

Comprehensive Plan Commission
May 15, 2017 - 7:00 p.m.

Present:

Melanie Golden, Chairperson
Jack Barbera, Member
Janet Gigante, Member
Lisa Levin, Member
Amy Rapoport, Member
Donald Wanamaker, Member
Carl Wanderman, Member

Absent:

Anthony Piazza, Member

Others Present:

Max Stach, Village Planner
Ira Emanuel, Assistant Village Attorney
Regina Rivera, Planning, Zoning and Building Clerk

1. Minutes

Member Wanamaker made a motion to approve the minutes of the April 3, 2017 Comprehensive Plan Commission meeting, seconded by Member Rapoport. Upon vote, the motion carried unanimously.

2. Draft Comp Plan Issues

Sustainability Element Climate Smart Community Program (see attached): Chair Golden noted that there are there are nine specific goals to this program; the Sustainability section tracks these goals, which are also included in the 2010 Village Board resolution adopting the Climate Smart pledge.

Chair Golden asked if Recommendation #11 (Continue to encourage neighboring communities to incorporate sustainable development practices into projects proposed near Village Boundaries, including by participating in inter-municipal reviews) is relevant to this element or to the Natural Resources Element. Mr. Stach suggested that the recommendation could be adapted for this element by adding specific language “...by participating in inter-municipal reviews and responding to referrals.”

Member Rapoport suggested incorporating regulations on invasive vines that are harmful to trees, such as bittersweet vine and poison ivy. Chair Golden said it would be more appropriate for the Natural Resources element, and suggested that the Village should determine how to deal with the issue and how to educate the community. Mr. Emanuel suggested regulating all “detrimental vegetation” and not limiting it just to vines, but added that, in terms of regulations, municipalities cannot force homeowners to control vines. Mr. Stach suggested that the Village explore funding such regulations through grants.

It was agreed by the commission to add the following language to Natural Resources Element: “The Village will seek grants for removal of detrimental species and invasive vines, including invasive species that endanger trees within the village.”

Rural District Guidelines: Member Barbera asked about the Village's position on Streetlights. Chair Golden explained there is a recommendation to develop and maintain rural character guidelines for Zones RR-50 and RR-80. Besides contributing to light pollution, they, along with sidewalks and curbs, are detrimental to the rural character encouraged by the Village.

The Village must decide if these rural character guidelines and aesthetics are appropriate for other residential zones, specifically R-35 and R-25 districts. Since such guidelines would regulate streetscapes only and nothing architectural, the Commission agreed that all zones should be treated equally and subject to rural design guidelines.

Member Wanamaker wants to make sure we address the silt build-up in the Mahwah River. Chair Golden said we have a recommendation regarding this from our Engineer and will add it to the Natural Resources Element. We will also recommend looking for grant money for silt removal.

3. Moratorium Extension

Mr. Emanuel drafted a resolution recommending a six-month extension of the moratorium (attached), which is currently set to end on June 30, 2017. Chair Golden noted that the resolution recommends some specific exemptions from the extended moratorium.

The Commission discussed the necessity of extending the moratorium based on the following current timeline:

- June 5: Comp Plan meeting during which Commission will vote to adopt a draft plan for public review.
- June 19: Public Hearing on draft plan
- July 10 (tentative) Commission will adopt final Comprehensive Plan for recommendation to Village Board.

Chair Golden noted that the Village Board will need time to review the proposed Comprehensive Plan and hold its public hearing, make any changes to the proposed plan and implement some portions of the adopted plan before the moratorium expires. Thus, the extension of the moratorium is necessary.

Member Wanderman made a motion to move to adopt the recommendation for a moratorium extension to December 31, 2017, seconded by Member Rapoport. Upon vote, the motion carried unanimously.

4. Open Issues

LO-C and LO Zones Commission discussed possibility of merging these two commercial zones. Chair Golden asked what the impact on bulk requirements would be in the case of combining the two. Mr. Emanuel explained that LO-C requires a larger front yard and allows for taller buildings. LO is denser by bulk requirement standards. He then suggested that it would be easier to keep the zones separate while expanding the uses in the LO-C and if necessary, people can always ask for relief from the bulk requirements. These zones are meant for large office

buildings, but now that the office market in Rockland County is not good, they should be expanded to allow other uses, he explained.

The Commission agreed to keep LO and LO-C separate.

Historic and Scenic Road District boundaries. The Commission discussed whether to extend the Historic and Scenic Road District to encompass the Village gateways at Hemion Road and Airmont Road. It was determined not to extend the district to encompass Airmont Road in either direction, nor to extend it all the way to Route 59 on Hemion Road (see map for boundaries).

It was noted that Brooklands was removed from the Lake Road portion of the district, as it is not really a part of the Village.

Regarding Lake Road, there are two empty lots on which homes destroyed by flood used to sit, which were purchased by the Village. We want to make sure these are reflected in the Greenprint/open space maps.

Page 15-Floor Area Ratio in R-25 and R-35 (2009 Plan): Jane Burke, Village resident and Planning Board member, noted that the following 2009 Comp Plan recommendation was never implemented: "... review the FAR, Setback and related zoning restrictions associated with Low and medium Density Residential areas, with particular attention spent on loopholes allowing larger houses on R-25 and R-35 than in RR-50 for the same square footage lot size." The Commission assured Ms. Burke that this recommendation from the 2009 Plan will be included in this update.

Page 34. Consider Reducing Development Coverage for Nonresidential Uses (2009 Plan): Commission considered whether or not it was prudent to require lower development coverage for commercial properties. Mr. Emanuel cautioned the commission to be careful, as there must be certainty there is enough parking. Member Wanamaker suggested that recommendation be removed. The Commission agreed to remove that provision.

Spook Rock Golf Course: The Commission had previously discussed seeking a right of first refusal to purchase the golf course should the Town of Ramapo put it on the market. It was determined that the Commission will recommend a zone change for this property for it to be included in a Recreation and Open Space zoning district.

Architectural Review Board for Subdivisions: (see Melanie's handout). The Commission previously discussed ARB review for homes in new subdivisions. It was noted that this could become onerous for the homeowner because they would have to return to the Planning Board each time they make a home improvement. The larger issue is the question as to why a new home should be subject to ARB, since taste is very subjective. Mr. Emanuel pointed out that unless the community is characterized by a single architectural style thereby providing points of reference, ARBs do not work when it comes to residential houses. It was also discussed that homes in the Historic and Scenic Roads District will now be subject to design guidelines so the Commission agreed not to recommend ARB review for all single-family homes.

Orchard Street: Mr. Emanuel stated that this area was developed before zoning and it is believed that zoning in this area is inconsistent with its built form. The Commission agreed that the Village should examine lot sizes and setbacks in order to relieve homeowners of existing zoning noncompliance.

- 5. Next Meetings:** The following meetings are planned at this time, subject to change.
- June 5 – 7:00 p.m. Village Hall - Review draft Comp Plan
 - June 19th – 7:30 p.m. Montebello Community Center – Public Hearing
 - July 10th – 7:00 p.m. Village Hall

Overview

Montebello, "beautiful mountain" in Italian, has a steady and unwavering history of enhancing community well being with efforts to protect and restore the Village's natural environment. It also recognizes that its actions towards environmental sustainability will not only have positive local impacts but can help address the more global environmental issues facing its citizens. While encouraging environmental sustainability and "green" practices, Montebello continually seeks to lead by example.

Montebello was the first village in Rockland County to install a solar photovoltaic system to help power its Village Hall (2007) and it also uses solar energy to help power its Community Center. In Rockland, it was both the first Tree City USA, as certified by the Arbor Day Foundation (2008), and the first to obtain "Certified Local Government" status for historic preservation by NYS Historic Preservation Office (2008). The Village also installed the first electric vehicle charging station in Rockland County (2011). It created an Organic Community Garden in 2011 that now provides 41 plots for Village residents to grow vegetables. It installed a demonstration rain garden at Village Hall as part of its efforts to educate residents on natural stormwater management techniques. In addition, the Village implemented a street light removal program in order to save energy and improve the Village's natural environment by reducing light pollution. In addition, it has replaced and will continue to replace existing Village streetlights with LED bulbs.

In 2013, Montebello became the first recipient of the Rockland County Environmental Management Council's (EMC) "Green Champion" Award due to its environmental commitment and initiatives.

One of the five main goals of the 2009 Comprehensive Plan was to, "Create a greener community by becoming more carbon neutral to help mitigate climate change and employing more sustainable practices in connection with land use and development."

Climate Change

The Village considers climate change a real and increasing threat to our local and global environments. The impacts of climate change can endanger our infrastructure, economy and livelihoods; harm our ecological communities; spread invasive species and diseases; reduce drinking water supplies; increase flooding and sedimentation buildup downstream, and pose health threats to our residents.

The Village believes that its actions in response to climate change can provide an opportunity to build a livable, energy-independent and secure community with resilient infrastructure, while also providing cost savings.

There is a scientific consensus that human activity is increasing the concentration of greenhouse gas ("GHG") emissions into the atmosphere and this, in turn, contributes to climate change. Emissions of carbon dioxide represent the vast majority of the total GHG emissions in the state and a significant portion of these emissions result from fuel combustion. The Village seeks to engage in and promote practices and activities that will reduce GHG emissions, while also maintaining Montebello's community character.

Climate Smart Community Program

In furtherance of its goals of mitigating climate change and employing more sustainable practices, the Village took the Climate Smart Community Pledge in 2010. The Climate Smart Community Program is an initiative led by the New York State Department of Environmental Conservation ("NYSDEC") to help local governments reduce municipal and GHG emissions. In becoming a Climate Smart Community, Montebello has committed towards the following goals:

- i. Conducting a GHG emissions inventory emissions and developing a climate action plan;
- ii. Decreasing community energy use;
- iii. Increasing community use of renewable energy;
- iv. Realizing benefits of recycling and other climate-smart solid waste management practices;

Sustainability Element

- v. Reducing GHG emissions through use of climate-smart land-use tools;
- vi. Enhancing community resilience and preparing for the effects of climate change;
- vii. Supporting development of a green innovation economy;
- viii. Informing and inspiring the public; and
- ix. Committing to an evolving process of climate action.

Tree Policies

Another Village action that helps mitigate climate change is its strict tree preservation laws and policies. Trees, through the natural process of photosynthesis, absorb CO² and other pollutant particulates, then store the carbon and emit pure oxygen, which helps combat climate change. The Village fought for several years to defend its stringent tree preservation law, which was challenged in a lawsuit. Ultimately, in 2013, New York's Appellate Division upheld Montebello's tree preservation laws. This Plan recommends that the Village continue to uphold its strict tree preservation policies and maintain its Tree City USA designation, which support the Village's commitment to air quality and a greener community.

Environmental Design & Green Building Practices

The U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program has created a rating system to measure the energy and environmental performance of buildings. The LEED rating system works for all buildings—from homes to corporate headquarters—at all phases of development. Projects pursuing LEED certification earn points across several areas that address sustainability issues. Based on the number of points achieved, a project receives one of four LEED rating levels: Certified, Silver, Gold and Platinum. LEED-certified buildings are resource efficient. They use less water and energy and reduce greenhouse gas emissions, while providing cost savings opportunities. Although Montebello is a largely built-out community, it is still appropriate that the Village look to the LEED rating system as a model to support green infrastructure and building.

Another tool for sustainable building practices is the use of energy efficient products. Energy Star is a joint program of the United States Environmental Protection Agency ("EPA") and the United States Department of Energy that identifies and promotes energy efficiency in products, homes and buildings nationwide. The Energy Star label is on many items including major appliances, office equipment, lighting, and home electronics. The EPA has expanded the Energy Star label to include energy efficient new homes and commercial and industrial buildings.

Business Community

Montebello values businesses that share its sustainable vision, and this Plan recommends that the Village continue to encourage and embrace businesses that incorporate policies and practices to minimize their environmental footprint.

For example, Manhattan Beer Distributors has converted a significant portion of its fleet of trucks from diesel to Compressed Natural Gas ("CNG"), which emits significantly less greenhouse gas emissions into the atmosphere. It utilizes solar panels to help power its Montebello facilities, and has built one of New York's largest privately owned solar installations at its nearby corporate offices. Its Village distribution center is equipped with LED lighting, and it has sponsored the local Earth Day Film Festival at the Suffern Lafayette Theater.

Raymour & Flanagan has built one of its recycling centers in the Village. It brings back packaging materials from its deliveries and turns them into raw materials that can be repurposed into useful everyday items. In the last year, the company's recycling operations at its Montebello campus have processed approximately 3,893 tons of cardboard, 225 tons of plastic, and 233 tons of Styrofoam, keeping these materials out of overburdened and polluting landfills. In addition, the transportation and vehicle repair facility on the campus is heated by furnaces that use spent motor oil from company fleet vehicles. Lastly, the main distribution building has been upgraded to "best in class" lighting and energy management systems.

Sustainability Element

These examples highlight commercial practices within our Village that reflect our community focus on sustainability, being a good citizen and reducing our Village's carbon footprint. The Village values companies that share these values, and should continue to support and encourage eco-friendly commercial companies and practices.

Recommendations:

The Village should:

1. Continue to take the necessary steps to achieve Climate Smart Community certification from NYSDEC.
2. Encourage more energy efficient buildings within the Village (i.e., codes can require or encourage Energy Star or LEED standards) For example, the Village could consider providing a rebate on building permit fees based on the level of LEED-type compliance.
3. Promote the use of Energy Star products.
4. Continue to seek ways to use energy efficient products and incorporate green building practices in the Village's municipal facilities and projects.
5. Use Village Hall and the Community Center as a model for use of renewable energy and encourage the use of renewable energy sources in current and future residential and commercial development.
6. Continue to protect and promote the planting and maintenance of native trees within the Village to support carbon sequestration and energy conservation; maintain Montebello's "Tree City" designation; and continue to strictly enforce the Village's stringent tree protections laws.
7. Continue to educate residents on natural stormwater management techniques, including the use of natural rain gardens; make the Village Demonstration Rain Garden available to schools and residents for educational purposes.
8. Continue to implement the Montebello Trail System, a safe network of natural or existing bicycling, jogging and walking paths, that could reduce automobile traffic while maintaining the community character which the Village residents so value.
9. Seek out and promote businesses that share the Village's environmental values. Encourage sustainable and "green" practices in the Village's commercial community and recognize local businesses for their environmental stewardship practices and activities.
10. Continue to educate residents on sustainability actions and initiatives using the Village website, newsletters and at community events.
11. Continue to encourage sustainable development and respect for natural resources in nearby development recognizing that Village citizens can be negatively impacted by the unsustainable actions of other municipalities.

VILLAGE OF MONTEBELLO
COMPREHENSIVE PLAN COMMISSION

RESOLUTION NO. 2 OF 2017
REQUESTING A SIX MONTH EXTENSION OF
THE MORATORIUM IMPOSED BY
LOCAL LAW NO. 1 OF 2016, AS AMENDED

WHEREAS, this Commission was appointed by the Board of Trustees to review and update the Village of Montebello Comprehensive Plan ("Plan") and potential changes to the Zoning Code implementing the Plan; and

WHEREAS, to aid the Commission in its deliberations and to prevent it from being unduly influenced by land use applications that may have intended to create a race between the approval of such applications and the approval of the updated Plan and Zoning Code, the Board of Trustees adopted Local Law No. 1 of 2016, which *inter alia*, imposed a temporary moratorium on certain land use approvals and applications; and

WHEREAS, said moratorium is currently set to expire on June 30, 2017; and

WHEREAS, this Commission has been reviewing the existing Plan, existing development, current development trends, and other factors relevant to updating the Plan, and

WHEREAS, this Commission is nearing completion of its report to the Board of Trustees, but will not have the report available by the moratorium expiration date; and

WHEREAS, to date, this Commission has made interim determinations, which are set forth in Schedule A annexed hereto and made a part hereof; and

WHEREAS, this Commission expects to approve a final report with recommendations to the Board of Trustees on or about July 10, 2017; and

WHEREAS, this Commission understands that the Board of Trustees will require time to review and deliberate on the final report, as well as time to conduct a public hearing and otherwise obtain public input before taking action with respect to the final report; and

WHEREAS, the review of the Board of Trustees may require additional work by this Commission.

NOW, THEREFORE, BE IT RESOLVED, that, for the reasons set forth above, this Commission recommends and requests that the moratorium on land use approvals imposed by Local Law No. 1 of 2016, as amended, and which is currently set to expire on June 30, 2017, be extended for an additional six months, until December 31, 2017; and be it further

RESOLVED, that, notwithstanding the foregoing, this Commission recommends to the Board of Trustees that the certain zoning districts should be exempted from the extended moratorium period, as this Commission has found that applications made under

existing zoning regulations within said districts will not adversely affect the expected updates to the Plan; and be it further

RESOLVED, that applications affecting the following non-residential and mixed-use zoning districts: NS, PO, LO-C, LO, PI, PI-C, and R59-DD, should be exempted from the extended moratorium period, provided, however, that no applications affecting lands within 250 feet easterly or westerly of the right-of-way of Hemion Road between Montebello Road and the railroad tracks, and within 250 feet northerly and southerly of the full length of Montebello Road (which are proposed to be designated as Scenic or Historic Roads) should be exempted from the moratorium, it being understood that other roads are also proposed to be designated as Scenic or Historic Roads, but such other roads are not within the proposed exempted districts.

Summary of Other Municipal Architectural Review Provisions for Comprehensive Plan Commission-prepared by Melanie Golden (5/2017)

Irvington

Reviews **all new construction and exterior modifications on existing structures, as well as fencing, and signage applications.** The ARB evaluates applications on the basis of compatibility and harmony with neighboring structures and properties, as well as the application's impact on the Historic Character of the neighborhood, and Village.

Tarrytown

The Architectural Review Board is comprised of five members each serving a three year term and regularly meets on the third Wednesday of each month at 8:00 p.m. The Board is empowered to review and deliberate on applications concerning the construction, reconstruction or alteration of **any building or structure that affects the exterior appearance of the building and is visible from any public street.**

Village of Pelham

The Architectural Review Board provides regulation and guidance for maintaining the quality of the **exterior appearance of buildings and signs, either for new buildings/signs or modifications of existing buildings/signs.** The Architectural Review Board has seven members, appointed by the Town Board for three-year terms. At least one member must be a professional architect licensed in New York State.

Harrison

The ARB is charged with upholding the visual integrity of the Town. It reviews the exterior design for **all residential and commercial buildings or structures being erected or altered within the Town.** Its goal is to ensure that the buildings or structures in any given area are in keeping with the area and that a pleasing appearance is presented. Another function of this Board is to **review all commercial signs within the Town** to ensure that they conform with the Town's design guidelines.

Town of Brighton

The Architectural Review Board provides regulation and guidance for maintaining the quality of the **exterior appearance of buildings and signs, either for new buildings/signs or modifications of existing buildings/signs.** The Architectural Review Board has seven members, appointed by the Town Board for three-year terms. At least one member must be a professional architect licensed in New York State.

Town of Southeast

All commercial projects are reviewed by the ARB as well as major residential subdivisions.

Scarsdale

The Board of Architectural Review meets twice per month to consider applications for exterior alteration of existing buildings, exterior appearance of new buildings, signage and some fencing and impose design conditions to ensure that buildings are designed in harmony with the neighboring community. (New construction and major alterations)

Pleasantville

The Architectural Review Board (ARB) reviews applicants' proposals to ensure that there are no adverse effects in the immediate area with regard to architectural inconsistencies in the use of materials or signs. The ARB judges a proposal's effects on property values in surrounding areas. Members are appointed by the Board of Trustees to serve a three-year term. Meetings are held once a month. The Town Board finds that it benefits the interest of public welfare to ensure high standards of quality of design for commercial, industrial and residential structures, exterior landscaping and development planning and, by this article, seeks to achieve these stated purposes.

It is the intent of the Town Board to prevent excessive uniformity of exterior building design in commercial and residential structures where such uniformity shall be deemed inappropriate and detrimental to the visual environment. It is also the intent of the Town Board to prevent excessive dissimilarity of exterior building design in commercial and residential structures where such dissimilarity shall be deemed inappropriate and detrimental to the visual environment. It is the intent of the Town Board to preserve the aesthetic value of natural and man-made features and structures and to prevent the harmful effects of potentially unattractive or inappropriate projects and the use of potentially unattractive or inappropriate building materials insofar as they may affect the visual environment.