

VILLAGE OF MONTEBELLO
LOCAL LAW NO. 8 OF THE YEAR 2019

A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO CREATE A NEW ESTATE PRESERVATION DISTRICT, WITH USES AND STANDARDS, AND REPEAL THE ESTATE PRESERVATION OVERLAY DISTRICT

Be it enacted by the Village Board of Trustees of the Village of Montebello by authority of Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law, as follows:

(Note 1: Proposed insertions of language into the Code are indicated by underlining. Proposed deletions of language from the Code are indicated by strikeout symbols. All other language shown is to remain unchanged. The symbol “ * * * *” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

Section 1: Amend section §195-4, by deleting the “Estate Preservation District Overlay,” and replacing it with the Estate Preservation District, by amending this section as follows:

§ 195-4 Districts established.

The zoning districts listed below are hereby established, and the Village of Montebello is divided into the districts listed.

Symbol	Title
	* * * * *
Mixed Use Districts	
R59-DD	Route 59 Development District
<u>EP</u>	<u>Estate Preservation District</u>
	* * * * *
Overlay Districts	
C	Conservation District Overlay
RP	Rural Preservation District Overlay
EP	Estate Preservation District Overlay
HSR	Historic and Scenic Roads Overlay District

Section 2. Amend page 1:16 to Attachment 1 of Chapter 195, Table of General Use Requirements, correcting the names of the Overlay Districts, as follows:

C, ~~and RP and EP~~ Overlay Districts

A District	B Uses Permitted by Right	B-1 Use Group	C Uses by Special Permit of the Planning Board (subject to Article XII)	C-1 Use Group	D Uses by Special Permit of the Village Board	D-1 Use Group	E Accessory Uses Permitted by Right	F Minimum Off-Street Parking Spaces (subject to Article VII)	G Additional Use Requirements
C	Same as the underlying district. Refer to Article XI, § 195-63 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-63 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-63 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-63 of this chapter.	At least 1 parking space for each unit of measurement listed or as otherwise noted below.	Same as the underlying district. Refer to Article XI, § 195-63 of this chapter.
RP	Same as the underlying district. Refer to Article XI, § 195-61 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-61 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-61 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-61 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-61 of this chapter.
EP	Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.		Same as the underlying district. Refer to Article XI, § 195-62 of this chapter.

Section 3. Add the following page to Attachment 1 of Chapter 195, Table of General Use Requirements, creating uses for the new Estate Preservation District, as follows:
EP District

A District	B Uses Permitted by Right	B-1 Use Group	C Uses by Special Permit of the Planning Board (subject to Article XII)	C-1 Use Group	E Accessory Uses Permitted by Right	F Minimum Off-Street Parking Spaces (subject to Article VII)	G Additional Use Requirements
<u>EP</u>	<p>1. Same as LO, No. 1</p> <p>2. Residences approved and in existence as of the effective date of Local Law 8 of 2019, subject to the provisions of Article XII, §195-87.5</p> <p>3. The following uses, when located entirely within the existing Ryan mansion building:</p> <p>a. Child day-care center, accessory to uses within the existing Ryan mansion building</p> <p>b. Assisted living residences (ALR)</p> <p>c. Office buildings for business and professional use, including administrative, scientific, research and development, training, statistical, financial and similar purposes in connection with such use</p> <p>d. Laboratories, research facilities</p> <p>e. Medical and dental clinics, health service complexes</p> <p>f. Skilled Nursing Care Facility</p> <p>B. Data Center</p>	<p>P</p> <p>P</p> <p>P</p> <p>P</p> <p>P</p> <p>P</p> <p>P</p> <p>P</p> <p>P</p>	<p>1. The following uses, when not located entirely within the existing Ryan mansion building, subject to the provisions of Article XII, §195-87.5:</p> <p>a. Child day-care center, accessory to uses located in the EP District</p> <p>b. Assisted living residences (ALR)</p> <p>c. Office buildings for business and professional use, including administrative, scientific, research and development, training, statistical, financial and similar purposes in connection with such use</p> <p>d. Laboratories, research facilities</p> <p>e. Medical and dental clinics, health service complexes</p> <p>f. Skilled Nursing Care Facility</p> <p>B. Data Center</p>	<p>P</p> <p>P</p> <p>P</p> <p>P</p> <p>P</p> <p>P</p> <p>P</p>	<p>1. Same as NS, Nos. 1 (parking), 2 (loading), 3 (temporary structures), and 6 & 7 (signs)</p> <p>3. Same as LO, No. 2 (Maintenance and utility shops, etc.)</p>	<p>At least 1 parking space for each unit of measurement listed or as otherwise noted below</p> <p>1/2 dwelling, plus not more than 3 spaces for any home occupation, plus 1 space for each non-transient roomer or boarder up to a maximum of 6 spaces, not more than 3 of which shall be visible to the public way</p> <p>350 square feet of gross floor area, exclusive of exterior play areas</p> <p>100 square feet of floor area or per 2 students, whichever is less</p> <p>1 parking space per 2 beds plus 1 loading zone</p> <p>200 Square Feet</p> <p>2 employees, but not less than 10</p> <p>250 square feet of floor area, plus 3 per suite</p> <p>1 per two beds</p> <p>150 square feet of office area, plus 1 for each 2 employees</p>	<p>1. Same as LO, Nos. 1, 2, 3, 4, and 5</p>

Section 3: Add the following new use group "P" to the Table of Bulk Requirements, 195 Attachment 2, as follows:

<u>Use Group</u>	<u>P</u>
<u>Minimum Lot Area³</u>	<u>60,000 square feet</u>
<u>Lot Width (feet)</u>	<u>200</u>
<u>Front Setback (feet)</u>	<u>75</u>
<u>Front Yard (feet)</u>	<u>15</u>
<u>Side Setback (feet)</u>	<u>75</u>
<u>Total Side Setback (feet)</u>	<u>150</u>
<u>Side Yard (feet)</u>	<u>30</u>
<u>Rear Setback (feet)</u>	<u>75</u>
<u>Rear Yard (feet)</u>	<u>30</u>
<u>Street Frontage⁴ (feet)</u>	<u>100</u>
<u>Maximum Height (feet)</u>	<u>35</u>
<u>Development Coverage (percent)</u>	<u>35</u>
<u>Floor Area Ratio (FAR)</u>	<u>0.13</u>

Section 4: Delete §195-62 from Chapter 195, as follows:

~~§ 195-62 Estate Preservation (EP) Overlay District.~~

~~A. Purpose. The Village finds that Montebello Park is a distinct visual landmark in Montebello and is a structure important to the history of the community. Demolition of the mansion or alterations made to the building that are incompatible with the architecture or historic character would constitute a significant impact to the Montebello community. As expressed in the goals, objectives and policies of the Village of Montebello Comprehensive Plan, the Village desires to retain the mansion and views of the structure to the maximum extent. The Estate Preservation Overlay District will allow use of the property for single-family attached and multifamily dwellings, provided the existing views of the mansion and the mansion structure are preserved.~~

~~B. Applications for the approval of uses are subject to site plan and/or subdivision plat approval by the Planning Board. Development within the EP overlay shall also be subject to ARB review and approval.~~

~~C. Design standards. The following design standards shall apply:~~

~~(1) Montebello Park shall be designated an historic local landmark as a condition of Planning Board approval allowing development of estate preservation residential development.~~

- ~~(2) Proposed housing units shall be occupied by adults only, one of whom must be 55 years of age or older, and none of whom may be less than 45 years of age. Appropriate conditions shall be established to maintain said occupancy requirements. [Amended 9-16-2009 by L.L. No. 3-2009]~~
- ~~(3) A minimum lot area for the mansion shall be determined based on the existing floor area of the mansion and LO-C floor area ratio and development coverage limitations. The requirements of Article IV, § 195-14A shall apply.~~
- ~~(4) Lot area exclusive of the minimum lot area required for the mansion shall be available for the development of carriage-style residential housing. No more than 24 dwellings shall be permitted.~~
- ~~(5) A minimum seventy-five foot vegetative buffer around the perimeter of the district shall be retained to screen views of future residential development from existing adjoining residences.~~
- ~~(6) A minimum seventy-five foot vegetative buffer measured from the edge of pavement along the main driveway leading to Montebello Park shall be retained to screen views of future residential development from the mansion.~~
- ~~(7) Two development areas shall be permitted, one on each side of the driveway.~~
- ~~(8) No more than four dwellings per building shall be permitted. Buildings shall be designed in a "carriage style" residential structure. Garagescapes shall be minimized through appropriate architectural design and placement in the structure. Buildings shall be separated a minimum distance equal to the height of the building.~~
- ~~(a) A maximum floor area ratio of 0.13 shall be permitted.~~
- ~~(b) A maximum development coverage of 35% shall be permitted. Except as provided herein, all other bulk standards applicable to the LO-C zone shall apply.~~
- ~~(9) Viewshed analysis. As part of any application for estate preservation residential development, the applicant shall demonstrate that the buildings shall be clustered and situated on the site so as not to adversely impact the scenic views of the mansion being protected. The ARB may require the preservation or construction of stone walls, fences, installation of landscaping, or incorporate other features so as to screen views of the clustered development.~~
- ~~(10) Architectural style. Design plans for new construction shall be submitted and approved by the ARB in order to assure that the new structures complement but do not mimic the architecture of the mansion. New construction shall incorporate architectural details, including fenestration and materials, of the mansion into the design of the new development to achieve a design relationship between the old and new.~~
- ~~(11) The Village Board shall approve the formation of a homeowners' association or a condominium form of ownership to manage common areas. The form of ownership affects~~

the following lots as appearing on the Tax Map of the Town of Ramapo: 48.18-3-1 through 48:18-3-20 and 48.18-3-22. ~~[Amended 2-16-2011 by L.L. No. 1-2011]~~

- ~~(12) The Montebello Park mansion may be converted to condominium units, at a density not to exceed one dwelling unit/1,500 square feet of gross floor area. The minimum dwelling unit size shall be 1,200 square feet of gross floor area.~~

Section 5: Add the following new section §195-87.5, to Article XII Special Permit Standards, entitled, "For all uses requiring a Special Permit in the Estate Preservation (EP) District," as follows:

§ 195-87.5 For all uses requiring a Special Permit in the Estate Preservation (EP) District.

A. Purpose. The Village finds that Montebello Park is a distinct visual landmark in Montebello and is a structure important to the history of the community. Demolition of the mansion or alterations made to the building that are incompatible with the architecture or historic character would constitute a significant impact to the Montebello community. As expressed in the goals, objectives and policies of the Village of Montebello Comprehensive Plan, the Village desires to retain the mansion and views of the structure to the maximum extent. The Estate Preservation District will allow use of the property for single-family attached and multifamily dwellings, provided the existing views of the mansion and the mansion structure are preserved.

B. Applications for the approval of uses are subject to site plan and/or subdivision plat approval by the Planning Board. Development within the EP District shall also be subject to ARB review and approval.

C. Design standards. The following design standards shall apply:

(1) Montebello Park shall be designated an historic local landmark as a condition of Planning Board approval allowing development of estate preservation residential development.

(2) Proposed housing units shall be occupied by adults only, one of whom must be 55 years of age or older, and none of whom may be less than 45 years of age. Appropriate conditions shall be established to maintain said occupancy requirements.

(3) A minimum lot area for the mansion shall be determined based on the existing floor area of the mansion and LO-C floor area ratio and development coverage limitations. The requirements of Article IV, § 195-14A shall apply.

(4) Lot area exclusive of the minimum lot area required for the mansion shall be available for the development of carriage-style residential housing. No more than 24 dwellings shall be permitted.

(5) A minimum seventy-five-foot vegetative buffer around the perimeter of the district shall be retained to screen views of future residential development from existing adjoining residences.

(6) A minimum seventy-five-foot vegetative buffer measured from the edge of pavement along

the main driveway leading to Montebello Park shall be retained to screen views of future residential development from the mansion.

- (7) Two development areas shall be permitted, one on each side of the driveway.
- (8) No more than four dwellings per building shall be permitted. Buildings shall be designed in a "carriage style" residential structure. Garagescapes shall be minimized through appropriate architectural design and placement in the structure. Buildings shall be separated a minimum distance equal to the height of the building.
- (9) Use Group "P" shall apply.
- (10) Viewshed analysis. As part of any application for estate preservation residential development, the applicant shall demonstrate that the buildings shall be clustered and situated on the site so as not to adversely impact the scenic views of the mansion being protected. The ARB may require the preservation or construction of stone walls, fences, installation of landscaping, or incorporate other features so as to screen views of the clustered development.
- (11) Architectural style. Design plans for new construction shall be submitted and approved by the ARB in order to assure that the new structures complement but do not mimic the architecture of the mansion. New construction shall incorporate architectural details, including fenestration and materials, of the mansion into the design of the new development to achieve a design relationship between the old and new.
- (12) The Village Board shall approve the formation of a homeowners' association or a condominium form of ownership to manage common areas. The form of ownership affects the following lots as appearing on the Tax Map of the Town of Ramapo: 48.18-3-1 through 48:18-3-20 and 48.18-3-22. **[Amended 2-16-2011 by L.L. No. 1-2011]**
- (13) Residential uses shall not be permitted in the Montebello Park Ryan Mansion interior .

Section 6: This local law shall take effect immediately.