

Comprehensive Plan Commission

March 13, 2017 - 7:00 p.m.

Present:

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

Absent:

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

Member Wanderman made a motion to approve the minutes of the February 27, 2017 Comprehensive Plan Commission meeting, seconded by Member Piazza. Upon vote, the motion carried unanimously.

2 Interim Report

Max Stach, Village Planner, presented the draft of the Interim Report, which is intended to update the Village Board on progress of the Comprehensive Plan Commission to date, and to give the Board three priority recommendations:

- Adopt the Greenprint (map of publicly-owned/constrained land by environmental resources)
- Designate EPODS (Environmental Protection Overlay Districts) around wetlands, flood zones, steep slopes and water bodies
- Adopt an Aquifer Protection Overlay District which would protect the areas overlaying the aquifer, vicinities of wellheads, and the areas that shed water into the aquifer.

Mr. Stach reminded the Commission that these are recommendations from the 2009 Comprehensive Plan that should be immediately be implemented through local law before the moratorium lapses.

Mr. Stach explained that if the Village Board agrees with recommendation, they will in turn authorize the Planners to work with Village Attorney Warren Berbit to draft proposed laws. The proposed laws will go to a public hearing before adoption, and will be subject to SEQRA to be sure all potential impacts are considered.

An extension of the moratorium that currently ends June 30, 2017 is likely to allow enough time for these recommendations, as well as some of the recommendations from the final Comprehensive Plan update, to be implemented.

Chair Golden thanked the Planners on all the work they've done on the interim report, particularly regarding the maps, which will be invaluable for Village Board review. Chair Golden then read a draft of the resolution adopting the Interim report to the Village Board (attached).

Member Rapoport made a motion to accept the resolution, seconded by Member Gigante. Upon vote the motion carried unanimously.

3. **Community Facilities Element:**

Member Rapoport presented a revised Village Trail map. As discussed, the one trail winding throughout the Village was replaced by several trail circuits.

- Trails along Viola Road and Mile Road removed as they are not suitable for pedestrian traffic, and any attempt to accommodate pedestrian traffic on these narrow roads (e.g. sidewalks) would significantly alter the character of the historic scenic road district.
- Proposal for a walkway through the land beyond Sterling Forest Lane will be kept in the trail map to serve as a vision that could perhaps be realized one day.
- Commission will add an additional designation to the trail map: **Connections Requiring State or County Safety Improvements**
- Village will petition New York State to make improvements on Route 202 for cyclist and pedestrian safety.
- Commission will recommend a path along Hemion Road
- Proposed trail from Village Hall to Airmont Road to Executive Boulevard will only work if the owner of the parcel on the southwest corner of Montebello and Airmont Road develops it.
- Commission will update the old trail map rather than create a new one from scratch, as it will be less costly.

4. **Traffic & Circulation Element**

Member Wanderman presented findings from accident reports from the past two years, a copy his summary attached.

- While members of the public had expressed concern about the intersection of Hemion Road and Montebello Road, there was one accident in the past two years there.
- Commission discussed 2003 Comprehensive Plan recommendations on promoting traffic calming measures in general. Commission agreed to recommend school speed zones on Mile Road and Viola Road, and to request a warrant from the county to look into improvements along Montebello Road (e.g., stop signs) to improve safety, and request more police presence.
- Member Wanamaker presented his findings on Phase I of NYSDOT's Lower Hudson Transit Link (LHTL), specifically regarding two new proposed stops by Route 59 in Airmont for the NYS I-287 corridor between Suffern and White Plains. Once Phase I has been implemented, NYSDOT specified to Member

Wanamaker that they will consider a Park & Ride proposal within the Village as long as such a proposal is included in the Comprehensive Plan. The Commission discussed this issue but the only place that would accommodate such a proposal is in the Village's economic development zones. Given the limited amount of land designated for economic development, the Commission did not think it would make such a recommendation, which would probably require Transit Oriented Development (TOD) (i.e., commuter parking, multi-family housing and commuter-oriented shopping). Moreover, there will be LHTL stops in Suffern and Airmont. For expanded information on the LHTL, go to NYSDOT's website: <https://www.dot.ny.gov/lhtl/news>.

Discussion turned to viable options for the empty parcel at 200 Rella Boulevard, e.g. Senior Assisted Living and Commercial Sports. Chair Golden asked the Commission their thoughts on the conceptual proposal for a warehouse and office space put forth by the owners of the property. Members discussed traffic, trucks and noise as potential problems. Mr. Stach pointed out that the use could be an acceptable use if certain conditions are met (applicant would provide proof of acceptability, e.g. no idling of trucks, no backing sirens, screened from public view, limited operating hours, etc.). Mr. Stach advised the Commission to gain a consensus in order to make a land use recommendation. The Commission has been struggling with possible uses of this parcel. Members will continue discussion of this issue at the next meeting.

5. Natural Resources Element

Mr. Stach suggested designating two areas in the Village as CEAs (Critical Environmental Areas): along Route 202 to protect the Timber Rattle Snakes that den in Harriman State Park above the road, and along all Scenic Road Districts to protect and maintain the rural character of the roads. The Commission agreed to recommend that the Village consider these particular CEAs.

The 2009 Comprehensive Plan recommended reducing impervious coverage for non-residential areas. Mr. Stach explained that reducing coverage is a good thing because there is less runoff and more recharge. However, he explained, commercial development needs more impervious surfaces and such a recommendation could limit future commercial endeavors and that most of these commercial areas lie outside the Greenprint. Member Piazza stated that he felt the Village should be more commercial-friendly and not recommend this reduction. Chair Golden pointed out that there is limited economic development land. Commission did not reach a consensus on impervious coverage, however. Mr. Stach advised that they may have to conduct a straw poll to resolve the issue.

6. Next Meetings

March 27th:

- Public invited to provide comments
- Discuss Economic Development Element (current inventory; 200 Rella Boulevard; and commercial zoning changes generally)

April 3rd: Draft Land Use Element review. Attendance by all Commission members is critical. (Member Wanderman will join via Skype.)

VILLAGE OF MONTEBELLO COMPREHENSIVE PLAN COMMISSION

Meeting – Monday, March 13, 2017 7:00 p.m.

AGENDA

- 1. Review/Adopt Minutes from February 27, 2017 Meeting**
- 2. Interim Report Consideration and Adoption**
- 3. Complete Community Facilities Element (A. Rapoport, A. Piazza)**
 - Montebello Trail map update
- 4. Traffic & Circulation Element (D. Wanamaker, C. Wanderman)**
 - Includes Montebello Trail Recommendation
- 5. Complete Natural Resources Element (Village Planner)**
 - CEA
 - Reducing Development Coverage
- 6. Economic Development Element (M. Golden)**
- 7. Next Steps (Village Planner)**

Interim Report on the Village of Montebello Comprehensive Plan Update



**Prepared By The Village of Montebello
Comprehensive Plan Commission**

With Technical Assistance Provided By:



**NELSON, POPE & VOORHIS, LLC
ENVIRONMENTAL • PLANNING • CONSULTING**

March 13, 2017

Preface

A Comprehensive Plan is the culmination of a planning process that establishes the official land use policy of a community, presents goals and a vision for the future and guides official decision making. Section 7-722 of the New York State Village Law describes a Comprehensive Plan as a document that will “identify the goals and objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth, and development” of a Village.

Montebello’s Comprehensive Plan and Update Process

Montebello’s Comprehensive Plan was originally adopted on May 21, 2003, after significant study and public hearings. Recognizing that a Comprehensive Plan is a living document that should be reviewed and updated on a regular basis, a Comprehensive Plan Review Commission was appointed in September 2008, which resulted in the adoption of a Revised Comprehensive Development Plan on December 16, 2009.

As part of continuing periodic reviews, a Comprehensive Review Commission was once again formed and appointed on May 18, 2016, charged with “completing a study and recommending an updated Comprehensive Plan and associated amendments to the Zoning Law to the Village Board.”

The Commission consists of the following members:

- Melanie Golden- Village Trustee and Commission Chairperson
- Jack Barbera-Zoning Board of Appeals Member
- Janet Gigante-Zoning Board of Appeals Member
- Lisa Levin- Historic Preservation Commission Chairperson
- Anthony Piazza-Parks Commission Chairperson
- Amy Rapoport-Parks Commission Member
- Donald Wanamaker- Planning Board Member
- Carl Wanderman-Zoning Board of Appeals Member

Also available to the Commission and involved in the process are the following Village staff and professionals:

- Ira M. Emanuel, Esq.-Assistant Village Attorney
- Maximilian A. Stach, AICP, & Matthew M. Ryan, AICP-Nelson, Pope & Voorhis, LLC, Village Planners
- Lawrence Picarello-Village Building Inspector
- Martin Spence, P.E.-Village Engineer
- Regina Rivera- Planning, Zoning & Building Department Clerk

Shortly after formation of the Commission, all members were provided copies of the 2003 and 2009 Comprehensive Plans, the 2008 Economic Development Plan, and the 2010 Historic Resource Survey to read and review prior to the Commission's first meeting. Due to the retirement of the long-time Village Planner – Robert Geneslaw, AICP and the process of hiring a new Planner, the Commission held its first meeting on August 24, 2016.

A Public Open House Meeting was held on September 28, 2016, soliciting public input in the following areas:

- Historic, Aesthetic & Community Character
- Economic Development
- Open Spaces, Parks & Natural Resources
- Transportation, Circulation & Roads
- Housing, Zoning, Intermunicipal & Other Matters

Additional Commission meetings were held once or twice a month, with specific action item tasks assigned and completed between meetings. One of the action items was to complete a matrix that listed recommendations from the 2009 and 2003 Plans and provided the status of those previous recommendations.

Throughout the process of reviewing and updating the matrix of recommendations, the Commission identified three recommendations that were included in the 2009 Comprehensive Plan that had not yet been implemented and were, in the Commission's opinion, worthy of immediate consideration and implementation by the Village Board. The Commission reached this decision as a result of considering these recommendations at its October 26, 2016, December 19, 2016, January 9, 2017, January 19, 2017, February 6, 2017, and February 27, 2017 meetings.

The Commission is providing this Interim Report to the Village Board identifying the following three recommendations for priority consideration and implementation. As stated, these recommendations were included in the 2009 Comprehensive Plan, which was the subject of two public hearings—one in connection with the prior Commission's adoption of the Revised Comprehensive Development Plan and the other prior to the Village Board's adoption of the 2009 Revised Comprehensive Development Plan. Because they are recommendations of that Plan, the Board of Trustees may implement these recommendations before the Plan update is completed.

Priority Interim Recommendations

1. Adopt a "Greenprint" (see pp. 10 & 33 of 2009 Comprehensive Plan).

The "Greenprint" adopted for the Village of Montebello will be a Village open space

and environmental assets map. It will identify community open space, parks and recreational areas, as well environmental resources such as steep slopes, floodplains, wetlands, watercourses, ridgelines, etc. that may be fragile or require special regulatory protections to avoid negative environmental impacts in connection with any future development. This process will help identify environmental connections and define the Village's action strategies relating to the natural environment, open space protection and land use planning, including the designation of Environmental Protection Overlay District(s), as discussed more fully below. A draft Montebello Greenprint was included as Figure NR-1 (at p. 35) in the 2009 Comprehensive Plan. An updated draft Greenprint map, entitled "*Greenprint Plan*" has been prepared by the Village Planners and is attached hereto as Exhibit I.

2. Designate Environmental Protection Overlay District(s) ("EPOD(s)") (see pp. 10 & 33 of 2009 Comprehensive Plan).

The 2009 Comprehensive Plan recommended removing the current "Conservation Overlay" and instead designating an EPOD covering the entire Greenprint or EPODS that would include only specifically identified portions of the Greenprint deserving special consideration based on standards to be established. For example, if adopting the latter approach, there could be a Wetland Protection Overlay District, a Steep Slope Protection Overlay District, a Flood Damage Prevention Overlay District, and a Watercourse Protection Overlay District. Additionally, new regulatory controls applicable to development within each EPOD would provide protection for the sensitive environmental areas and resources.

EPOD regulations are intended to preserve and protect the Village's unique environmental features; to maintain open space and prevent the irreversible loss of natural resources; to enhance the safety of residents and property located within areas of heightened flood hazard; to improve surface water quality; to maintain soil and slope stability; and to control the impacts of development on the environment.

The Commission believes these purposes are so important that it is forwarding this 2009 recommendation for priority implementation with respect to wetlands, steep slopes, flood damage, and watercourses. Any other *physical* environmental constraints that may be identified during the remainder of the Comprehensive Plan Update process, and/or the implementation process, may be formally recognized and protected through the creation of a corresponding EPOD.

The Commission wishes to emphasize, that its final recommendations may include other suggested overlay districts, including a Scenic and Historic Road District. The Commission is of the opinion that even though it may identify other types of overlay districts, the Village should not wait and should begin the process of considering and implementing environmental overlay districts with accompanying regulations, based on physical environmental constraints as recommended in 2009. The

development and crafting of said environmental regulations, to be brought forward in the form of supplementary land use controls within respective Chapters of the Village code, shall undergo the same generic environmental review (SEQR) procedure that is required as part of the adoption of all Local Laws amending the Village's Code. In order to successfully implement the aforementioned land use controls within the Village Code, modifications will likely be proposed within the existing framework of regulations dedicated to Flood Damage Prevention (§ 92), the Site Development Plan process (§ 146), Wetlands and Stream Protection (§ 191), as well as the Village's Zoning Regulations (§ 195).

Several draft maps, entitled "*Areas of Steep Slope*", "*State and Federal Wetlands*", "*FEMA 100-Year (1% Annual Chance) Floodplains*", and "*Hydrography and Watercourses*" depict areas to be included in EPODs and are attached as Exhibit II, Exhibit III, Exhibit IV, and Exhibit V, respectively.

3. Consider adopting an Aquifer Protection Program/Overlay Zone (see p. 10 & pp. 33-34 of the 2009 Comprehensive Plan).

The 2009 Plan recommends that an aquifer protection program be instituted and that "the Village consider an aquifer overlay that would limit the land uses and density of development within the aquifer area." The Commission asked the Village Planner to prepare a map identifying aquifers underlying the Village of Montebello. As can be seen from the attached draft February 2017 map, entitled "*Aquifers & Wellheads*" (Exhibit VI), the entire Village overlays either a New York State designated aquifer or a federally designated Sole Source Aquifers ("SSA").

A substantial portion of the Village is over a NYS designated "primary aquifer" or "principal aquifer." Primary aquifers are defined as "highly productive aquifers presently utilized as sources of water supply by major municipal water supply systems." Principal aquifers are defined as "aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time."¹ Both of these state designations identify aquifers where groundwater resources are most productive and most vulnerable to contamination, and thus should be considered for protection by the Village.

The underlying federal aquifer has been designated by the United States Environmental Protection Agency as a SSA, which is defined as an aquifer that supplies at least 50 percent of the drinking water for its service area and there are no reasonably available alternative drinking water sources should the aquifer

¹ <http://www.dec.ny.gov/lands/36119.html>

become contaminated.² Exhibit VI additionally displays the location of regulated groundwater wells throughout the Village. It distinguishes between public water supply wells owned by Suez Water (formerly United Water, NY), and other NYS DEC-regulated wells which serve facilities that are open to the public. Within Montebello, the latter of these wells serve the Spook Rock Golf Course and Spook Rock Pool.

Given the highly productive, high-yield pump and flow rates of potable water obtained from wells drilled into the NYS primary and principal aquifers, protection of these wellheads is essential as they provide high-volume, high-quality water resources to serve the local population. This particularly underscores the need for adopting additional wellhead protection measures as part of implementing the prioritized Aquifer Protection Program / Overlay Zone recommendation.

The Commission recommends a multi-tiered protection approach. Appropriate regulations should be promulgated to significantly reduce the potential for intrusion of toxic substances into the groundwater. Further, development coverage that would interfere with groundwater recharge should be limited. Areas directly overlaying the primary and principal aquifers should receive the greatest protections, while other areas of the Village within the sole-source aquifer also merit regulatory controls to prevent pollution that may ultimately flow into the aquifer. Areas encompassing a buffer around public water wellheads within the Village should receive the same protections as areas directly overlaying the primary and principal aquifers which provide the water supply to those wells.

Progress Report and Request for Extension of Moratorium

To date the Commission has made significant progress and is ready to start drafting the amended plan. A historic preservation element has been drafted with significant recommendations for the creation and establishment of Scenic & Historic Road Overlay Districts. This will also implement two (2) recommendations from the 2009 Plan; one calling for protection of the character of the Village's Historic Roads, and another recommending creating special character historic districts/viewsheds where planned new construction should be required to follow design guidelines and be in keeping with the character of adjoining historic elements.

An inventory and accompanying information pertaining to Economic Development has been updated with regard to remaining vacant lands and recommendations are forthcoming from the Village Planner. Significant discussion of environmental resource protection throughout the Village has proceeded. Input was solicited from the Building Inspector and Village Engineer on various zoning, traffic calming and tree protection matters. The Commission has reconsidered recommendations for a

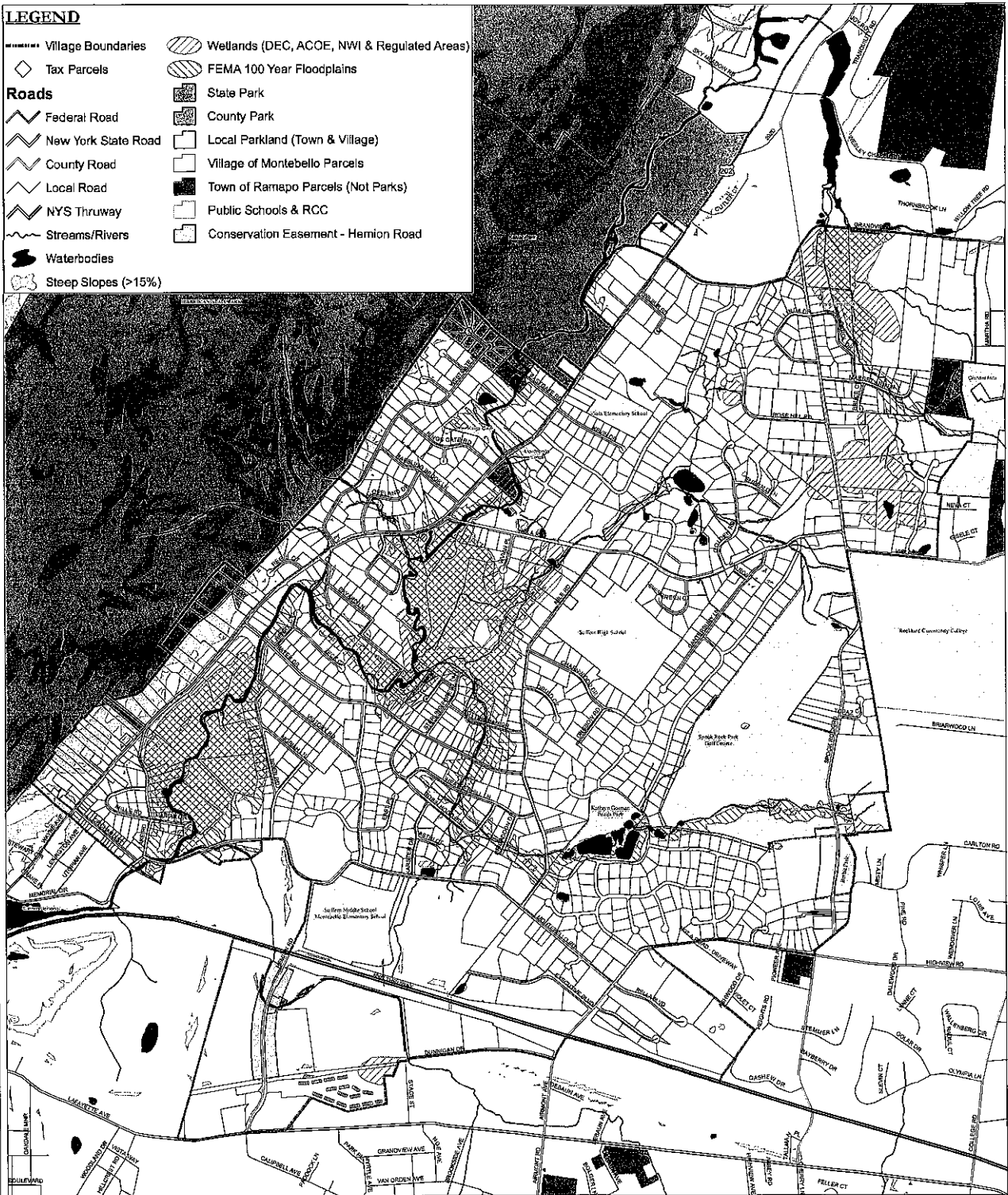
² [https://www.epa.gov/dwssa/overview-drinking-water-sole-source-aquifer-program#What Is SSA](https://www.epa.gov/dwssa/overview-drinking-water-sole-source-aquifer-program#What%20Is%20SSA)

revised Montebello trail as well as previous recommendations regarding community facilities.

A public open house meeting is scheduled for March 27, 2017 at which additional public input will be solicited. Following that meeting on April 3, 2017, the Commission will attempt to finalize land use recommendations, and use remaining meetings to review drafts of the proposed Comprehensive Plan in preparation of an anticipated early May public hearing. At this point in the Comprehensive Plan update process, the Commission anticipates being able to provide a recommended Draft Update of the Comprehensive Plan to the Village Board by the end of May 2017, and will also provide recommendations regarding an extension of the moratorium at that time.

LEGEND

- Village Boundaries
- Tax Parcels
- Roads**
- Federal Road
- New York State Road
- County Road
- Local Road
- NYS Thruway
- Streams/Rivers
- Waterbodies
- Steep Slopes (>15%)
- Wetlands (DEC, ACOE, NWI & Regulated Areas)
- FEMA 100 Year Floodplains
- State Park
- County Park
- Local Parkland (Town & Village)
- Village of Montebello Parcels
- Town of Ramapo Parcels (Not Parks)
- Public Schools & RCC
- Conservation Easement - Hemion Road



Note: This DRAFT map is for general planning purposes only.
 Sources: New York State Department of Transportation,
 Rockland County GIS, Turner Miller Group

FEBRUARY 2017



LOCUS MAP



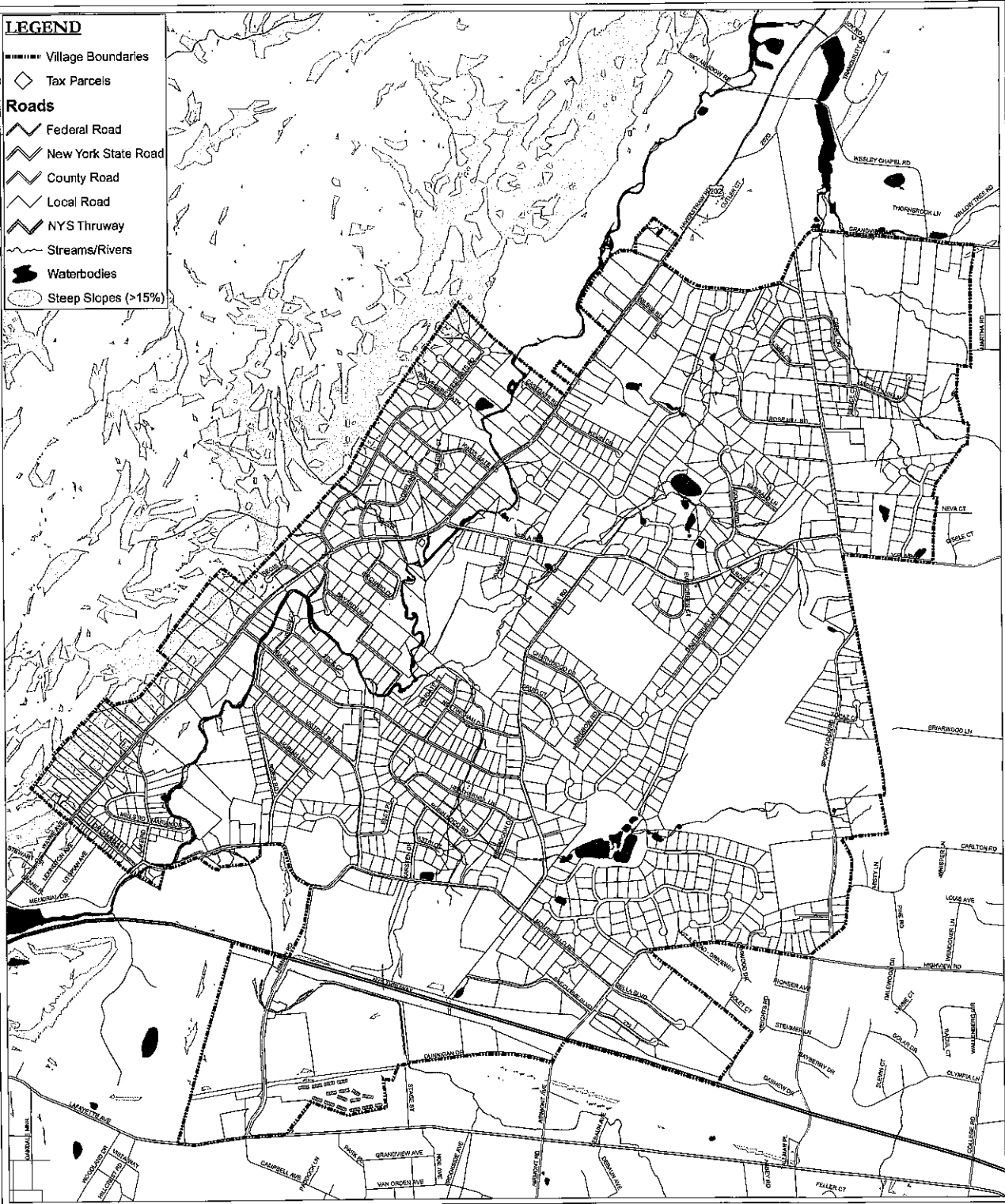
GREENPRINT PLAN

MONTEBELLO COMPREHENSIVE PLAN UPDATE

DRAFT MAP Village of Montebello, New York

Prepared for Montebello Comprehensive Plan Commission

- LEGEND**
- ▬▬▬▬ Village Boundaries
 - ◇ Tax Parcels
 - Roads**
 - ▬▬▬ Federal Road
 - ▬▬▬ New York State Road
 - ▬▬▬ County Road
 - ▬▬▬ Local Road
 - ▬▬▬ NYS Thruway
 - ▬▬▬ Streams/Rivers
 - Waterbodies
 - Steep Slopes (>15%)



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 Rockland County GIS, Turner Miller Group

FEBRUARY 2017



LOCUS MAP
 ■ Montebello



AREAS OF STEEP SLOPE

MONTEBELLO COMPREHENSIVE PLAN UPDATE

DRAFT MAP Village of Montebello, New York

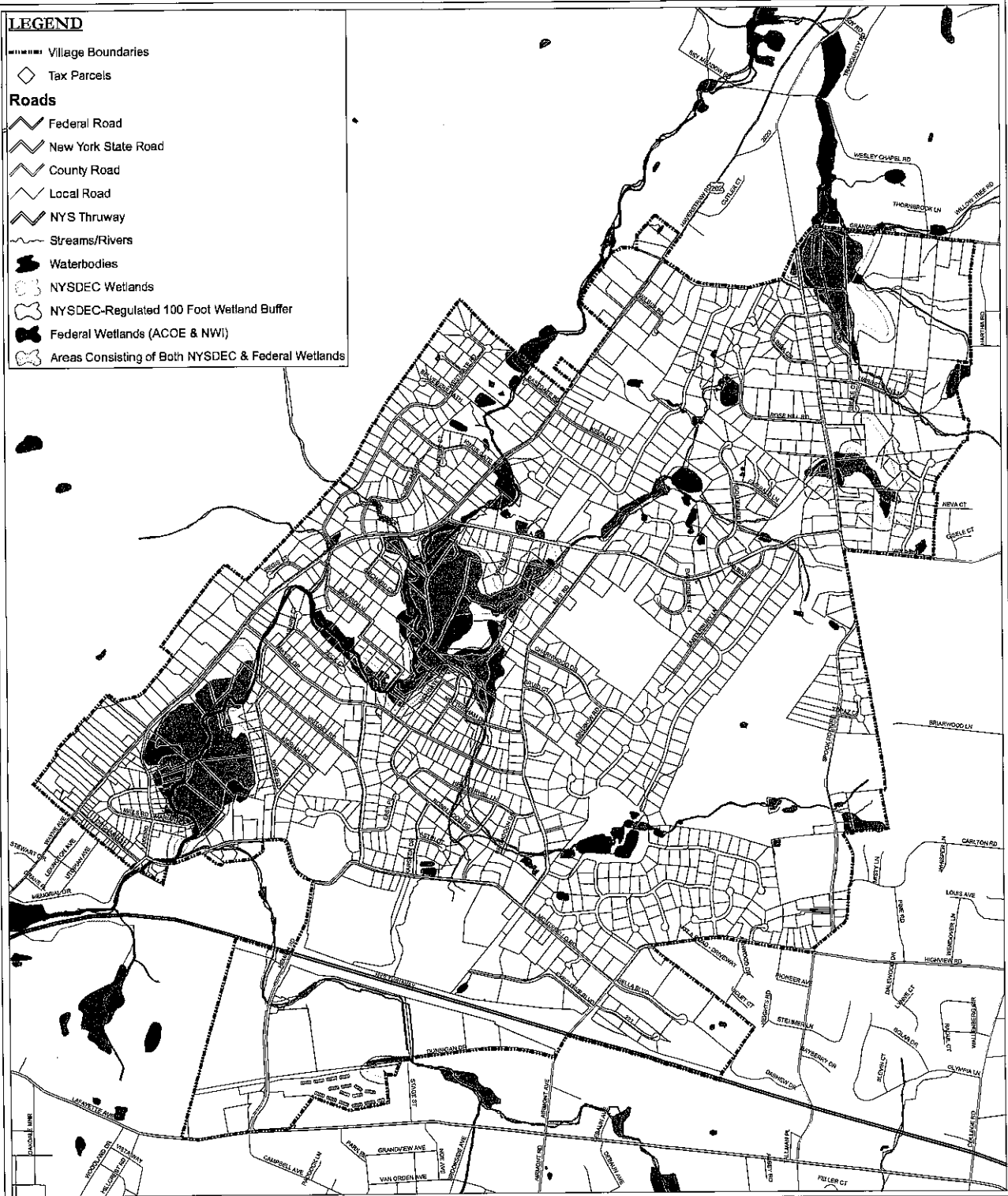
Prepared for Montebello Comprehensive Plan Commission



Turner Miller Group
 planning consensus community
Exhibit II

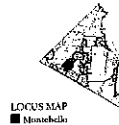
LEGEND

- Village Boundaries
- ◇ Tax Parcels
- Roads**
- Federal Road
- New York State Road
- County Road
- Local Road
- NYS Thruway
- Streams/Rivers
- Waterbodies
- ◊ NYSDEC Wetlands
- ◊ NYSDEC-Regulated 100 Foot Wetland Buffer
- ◊ Federal Wetlands (ACOE & NWI)
- ◊ Areas Consisting of Both NYSDEC & Federal Wetlands



Note: This DRAFT map is for general planning purposes only.
 Source: New York State Department of Transportation,
 Rockland County GIS, Turner Miller Group

FEBRUARY 2017



STATE AND FEDERAL WETLANDS

MONTEBELLO COMPREHENSIVE PLAN UPDATE

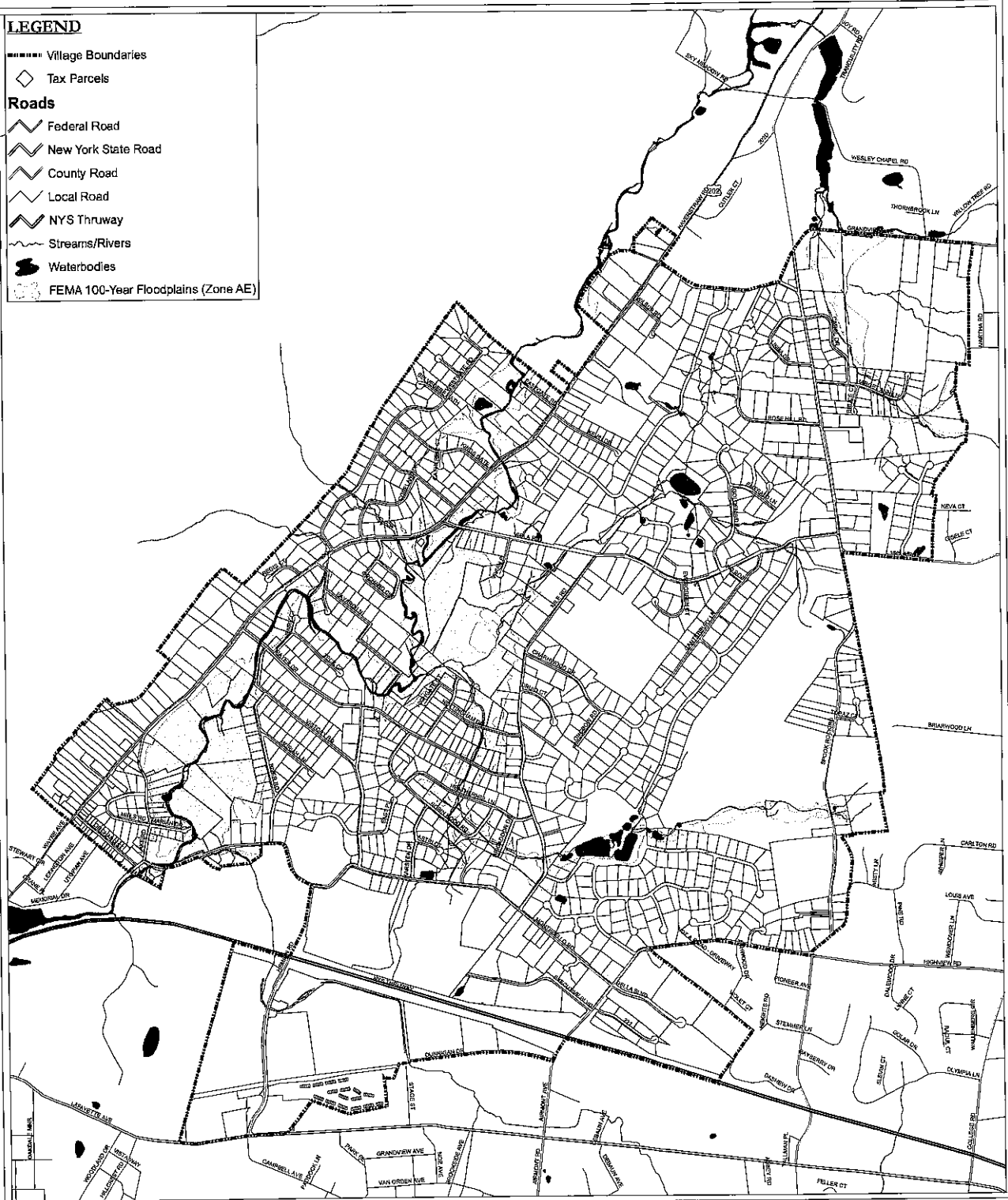
DRAFT MAP Village of Montebello, New York

Prepared for Montebello Comprehensive Plan Commission

TMG
 TurnerMillerGroup
 planning consensus community
Exhibit III

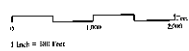
LEGEND

- ▬▬▬▬▬▬ Village Boundaries
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- ▬▬▬ County Road
- ▬▬▬ Local Road
- ▬▬▬ NYS Thruway
- ~ Streams/Rivers
- Waterbodies
- ▬▬▬ FEMA 100-Year Floodplains (Zone AE)



Note: This DRAFT map is for general planning purposes only.
 Source: New York State Department of Transportation,
 Rockland County GIS, Turner Miller Group

FEBRUARY 2017



**FEMA 100-YEAR (1% ANNUAL CHANCE)
 FLOODPLAINS: MARCH 2014**

MONTEBELLO COMPREHENSIVE PLAN UPDATE

DRAFT MAP Village of Montebello, New York

Prepared for Montebello Comprehensive Plan Commission



Carl L. Wanderman
Attorney at Law

December, 2, 2017

Mr. Matthew Ryan
Turner Miller Group
75 Montebello Road, Suite 201
Suffern NY 10901

Dear Mr. Ryan:

In response to your request that I provide you with my analysis of the traffic reports that I received from the Town of Ramapo for the last two years, I offer the following.

At the open house workshop with regard to the study for an update for the Comprehensive Plan update held on October 28, 2016, some of the people who attended voiced their concern for safety concerning four roads in the Village. Those roads were Lake Road, Mile Road, Hemion Road and Montebello Road. I have given you the actual reports I received from the Town of Ramapo police department for that period.

There were no reported accidents on Lake Road. Those who voiced concern about Lake Road recommended the installation of speed bumps due to what they said was excessive speed of autos that use that road.

As to Mile Road, there were 12 reported accidents during the two year period. Three of them were caused by contact with a deer. One accident was the result of contact with a tree, and one from contact with a pole. One was due to a skid on an icy road. Of the remaining six, three occurred at intersections of Viola Road, East Mayer Road and Viola Road, while cars were turning at those intersections.

As to Montebello Road, there were 30 accidents during that period. Six of them were reported as due to skidding as a result of snow or icy road. Three were due to deer on the road. Of the remaining accidents, three were at the

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Intersection with River Road, three at the intersection with nine at the intersection with Mile Road, and three at the intersection with Mayer Drive. The remaining accidents were at various points within the road that were not intersections.

As to Hemion Road, there were 20 reported accidents during the two year period. Two were due to a deer in the road, two collided with a pole, five at the intersection of Hemion Road and Route 59, two at its intersection with the Indian Rock shopping center, one at its intersection with Montebello Road and the rest at various parts of the road that were not at intersections.

Although some people voiced concern about the intersection of Montebello Road and Hemion Road, due to the curve of Montebello Road, and the grade of Montebello Road at that intersection, the accident reports do not indicate significant danger at that intersection for the two year period reported.

If there is any other information that you believe will be helpful to the study, please let me know.

Very truly yours,



Carl L. Wanderman

clw/ts