

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, NOVEMBER 13, 2013 AT THE MONTEBELLO VILLAGE HALL. THE MEETING WAS CALLED TO ORDER AT 8:02 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Jeffrey Oppenheim	Mayor
	Lance N. Millman	Deputy Mayor
	Stacy Caridi	Trustee
	Melanie Golden	Trustee
	Steven A. Sorrillo	Trustee
Others Present:	Warren Berbit	Village Attorney
	Marvin Nyman	Financial Consultant
	Robert Geneslaw	Village Planner

Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

Mayors Report:

Mayor Oppenheim began his report by announcing that the Planning Board held a farewell dinner for outgoing Chairman Al Rubin. Al served on the Board since 1993 and submitted his resignation effective this month. A new chairman has been appointed to the Planning Board. Simultaneously, John Urcioli, Chairman, and member of the Zoning Board of Appeals since its inception, has resigned as well. The Mayor noted that a lot of Board members give a tremendous amount of their time serving on the various Boards.

Mayor Oppenheim advised that he met with representatives from Orange and Rockland today regarding a large project they are going to be starting in the Village. An underground, mile long, main line is going to be buried along Montebello Road. This will provide assurance to residents that large outages that occurred during Hurricane Sandy will not occur. It consists of a major line that feeds electricity to most of the homes along Rt 202 up to Kevin Drive and west of the Pines. The work will start in December with digging of the manhole basins, and come spring the cables will be pulled through. The poles will remain on Montebello Road. No trees will be removed along Montebello Road. The road will be opened in certain sections in the right-of-way. This project is costing a fortune with the Village being the beneficiary.

Many residents were complaining about the left over tree stumps along Viola Road. Orange & Rockland promised they will be removing and grinding down the stumps shortly. The Mayor will keep residents informed and asked that they not be alarmed when seeing this work performed.

The Mayor announced that Trustee Caridi attended the PTA Reflections Art Program held at Viola Elementary School to judge the entries. Trustee Caridi noted that the art work done by the Kindergarten through second grade students really got their message across through their

drawings. The children all did a great job, they were very cute. The Mayor thanked her for attending on behalf of the Village.

Mayor Oppenheim advised that there will be an Eagle Scout ceremonial dinner at the Montebello Community Center at 1 p.m. on November 23rd for Michael Sadowski and William Anton. Mayor Oppenheim hoped everyone would try and attend. Mr. Anton did a project at Helen Hayes hospital and Mr. Sadowski did his project in the Gorman Ponds Park.

The Mayor advised that Verizon is supporting the cell tower plan proposed on Village parkland. The proposed location will be out of sight in the Warren Berbit Nature Preserve on Spook Rock Road. There will be further updates in the near future and of course this will generate revenue for the Village once the project is completed.

The Village will be closing on the two properties on Lake Road tomorrow. The deeds have been signed by the Mayor in order to take dedication. The Village was awarded federal grant money to purchase these homes which will be demolished, and the parcels turned into open space. These two homes were ravaged by Hurricane Irene and then again by Hurricane Sandy, they are uninhabitable.

Scout Appreciation Day was held on October 26th at the Kathryn Gorman Ponds Park for the three scouts who completed their Eagle projects there. This is a wonderful achievement by these young men. The Mayor encouraged people to visit the park and walk around, it is simply magnificent.

The Village is in the process of revising and consolidating its sign law into one chapter in the Village Code. The Board will have revisions from Mr. Geneslaw next month and the public hearing will be scheduled for January.

It has been two years since the Montebello Road Bridge has been out, and there have been many complaints regarding this. The Mayor reiterated that the Village has no control over the bridge as the County bears this responsibility. He has been in constant touch with County Highway and went on to give a brief summary of what has transpired up to this point and what to expect from here out. The new bridge will be angled differently to make it perpendicular to the water so it flows better. The County must gain approval from the NYSDEC, and then the NYSDEC requires approval from the NYS Historical Preservation Office, there are chains to go through. The NYS Historical Preservation Office put the brakes on everything and asked that the State prove to them that there are no other viable alternatives for this bridge. The County then has to write a report to the State, the State has been sitting on this report for approximately 6 weeks now. Mayor Oppenheim has complained to state officials and their response was “they are very busy”, and the County needs to send them a bit more information. The bidding process will take about a month, and the demolition process can start in the spring. Again, the Village does not control this project. From the time of demolition to completion it should be about a year that is the time frame County highway is hoping for, the end of 2014.

The Village reached an agreement with the developer of Montebello Fields/ Montebello West to have Sousa Lane and Grist Mill Court paved. These streets were never finished with a final wearing course after the homes were built. These streets will be paved by November 20th. Mayor Oppenheim announced that there will be two public hearings this evening, the first being a petition requesting the installation of speed humps on Mayer Drive, between Victory Road and East Mayer Drive and the second on the Village's proposed budget for 2014.

The next agenda item was Parks Commission Business. No one from the Parks Commission was present.

The next agenda item was a Public Hearing on the Petition to install speed humps on Mayer Drive between Victory Road and East Mayer.

Attorney Berbit requested the Village Clerk/Treasurer, Debra Mastroeni 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, November 13, 2013 at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at Montebello Village Hall, One Montebello Road, Montebello, NY 10901, to consider the installation of speed humps on Mayer Drive, between East Mayer and Victory Road, as more particularly set forth in Petitions submitted on September 16, 2013, in accordance with the procedures set forth in Resolution No. 06-101, as modified by Board action taken on Resolution No. 10-058, as adopted May 19, 2010.

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

The Village Attorney confirmed with Ms. Mastroeni that the legal notice was published and posted on November 3, 2013, copies of the petition were made available to the Board of Trustees and the public, and notices were sent to residents on Mayer Drive, Zeck Court and Henry Court, and all residents listed on the petition.

It was noted that there were no signatures on the petition from residents on Henry Court or Zeck Court. In sending notice to the residents on Zeck and Henry Court as directed by the Village Board, the Village Attorney confirmed that due notice was given.

Mayor Oppenheim summarized the Traffic Calming Program. The idea was to give residents the fairest option possible and for the process to be very open. There are physical conditions that exist on certain streets where humps are not advisable to be placed; examples include narrow turns and steep angled roads. Speed humps have been installed on several streets since the program started and appear to be working well with calming/slowing traffic.

Martin Spence, the Village Engineer explained the difference between bumps and humps. Bumps are frowned upon because of the impact upon hitting. Humps are now being used because they are constructed differently, and have less of an impact on vehicles. They have been found to

mitigate speed very well. Humps are not to be used in all locations. There are guidelines that have to be followed when installing humps.

In 2007-2008, a traffic calming petition for humps on Mayer Drive was submitted and disapproved by the Village Board due to sight distance being a crucial factor. The petition before the board tonight is for humps on the same street, but due to the fact that the steel bridge on Mayer Drive and Rt 202 was recently replaced, and the deck surface of the bridge has a different riding surface the engineer's review came up with a different conclusion.

Mr. Spence noted there is one viable area that he felt could satisfy the design criteria and if the Board wanted to take action there would be an appropriate location to put the hump at this point. The speed humps are approximately 12-14 feet long and gradually go up, you would not want to place humps in a major corridor where emergency vehicles or trucks with long wheel bases ride over.

At 8:27 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

Robert White - 51 Mayer Drive - His wife was the person that petitioned for the speed hump. Recently moved in, has little children who have many play dates. He is concerned with the young kids that cut through and speed on his street; wants to slow down the traffic.

Dave Price - 43 Mayer Drive - Read his letter opposing the speed humps (see attached), and wondered why this petition is being considered and brought up again because in 2008 the Board disapproved installing humps on Mayer Drive in this area. He does not believe there is any justification on adding humps on this road, they are an eyesore, will devalue homes, and will add a needless change of character to the neighborhood. He and his wife are avid walkers and never feel threatened by the speed of vehicles in this area. He thinks people should take responsibility of their own actions and pay attention, and use common sense. He pointed out that Martin Spence reviewed this issue in 2008 and recommended that humps not be installed. He submitted a copy of the report. He thanked the Board for their consideration.

(At this juncture, the Village Attorney made sure that the following documents were included in the record: Petition dated September 26, 2013; Village Board Resolution No. 13-122, authorizing the Public Hearing; Village Engineer's reports dated October 14, 2013 and September 15, 2008, and Mr. Price's letter to the Board).

Mr. Price added that he has grandchildren that are over constantly playing in the yard and driveway and does not fear for their safety. He has never ever seen a child in the neighborhood on the road playing.

Mr. Andrew Sepulveda - 57 Mayer Drive – has lived here for 15 years. Noted that cars do speed on this road; dangerous at times. As soon as vehicles cross the new bridge they fly down Mayer Drive. He feels that speeding is the main issue, not only by locals but people cutting through. He is in favor of the speed humps being installed.

Mr. Sepulveda also wanted to know exactly where the speed humps would go and why residents on Zeck and Henry were notified.

Mayor Oppenheim responded that the exact location is not proposed in application. People should voice their opinion on the concept, itself, not the location. It is not proposed for Zeck Court. If feasible, the Village Engineer marks out the location in advance to address specific concerns. The residents on Zeck and Henry Courts were notified because they could be affected by the installation of the hump on Mayer Drive, depending upon location.

Josh Klein - 14 Zeck Court - opposes the speed humps. He was curious as to the number of humps being proposed. The notice that went out to residents said humps, plural.

Mayor Oppenheim clarified the issue, responding “hump”, one is proposed after Village Engineer review.

Mr. Klein has three main arguments, he would like to see the research and data collection as well as engineering studies that have been conducted to support implementing the hump, he felt residents of East Mayer and surrounding streets would suffer from the presence of humps, and that East Mayer is not a viable road for humps, other means of slowing down traffic would be better and possibly more effective. He stated legal liabilities should be considered too. He stated that residents on Viola Road were not notified and it would only be fair to notify them. Vehicle damage should also be considered as well as the noise level that would be created from vehicles going over the hump. In addition, he was concerned about emergency vehicles response time being affected. Mr. Klein would like the Board to seek comments from the school district, bus drivers and refuse collectors.

Hanna Hyland - Elmsford, NY. Not a resident, but visits Mr. Klein on Zeck Court. In her home town speed humps were installed and as a result vehicles sped up faster. She agrees that slower speeds are necessary but felt speed humps have the potential to create the opposite effect.

Christina Fernandez, petitioner - 51 Mayer Drive - Just moved into the area. Concerned that one of her children may be hit by a speeding car, as it has almost happened several times, has contacted the police to put out the speed monitor sign and has put out “children at play” signs. She stated that the hump could be put on the flat surface that goes to Victory Road just past her house.

Lisa Sepulveda - 57 Mayer Drive - Walks her dogs every day along the road and finds herself motioning to cars to “slow down” as they pass. It can be at any time of the day, even buses travel fast on this road. She is concerned about the children across the street from her home that play in the front yard. People do not follow the speed limit.

Herb Cooper - 48 Mayer Drive – he is in favor of the hump being installed. He noted that there are several speed humps on E. Mayer and that would not work here. He feels cars are always going to speed whether signage is there or not. A lot of drivers are not conscious as to how fast they are driving. Mentioned impact on emergency vehicles. He would rather be safe than sorry.

If selling his home he would like to be able to say that it is a busy road but there are safety measures.

No one else wishing to speak, at 8:51 p.m. Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

The Attorney prepared two resolutions, one granting approval with conditions and one denying the application. He was not sure what the Board would decide and asked them for a consensus.

A Board discussion then ensued as follows leading to presentation of an affirmative Resolution:

Trustee Caridi had a few points to make; she lives off River Road, and would be highly affected by the hump but has found and has seen firsthand that they are very effective with calming traffic. She and her teenage daughter walk and run in the neighborhood along all the streets and she is afraid for them to go running, it is a speedway. Unfortunately there are not enough police to man the roadways. The radar sign is effective with slowing traffic, but once it's gone, cars start speeding again. Even when the Montebello Bridge is opened, when driving Mayer Drive, it is a straight road, and vehicles cannot help but speed. There are a lot of young families in the neighborhoods now and the roads are dangerous. There is a huge problem on River Road when buses stop to pick up children; cars cannot stop fast enough for the bus because of speeding. They pass the bus, it's dangerous. It's scary for the children.

Trustee Sorrillo noted that we have installed speed humps at other locations and they seem to work, the residents are happy with them. The same things were said then that are being said here.

Trustee Golden is in favor of the hump. She raised an issue of needing specifics though, she was not sure if the percentage of signatures on the petition met the criteria of the petition. She agreed to the hearing to see how people felt about the proposed hump. She asked the Village Attorney if the petition meets the requirements of our law.

The Village Attorney explained that the Village Board adopted a resolution in 2006 with the procedural requirements, and then tightened up the requirements in 2010 with another resolution. The Village Board has authority to adjust the resolution at their own will, which they did at the last board meeting, by waiving certain requirements.

Trustee Golden just wanted to make sure the Village was not in violation of their own process. Mr. Berbit responded that the Board can vary procedure.

Deputy Mayor Millman stated that the Village's main concern is the safety of our residents. He noted that the Comprehensive Plan Commission did extensive research on ways to slow down traffic. His bottom line was that people speed and they need to respect the speed laws. Viola Road residents were not notified because Viola Road is not a connecting street. He personally feels that a speed hump in this area will not slow traffic down. There was a study done in 2008 when a petition was submitted for a hump on the same street, in the same area, in the report it listed limited sight distance a major factor, and he does not feel the sight distance has changed.

Village Engineer, Martin Spence clarified that the sight distance has changed. When the steel decking was in place the sight distance was approximately 200 feet, with the new bridge it is now 300' to 400'.

Deputy Mayor Millman does not feel one hump will make a difference; it will not solve the speeding issues on the roadway. There are not enough police to patrol the area constantly.

Mayor Oppenheim noted that 14 signatures were on the petition meeting the 75% threshold, thereby meeting the criteria for consideration. He explained that residents on Zeck and Henry Court could drive a different way to avoid the hump if they wanted to and mentioned that the resident who submitted the petition back in 2008 did so for humps on East Mayer Drive, closer to Mile Road. He stated that lowering speed limits on roadways is prohibited under state law.

The Mayor is in favor of the hump as the safety of children is the highest priority. He urged other residents to come forward and submit a petition if they feel a hump is warranted on their street. He mentioned that there is a removal process for humps that have been installed that do not work out.

Trustee Golden noted that she reviewed the petition again and feels there are enough signatures on the petition for her to consider the application. She feels that safety is paramount.

The Deputy Mayor concurred that regardless of the vote, safety is always paramount and the Board has always based decisions on safety factors.

Trustee Sorrillo asked Mr. Spence what changed his mind from 2008 when he originally opposed the hump. He responded that looking at it in 2008 until now, there was a rise and horizontal curve to the south, the sight distance did not meet the criteria. The new bridge has increased the sight distance.

Attorney Berbit stated that the roadway will be marked and there will be a 10-day waiting period for any additional comments from residents. Mayor Oppenheim read the affirmative resolution:

Resolution: 13-129

Village of Montebello

Title: Mayer Drive Speed Hump between East Mayer and Victory Road

WHEREAS, as more particularly described in Resolution No. 13-122 adopted October 16, 2013, the Village was the recipient of a Speed Hump Application for Mayer Drive on September 16, 2013, and irrespective whether the requisite number of signatures were included, the Board exercised its discretion in determining to hold a Public Hearing on the application, but conditioned upon receipt of a report of the Village Engineer studying said Application, and advising whether the installation of Speed Humps was justified and appropriate in the interest of public safety, said Hearing scheduled to be held on November 13, 2013 after receipt of said report and the giving of notice by posting, and by mailing to all households that could be impacted, including on Mayer Drive, between East Mayer and Victory Road, and Henry and Zeck Courts; and

WHEREAS, the Village Attorney reported that due notice had been given upon questioning the Village Clerk and ascertaining that a report had been received from the Village Engineer as dated and received on October 15, 2013, and that the following Notice was posted at the Village Hall on November 2, 2013, and mailed to all of the aforementioned households on October 28, 2013, and was published on November 3, 2013:

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, November 13, 2013 at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at Montebello Village Hall, One Montebello Road, Montebello, NY 10901, to consider the installation of speed humps on Mayer Drive, between East Mayer and Victory Road, as more particularly set forth in Petitions submitted on September 16, 2013, in accordance with the procedures set forth in Resolution No. 06-101, as modified by Board action taken on Resolution No. 10-058, as adopted May 19, 2010.

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

;and

WHEREAS, the Village Engineer reported having studied the matter as per his aforementioned report which was read into the Record, and for the reasons set forth therein as consistent with his testimony, recommended the installation of one speed hump on Mayer Drive in the vicinity of house #51; and

WHEREAS, as previously reported by the Village Planner, Robert Geneslaw, generally in conjunction with speed hump applications in his memorandum dated April 2, 2007 as was included in the Record of the earlier Mayer Drive Speed Hump Application, and is included in the Record herein, the installation of Speed Humps is a Type II Action under SEQRA, thus not necessitating environmental review; and

WHEREAS, the Public Hearing was opened at 8:27 p.m., and the following gave testimony thereat:

1. Robert White; 51 Mayer Drive, in favor
2. Dave Price; 43 Mayer Drive, opposed
3. Andrew Sepulveda, 57 Mayer Drive, in favor
4. Josh Klein, 14 Zeck Court, skeptical and would like more research and data collection done, and see more comments from various agencies. Overall, opposed.
5. Hanna Hyland, Elmsford, NY, sometimes visiting 4 Zeck Court, opposed, similar to Mr. Klein.

6. Christina Fernandez, 51 Mayer Drive, submitted the petition, in favor.
7. Lisa Sepulveda, 57 Mayer Drive, in favor
8. Herb Cooper, 48 Mayer Drive, in favor

;and

WHEREAS, no one else wishing to be heard, the Village Board closed the Public Hearing at 8:51 p.m.; and

WHEREAS, the Village Board deliberated in public, hereby finding that based upon the petitions, and testimony of the neighbors and the Village Engineer, that the installation of a speed hump in the vicinity of #51 Mayer Drive would promote safety in the subject area, but that worthy points were also made about the need to minimize the visual impact on homeowners, thus finding that the Village Engineer should take into account property lines and sight lines from the homes in placing the hump and associated signage after marking the proposed location of the speed hump and signage, by waiting 10 days for reactions to the plan, the final determination by the Village Engineer to take into consideration the neighborhood reaction.

THEREFORE, BE IT RESOLVED, that, according to the foregoing Findings, said Application is granted to the extent of the placement of a single speed hump and associated signage in the vicinity of #51 Mayer Drive, upon the condition that said placements pay particular attention to property lines, and sight lines from the affected homes, and that the design be made available for neighborhood reaction for 10 days from this date, the Village Engineer to take same into account before finalizing the locations, sound engineering and safety remaining the primary factors to be considered.

Motion: Trustee Caridi

Second: Trustee Golden

(Discussion preceded actual wording of Resolution).

Roll Call Vote:	Trustee Golden	Aye
	Trustee Sorrillo	Aye
	Trustee Caridi	Aye
	Deputy Mayor Millman	Nay
	Mayor Oppenheim	Aye

Upon vote, the Resolution carried 4 to 1.

At this time, Mr. Spence addressed his comments regarding the Flood Damage Prevention Law. FEMA provided revised FIRM maps that were being studied; they were submitted to the Village in 2011, at this time they are providing villages with model ordinances to adopt regarding

flooding prevention. This would replace the Village's current flood prevention law, it is somewhat similar to the current law, with various changes, and FEMA set a deadline of early March 2014 and is requesting all villages adopt the law by then. A draft local law must be submitted to the State for review.

Mr. Spence noted that he and the Village Attorney discussed administrative authority and that it should be consistent. In the current law the process for appeals is directed to the Zoning Board of Appeals, since the Planning Board deals with wetlands and stream protection, appeals should go to the Planning Board instead of the Zoning Board.

Attorney Berbit advised that he tends to agree with Mr. Spence's recommendation and suggested leaving it up to him to make the decision because he is more knowledgeable in this area.

Mayor Oppenheim advised that the Board is going to schedule a public hearing on the proposed changes to the Flood Prevention Law and that the proposed Local Law would be available in the Clerk's office at Village Hall.

The next agenda item was a Public Hearing on the Tentative Budget for 2014.

Mr. Berbit requested the Village Clerk/Treasurer read the legal notice into the record:

“PLEASE TAKE NOTICE that a Public Hearing will be held on Wednesday, November 13, 2013, beginning at 8:00 p.m. or as soon thereafter as the matter can be heard at Montebello Village Hall, One Montebello Road, Montebello, NY 10901, for the purpose of considering and adopting a Budget for the period of January 1st through December 31, 2014.

All interested parties are invited to attend. The Tentative Budget 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 proposed salaries of the Village Board members are as follows:

Mayor - \$21,000, Deputy Mayor - \$4,000, Trustees (3) - \$3,000 each”

The Village Attorney ascertained from the Village Clerk/Treasurer that due legal notice was given by virtue of the publishing of the Legal Notice on November 3, 2013, in the Journal News and posting of the Legal Notice on November 3, 2013, in the six locations throughout the Village. A copy of the Tentative Budget was given to the Board members and made available to the public.

The Village's Financial Consultant, Marvin Nyman, noted that the most important piece of information is that there will be “0” tax rate increase for 2014 in the tentative budget. There is not much variance between the 2013 and 2014 budget as adopted.

There has been an additional \$30,000 allocated for highway capital improvements. The taxable assessed value has gone down by about 6 million dollars; this was due to commercial properties entering into PILOT agreements and certioraris.

Mr. Nyman did not feel it was important to go line-by-line over the budget. He noted there is a 2% increase for the clerical employees of the Village and no increase for elected officials and members of the various Boards and Commissions.

Trustee Sorrillo asked Mr. Nyman if he thought this was a conservative budget.

Mr. Nyman responded that every single line item in this tentative budget has been reviewed based on the history of what has been spent over the last few years. We looked closely at major revenue areas and have recognized economic times.

Deputy Mayor Millman feels that the proposed budget is very conservative. The expenses were really tightened. A 0% increase could project larger increases in future years.

Mayor Oppenheim noted that there are two CPA's on the Board. A lot of time was spent on this budget including a workshop session. The Village has a healthy surplus in excess of the comptroller's limit. This Board continues to be frugal with no increase for elected officials in the past seven years. The Village is in excellent financial condition.

All the bonds that the village has will be paid off in the next 6 years. The annual audit solidifies the fact that the village is in solid shape. The Mayor gave credit to the Board for great work.

At 9:47 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Herb Cooper – 48 Mayer Drive – stated that “0% is good, and 1% would not kill him”, he is fine with it either way.

No one else wishing to comment, at 9:48 p.m. Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Mayor Oppenheim advised that an adjustment would be made regarding health insurance contributions at the December meeting.

Resolution: 13-130

Village of Montebello

Title: Adoption of 2014 Budget

BE IT RESOLVED, that the Tentative Budget be and hereby is adopted as the Budget of the Village of Montebello for the tax year 2014, in a total amount of \$2,200,424, and that the sum to be raised by taxation of real property \$1,174,900 shall be and hereby is levied, and that the warrant of the Village should be issued for the collection thereof, based upon a tax rate of 9.3092 per one thousand dollars (\$1,000) of taxable assessed valuation, being and intended to be

the sum to be raised by taxation divided by the total taxable assessment of \$126,208,843.

BE IT FURTHER RESOLVED, that in addition, the Village Clerk/Treasurer is hereby authorized to re-levy unpaid professional fees on those properties subject to the same.

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Public Comment: No one wished to speak.

The next agenda item was the informal application of Montebello Crossing, LLC to develop a mixed use project in the Route 59 development district.

The owner of the property, Mr. Howard Josephs, is in attendance with his engineer for this project, Mr. Brian Brooker of Brooker Engineering.

Mr. Brooker noted that the proposed project consists of retail use in the front portion of the property and assisted living on the rear portion. Currently, none of the Village zones permit assisted living so it would need to be reinserted into the Code. The project will include a traffic signal at the intersection of the hospital emergency room entrance. The abutting 7-11 property and the property under discussion is owned by the same person, so there is now the ability to change the two front entrances for access through the shopping center.

This is an 11 acre site; the assisted living portion proposes 104 units in a 14,600 sq.ft. building and the retail space of approximately 4,500 sq.ft. Colored renderings were shown so the Board could get a feel of the impervious surfaces and green space, there is preservation of a lot of green space and preservation of the 100 ft. buffer along the frontage and 50 feet along the side. Mr. Brooker also noted that CDRC indicated there was a desire for a bicycle path and that has been included, There is a rock wall separating the two properties to the west. This will have to be figured into the plan. There is not a proper easement for the bicycle path either, and that will have to be figured out.

Mayor Oppenheim stated the high quality assisted living facility is a great idea in this area, but he is concerned with the bicycle path being proposed, and wondered how it will be integrated into the plan if the abutting property owner is not in favor of running it along their property to connect to the library property. Mr. Geneslaw weighed in on this issue, stating it was something the Comprehensive Plan Review Committee had talked about at their meetings back in 2009.

The sketched plan also shows proposed monuments signs in the conservation easement. Mr. Brooker stated there are entrance ways with bollards incorporated there now, they were going to duplicate the look in the area, and they can be made smaller. The concern is that they are in the easement and are not allowed to be. The present stone wall on Rt 59 will be moved in to make

room for the proposed turning lane. The Mayor noted that the 100' conservation easement will then start from the line of where the stone wall is moved to. This is shown on the sketch.

Mayor Oppenheim noted that the plan shows the access road intruding into the conservation easement and suggested that it be shifted 12 feet so that it does not affect the easement at all. Mr. Brooker stated parking will be lost if it is shifted. Mr. Josephs said it can be shifted.

The Mayor recommended removing the existing entrance in the front and making the retail space more attractive by adding some serious greenery along Route 59 that would enhance the entire project. He will leave the details to the Planning and ARB Boards.

Joe Jaworski of Dynamic Engineering representing CVS, noted that the proposed pharmacy location is to be visible from the traffic signal. The positioning of the buildings will allow this.

Mayor Oppenheim asked if the proposed CVS was going to have a drive-up window. Mr. Jaworski responded, "yes", it will be a single drive through with canopy.

The Deputy Mayor asked if it would still be open 24 hours a day. The response was most likely yes, with the hospital right across the street. Mr. Brooker stated that to have a successful store you must be seen by your customer base. The existing pylon sign at the 7-11 shopping center will be used to advertise CVS at the new location. Mr. Brooker felt that there has to be some sort of monument sign advertising the businesses or you will not know what is in the shopping center. There are a lot of rock walls on the property and the thought is to incorporate the sign into the rock walls and add plantings.

Mayor Oppenheim would like the corner of the existing shopping center to have a built up berm like the Indian Rock shopping center, making a symmetrical gateway to the Village. This would entail the removal of some of the existing parking spaces. The Board has the authority to vary bulk requirements to accommodate some of the suggested changes.

Deputy Mayor Millman asked if the proposed restaurant would be open 24 hours a day. Mr. Josephs responded that there are restrictions on the hours of operation.

Jerry Watkins of Wegman Properties discussed the proposed assisted living facility. Presently have about 20 facilities, this facility will be similar to other ones, the floor plan is being refined as they speak. Mr. Brooker had stated 104 units prior, but it may be closer to 111 units, somewhere in that area. They are a licensed facility by the State, privately paid. Primary residents are in their eighties, the average facility holds 80-100 units. There are usually only about three or four people that drive, so there is a low need for parking. We employ about 50 staff members, equivalent to 40 full time workers. When you walk in there will be a reception area along with a great room where most of the residents congregate. They rarely go outside. There is a full dining room where the kitchen staff prepares everything and all residents have their meals in one seating. There is a private dining room that fits 12-16 people, birthday parties are typically held in this room. There are arts and crafts, old style bingo games. A typical unit is 300-400 square feet; everyone has their own private bathroom, kitchen cabinets, microwave and refrigerator. There will be no stoves, but a sitting area for their easy chair and a bed. There will

be a few one bedrooms, for sisters or a couple. There will be a dementia wing with special locks on the doors, separate dining room and everything that a typical room has except a kitchen area. There will also be a garden outside with a wall so the residents stay on the premises.

There will be a licensed nurse on staff, but medical care will not be provided. The licensed nurse is there to dispense medication prescribed by their doctors.

Trustee Caridi asked if there will be a gym facility. Mr. Watkins response was “no”, but there may be a stretching area. The residents at this facility can get around by themselves, but mainly require assistance bathing and cleaning their rooms.

The company does not accept subsidized forms of payments. They have a facility in Albany, and are breaking ground in Poughkeepsie, New York in the Spring.

The Mayor noted that this type of use was not a use that was planned on being used in Montebello, and he wondered if Montebello residents could be given priority if there is ever a waiting list to get into the facility. Mr. Watkins responded he would have to talk to management but did not think there would be an issue.

Deputy Mayor Millman appreciated that the owner/developer took the Board’s comments from the last meeting and addressed them.

Brian Brooker noted that this particular use was in the Village Code at one time, can it be a matter of the Village Board approving the use again and restoring it back into the code?

Attorney Berbit responded that an application for a zone change is required.

Mr. Geneslaw concurred. The Village Board is authorized to invent the bulk regulations for any kind of use. One thing talked about at CDRC is that the project would be developed as an overall site, the property lines are key to setting standards. Mr Geneslaw explained this thinking and wondered if consideration should be given on changing zoning in the existing shopping center to match this one so one zoning concept applies to the whole thing. It would be easier to do if there were more flexibility. Mayor Oppenheim liked this sort of global approach.

Mr. Brooker noted that public perception is perceived differently when the applicant requests a zone change versus a Village Board initiating a zone change. He asked that that be kept in mind.

Mr. Geneslaw recommended that they submit a petition for a zone change and follow the bulk table for retail use.

Mr. Brooker asked if the bike path should be considered. The Mayor said it sounded nice, but if it was going to cut down more trees he was not in favor of it, people can ride their bikes through the shopping center parking lot. If the path is not connecting to anything it may not be useful. It was suggested to generalize it at a walking path.

Discussion on the existing shopping center requiring a zone change, subdivision lot lines of the property in the future, cross easements for parking, utilities and landscaping, management contracts.

Mr. Josephs mentioned that the State has condemned and is currently working on the corner of Hemion Road to construct a right-hand turning lane going west on Rt 59.

The Board members thanked them for their presentation.

Resolution: 13-131

Village of Montebello

Title: Approval of Minutes for October 16, 2013

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of October 16, 2013 be and are hereby approved.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 13-132

Village of Montebello

Title: Snow Removal/Landscaping Services 2013/2014

WHEREAS, the Village Clerk/ Treasurer sent out RFP's for Snow Removal and Landscaping Services at Village Hall and the Montebello Community Center, and for Landscaping Services at the Viola Road Cemetery, around the 7 Village roadside entry signs, and along Ponds Park for the grassy margin between it and Senator Levy Drive, and Landscape and Maintenance around the pond areas, including the pathway and parking area, for the period December 1, 2013 to November 30, 2014; and

WHEREAS, the only proposal received was from Belleville Landscaping, Inc., referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, the salient details of which are as follows:

	Snowplow and Landscape Village Hall and Community Center, Mow Edge of Ponds Park (Senator Levy Dr.) and Landscape Cemetery and Village Signs, Parking Areas and Pathway Ponds	Extra Charge Salt	No Extra Charge Deep Snow/Ice
Belleville Landscaping, Inc	\$16,560.00	None	Front-end loader;

; and

WHEREAS, Belleville has reliably performed said services, and the proposed cost is the same as the cost of such services for the current year.

THEREFORE, BE IT RESOLVED, that the Village Board upon due deliberation does hereby accept the proposal of Belleville Landscaping, as the only apparent offerer for Snow Removal and Landscaping Services at Village Hall, the Montebello Community Center, and Landscaping Services, alone, at the Viola Road Cemetery, around the 7 entry signs, and along Ponds Park for the grassy margin between it and Senator Levy Drive, maintenance around the pond areas including the pathway and parking area for the period December 1, 2013 to November 30, 2014 at an all-inclusive package price of \$16,560.00, as more particularly set forth in the proposal and RFP, and authorizing that said sum be expended for said purposes, contract to be in a form as approved by the Village Attorney, and subject to proof of insurance, for the aforesaid reasons.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Mayor Oppenheim asked everyone to get a newsletter article in in the next week.

Resolution: 13-133

Village of Montebello

Title: Replacement Computers

WHEREAS, Atlantic Tomorrow's Office, the Village's IT provider has informed the Village Clerk/Treasurer that Microsoft will no longer support the Windows XP computer operating system as of 4/8/14; and

WHEREAS, the Village office currently has 3 Windows XP computers on our network that must be replaced with new computers with the Windows 7 operating system which are expected to be supported until 1/14/2020.

THEREFORE, BE IT RESOLVED, that quotation # JC110213-02 from Atlantic dated November 2, 2013, referenced as if set forth hereinafter, a true copy of which shall be appended to the Minutes hereof, to replace the 3 computers and install same on the Village's network for a total cost of \$4,262.00 be accepted and said sum be authorized to be expended for the forgoing purpose.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 13-134

Village of Montebello

Title: Re-Schedule Public Hearing for the Proposed Local Law to Amend the Village Code Zoning and Site Plan Regulations to Reflect a New Chapter 143 entitled "Signs"

BE IT RESOLVED, that the Public Hearing scheduled for December 18, 2013 to consider the proposed Local Law to Amend the Village Code Zoning and Site Plan Regulations to Reflect a New Chapter 143 entitled "Signs", and to include Chapter 143 in the Village Code, be postponed until the Regular Meeting of the Village Board of Trustees on January 15, 2014, to allow incorporation of the comments of the Village Board and Village Attorney made on October 16th, and to permit better circulation and reaction to responses therefrom, as recommended by Robert Geneslaw, the Village Planner.

Motion: Trustee Golden

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 13-135

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated November 13, 2013, and totaling \$126,509.22 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Sorrillo

Second: Trustee Golden

Upon vote, the Resolution carried unanimously.

Resolution: 13-136

Village of Montebello

Title: Schedule Public Hearing for a Local Law for Flood Damage Prevention

BE IT RESOLVED, that a Public Hearing be scheduled on December 18, 2013, at 8:00 p.m., or as soon thereafter as the matter can be heard, to consider the proposed Local Law for Flood Damage Prevention as Authorized by the NYS Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Public Comment: No one wished to speak.

Old Business/ New Business:

Deputy Mayor Millman made a general announcement that the Community Garden participants should clean out their plots for the winter.

Mayor Oppenheim noted that there was discussion at the budget workshop on adjusting the Village's health insurance contribution for employees that have served the Village for more than ten years. A resolution will be prepared for the December Board meeting.

Deputy Mayor Millman made a motion to adjourn, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously. The meeting adjourned at 10:57 p.m.