

Comprehensive Plan Commission

February 6, 2017 - 7:00 p.m.

Present:

Melanie Golden, Commission Chairperson
Lisa Levin, Member
Amy Rapoport, Member
Donald Wanamaker, Member
Jack Barbera, Member
Janet Gigante, Member
Carl Wanderman, Member
Anthony Piazza, Member
Matt Ryan, Village Planner
Regina Rivera, Planning, Zoning and Building Clerk

Also Present

Martin Spence, Village Engineer

Note:

Ira Emanuel, Assistant Village Attorney, was advised that it was not necessary that he attend this meeting.

The Agenda for the meeting is attached.

1. Minutes

The minutes of the 1/19/17 were approved and adopted.

2. Historic & Aesthetic Element - Scenic and Historic Road District

The Commission reviewed the recommendation of the Village's Historic Preservation Commission (HPC) to create a Scenic & Historic Road District in our Village. As a result of discussion, the following streets within Montebello's boundaries will be included:

- Montebello Road (historically known as "Old North Road")
- Viola Road (historically known as "Old Kings Road" and one of the oldest roads in Rockland County)
- Lower portion of State Route 202 (historically known as "Haverstraw Road")
- Spook Rock Road
- Mile Road
- Bayard Lane
- Hemion Road
- Orchard Street

Commission members had previously agreed that a "Scenic Road District" Law from the Town of Ramapo should be studied to serve as an example. Although the Town of Ramapo's Scenic Road District Law requires additional planning review of any "construction or material alteration" within 1000 feet from the center line of a designated Scenic Road, the HPC recommended a smaller review area, and the Commission agreed.

The Commission discussed various Scenic Road buffers, such as 250, 300 and 500 feet on both sides from the center of a designated road. Any homes lying within the delineated buffer zone would be subject to Scenic Road District Design guidelines. The Commission asked Planner to prepare a map to show approximately what 300', 350' and 500' districts (from the center of the road) would look like. The Planner agreed and will create a visual map with buffer markings at each of the suggested buffer distances to help Commission members determine which is appropriate. The Commission will decide at its 2/27 meeting what measurement should be recommended (whether the same throughout the district or different distances for different designated roads).

The Scenic and Historic Road District Overlay will be included in the Historic and Aesthetic Element section of the Comprehensive Plan and should be developed as an updated recommendation. The 2009 Comprehensive Plan's language regarding this district is unclear. To establish the District itself, the Planner advised the Commission to provide the following to the Village Board, which is the governing body that considers and adopts the proposed districts:

- A set of definitive maps delineating districts
- Justifications for the creation of the Scenic Road Districts
- Suggested supplementary regulations for properties within the District
- Design guidelines for ARB and Village Professionals.

HPC requested that the Architectural Review Board have jurisdiction over all properties and structures within the Scenic & Historical Road District. Presently Village codified ARB review is mainly for commercial structures with very limited residential ARB review. The Planner suggested developing a comprehensive list defining what elements of the district should be subject to the ARB, as well as a list of design guidelines from the Village Professionals. The Planner stated that the Village Board has jurisdiction over setting the ARB guidelines based upon the Comprehensive Plan Commission suggestions. The Planner advised the Commission to give as much detail, guidance and emphasis as possible in their recommendations to the Village Board. The Commission asked the Planner to provide guidance on how specific the Commission should be in terms of design guidelines review (including possibly formal architectural review in some or all of the regulated area). The Planner will provide information and recommendations, so that we can agree at our next meeting on how we will proceed and what specific recommendations we will make with respect to this District.

Gateway Overlay District

HPC also proposed creation of a **Gateway Overlay District** to announce, protect and enhance entrance points to the Village, and signifying the entrance to historic or geographic districts. HPC suggested the following locations for Gateways: Montebello Road at Airmont Road, Viola Road (westbound) at Spook Rock Road, Viola Road at Route 202, and Montebello Road at Lake Street. The Commission decided not to recommend separate "Gateway Districts," as the major gateways will be included within the Scenic and Historic Road District based on the roads that have been identified for inclusion in this District.

Natural Resources Element

Chairperson Golden introduced the Natural Resources Element discussion (pages 12 -14 of Matrix attached).

- **Adopt a Greenprint and designated an Environmental Protection Overlay District (EPODs):** This was addressed at previous meeting and the Commission will be recommending this in its Interim Report to the Village Board.
- **Consider Establishment of Critical Environmental Area legislation (CEA):** Discussed at previous meeting and will be addressed at a later meeting.
- **Consider Adopting Aquifer Protection Program/Overlay Zone:** Commission has already agreed to recommend this in its Interim Report to the Village Board.
- **Tree Preservation:** Discussed importance of identifying why and how Village Tree laws have become stricter since the 2009 Comprehensive Plan. The Village Engineer made recommendations regarding suggested tree law updates or procedures relating to the following:
 1. In connection with older approved site/landscaping plans, to allow and encourage landowners to replace trees, on a tree for tree basis under defined appropriate circumstances. For example, on Executive Boulevard, the trees on the island have become unsightly. It is our Engineer's position that replacing the trees would be a significant improvement, but our current laws/procedures require a costly process to change out the trees. Mr. Spence will send us a recommendation for an improved and less costly process that would encourage tree replacement in limited circumstances.
 2. The issue of the removal of dangerous trees has also been an issue and Martin will send us a recommendation on this subject, which may be the subject of Commission recommendations.

Upon receipt, the Commission will discuss and then incorporate any recommendations in our update.

Commission Member Wanamaker raised the possibility of recommending invasive species of trees from the law. After comments from the Village Engineer and Commission discussion, it was determined not to recommend this exception. O&R's practice of clearing and pruning trees around their powerlines was also discussed and the Commission will recommend notifying O&R of Scenic & Historic Road District guidelines, when adopted.

- **Promote ecologically sensitive design standards and guidelines:** Discussed at previous meetings—Overlay districts and EPODs will be recommended in Interim Report.
- **Encouraging clustering within Environmentally Sensitive Areas:** The Commission discussed allowing clustering in any zoning district. This issue will be discussed at the next meeting after the Planner reviews our current code and provides recommendations on this issue.

- **Revise Zoning to Limit Development within the Environmentally Sensitive Areas:** 2009 Comprehensive Plan recommended that the zoning code be revised to further limit potential disturbance of environmentally sensitive areas. The Planner acknowledged that the EPODs are a good start in strengthening zoning codes and limiting development in these areas, and suggested the Commission should provide the Village Board with examples of the stronger, more specific language.
- **Consider Reducing Development Coverage for Non-Residential Uses:** The Village Engineer stated that there have been no issues with this element and that this comes under the purview of the Planning Board process. He explained further that the Village takes part in MS4, which is a program used to educate the public and force municipalities to perform best-management practices when it comes to land development.

Other Items

The Commission discussed adding a **Sustainability Element** and preliminarily agreed to include this element, which would include a recommendation to become a NYS designated Climate Smart Community, as raised by Member Wanamaker.

On a final note, M. Spence mentioned the increasing popularity of speed humps (a.k.a. speed tables), noting that there have been positive responses and a recent increase in applications (Par Road, Mayer Drive). Part of the success, he said, is careful attention to road sight lines, placement of tables regarding residences, and the general effectiveness in slowing traffic down on residential streets.

No one having anything further to say, Chairperson Golden adjourned the meeting.

The next scheduled meetings for the Commission are as follows:

- February 27th
- March 13th (March 6th meeting cancelled)
- March 27th
- April 3rd
- April 27th

<p>extend from the centerline of the Hemion Road right of-way approximately 200 feet on both sides of the road from the railroad to the Thruway. Buildings, except small accessory utility buildings, decorative fencing, or similar accessory structures that would not detract from the landscape, could be situated within the Conservation area. Driveways giving access to the site and corporate identification signs would also be permitted.</p>	
<p>Neighborhood Service</p>	
<p>The parcels with existing retail development (Indian Rock, Ramapo Plaza, and the proposed Valley National Bank) should be zoned as NS (Neighborhood Services).</p>	
<p>The Plan recommends that any future retail development, or re-development of existing retail parcels, include specific measures to minimize the view of parking spaces from either Route 59 or Hemion Road, through either creative placement, low walls, or yearround vegetation.</p>	
<p>Signage should conform to village sign laws.</p>	
<p>RT. 59 Development District</p>	
<p>The creation of a special "Rt. 59 Development District" to include only the two parcels totaling 11.2 acres, formerly known as "Liberty Park". Development of this property for any use according to the NS, LO-C, R-AH or the R-25 zoning districts, or a mix thereof, each portion complying with the requirements of the associated district, with a 100' Conservation Easement impressed along Route 59 preserving existing vegetation and the stone wall except as necessary for egress or ingress would require review and approval by the Village Board, with consultive input from the Planning Board and Village professionals. Development restrictions may also include requirements such as time-of-day restrictions on any business hours, density limitations, or specific traffic mitigation requirements.</p>	
<p>The Plan recommends that the Village reference the 2003 Comprehensive Plan's Village Center Plan "Design Vocabulary" for architectural inspiration when evaluating any future plans.</p>	
<p>The other parcels in the Village Center II District should be returned to their prior zoning designations.</p>	
<p>Civic Area</p>	
<p>The Plan recommends that the four corners of the Montebello/Airmont Road intersection which Village Hall shares with the office-hotel land use area be developed with a unified design to create a "gateway" for the community. This would include construction of additional stone walls, decorative lighting, and preservation of the trees that are characteristic of Montebello.</p>	
<p>Natural Resources Element (page 33)</p>	
<p>Adopt a Greenprint and designate an Environmental Protection Overlay District (EPOD) The Greenprint would be an open space and environmental assets map (Figure NR-1 at the end of this Element). The Environmental Protection Overlay District (EPOD) could apply to the entire Greenprint or include only specifically identified properties or portions of properties deserving of special consideration based on standards to be established. This</p>	<p>Interim recommendation – the Commission wishes to forward this to the Village Board of Trustees as an immediate recommendation that should be implemented as part of the Comprehensive Plan update. The establishment of an EPOD may be best pursued by individually creating EPOD's according to their relevant area of protection, as outlined earlier.</p>

<p>could potentially include properties that might not be eligible for the CEA designation but that are important locally; but would not have the same level of legislative authority available to CEA properties.</p>	
<p>Consider establishment of Critical Environmental Area (CEA) legislation The State Environmental Quality Review Act (SEQRA) provides authorization for municipalities to designate Critical Environmental Areas, geographic areas within the community that have an exceptional or unique character such as fish and wildlife habitat, forests and vegetation, open space and areas of important aesthetic or scenic quality; agricultural, social, cultural, historic, archaeological, recreational, or educational values; an inherent ecological, geological or hydrological sensitivity to change that may be adversely affected by any change. Designation allows the municipality to conduct a more extensive environmental review of development proposals and may increase the potential to receive grants to protect the identified resources.</p>	<p>The creation of a locally-designated CEA involves several steps beginning with identifying areas with exceptional or unique character with respect to a natural setting, an inherent ecological or hydrological sensitivity to change that may be adversely affected by any change, or agricultural/social/cultural/recreational values. The Village would need to undertake the process of assuming the Designating Agency, select which areas in the Village meet these criteria, and coordinate with NYS DEC to list the area. *Pursue After Adoption of Greenprint Plan</p>
<p>Consider adopting an Aquifer Protection Program/Overlay Zone The Plan recommends that an aquifer protection program be instituted. Property owners should be educated on the location of the aquifer within the community and activities that may be harmful to it. The program could also provide recommendations on alternative landscaping which does not require pesticide or herbicide control, as well as practices to avoid, e.g., outdoor discharge of household chemicals. The Plan suggests that the Village consider an aquifer overlay that would limit the land uses and density of development within the aquifer area.</p>	<p>Interim Recommendation – The Commission is prepared with mapping of the most recent Primary and Sole-Source Aquifers beneath the Village of Montebello. These areas would be utilized in order to generate the extent of an Aquifer Protection Overlay District for the Village, with applicable/supplementary regulations limiting aspects including, but not limited to permitted intensity of land development activities, landscape treatment, vegetation preservation, limits on impervious surface creation, and other strategies best intended to protect our local aquifers.</p>
<p>Tree Preservation As a general matter, the Plan recommends that educational leaflets or materials be distributed from time to time explaining the benefits of retaining existing woodlands and enhancing existing landscapes to include treed areas, e.g., less maintenance and water consumption compared with lawn areas. The Plan also recommends that the Village work cooperatively with the County Highway Department and New York State Department of Transportation to ensure that trees are preserved along County and State roads.</p>	<p>Not high priority - to be pursued following plan Adoption.</p>
<p>Promote ecologically sensitive design standards and guidelines As a general matter, infrastructure improvements and building designs should always attempt to limit impacts to ecological habitat which supports a diversity of species. For example, wooded wetlands are home to a host of amphibians, including salamanders. Curbs limit the ability of amphibians to move about and within habitats. Bottomless culverts which retain the natural stream bottom are much more environmentally friendly than culverts with concrete bases. These standards help to limit impacts to aquatic habitats. Careful consideration should be given to ecological communities where development is proposed. Where necessary, biological inventories should be conducted to assure that infrastructure and building placement is done in a manner which protects the Village's remaining natural habitats to the maximum extent. Special attention should be given to inventorying ecological species likely to inhabit particular natural habitats in the Village, e.g., the bog turtle.</p>	<p>Not high priority - to be pursued following plan Adoption.</p>

<p>Encourage clustering within Environmentally Sensitive Areas The Plan recommends that clustering be used to limit large lot development in areas that are environmentally sensitive without increasing average density. Remaining environmentally sensitive areas should be preserved within contiguous open space systems, and should not be "chopped" up among individual properties wherever possible.</p>	<p>(Zoning Review required for all recommendations which pertain to modification to the Village's Zoning Regulations – not a priority recommendation at this time)</p>
<p>Revise Zoning to Limit Development within Environmentally Sensitive Areas The Village's current zoning law requires larger minimum lot sizes for properties constrained by certain features, e.g., floodplains, wetlands, and steep slopes, in order to protect these sensitive environmental features. The Zoning code limits, but does not prohibit development within these sensitive areas. The Plan recommends that the zoning code be revised to further limit potential disturbance to the environmentally sensitive feature, and to provide no credit for sensitive environmental features when determining size.</p>	<p>(Zoning Review required for all recommendations which pertain to modification to the Village's Zoning Regulations – not a priority recommendation at this time)</p>
<p>Consider Reducing Development Coverage for Nonresidential Uses The Village, at the time zone amendments are contemplated, should review and reduce, if necessary, the maximum development coverage limitations currently regulating nonresidential development. Incentives should be considered to encourage developers to use new technologies in the design of a development that will induce groundwater recharge, e.g., the use of permeable surfaces.</p>	<p>(Zoning Review required for all recommendations which pertain to modification to the Village's Zoning Regulations – not a priority recommendation at this time)</p>
<p>Historic & Aesthetic Preservation Element (page 40)</p>	
<p>Identify the historic resources in the Village. The Historic Preservation Commission must undertake a formal survey of the historic structures and resources in Montebello, utilizing the services of an architectural historian to update and expand upon the survey conducted by the Rockland County Historic Society. The results of this survey will form the basis for subsequent review of potential inclusion in the designation of local landmarks, historic districts, etc.</p>	<p>Status: Completed</p> <ul style="list-style-type: none"> • "Village of Montebello Reconnaissance Historic Resource Survey" Larson Fisher Associates, dated August 2010. • New recommendations on creating Historic Districts based on report • Update what we have lost/demolished since Historic Resource Survey was completed and list what is threatened to date <p>Recommend: Update of Historic Resources Survey in 2020 or 2025</p>
<p>Official designation under Section 195-60. Based upon the survey results, any properties noted as having particular significance should be considered for designation by the Historic Preservation Commission and Village Board. Structural changes to such properties would require a Certificate of Appropriateness from the Historic Preservation Commission. Historic districts should be created as appropriate (e.g. Bayard Lane) to insure that infill development is constructed in a manner visually consistent with adjacent historic structures.</p>	<p>Status: No new designations since 2009 HPC has adopted a "don't force but rather try to encourage residents" policy since 2009 Comprehensive Plan, which has not been fruitful in residents proactively designating their properties. Quarterly reminders of Designation applications at the end of each newsletter has not resulted in any interest in designation. Moving forward, Village might provide incentives (beyond potential tax credits) to encourage designation of historic properties. Maintain "encourage designation" message and list recommended properties and districts to be nominated for designation:</p> <ul style="list-style-type: none"> • HPC continues to recommend "encourage" rather than "mandate" designations <p>Recommend: Bayard Lane/Borsodi School of Living as</p>