

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, FEBRUARY 19, 2014 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 8:00 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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

Recording Secretary, Debra Mastroeni, Village Clerk/Treasurer

Mayoral Report:

Mayor Oppenheim welcomed everyone and acknowledged the following individuals that were also present: Councilman Friedman from the Town of Ramapo, Robert Magrino, the new Assistant Village Attorney, Larry Picarello, the Village's Building Inspector, and Robert Geneslaw, the Village Planner.

The Mayor advised the Board members that the Village is switching financial institutions from Key Bank to Sterling National Bank. Key Bank has notified the Village that they will begin charging significant fees on our accounts. We will not be incurring these fees with Sterling Bank and the interest rates are minutely better.

Another request has been made to Assemblywoman Jaffee for member item funds to purchase a generator for Village Hall. The same request was made last year. The Village is also applying through Assemblywoman Jaffee and Senator Carlucci for retroactive legislation to exempt the Village from property taxes for the two houses on Lake Road that the Village has taken title to. The demolition of the two homes has not taken place yet due to the weather, but hopefully will move forward as the snow melts.

The Montebello Road Bridge has been closed for over 2 years now as a result of Hurricane Irene. It is a County owned bridge that has to be re-built by them, not the Village. There have been some delays, the most recent being the federal historic review and sign off. We are still hoping for completion of the new bridge this year.

Later in the meeting will be discussion on the renewal of the Cablevision Franchise Agreement.

The Mayor advised that he has received a letter from the Goldstein Management Corporation President, Joshua Goldstein, requesting streetlights be installed on Executive Boulevard. The

Village is looking into the cost of such lighting. This was researched in the past and the cost was quite large. The Mayor will keep everyone abreast of the situation.

Update on the property at 547 Haverstraw Road: It is in the process of being returned to its original use. The homeowner converted the barn into a dwelling unit. The Supreme Court issued an order that there would be extreme consequences if the barn was not returned to its original use of storage space only by January 10th. The Building Inspector has been on the property many times to inspect this transition; the property owner produced little action in the beginning, but has been complying recently, removing the indoor plumbing at this point. It was done in piece meal fashion. The Building Inspector has advised that the outdoor piping also needs to be removed and this cannot occur until the snow melts. The Court action will continue until the Building Inspector is satisfied with the ordered removal.

Update on the property at 196 Spook Rock Road: The Village was interested in taking this property through abandonment, but the County has stepped in and foreclosed on the property, which will presumably come up for auction, due to years of unpaid taxes. Trustee Sorrillo mentioned the Village having a lien on the property, but Mayor Oppenheim stated that the Village has been made whole by the County.

Montebello became one of only 6 monitoring stations for airborne radiation; with Indian Point in such close proximity to Rockland County, the Village decided to take part in this civilian awareness project. A data report was received recently that detected high numbers in Montebello, this is interesting, and will be monitored very closely.

Mayor Oppenheim advised that there will be a brief Executive Session to discuss the MOSDOS case.

Mayor Oppenheim mentioned that by now he was sure everyone had heard the news that Novartis Pharmaceuticals is leaving town, and that the property will be up for sale. The reason they offered is that a patent for a drug they manufacture has expired and they no longer need the facility. The Town Supervisor organized a meeting with officials from abutting villages and area businesses to discuss the fate of Novartis. All were in agreement that whoever purchases the property that it be a ratable. The property brings in an enormous amount of revenue, not just to Suffern but also to the school district. The school district stands to lose upwards of 2 million dollars a year if this property is not a ratable. The Village is not at that much of risk, collecting approximately \$7,000 a year from the undeveloped portion off Hemion Road.

The Mayor noted that he spoke with the Mayor of Suffern and suggested that our Planner, Robert Geneslaw, meet with their Planner to discuss possible uses for the property that might increase interest for a potential purchaser. This idea was supported by the Town Supervisor who said there may be funding to assist this endeavor.

The representative from Novartis, Sara Kahn, is very involved with trying to find alternate placement for the employees that will be losing their jobs. There are approximately 500 people of which about 150 are Rockland residents. They have not chosen a real estate firm to market the property as of yet.

The time frame on Novartis leaving the area entirely is 2017, but production will cease at the end of 2014. If the property is not sold, they may demolish the buildings thereby cutting their assessed value of the property by two thirds. The Mayor will keep everyone informed on what is happening with this property as the Village has a vested interest.

Mayor Oppenheim introduced Robert Magrino, the new Assistant Village Attorney. Mr. Magrino noted that he is looking forward to working with the Board members.

Councilman Friedman from the Town of Ramapo noted that his goal is to develop more communication between the Town and the Villages. He spoke about how well the Highway Department has dealt with the snow storms. He advised that he recently attended the Association of Towns conference with officials from across the state, and a key issue was “shared services”. He asked if anyone had any questions for him. Mayor Oppenheim asked if he could work with the Town Supervisor on getting funding for the Planners to work on the plan for Novartis.

The Mayor also requested that the potholes be fixed as soon as possible. The asphalt plants open around March, when the weather breaks; he suggested having an order ready to go immediately. Mr. Friedman responded that the major potholes are being fixed, and recommended notifying the Highway Department of the location of all potholes.

The Board members thanked Mr. Friedman for attending.

Parks Commission Business:

Amy Rapoport is in attendance and wished to discuss a couple issues regarding the Gorman Ponds Park. It appears that kids are using pond six to play ice hockey. She witnessed nets, pucks and hockey sticks. This is concerning to her, and wondered if the police will be confiscating the items on the ponds. What will transpire?

The Village Clerk responded that the items have been confiscated and removed from the pond, and as far as she knew the kids have not been back. Mayor Oppenheim stated if anyone sees them on the ice, report it to the police and they will come and handle the situation. Ms. Rapoport advised that another Parks Commission member said the kids were residents of Montebello Pines and suggested that an email go out to the Pines neighborhood. Mayor Oppenheim stated that it would be addressed in the next newsletter.

Ms. Rapoport then updated the Board on the next phase of work in the Gorman Ponds Park: a letter was received from AKRF Engineers. Two ponds (1 & 3) are being dredged and AKRF has issued 3 maps to depict where this pond material is going to be placed. There are 6 significant trees they plan to remove to place the dredging materials; she has an issue with this. She has spoken with the Village Engineer and the other Parks members regarding her concerns.

Public Comment:

Amy Rapoport - 5 Kings Gate Road; She has about 5' of water because the drain is clogged. She hopes the town comes through and cleans out the drains. She cannot get to her mailbox because it's a sheet of ice.

The Mayor stated the temperatures are going to rise significantly which will clear up the ice issue. The Highway Department is out and about clearing drains, but are having record breaking problems moving snow this year. He suggested calling the Village office with any areas in particular. Ms. Rapoport responded that she has already called regarding the Catherine Court neighborhood.

Next on the agenda is the Continuation of the Public Hearing on the proposed Local Law to amend Chapters 146 and 195 of the Village Code and add Chapter 143 entitled "Signs".

The following documents that were received are noted for the record:

- Correspondence from Rockland County Department of Highways dated January 27, 2014
- Correspondence from New York State Thruway Authority dated January 28, 2014
- Correspondence from Village Planner, Robert Geneslaw dated February 3, 2014
- Correspondence from New York State Dept. of Transportation dated February 7, 2014
- Correspondence from Village Planner, Robert Geneslaw dated February 11, 2014
- Correspondence from Rockland County Department of Highways dated February 14, 2014

Mr. Berbit noted that the last series of comments from the RC Highway Department dated February 14, 2014 will have to be integrated into the law as necessary. He has spoken with Mr. Geneslaw regarding same and they both agreed that they think the proposed regulation is clear, but will add in the provisions. There were several sessions on the law, when it was almost close to final, and there were suggestions that were made by the RC Planning Department under their Section 239 GML review, and by the Attorney to the Planning Board, Ira Emanuel; there was dialogue between Mr. Geneslaw and Mr. Emanuel, which went back and forth. Only three open comments remained substantive that required further board action, at the last meeting they were discussed with the Board and the Board came up with substantive direction that Mr. Geneslaw will report has been incorporated into the law. The draft local law dated February 11, 2014 has been revised to include the Board's comments from the last meeting and the recommendations from the RC Department of Planning.

The Village Planner, Robert Geneslaw, advised that the proposed draft sign law dated February 11, 2014 has incorporated all the Board discussion and dialogue along with the three substantive issues regarding the duration of temporary signs, signs on vehicles, and the removal of temporary political signs.

Mr. Geneslaw reviewed the comments from the RC Department of Planning and noted his intended response to each as follows:

That the Village Clerk sent referrals for comments to the Rockland County Highway Department, the New York State Department of Transportation and the New York State Thruway Authority with particular attention to the sign size and setback standards.

That the Village Clerk sent the proposed regulations to the abutting municipalities which were the Town of Ramapo, and the Villages of Airmont, Suffern and Wesley Hills, for comment.

That the existing sign provisions in Chapter 146 and 195 will be eliminated.

That the language in the code does accurately reflect its intent, and does refer to the placement of signs, not the sign type with regard to signs attached to trees, poles, fences, traffic signs and the like as stated in Section 143-5.B(14).

That the language in Section 143-9.A. (2) (a) the code does accurately reflect intent and provides the applicant a wider range of solutions regarding light sources for illuminated signs. It was requested that this provision be overridden.

That subsection ‘d’ in Section 143-9.A.(2) (c) was revised, and that it be the responsibility of the Planning Board to interpret “architecturally integrated” and “subdued” with regard to specific appearances standards with signs.

That in Section 143-10.H the use of the word “Halloween” was used as an example, not a limitation, and that most of the 6 comments that were offered strictly as observations have already been edited, and he noted that they are not part of the GML review.

The Board was asked if the changes made were acceptable regarding the comments from the above agencies or if they wanted them modified. The Board wished to change the use of the word “Halloween” to holiday themed.

Mayor Oppenheim questioned whether county issued signs, such as the directional sign for Congregation Shaarey Israel on county roads in Montebello were part of the “Uniform Code”, and if the Village has any jurisdiction over this sign. Neither Mr. Geneslaw nor Attorney Berbit were certain, but Mr. Geneslaw noted that it is in the county right of way. Discussion ensued regarding the 9-1-1 sign on Airmont Road. The Mayor feels there are too many signs and wants them reduced.

No one else wishing to comment, at 8:44 p.m. Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Golden. Upon vote, the motion carried unanimously.

Resolution: 14-010

Village of Montebello

Title: Adoption of Local Law to Amend the Village Code Zoning and Site Plan Regulations to reflect a New Chapter 143 entitled “Signs”

WHEREAS, a public hearing was held on January 15, 2014 for a Proposed Local Law to Amend the Village Code, Zoning and Site Plan Regulations to Reflect a New Chapter 143 entitled “Signs”; and

WHEREAS, the Village Attorney ascertained with the Village Clerk/Treasurer that due legal notice was given by virtue of the publishing of the Legal Notice on January 5, 2014, and

posting of the Legal Notice on December 27, 2013, and supplying said Local Law to the Board of Trustees and making same available to the public on said date; and

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

“PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, January 15, 2014 at 8:00 p.m. or as soon thereafter as the matter can be heard, at the Montebello Community Center, 350 Haverstraw Road, Montebello, N.Y. 10901, to consider amending Chapters 146 and 195 of the Village Code, and to add Chapter 143 thereto, the purpose being to set forth at one place comprehensive sign regulations regarding outdoor and indoor signs. The objective is to clarify, and simplify where possible, and to better embrace the scenic beauty of the Village while facilitating the right and need of our residents, and businesses and homeowners and others with a need to communicate to those residents and businesses, and to those passing through the Village.

All members of the public and all interested parties are invited to attend and participate. All interested parties are also urged to review the proposed Local Law at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m.” ; and

WHEREAS, the Village Board conducted a workshop on said proposed Local Law on May 13, 2013 with the Village Planner, and suggestions were made for revisions as reflected in the Planner’s draft of July 31, 2013, and as incorporated in the next proposed version of the Local Law distributed with the Planner’s memo dated October 10, 2013; and

WHEREAS, the Village Planner appeared at a Regular Meeting of the Village Board on October 16, 2013 to further review the proposed Law which led to additional suggested changes as memorialized by the Village Clerk Treasurer in an email dated October 17, 2013, and by the Village Attorney in a memo dated October 21, 2013, which were incorporated into the version of the Local Law distributed by the Village Planner on December 9, 2013; and

WHEREAS, the then proposed version of the Local Law was forwarded to General Code which responded on January 9, 2013 as follows:

1. That the placement of the chapter in the Code and the numbering of sections and subsections appeared fine.
2. There is nothing in the provisions that any existing sign provisions are to be repealed or sections of the code amended to refer to the new Chapter 143.
3. The Village Attorney should review all such provisions; and.

WHEREAS, in formatting the Local Law such has incorporated reference to all sections being impacted as recommended by General Code, and consistent with the Planners memo dated July 31, 2013; and

WHEREAS, the Assistant Village Attorney assigned to the Planning Board, Ira M. Emanuel, made suggestions for revisions in his email dated December 22, 2013, as further discussed in his emails dated January 6, 8, and 13, 2013; and

WHEREAS, The Planner, in a comprehensive memo dated January 6, 2014, and response email of January 13th, reacted to Mr. Emanuel's suggestions, as more particularly set forth therein, agreed to a majority of the changes, thus having agreed that such be incorporated in the Local Law set forth in said memo, in particular comment #'s 1 through 17, except for comments 4, 10 and 16 requiring further discussion, but also instructing that the changes in those three areas involved discretion and required public deliberation, and the Village Planner attended the hearing and led the discussion including reviewing the ministerial as well as the following possible changes:

Comment 4. Relating to temporary signs of prolonged duration (e.g., Farmers Market)

Comment 10. Relating to signs on vehicles

Comment 16. Regarding the removal of political signs

;and

WHEREAS, after presentation by the Village Planner and further deliberation regarding Comments 4, 10, and 16, the hearing was continued until February 19, 2014 to allow further revisions of the aforesaid comment areas; and

WHEREAS, at the hearing on February 19, 2014, the Village Planner in his memo dated February 11, 2014 proposed the following changes:

1. Section 143-3- provide that a color change to an existing conforming sign would require ARB approval.
2. Section 143-4.H-provide that "On premises signs advertising merchandise for sale (such as garage sale, toy sale, auction, etc.)" shall not be in place for more than 74 days. This is distinct from the temporary sign limitation of 74 days.
3. Section 143-9.(3)(c)-Buildings in non-residential districts other than the NS District, multi establishment buildings may have only the name of the center and/or building, not the name of the individual tenants. This change is consistent with the requirements for free standing signs; and

WHEREAS, in reacting to the comments of the R.C. Department of Transportation, dated January 27, 2014, as covered by the Superintendent of Highways on February 14, 2014, the Village Planner also proposed that Section 143-4 paragraph C be modified to include a statement exempting State, County, and Thruway signs erected as part of the NYS Manual on Uniform Traffic Control Devices to clear up any confusion on the subject; and

WHEREAS, the public hearing was closed at 8:44 p.m., no one else wishing to speak, and that included in the record shall be the following:

Correspondence from Village Planner, Robert Geneslaw dated July 30, 2013
Correspondence from Village Planner, Robert Geneslaw dated July 31, 2013
Correspondence from Village Planner, Robert Geneslaw dated October 9, 2013
Correspondence from Village Clerk, Debra Mastroeni dated October 17, 2013
Correspondence from Village Attorney Warren Berbit dated October 21, 2013
Correspondence from Village Planner, Robert Geneslaw dated December 9, 2013
Correspondence from Asst. Village Attorney Ira Emanuel dated December 22, 2013
Correspondence from Village Planner, Robert Geneslaw dated January 6, 2014
Correspondence from Asst. Village Attorney Ira Emanuel dated January 8, 2014
Correspondence from Village Attorney Warren Berbit dated January 9, 2014
Correspondence from General Code dated January 9, 2014
Correspondence from Village Planner, Robert Geneslaw dated January 9, 2014
Correspondence from Village Planner, Robert Geneslaw dated January 13, 2014
Correspondence from Asst. Village Attorney Ira Emanuel dated January 13, 2014
Correspondence from Village Attorney Warren Berbit dated January 14, 2014
Correspondence from Village of Wesley Hills dated January 15, 2014
Correspondence from Rockland County Department of Planning dated January 15, 2014
Correspondence from Rockland County Department of Highways dated January 27, 2014
Correspondence from New York State Thruway Authority dated January 28, 2014
Correspondence from Village Planner, Robert Geneslaw dated February 3, 2014
Correspondence from New York State Dept. of Transportation dated February 7, 2014
Correspondence from Village Planner, Robert Geneslaw dated February 11, 2014
Correspondence from Rockland County Department of Highways dated February 14, 2014; and

WHEREAS, the Board fully deliberated in public.

THEREFORE, BE IT RESOLVED, that said Local Law be and hereby is approved with the changes as enumerated above, including the changes previously incorporated in the version of the Local Law distributed on February 11, 2014, which also reflected the GML 239 recommendations by the Rockland County Department of Planning to the extent found relevant and jurisdictional, but otherwise overriding same as per the Planner's testimony for reasons set forth in his memo dated February 3, 2014, included as a part hereof by reference, to be effective upon incorporating said changes and filing with the Secretary of State.

Motion: Trustee Caridi

Second: Trustee Sorrillo

Deputy Mayor Millman thanked the members of the Planning Board and Mr. Geneslaw for all their time in revising the Sign Code.

Mr. Geneslaw stated that over the two year period, the Planning Board put a lot of time and effort into this.

Upon vote, the Resolution carried unanimously.

Mr. Berbit announced that the record will reflect that the Board voted unanimously in overriding the RC Department of Planning GML 239 by a vote of 5 - 0.

The next agenda item was a Public Hearing pursuant to §132-12(A) and §132-17 of the Village Code, "the Property Maintenance Law", §304.11 and §301.3 of the New York State Property Maintenance Code, with respect to the property located at 135 Spook Rock Road.

The Village Attorney confirmed with the Village Clerk that as required by law the legal notice was published on January 9, 2014, and posted on February 4, 2014. A copy was also mailed regular and certified mail on January 27, 2014 to the owner on record, Robert Storms at 135 Spook Rock Road. The Village Attorney concurred that due notice was given.

The Village Clerk read the legal notice into the record:

“PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, February 19, 2014, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York 10901 pursuant to §132-12(A) and §132-17 of the Village Code, "the Property Maintenance Law", §304.11 and §301.3 of the New York State Property Maintenance Code, with respect to the property located at 135 Spook Rock Road, Section 41.17-1-64 in the name of record owner Robert Storms, to determine whether said property be considered a nuisance and hazard to health and safety and an eyesore, and that such is being maintained as a junkyard in violation of §195-11(B) §195-11(F) of the Village Code, such that the Board may properly order that said conditions be corrected at Village expense and direction, and that said costs may be charged and assessed to constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied and discharged, and to be collected in the same manner and at the same time as other village charges.

All members of the public and all interested parties are invited to attend and participate. The associated violation is on file and is available for inspection and review at the Village Office during normal business hours, Monday through Friday, 9:00 a.m. to 4:00 p.m.”

Attorney Berbit asked the Village Clerk if any contact was received from the property owner, Mr. Storms, in reaction to the letters sent, she responded “no”, but that she tried to contact him and the cell phone number was disconnected, and no answer on his home phone.

At 8:50 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Golden. Upon vote, the motion carried unanimously.

The Village Attorney called upon the Building Inspector, Larry Picarello to testify; he stated his name for the record and swore to tell the truth, the whole truth and nothing but the truth. Mr.

Picarello stated that he is an employee of the Town of Ramapo assigned to the Village of Montebello in the capacity of Building Inspector and Code Enforcement Officer. He is familiar with the subject property.

Mr. Picarello prepared various memos and photos which the Board has received copies of.

Mr. Picarello, in narrative fashion, gave a chronological history of the property file:

In 1984, the house received a Certificate of Occupancy.

In 1988 there was an appearance ticket written for a junk yard, followed by violations in 2000 for the same thing.

Another violation notice was issued in 2005 for a junkyard.

An appearance ticket was written again in 2006 for a junk yard.

In March 2010, while he was employed at the Village he wrote an appearance ticket and at that point there was a clean-up with a Civil Compromise paid to the Village in June 2012. That cleared things up to that point. There was a period of general compliance, and Mr. Picarello stated he was being very kind, he stopped at least 5 times as the collection of cars, machinery, construction debris and miscellaneous things came and went. Mr. Storms attempted to clean-up and organize these things a bit; he corralled things more towards the rear of the property. It continued to get worse and worse.

In March 2013, a violation notice was written because he was not getting any cooperation. Again no clean up happened. He reached out to Mr. Storms, stopping by his home many times.

On March 26, 2013, appearance tickets were written for property maintenance, debris and litter, and a junkyard.

Court date was April 24, 2013, and Mr. Storms did not appear. After that there was other court dates that were missed, Jay Golland, the Prosecuting Attorney would have those dates.

On January 7, 2014, he hand delivered a letter, placing in it Mr. Storm's door. He had driven by later and saw that it had been removed from the door. That letter, which the Board has a copy of, advised Mr. Storm's of the Village's intent to clean the property.

On January 13, 2014, he returned to the property and took the most recent pictures before the snow fall, there are a number of them, and there was no effort of any kind by the homeowner to clean-up.

On February 4, 2014, three public hearing notices were posted on the property and that is where we are now, there has been no activity, everything is pretty much still there as far as he can tell.

Attorney Berbit: Has Mr. Storms made any effort to reach out to you?

Mr. Picarello: No, he has not.

Attorney Berbit: during all this process?

Mr. Picarello: No he has not.

Attorney Berbit: When showing up at the property were you able to speak with him during this more recent process?

Mr. Picarello: No.

Attorney Berbit: And what is your opinion about the state of the property as far as the building code, health and safety code?

Mr. Picarello: it's definitely an eyesore, and it certainly qualifies as a junkyard. The pictures really tell the story.

Attorney Berbit: Is the property hazardous if walked upon for any reason?

Mr. Picarello: I don't know that if there would have been a fire or perhaps an ambulance had to get in that they would be able to reach the house quickly, so yes, it is dangerous.

Attorney Berbit: Do you have a recommendation to the Village Board at this point?

Mr. Picarello: I recommend somehow that Mr. Storms is contacted to clean it, organize it and make it safe.

Attorney Berbit: Under our Code, is it in your opinion that we have authority to go in and clean the property at this point?

Mr. Picarello: I am not sure. [Mr. Picarello reviews the Village Code Book] Under this section it looks like you can. All the proper notifications were given.

Mr. Berbit: What section is that?

Mr. Picarello: Section 132-17, removal by Village and charges.

Mr. Berbit: Is it your impression that Mr. Storms, even though he seems to be remote and hard to reach and non-responsive, is residing at the premises?

Mr. Picarello: He is residing at the premises, I see....I know his vehicle and I see it come and go.

Mr. Berbit: and, to your knowledge, during your tenure as our acting Building Inspector, are you aware of us coming onto any property and cleaning up when somebody was still a resident on the property?

Mr. Picarello: No. I know we have done some lawn maintenance and things like that, but those were vacant properties.

Mr. Berbit stated he would recommend to the Village Board that caution be exercised because someone seems to reside at the premises and to give Mr. Storms one final chance, notice of this action, a 15 day period for the homeowner to clean the property. Then proceed with instructing the Assistant Village Attorney, Mr. Golland, to go to court to obtain an order to show cause to actually get a court order to be able to go on the property and remove the debris.

Mr. Picarello stated he would not object to this, Mr. Storms has not been responsive to any court dates. So however you need to reach him, perhaps a police escort, going to the door. The notices were sent and he has never showed up in court.

Mr. Berbit: If he does become responsive, are you willing to report to the court and Village Board what is happening, and if we have to step up and authorize more authority?

Mr. Picarello: Absolutely.

Mayor Oppenheim asked Mr. Berbit to state the specific action he is recommending to the Board members.

Mr. Berbit responded that he is recommending that the Village Board authorize going onto the property, and if it is in fact in violation of our property code, and cleaning it up and placing a levy against the property, but to give Mr. Storms a 15 day opportunity to react and start taking care of his property. If that does not happen, then the Village Board instructs our prosecuting attorney to bring an action in Supreme Court.

Mr. Berbit went on to say that he prefers to do it this way because there is a person living on the property. The statute allows the Village to make the property safe. It must be cleaned up for the health and safety of everyone, including emergency workers that may have to get to the home if need be.

Trustee Sorrillo asked Mr. Berbit for clarification, the statute allows us to make the property safe, does that mean clean up the entire property or just make a path for emergencies?

Mr. Berbit responded, that if it violates our property maintenance law, we have that authority. It's the same authority the Village has if they have to hire a landscaper to go in and mow overgrown grass. Those situations are not that complicated because the properties are abandoned. Mr. Berbit would like to avoid a situation of actually confronting a resident who lives at the property, although the Village does have the authority to do that.

Trustee Golden noted that she agrees that the action should be approved and liked Mr. Berbit's recommendation.

Mr. Berbit mentioned that the resident is not in a healthy state. He may be his own worst enemy if emergency vehicles cannot get through.

The Mayor recommended a reasonable action of reporting this matter to the Rockland County Department of Health. There may be potential violations they may wish to address. They have a right to go into the actual residence. The Mayor felt this resident is displaying the characteristics of a "hoarder", and the inside of the home may be in jeopardy as well. The Building Inspector was directed to notify the health department.

The proposed Resolution will include the direction to the Building Inspector to contact the Health Department. The Mayor noted that in his experience where people may have serious

mental health problems, an intervention by the health department is a really good idea, for the safety of the individual.

Mr. Berbit noted that a Bench Warrant was issued because the resident did not show up for court.

No one else wishing to speak, Deputy Mayor Millman made a motion to close the Public Hearing at 9:06 p.m., seconded by Trustee Golden. Upon vote, the motion carried unanimously.

Resolution: 14-011

Village of Montebello

Title: 135 Spook Rock Road - Chapter 132 Property Maintenance Hearing

WHEREAS, as more particularly set-forth in Resolution of the Village Board No. 14-006 dated January 15, 2014, and the report of the Building Inspector dated January 13, 2014, the premises located at 135 Spook Rock Road, Section 41.17, Block 1 and Lot 64, record owner Robert Storms, has continued in a non-maintained condition for a number of years despite current and prior prosecutions, representing a nuisance and a possible hazard to health and safety, and an eyesore. A Notice to Correct and the requisite waiting period having transpired, said property having been noticed for violation of the NYS Property Maintenance Code, as well as §132 Article II of the Village Code and authorized that a hearing be held pursuant to §132-17 of the Village Code, again, assuming failure to timely correct the violation, to find same in violation and to levy the expense of remedying the unsafe condition against said property; and

WHEREAS, as a consequence the Village Clerk reports that the following Notice was published in the Rockland Journal News on February 9, 2014, was posted on the property on February 4, 2014, and was mailed USPS regular mail and certified mail on January 27, 2014 to the record owner, Robert Storms at said property:

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, February 19, 2014, at 8:00 p.m. local time, or as soon thereafter as the matter can be heard at the Montebello Community Center, 350 Haverstraw Road, Montebello, New York 10901 pursuant to §132-12(A) and §132-17 of the Village Code, "the Property Maintenance Law", §304.11 and §301.3 of the New York State Property Maintenance Code, with respect to the property located at 135 Spook Rock Road, Section 41.17-1-64 in the name of record owner Robert Storms, to determine whether said property be considered a nuisance and hazard to health and safety and an eyesore, and that such is being maintained as a junkyard in violation of §195-11(B) §195-11(F) of the Village Code, such that the Board may properly order that said conditions be corrected at Village expense and direction, and that said costs may be charged and assessed to constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied and discharged, and to be collected in the same manner and at the same time as other village charges.

All members of the public and all interested parties are invited to attend and participate. The associated violation is on file and is available for inspection and review at the Village Office during normal business hours, Monday through Friday, 9:00 a.m. to 4:00 p.m.; and

WHEREAS, as a consequence of the above, the Village Attorney concluded that due notice was given for the purposes of this Public Hearing; and

WHEREAS, the hearing was opened at 8:50 p.m., and Larry Picarello, the Building Inspector was sworn in and gave testimony as follows:

1. Prior uncorrected junkyard violations resulted in an Appearance Ticket (#0334, dated 3/10/2010). Following an acceptable cleanup, a Civil Compromise of \$500 was obtained. This was signed and dated on 6/21/2012. Two payments of \$250 were paid dated 6/21/2012 & 8/10/ 2012.
2. What followed was a period of general compliance. During this period, he had stopped at least five times to speak to Mr. Storms, as the “collection” of cars, machinery, construction debris, and miscellaneous items came and went. As Mr. Storms was having serious health issues, he monitored the situation until he no longer was responsive.
3. On March 13, 2013, a new Violation was issued, and the property posted. Following the March 13, 2013 Violation, no effort was made to clean up or reduce the junkyard condition.
4. On March 26, 2013, new Appearance Tickets # 0448 (Property Maintenance, Debris & Litter, Sec. 132-12A) & Appearance Ticket # 0449 (Junkyard-Prohibited Use, Sec 195-11B.F.) were issued. The Court date was April 24, 2013. Mr. Storms did not appear. Court dates were missed, a warrant was issued. Mr. Jay Golland, Village Prosecuting Attorney will have specific information regarding the missed Court dates and warrant.
5. On January 7, 2014, he hand delivered a letter to Mr. Storms front door (it was removed later in the day). The letter advised Mr. Storms of the Village’s intent to clean the property.
6. On January 13, 2014, he returned to the property, took pictures, and prepared a memo.
7. On February 4, 2014, “Notice of Public Hearing” posters were posted at 135 Spook Rock Road. There has been no activity noted since February 4, 2014.
8. That he concludes that the property is in violation of §303.3 and §304.2 of the NYS Property Maintenance Code and the Village Code.
9. That he recommends on clearing of the property, that the newer items be removed to the rear of the dwelling to give the property owner another opportunity to take same into proper control and storage, the remainder be removed and the property be cleaned of all debris and junk and unsafe materials; and

WHEREAS, the following documents were included in the record:

1. Resolution No. 14-006.

2. Reports of Building Inspector dated January 7, 2014, January 13, 2014, and February 12, 2014.
3. Violation Notice dated March 13, 2013 as posted on the property.
4. Appearance Tickets as dated March 26, 2013.
5. Legal Notice and Affidavits of publication and posting

WHEREAS, no one else wishing to speak the Public Hearing was closed at 9:06 p.m.; and

WHEREAS, the Village Board duly deliberated in public and made findings and resolved as hereinafter stated.

THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board finds that said property appears to be in an unsafe condition, and, after requisite notice, that the conditions were not corrected.
2. The cost of the Building Inspector's time for 4 hours at \$64.06 per hour, or a total of \$256.24, and cost of the Village Attorney's time for 2 hours at \$150.00 per hour, or a total of \$300.00, for a total cost of \$556.24 was reasonable and necessary.
3. That as a reasonable estimate, a sum not to exceed \$5000.00 subject to further Village Board action, be authorized to clear off said property and remove the unsafe and unsightly accumulation of junk.
4. That said sum of up to \$5,556.24 (\$5,000.00 + \$556.24) as a function of actual cost be levied against said property to be collected in the same manner as Village Real Property Taxes, and that any additional sum necessary to be so expended in the future for said purpose shall be likewise so levied without the need for another public hearing, upon the report of the Building Inspector as acted upon by the Village Board from time to time, by Resolution as may be necessary.
5. That the Building Inspector inspect and report no later than 90 days after the clean-up with respect to the state of the junk previously accumulated on the property, and the newer items to the rear of the property, the Village Board retaining jurisdiction to continue the Hearing if need be with respect to those newer items and any additional expenses; and

BE IT FURTHER RESOLVED, that because the premises are owner occupied, and in an excess of caution as recommended by the Village Attorney and Prosecuting Assistant Village Attorney, despite the Village Code permitting the taking of emergency action in the interest of public safety, that the foregoing actions to come onto the premises and to commence the clean-up work will be held in abeyance subject to the following:

1. Giving the owner fifteen (15) business days' notice of this Action by service of a completed copy of this Resolution with a Clerk's Certification, by Regular Mail, Registered Mail Returned Receipt, and by delivering same to the premises.
2. Should the Owner within that fifteen (15) day period commence cleaning up the premises in a meaningful way in the judgment of the Building Inspector, that this Action shall continue to be held in abeyance until and unless the Building Inspector reports in his judgment that meaningful progress has not been made, or has ceased having been made, with violations continuing.
3. After passing of the Fifteen (15) days without progress as aforescribed, or should progress halt, and unless the Owner gives permission to the Village to come on the premises to cure the violations, the Prosecuting Assistant Village Attorney, Jay Golland, be and hereby is authorized to commence an action or proceeding by Order to Show Cause in the Supreme Court, Rockland County, to permit the Village to come onto said property to remove the junk and debris, and to cure the safety and zoning violations as aforescribed, and to levy the cost of same, court costs, staff costs and reasonable attorney's fees against said property.

BE IT FURTHER RESOLVED, that the Building Inspector is authorized to contact the Rockland County Board of Health concerning said violations in the belief that the County Health Code may be impacted, for inspection and possible action and report on same.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Discussion: Deputy Mayor Millman feels that moving the newer junk to the back of the property would not really be helping the situation. Who determines the definition of junk?

Mr. Berbit noted that the Building Inspector reported much newer items mixed with very old items. It was recommended to give the resident the opportunity to salvage the newer items and remove the older items; the more offensive and dangerous.

Discussion on the types of items existing on the property and liability issues on the part of the Village. The Building Inspector noted there is a brand new full-size pickup truck.

Members questioned where to bring the items after they are cleaned off the property. The Building Inspector stated the decrepit, really old stuff should go, and the newer items should be moved to the back of the house.

The Mayor declared that the resident has been given numerous chances at cleaning up the property, due notice was given; the Village will eventually obtain an Order to Show Cause.

There will be no liability for the Village. Exact detail of each item will be needed if it comes down to clearing the property.

Upon vote, the Resolution carried unanimously.

The next agenda item is the application of the Ramapo Valley Sports Group, LLC for a zoning code amendment. Mayor Oppenheim has recused himself from hearing this application and Deputy Mayor Millman takes over this portion of the meeting.

The Deputy Mayor asked the Village Attorney for a brief summation.

Mr. Berbit stated there was an application pending for a zone change to allow recreational use on property located in the LO-C zone. The Village Board named the Planning Board their “consultative arm” due to the complicated nature of the application. A report came back from the Planning Board, recommending 3-2 that is was not in favor of changing the zone for this type of use. At that time the applicant revealed that their contract vendee status with the owner had expired and they no longer had authority to proceed, however they proposed that the Village Board on its own discretion, continue with looking into the possibility of the zone change. The Village Board declined to continue. Recently, the Board was made aware that there was a change in ownership of the property to the Goldstein group (Rella Partners). John Martin is a 5% minority owner of the property. Rella Partners has granted Mr. Martin authority to submit a new application for a sports complex on this property.

The applicant is formally appearing before the Board this evening to present their application. The Board will deliberate in public.

Michael Klein, from Klein & Klein, Montebello, NY, the attorney representing Ramapo Valley Sports Group, LLC. (“RVSG, LLC”), introduced John Martin, the sole petitioner of the RVSG, LLC., Jeffrey Goldstein, who is the managing member of Rella Partners, LLC., which recently purchased the property from Donnelly Marketing, Jay Greenwell, Surveyor, Steve McGrath, Arizona Air Structures, and Eric Hughes, from Green Turf.

Mr. Klein summarized the past history of events with this application which led up to this meeting: under the Village Code recreational use is only permitted in an LO district. In July 2011, the Board received an application from Ramapo Valley Soccer for an amendment to the zoning code to allow recreational use in the LO-C zone. The nature of the project was to construct indoor and outdoor fields, one being covered by an air structure. The Village Board sent the application to the members of the CDRC for review and comment. The CDRC responded to the Village Board with three letters from the Village professionals. The Village Board requested additional information which was provided in February 2012. The Board reviewed the information and adopted a very specific resolution asking that the Planning Board conduct further review of the site specific project and consider an environmental review of the project at that juncture.

Various meetings took place with CDRC, the County Planning Department, and the applicant provided very detailed, lengthy presentations with the design professionals at the Planning

Board. In March of 2013, the Planning Board submitted a recommendation back to the Village Board that they were not in favor of this type of use at that location. Unfortunately, Mr. Martin's contract with the property owner had a contingency for zoning approvals and the due period expired in January 2013. The marketing agency refused to extend the contingency and the contract was cancelled. The Village Board would not consider further action of a zoning code amendment because the Soccer Club was no longer a contract vendee, and Donnelly Marketing is no longer an owner authorizing RVSC, LLC to proceed.

At that point in time, the project was placed on the shelf. Things have changed, and the project is now back before the Village Board.

Legally since then, Rella Partners, LLC, which is associated with the Goldstein family has purchased the property. Mr. Martin is a small owner in the LLC that purchased the property. He has also created a new entity called the Ramapo Valley Sports Group, LLC, which he is the sole member of. With the new owners consent, a new application has been submitted which essentially asks for the same relief that we were seeking from the beginning in 2011. To define specifically what a commercial recreational use is, and to extend that use into the LO-C zoning district, which would permit the construction and use of three outdoor turf fields and one air structure. The heart of the application remains the same throughout. John believes the use is appropriate for that location.

John Martin stated that the genesis of the project has not changed, the need for this type of facility, in this area is great, and it continues to grow. He feels the Village Board was unaware of a lot of the information regarding the overall project. He introduced Jay Greenwell, Greenwell Surveying, surveyor on the project. He started working on the subdividing of the property back in 1986. Mr. Greenwell has prepared a complete site plan of the project. He has reviewed the existing property boundaries that abut the proposed parcel on Rella Boulevard, stormwater basins, underground storage facilities, grading plan, construction details, topography, parking spaces, buffers, landscaping tree lines to buffer the visual effect from Airmont Road.

Mr. Martin went into detail with the buffer around the property. The buffers that are going to be created will be placed along the residential property lines in the back rear of the property, by the commercial parcel (49 N. Airmont Road). He noted that a small portion of the parcel along Airmont Road was taken by the County, therefore the property is slightly smaller than previously noted.

Jay Greenwell, Greenwell Surveyors, Suffern, NY, summarized the history of the development on Rella Boulevard noting that it was a four lot subdivision back in 1986, four large office buildings were proposed, only one building was constructed; the Mack Cali building, the other ones did not come to fruition. Consolidation of the two lots for the sports complex on the northern side of Rella Boulevard, large overgrown detention basins do not address the Phase 2 Stormwater regulations. Have addressed in filter detentions and discharge into storm basins, prepared grading plan, addressed numerous elements of the environmental assessment form, lighting, noise, etc. Developed full set of plans showing erosion control, visual impact would be diminished designed to maximize existing buffer.

John Martin noted that the biggest concern of the project is the visuals. He showed aerial photographs from the NYS Thruway, of what the lots looked like back in April 2011. He wanted to depict the tree lines and denseness, at that time of year and what it will look like. He noted that the tree line comes out to the road today, the parking area would be in back of that and they would provide proper screening. A 100 foot buffer all around for the Montebello Commons buildings. As the project moves forward Mr. Martin will provide more visuals of what the “bubble” will look like during the day and night. At night the bubble will appear “black”.

Deputy Mayor Millman is concerned with the look from Airmont Road and questioned how large the buffer is there. Mr. Martin responded, “mostly 75’, would maintain 50’ around property”.

Trustee Sorrillo questioned the elevations from Airmont Road to the fields. Mr. Martin responded and showed photos of what it will look like, topography wise. It will be approximately 15’ higher than Airmont Road. Discussion ensued regarding vegetation and the existing trees on the property.

Mr. Martin advised that Dan Ruder from Musco Lighting could not be here this evening but has provided an overlay of the property combined with phototropic of light. The height of the light poles will be approximately 70’, the number of poles, positioning of them and type of lighting was discussed. Mr. Martin noted that there will be no light spillage on neighboring properties. Higher is better for mitigating spillage and they are able to pinpoint the accuracy of the lighting. A fully detailed lighting plan will be provided.

Mr. Martin took the Board through a map exercise which showed the sports complex layout. He explained the different sports that will be played on site during the different seasons, the proposed number of children playing these sports, adequacy of parking, provisions for buses, impact on the roadways during the weekends vs. weekdays, fencing and screening, adequate bathroom facilities, food service-type concessions, security.

Deputy Mayor Millman asked about professional or specialty teams visiting the site to do exhibition days. Mr. Martin responded that this is something that is not planned, but the site has that ability. If someone approached them to hold a fair of some kind, and it is outside the permitted use, and, would need a special permit, one would be requested through the Village. Over flow of parking needs would be handled with Mack Cali and the Crowne Plaza.

The site has been vacant for a very long time, and Mr. Martin knows that there is passion about it being a ratable. Trustee Golden asked what studies have been done as far as noise. Mr. Martin responded that the mechanicals of the bubble were studied. The Village Engineer has looked at this; the only other noise will be the kids playing. There will be no concerts; there will be referee whistles and an outside speaker system. The Planning Board showed concern with the whistles and the speaker system. Mr. Martin cannot help that. He stated he runs events at Suffern Middle School right now. There are no complaints.

There was an initial report done regarding noise. This will be looked at further. Deputy Mayor Millman mentioned that Montebello has a Noise Law. A detailed traffic study must be prepared; this property will get the most use in the evenings and on the weekends.

Mr. Martin went on to say that he has discussed the project with the Tallman Fire Department and they have no issues.

The structural integrity of the sports dome was discussed. Mr. McGrath explained how the proposed dome will be built and that it is built to shed snow.

John Connelly – teaches at Suffern High School – feels this is a fantastic facility for the kids, more field space is needed, unable to get needed field time at the schools.

George Kaleeny – has lived in Suffern since 1967, expressed need for indoor space for sports; has to travel two hours away, feels there is a desperate need in community.

Mike Greany – Suffern Coach – feels there is always a need for more fields, programs are growing and kids are getting short changed.

John Sadowski – former member of Ramapo Valley Soccer Board – noted that he attended the Planning Board meetings and feels that some Board members were biased from the start; don't think they understood the noise parameters. He lives on Bayard Lane and said he hears the Thruway; this will be new noise.

Jeff Goldstein - owns the property that the proposed project will encompass – feels this would be a good neighbor to Montebello Commons and he doesn't foresee another office building coming in the near future. He would enjoy seeing the fields there.

Mr. Klein noted that Mr. Martin has done a lot of work and spent a lot of money.

Deputy Mayor Millman asked Mr. Martin, if it's a matter of the number of fields or reducing the hours of operation, would you consider scaling it back.

Mr. Martin responded that the number of fields and amount of hours could impact the operation as well as the programs for the children. An indoor field is an absolute requirement. The outdoor fields promote the sports park element; that would break the business plan and have a financial impact. It is not workable.

The Deputy Mayor thanked them for their presentation.

Mr. Geneslaw explained the next steps in moving forward if the Board so chooses. Most importantly is deciding if the details in the plan are acceptable. There is no use in having the Planning Board review the project if the Board is not happy with the plan. The plan is proposed in the LO-C zoning district and there are two other properties in the LO-C district. Is it the Board's intention to change all or look for a way to limit this activity to this specific site, then the amendment would have to exclude the other two. The other two properties zoned LO-C are the

Weg property on Airmont Road and the Archdiocese property on Montebello Road. He asked members to keep that in mind when considering this change in use.

Mr. Geneslaw pointed out that the prior informal application did not have a formal SEQRA done. and recommended that the applicant complete the new version of the Environmental Assessment Form. He also recommended that the Village Board declare itself as Lead Agency. The application can then be referred to the RC Department of Planning and the Village Planning Board. Comments back will include other referrals. The Board should also consider amending the Comprehensive Plan which will require additional public hearings.

The Deputy Mayor asked the Village Attorney and Village Planner their opinion regarding holding an informational meeting for the public on this project, knowing that the environmental forms have to be completed.

The Village Attorney responded that he and Mr. Geneslaw discussed this and they feel that such a meeting could be misleading to the public and premature regarding public sentiment, and the Board has not done so in the past for other applicants. The Board cannot defer statutory duty to a popularity vote. This is a very different and complex project that should go through the same process as any other project of this scope seeking a zone change that may come before this Board.

Mr. Geneslaw advised the Board to have the applicant prepare the Part 1 Environmental Assessment Form (EAF) and that he would assist the Board in completing Part 2. This will allow the Board time to consider a zoning amendment.

Deputy Mayor Millman asked Mr. Martin about the purchase/lease of the property. Mr. Martin responded that this would not have any bearing on the project and they have not laid out that detail yet. Rella Partners could become the owners of this.

Mr. Geneslaw will prepare a memo to the Board regarding this application.

Resolution: 14-012

Village of Montebello

Title: Ramapo Valley Sports Park – Part 1 EAF

BE IT RESOLVED, based upon the presentation by the Ramapo Valley Sports Park representatives this evening, that the Board of Trustees hereby declares sufficient interest at this stage to warrant that the Applicant at its election prepare a Phase 1 EAF (Environmental Assessment Form);and

BE IT FURTHER RESOLVED, that the Village Planner prepare a memo and advise the Board of Trustees regarding the SEQR process, in anticipation of the Phase 1 EAF and to guide with respect to completion of Part 2 of the EAF.

Motion: Trustee Caridi

Second: Trustee Golden
Upon vote, the Resolution carried unanimously.

Mayor Oppenheim returned to take control of the meeting.

Resolution: 14-013

Village of Montebello

Title: Approval of Minutes for January 15, 2014

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of January 15, 2014 be and are hereby approved.

Motion: Trustee Sorrillo

Second: Deputy Mayor Millman

Upon vote, the Resolution carried unanimously.

Resolution: 14-014

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated February 19, 2014, and totaling \$113,976.51 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Caridi

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Public Comment: No one wished to speak.

Next on the agenda is review of the Draft Cablevision Franchise Agreement.

Mayor Oppenheim summarized the changes that were made from the last agreement. Cablevision utilized the current franchise agreement with Verizon to level the playing field according to them. The new contract is for 15 years instead of 10, mainly because our agreement with Verizon is for 15 years. The PEG monies will be around \$6,000. We asked for some other considerations that were not granted. The Public Hearing will be held at the next Board meeting on March 19, 2014.

Old and New Business:

The Mayor announced that the Village's annual Montebello Clean Up Day will be held on April 12th and we are looking forward to a good turn out.

Trustee Caridi noted that a lot of the schools are offering community service credit to the children that participate in this. She will reach out to the schools.

Amy Rapoport from the Parks Commission requested that a post card be mailed out announcing Clean Up Day, noting that the turnout seems better when the postcard goes out.

Mayor Oppenheim advised that it will be announced in the next newsletter that will be going out in March. The Board members asked the Village Clerk to look into the cost of mailing a postcard.

The Village Clerk/Treasurer informed the Board members that the Parks Commission has requested to be a sponsor on the tote bags given out by Keep Rockland Beautiful for Clean Up Day. The Village's name will go on the bag for the \$125.00 donation.

The Board members were all in favor of this contribution.

At 11:01 p.m. Deputy Mayor Millman made a motion to enter Executive Session to discuss litigation and negotiations, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

At 11:07 p.m. Deputy Mayor Millman made a motion to exit Executive Session, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

Mayor Oppenheim made a motion to adjourn, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously. The meeting adjourned at 11:07 p.m.