing, it being understood that such will and must remain open until the consultative report of the Planning Board, and reports of outside agencies under coordinated review are received, including any needed environmental reports and studies included in the record and duly considered.

THEREFORE, BE IT RESOLVED, that the Village Board hereby expresses sufficient interest and a preliminary positive reaction to the merits of the proposal to proceed as follows:

1. Declare itself to be Lead Agency under SEQRA, and to commence coordinated review, construing the proposal to represent an unlisted Action, the area of disturbance being about 8.96 acres once the Conservation Easement, less the entrance area, are deducted from the gross total area. (479,318-89,058=390,259 sq. ft. = 8.96 acres)
2. Send the Application to the Planning Board for detailed review and reaction as the consultative arm of the Village Board, and also reacting to the design elements in the capacity of Architectural Review Board. (Applicant may appear thereat to answer questions and dialogue with Planning Board at Planning Board's discretion.)
3. Preliminarily declares the bulk table for the LO-C zoning district as applicable, subject to negotiating increasing the maximum height, decreasing side yards and increasing maximum coverage, each the minimum amount necessary to accommodate the proposal as described, or as it may become after negotiation and input from the Planning Board, Architectural Review Board and outside agencies.
4. To preliminarily schedule a Public Hearing at the June 20, 2012 Regular Meeting, to be continued from time to time subject to receipt of the Planning Board's detailed consultative report, its report as Architectural Review Board and the reactions of outside agencies under coordinated review, and receipt of environmental forms, and studies and reports as deemed necessary.
5. Proof that New York State Department of Transportation has approved a traffic light controlled intersection at the proposed entrance to the subject as aligned with the emergency entrance to Good Samaritan Hospital directly across from the proposed entrance.
6. Establishing connections to the shopping center to the east.
7. Determining whether the emergency access should, at least, at some future time be subject to a condition that such become a secondary permanent access.
8. Determining whether land for additional parking spots should be banked, versus immediately building 500 spots.
9. Also, subject to the review and reaction of all involved agencies, and all parties noticed by law and regulation, including the Village Code, GML §239 and SEQRA.
10. Upon Applicant's agreement as given at the Meeting, it will cooperate with the Village Planner and the staff at the Village Hall in the preparation of the Notice of Intent to Declare Lead Agency; the Applicant to be responsible for the mailings and the Affidavits (mail receipts).

Motion: Deputy Mayor Millman

Second: Trustee Golden

Members asked Mr. Berbit questions about alternate uses of the LO-C and NS zoning districts for this property and whether the space for the additional parking spots should be built now or just shown as reserved space for additional parking.

The Village Planner stated the zoning on the property is and will remain RT59-DD. The biggest issue tonight is determining if the proposal before the Board tonight makes enough sense to refer it to the Planning Board and to start the review process. All the other things can be worked out through the process.

Trustee Golden stated at this point she is in favor of moving forward to get the input from the Planning Board. The Deputy Mayor stated the Board still has ability to deny the project if once the project is in a forward motion, but he is sure the building itself will be very nice looking. Mayor Oppenheim felt that use of the property in the medical field is appropriate, having a cancer center serves the community and having physicians service the community is something good in the neighborhood. The goal first and foremost is to preserve the 100' buffer Conservation Easement, this is essential. The intention of the Village Board is to preserve what little bit of green space is available on the Rt. 59 corridor.

The Cambridge representatives' appreciated each of the Board Members comments. They stated they will be sending out Notices of Intent to the outside agencies.

Upon vote, the Resolution carried unanimously.

The Board members thanked the Cambridge Representatives for attending the meeting.

Public Comment: No one wished to speak.

Resolution: 12-035

Village of Montebello

Title: Master Re-organizational

BE IT RESOLVED, that the re-organizational Resolutions, Agenda items 10 through 27 are hereby approved in one Master Resolution.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-036

Village of Montebello

Title: Deputy Mayor Appointment

WHEREAS, the appointment of Lance N. Millman as Deputy Mayor expires with this meeting.

THEREFORE, BE IT RESOLVED, that Lance N. Millman be and hereby is reappointed Deputy Mayor of the Village of Montebello until the next Annual Meeting of April 2013.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-037

Village of Montebello

Title: Deputy Village Clerk Appointment

WHEREAS, the appointment of Shelly Flanagan-Ramos as Deputy Village Clerk expires with this meeting.

THEREFORE, BE IT RESOLVED, that Shelly Flanagan-Ramos be and hereby is reappointed Deputy Village Clerk for the Village of Montebello pursuant to the Village Law of the State of New York.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-038

Village of Montebello

Title: Village Attorney Appointment

WHEREAS, the appointment of Warren Berbit as Village Attorney expires with this meeting.

THEREFORE, BE IT RESOLVED, that Warren Berbit be and hereby is reappointed Village Attorney for the Village of Montebello until the next Annual Meeting of April 2013.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-039

Village of Montebello

Title: Deputy Village Attorney Appointment

WHEREAS, the appointment of Ira Emanuel as Deputy Village Attorney expires with this meeting.

THEREFORE, BE IT RESOLVED, that Ira Emanuel be and hereby is reappointed Deputy Village Attorney for the Village of Montebello until the next Annual Meeting of April 2013, or as soon thereafter as a successor can be appointed.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-040

Village of Montebello

Title: Appointment of Assistant Village Attorney

WHEREAS, the Mayor recommends that Jay Golland, Esq. continue in the position of Assistant Village Attorney to work with the Village Attorney on prosecutions.

THEREFORE, BE IT RESOLVED, that Jay Golland, Esq. be and hereby is reappointed as a part-time Assistant Village Attorney for the purpose of handling prosecution of violations under the direction of the Village Attorney, for a term to expire at the Annual meeting in April 2013, or as soon thereafter as a successor can be appointed, but with the Village Board reserving the right to end the appointment sooner, compensation to be hourly, \$125 per hour for in court time and \$100 per hour for preparation time.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-041

Village of Montebello

Title: Re-appointment of Member to the Planning Board

WHEREAS, the appointment of Michael Iatropoulas as a member of the Planning Board expires with this meeting.

THEREFORE BE IT RESOLVED, that Michael Iatropoulos be reappointed as a member of the Planning Board for a five year term, or until the Annual Meeting of April 2017 or as soon thereafter as a successor may be appointed.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-042

Village of Montebello

Title: Appointment of Ad-Hoc to the Planning Board

WHEREAS, Donald Wanamaker has submitted his resignation from the Historic Preservation Commission as of March 27, 2012, noting a desire to serve in another capacity; and

WHEREAS, the Mayor does hereby appoint Donald Wanamaker to the vacant Ad-Hoc seat on the Planning Board for a term to expire at the reorganizational meeting in April 2014; and

THEREFORE, BE IT RESOLVED, that, Donald Wanamaker is appointed as Ad-Hoc member to the Planning Board for a two year term to expire at the Annual meeting in April 2014.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-043

Village of Montebello

Title: Appointment of Ad Hoc to the Zoning Board

WHEREAS, the appointment of Jack Barbera as Ad Hoc member of the Zoning Board of Appeals expires with this meeting.

THEREFORE, BE IT RESOLVED, that the Mayor does hereby appoint Jack Barbera for a new two year term until the Annual Meeting of April 2014 or as soon thereafter as a successor may be appointed and qualified.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-044

Village of Montebello

Title: Re-appointment of Parks Commission Member

WHEREAS, the appointment of Robert Congionti expires with this meeting; and

WHEREAS, the Mayor has recommended that Robert Congionti, be reappointed as a member of the Parks Commission for a five year term to expire April 2017.

THEREFORE, BE IT RESOLVED, that Robert Congionti be reappointed as a member of the Parks Commission for a five year term to expire at the Annual meeting in April 2017 or as soon thereafter as a successor may be appointed

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-045

Village of Montebello

Title: Re-appointment of Parks Commission Member

WHEREAS, the appointment of Anthony Piazza as a member of the Parks Commission expires with this meeting; and

WHEREAS, the Mayor has recommended that Anthony Piazza be reappointed as a Commissioner on the Parks Commission for a new 5 year term.

THEREFORE, BE IT RESOLVED, that Anthony Piazza be reappointed as a member of the Parks Commission for a five year term to expire at the Annual meeting of April 2017 or as soon thereafter as a successor may be appointed.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-046

Village of Montebello

Title: Appointment of Clerk to the Planning and Zoning Boards, and Building Department

WHEREAS, the appointment of Gloria Scalisi as Clerk to the Planning Board, Zoning Board of Appeals and Building Department expires with this meeting.

THEREFORE, BE IT RESOLVED, that Gloria Scalisi be and hereby is appointed Clerk to the Planning Board, Zoning Board of Appeals, and Building Department for the Village of Montebello until the next Annual Meeting of April 2013.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-047

Village of Montebello

Title: Village Historian Appointment

WHEREAS, the appointment of Craig Long as the Village Historian expires with this meeting.

THEREFORE, BE IT RESOLVED, that Craig Long be and hereby is reappointed Village Historian for the Village of Montebello until the next Annual Meeting of April 2013 with an annual stipend of \$1,000.00.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-048

Village of Montebello

Title: Accept Resignation of Historic Preservation Commission Member

WHEREAS, Kathryn Cupak whose term as a member of the Historic Preservation Commission was to expire at the April 2013 meeting, has resigned effective April 6, 2012.

THEREFORE, BE IT RESOLVED, that the resignation of Kathryn Cupak be accepted effective April 6, 2012 and her seat on the Historic Preservation Commission be declared vacant.

BE IT FURTHER RESOLVED, that the Board extends its sincere gratitude to Kathryn Cupak for her service to the Village.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-049

Village of Montebello

Title: Appointment of Member and Chairperson to Historic Preservation Commission

WHEREAS, Josephine Bracken whose term as a member of the Historic Preservation Commission was to expire at the April 2016 Annual meeting, and her Chairmanship was to expire at this meeting, has resigned effective April 6, 2012; and

WHEREAS, the Mayor wishes to appoint member Lisa Levin as Chairperson through April 2013.

WHEREAS, the Village Board wishes to appoint Dorice Madronero, residing at 4 Regis Court, to fill Josephine Bracken's vacated seat for the remainder of her term set to expire April 2016; and

THEREFORE, BE IT RESOLVED, that Josephine Bracken's seat on the Historic Preservation Commission be declared as vacant; and

BE IT FURTHER RESOLVED, that Dorice Madronero be and hereby is appointed to fill the vacated seat of Josephine Bracken as a Member of the Historic Preservation Commission for a term to expire in April 2016; and

BE IT FURTHER RESOLVED, that member Lisa Levin be appointed as Chairperson through April 2013; and

BE IT FURTHER RESOLVED, that the Board extends its sincere gratitude to Josephine Bracken for her dedicated and valued service to the Village over many years, for her creativity and for pioneering the efforts of the Historic Preservation Commission from its infancy; and

BE IT FURTHER RESOLVED, that the Clerk prepare this Resolution in ceremonious form for signing by the Village Board, Village Historian and Village Attorney, framing and presentation to Josephine Bracken as a token of the gratitude of the Citizen's of the Village of Montebello, and to exemplify the esteem in which she is held.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-050

Village of Montebello

Title: Designation of Official Depository

BE IT RESOLVED, that Key Bank, Provident Bank, TD Bank and JP Morgan Chase Bank are hereby designated as the official depositories for Village funds.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-051

Village of Montebello

Title: Official Signatories

BE IT RESOLVED, that assuming prior authorization is required by law, any two of the following Village Officers shall be authorized for and on behalf of the Village to make and sign checks, drafts, or other orders with respect to any funds at any time to the credit of the Village with any official depository for Village funds and against any demand savings account or accounts of the Village maintained at any time with any such official depository: Clerk/Treasurer, and with the Mayor or in his absence, the Deputy Mayor.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-052

Village of Montebello

Title: Designation of Official Village Newspaper

BE IT RESOLVED, the Journal News and the Rockland County Times, local daily newspapers, are hereby designated as the official Village newspapers for publication of all legal notices and information pertaining to the Village of Montebello.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-053

Village of Montebello

Title: Reimbursement of Expenses

BE IT RESOLVED, the Village Board will reimburse all actual and necessary expenses incurred by elected and appointed officials and employees of the Village for attendance at

conferences and seminars that have been approved for attendance at the discretion of the Board of Trustees and that the reimbursement for use of private automobiles shall be at the current rate of \$0.555 cents per mile as established by the Internal Revenue Service Guidelines, or as such may be adjusted in said Guidelines from time to time without the further action of this Board.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 12-054

Village of Montebello

Title: Approval of Minutes for March 21, 2012

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of March 21, 2012 be and are hereby approved.

Motion: Deputy Mayor Millman

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution: 12-055

Village of Montebello

Title: Violation Search Request Refund- 16 Spook Rock Road

WHEREAS, a request for a Violation Search was submitted on March 7, 2012, for 166 Spook Rock Road, SBL: 49.05-1-10.2; and

WHEREAS, a fee of \$175.00 was paid in association with said request and the Building Department Clerk processed the request and sent a letter to schedule an appointment for same; and

WHEREAS, the applicant, Hudson Valley Abstract, has submitted a letter dated March 22, 2012, canceling their request for the violation search, and has requested a refund; and

WHEREAS, there appears to be no obligation to return said fee, but it appears reasonable and equitable that such occur in the circumstances, less the cost associated with processing the request thus far, reasonably estimated at \$87.50, including the time of the Building Department Clerk and Village Clerk/Treasurer and the Village Attorney in conjunction with the application for a refund.

THEREFORE, BE IT RESOLVED, that for the reasons set forth, the sum of one half of the violation search fee, \$87.50, be refunded to the applicant, representing the fee originally paid to the Village, less the estimated costs associated with said violation search request.

Motion: Trustee Caridi

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 12-056

Village of Montebello

Title: Amend Fee Schedule for Commercial Property Building Permits

WHEREAS, in his memorandum dated April 16, 2012, the Building Inspector recommends, in order to establish a fair and equitable building permit fee schedule, as based upon a generally accepted standard, utilizing the applicant’s “cost-of-construction” assertion, as compared to and adjusted by the Building Inspector according to the R.S. Means Guide, or the equivalent, as such may be amended from time-to-time, in the judgment of the Building Inspector.

THEREFORE, BE IT RESOLVED, that the Building Permit Fee Schedule for Commercial Properties be based upon the Cost of Construction as determined by the Building Inspector as calculated using the R.S. Means Guide square footage cost, rate to be determined by current edition of same, or the equivalent guide in the judgment of the Building Inspector.

Motion: Deputy Mayor Millman

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution: 12-057

Village of Montebello

Title: Replace Condensing Unit at Village Hall

WHEREAS, the condensing unit for the upper floor air conditioning at Village Hall ceased to function at the beginning of the season last year; and

WHEREAS, the Village Clerk has obtained quotes for replacement of same as follows:

- | | |
|---|------------|
| 1. Climate Control Systems Inc. Congers, NY | \$2,600.00 |
| 2. E.B. Design Air, Hillburn, NY | \$2,300.00 |
| 3. American Heating & Cooling, Airmont, NY | \$2,000.00 |
| 4. Joseph Lombardo Plumbing Heating & Cooling,
Suffern, NY | \$3,198.00 |

;and

WHEREAS, the equipment to be installed appears to be equivalent in the proposals, but with the proposal by E.B. Design Air appearing to represent the best value given the manufacturer listed.

THEREFORE, BE IT RESOLVED, that the proposal of E. B Design Air in the amount of \$2,300.00 be and hereby is accepted and said sum authorized to be paid for the installation of a new upper floor 2 ton A/C condensing unit.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

The Village Clerk noted that the lowest offerer was contacted three different times for additional information. They did not come back with the additional information; therefore they are not the lowest responsible offerer. The unit is on the outside of the building along the sidewalk entering Village Hall; this is the upstairs a/c unit.

Upon vote, the Resolution carried unanimously.

Resolution: 12-058

Village of Montebello

Title: Appointment of Justice Court Clerk P/T

WHEREAS, the Board of Trustees established the position of Justice Court Clerk P/T on March 21, 2012 by adoption of Resolution No. 12- 026; and

WHEREAS, Judge Etelson and the Village Clerk interviewed potential candidates for said position and Judge Etelson has conveyed his preference that Catherine P. Cupples be hired for said position.

THEREFORE, BE IT RESOLVED, at the recommendation of Judge Etelson, that Catherine P. Cupples be and hereby is appointed Justice Court Clerk P/T for the Village of Montebello at a rate of \$20.00 per hour, hours not to exceed 17 hours per week unless conditions arise that cause an increase in same with a starting date of May 7, 2012, but to include a scheduled training class on April 26th at the Rockland County Court House.

BE IT FURTHER RESOLVED, that the Village Clerk/Treasurer file the necessary paperwork with the Rockland County Department of Personnel to effectuate same.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Trustee Sorrillo asked when Court will be up and running and where the physical work location will be for the Clerk. Mayor Oppenheim responded her office space will be at Village Hall in the Building Department. There are a lot of details that will need to be worked out.

Upon vote, the Resolution carried unanimously.

Resolution: 12-059

Village of Montebello

Title: Property Maintenance at 8 Bruce Court

WHEREAS, an incident report dated April 21, 2012, as received the next day, was submitted by an officer of the Town of Ramapo Police Department revealing that the premises at 8 Bruce Court, Section 41.17, Block 1, and Lot 12, appears to be abandoned with broken windows, doors unlocked, pool unprotected and uncared for with fallen fencing and inoperative gates, and an unsafe cover, and it appears that premises have been accessed by persons unknown, potentially for unlawful purposes; and

WHEREAS, the Building Inspector, in his report dated April 23, 2012, with associated pictures, confirms the officer's report, indicating that the house and pool are in an unsafe condition, that he finds at least 2 violations of the NYS Property Maintenance Code, and he recommended taking remedial action to remedy the unsafe conditions, by covering broken windows, securing the house, and by securing the gates and the fallen fence sections; and

WHEREAS, it also appears that Article II of Section 132 of the Village Code pertaining to property maintenance has been violated; and

WHEREAS, the Village Clerk reported checking with Rockland County, and that the record owner remains Denton Friedman at the subject address, and checking with the former tenant who indicates paying his rent to Rivertown Financial, and checking with the last known attorney for same or for Momentum Properties, Justin Heller, who indicates no further connection with such entities.

THEREFORE, BE IT RESOLVED, that upon the Building Inspector in his discretion giving Notice to Correct by his order to cure said violations, and the requisite waiting period of 5 days pursuant to §132-15 A and B of the Village Code, he is then authorized to immediately act in the interest of public safety to secure the premises and pool area as necessary as aforescribed at an expense estimated not to exceed \$2,000.00, that the Building Inspector immediately issue Violation Notices as he deems appropriate, and that the property be noticed for a hearing due to violations of the NYS Property Maintenance Code and Section §132 Article II of the Village Code, and that said violations be scheduled for the holding of hearing pursuant to and as required by said Code, the intent being that if the property is found to have been in violation and there was a failure to correct, then the cost of work necessary to secure the property as expended by the Village, shall be levied against the property to be collected in the same manner as Village Taxes.

THEREFORE, BE IT FURTHER RESOLVED, that a hearing be held pursuant to §132-17 of the Village Code for the above purposes be held on May 16, 2012, beginning at 8:00 pm,

local time, or as soon thereafter as the matter can be heard, assuming failure to timely correct after Notice and the timely service of Notices of Violation and of the Hearing and that due notice thereof be given to the record owner, and possible representatives, to the extent possible, including posting the Notice, as required by the Village Code.

Motion: Trustee Sorrillo

Second: Deputy Mayor Millman

Mayor Oppenheim visited the property and witnessed the above violations, he advised the house is in horrible shape. Debra Mastroeni, the Village Clerk spoke with the former tenant of the property and he stated he did not know where Mr. Friedman resided, that his number is no longer in service, and the website he had for his company is no longer operational, there is no way to notice the owner of the violations. Apparently there was something going on with the mortgage company, and it seems as if everyone has walked away from this property. There taxes have not been paid either.

The State code allows Village's to take abandoned property, but this is a long drawn out process. The Board felt that for now the issues with the various violations on the property have to be resolved; they discussed what steps have to be taken to clear the violations.

Upon vote, the Resolution carried unanimously.

Resolution: 12-060

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated April 25, 2012, and totaling \$ 178,569.92 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Caridi

Second: Trustee Sorrillo

Deputy Mayor Millman commented that at some point in time we have to stop repairing a 1999 truck. Mayor Oppenheim noted that this was maintenance and replacement of 2 worn tires. The Village Clerk advised it is only used for litter pick up and it is a good truck for that purpose.

Mr. Millman suggested that the Village Clerk look into alternate telephone services to save costs.

Upon vote, the Resolution carried unanimously.

Public Comment: No one wished to speak.

The next agenda item was a request for a 3-way STOP sign at the Montebello and Mile Road intersection received from former Trustee Helen Airo.

Upon discussion, the Board concluded that this portion of Montebello Road was under the jurisdiction of the County and suggested that Ms. Airo contact County Highway regarding her request.

The Board members discussed and approved the mailing of the HPC invite letter which would be mailed to approximately 70 homeowners who own homes pre 1940 requesting their attendance at an Open House to consider evaluation for historic designation. The Board also authorized using regular stamps opposed to metered mail on the invitations.

Old and New Business:

Mayor Oppenheim mentioned the Parks Commission's project to get donated benches for Kathryn Gorman Ponds Park.

Trustee Sorrillo made a motion to adjourn, seconded by Deputy Mayor Millman. Upon vote, the motion carried unanimously. The meeting adjourned at 10:55 p.m.