

VILLAGE OF MONTEBELLO
LOCAL LAW NO. 1 OF THE YEAR 2024
A LOCAL LAW AMENDING CHAPTER 195, ZONING,
TO ADJUST THE STANDARDS FOR THE RURAL PRESERVATION OVERLAY DISTRICT
TO PROMOTE THE PRESERVATION OF THE MINETTO FARM HISTORIC FARMHOUSE

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 2, Section 10 of the Municipal Home Rule Law, as follows:

*(Note: 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: Legislative findings and intent. The Village Board of the Village of Montebello hereby finds and declares:

1. The Village periodically reviews its Zoning Code to ensure that the various provisions continue to effectively implement the purposes set forth in Section 195-3 of the Village Code. The Village identified certain provisions of the Rural Preservation Overlay District that require amendments in order to effectuate these goals.
2. The Village of Montebello Comprehensive Plan update, adopted October 18, 2017 (see pp. 21-22), recommended that the Rural Preservation Overlay District provide development standards for the historic Fant Farm and Minetto Farm properties to meet the following objectives:
 - a. Preserve the vistas of the property visible from Spook Rock Road;
 - b. Preserve the existing evergreens on the property;
 - c. Preserve the existing homesteads by allowing a limited number of non-residential uses to occur provided the structures are retained in their essential character;
 - d. Any new construction should be consistent with the existing “rural” architectural character of the area; and
 - e. Situate new homes in locations not readily visible from Spook Rock Road.
3. Changed economic conditions and new real estate market trends since 2017, brought about largely by COVID-19 Pandemic along with other factors, have necessitated the adjustment of the Rural Preservation Overlay standards in order to achieve the Comprehensive Plan’s objectives for these properties.

Section 2: Amend Chapter 195, Zoning, §195-124 Definitions, amending definitions and adding new definitions in alphabetical order, as follows:

RESIDENCE, DUPLEX

See “residence, two family.”

DWELLING UNIT

A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, having no enclosed space (other than vestibules, entrances or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A house trailer, boarding or rooming house, convalescent home, dormitory, fraternity house, hotel, inn,

lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a "dwelling unit."

* * * * *

RESIDENCE

A building or part thereof designated, used or occupied for one or more dwelling units, but not including tourist home, hotel, motel, tourist cabin, summer colony or trailer or any other transient use.

RESIDENCE, MULTIFAMILY

A residence containing three or more dwelling units within a single detached building.

RESIDENCE, ONE-FAMILY

A residence containing only one dwelling unit within a single detached building.

RESIDENCE, TWO-FAMILY (DUPLEX)

A residence containing only two dwelling units within a single detached building.

Section 3: Amend Chapter 195, Zoning, §195-62 Rural Preservation Overlay District, subpart C. Design Standards, as follows:

- C. Design standards. The following design standards shall apply to cluster developments on lands within the Rural Preservation Overlay District:
 - (1) Procedure. In order to determine the maximum number of permitted dwelling units (residential yield), a conventional subdivision with one-family residences on individual lots shall be platted in accordance with the bulk requirements for the RR-50 Zoning District for purposes of determining the total number of dwellings that could otherwise be constructed in accordance with RR-50 requirements. In laying out the conventional subdivision, the provisions of §195-14A shall apply. The conventional lot layout shall also plat out a minimum lot area for any existing farmstead within the preservation area.
 - (2) With the exception of the existing farmstead, all proposed residences will be clustered outside of areas intended to be preserved in their existing scenic character. These "preservation" areas are as follows:
 - (a) Land within a distance of 200 feet of the easterly right-of-way line along Spook Rock Road, including any existing residences, barns, stone walls, or mature trees that might be located within same.
 - (b) Land within a distance of 300 feet measured from the westerly right-of-way line along Spook Rock Road, including any existing residences, barns, stone walls, or mature trees that are located within same.
 - (3) Areas outside the preservation areas may be developed with the number of one-family residences as determined by the residential yield in section C(1) above, on lots that conform to the bulk requirements regulating one-family detached residences in the R-25 zone, with use

group “t.” Alternatively, duplex residences may be substituted for one-family residences, subject to a resolution by the Village Board, where the Village Board finds that the market interest and range of available housing within the region is such that the proposed alternative would enhance the Village’s housing diversity and respond to a demonstrated need. Approved clustered subdivisions that have been filed in the County Clerk’s Office as of the date of the adoption of this local law shall be ineligible for substitutions as permitted herein.

- (4) When authorizing the substitution of duplex residences as an alternative unit type to one-family residences, the Village Board shall adhere to the following standards and impose the following requirements:
 - (a) No more than three-quarters (75%) of the number of one-family residences, as determined by the residential yield of the conventional subdivision prepared according to section C(1) above, may be substituted with duplex residences. The maximum size of the total gross floor area of any duplex residence substituted for a one-family residence shall be no larger than 8,100 square feet, including both of its dwelling units.
 - (b) The maximum combined gross floor area of all dwelling units within duplex or one-family residence buildings shall meet the maximum FAR requirements of use group “t” for the lot on which they are located. For the purposes of calculating the gross floor area and floor area ratio as required by this section, all floor spaces within any building shall be included as defined by the definition of gross floor area in §195-124.
 - (c) In the event that a project is designed where multiple residence buildings are located on a single lot, with shared lands and infrastructure organized in a condominium, the FAR and coverage requirements of the zoning code shall be calculated and applied collectively including all the structures on such a single lot. Where a project is designed with multiple condominiums proposed to be associated under a master association, the FAR and coverage requirements shall be collectively met in total among the lands and structures owned by the master association. In calculating the FAR for the provisions of this part, lands within the preservation area, and lands on a lot containing a preserved farmstead, and/or within the any right-of-way (whether held publicly or privately) shall not be counted toward the gross lot area.
 - (d) In authorizing the substitution of duplex residences for one family residences, the Village Board may impose reasonable conditions to ensure that the development is in harmony with the surrounding area, including but not limited to the maximum or minimum size of individual dwelling units, size of duplex residence buildings, heights, and the minimum buffer from existing public roads or abutting properties.
- (5) The Planning Board shall retain site plan and subdivision review authority, and act as Architectural Review Board (ARB), for Rural Preservation Overlay District plans authorized by the Village Board pursuant to this section. The Planning Board may require the applicant to vary architectural styles to prevent excessive similarity or dissimilarity. The ARB shall assure

that the new structures complement the architecture of the preserved historic structure or structures in the preservation area, incorporating architectural details, massing, fenestration, building materials, or other features that are reminiscent of the same style. The Planning Board shall be bound by the dwelling unit count, building placement, road layout, and bulk and area parameters for the project site laid out in the Rural Preservation Overlay District Plan reviewed and approved by the Village Board,(6) Viewshed analysis. As part of any application for rural residential cluster development in the Rural Preservation Overlay District, 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 preservation area visible from Spook Rock Road. The ARB may require the construction of stone walls, fences, installation of landscaping, or incorporate other features so as to screen views of the clustered development.

- (6) Restrictive covenants shall be placed on the preservation areas so as to limit alterations to the existing structures and limit future disturbance to the landscape being protected. Existing residential structures within the preservation area may continue to be privately-owned and used as single-family detached residences, or they may be converted to a clubhouse or center for use by the residents of the cluster subdivision as part of a homeowners' association. At the request of the applicant, the Village Board in its discretion may approve use of the preservation area for other purposes that are accessory to the cluster subdivision, provided the purposes of this section are met.
- (7) If not owned privately or by a homeowners' association or condominium association, the preservation area may be owned and/or maintained by the Village or be released to a land trust. Deed restrictions shall be required to ensure no future additional development occurs within the preservation area.

Section 4: Amend the Table of General Use Requirements, as follows:

In 195 Attachment 1, ER-80 District, in Column E, lines 1 & 2, replace the term "1-family detached residence" with one-family residence" where it appears;

In 195 Attachment 1, ER-80 District, in Column B, line 4, replace the term "1-family detached residence" with one-family residence" where it appears;

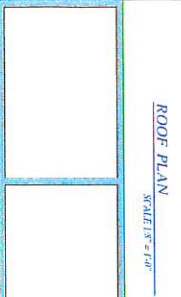
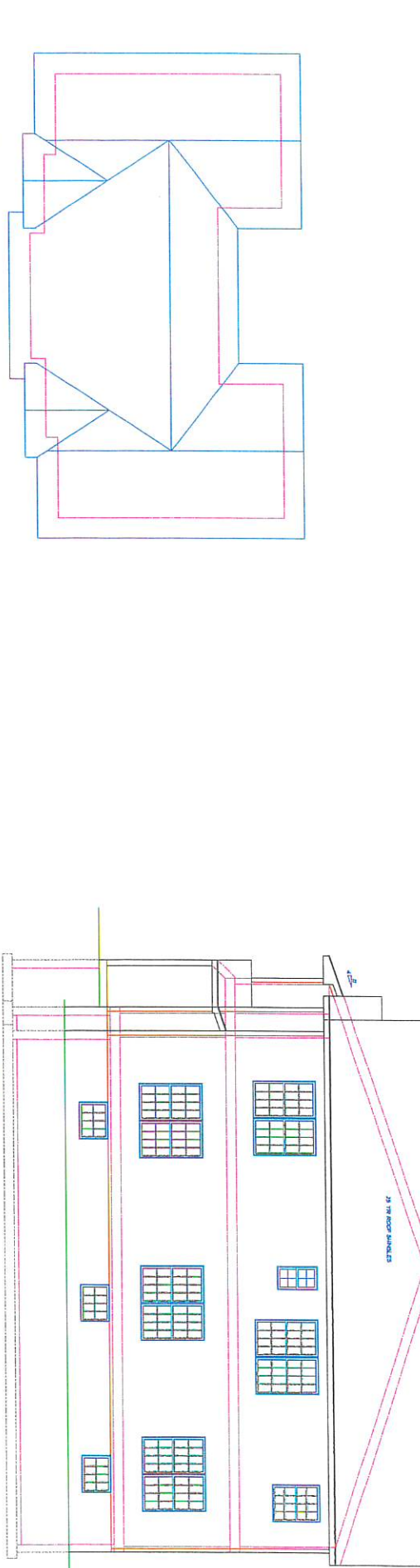
In 195 Attachment 1, R-15 District, in Column C, line 4, replace the term "2-family detached residences" with two-family residences" where it appears;

In 195 Attachment 1, R-15 District, in Column C, line 5, replace the term "1-family semiattached residences" with two-family residences" where it appears; and

In 195 Attachment 1, R-AH District, in Column F, line 1, replace the term "single-family attached residences" with multifamily residences" where it appears;

Section 5: This local law shall take effect immediately upon filing with the Secretary of State.

NEW DUPLEX MODEL FOR STONEHEDGE HEIGHTS



ERIC KNUTE OSBORN
ARCHITECT
27 YEARS EXPERIENCE
RESIDENTIAL ARCHITECTS
WASHINGTON, N.Y. 11901 - 631-529-2124
FAX: 631-529-2124
(631) 629-2124

PROJECT
DUPLEX MODEL, TWO FOR
STONEHEDGE HEIGHTS
SPRING RIVER ROAD
LIZARDVILLE, NEW YORK
11952

FOR REVIEW
FRONT & SIDE ELEVATION

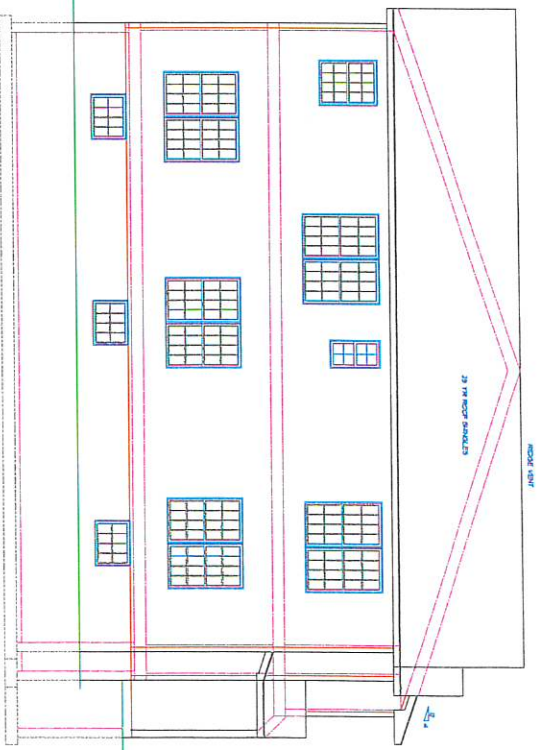
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PROJECT NO. 1
SCALE 1/8" = 1'-0"
A-1

SEAL & SIGNATURE
DATE: 05/01/2014
NY Lic. # 2014-000000000



REAR ELEVATION



LEFT SIDE ELEVATION

ERIC KNUTE OSBORN
 ARCHITECT
 77 THE AGRESTIAN
 WASHINGTON, DC 20002-3621
 202-331-2121
 1511 - 15th St NW
 WASHINGTON, DC 20005-3024

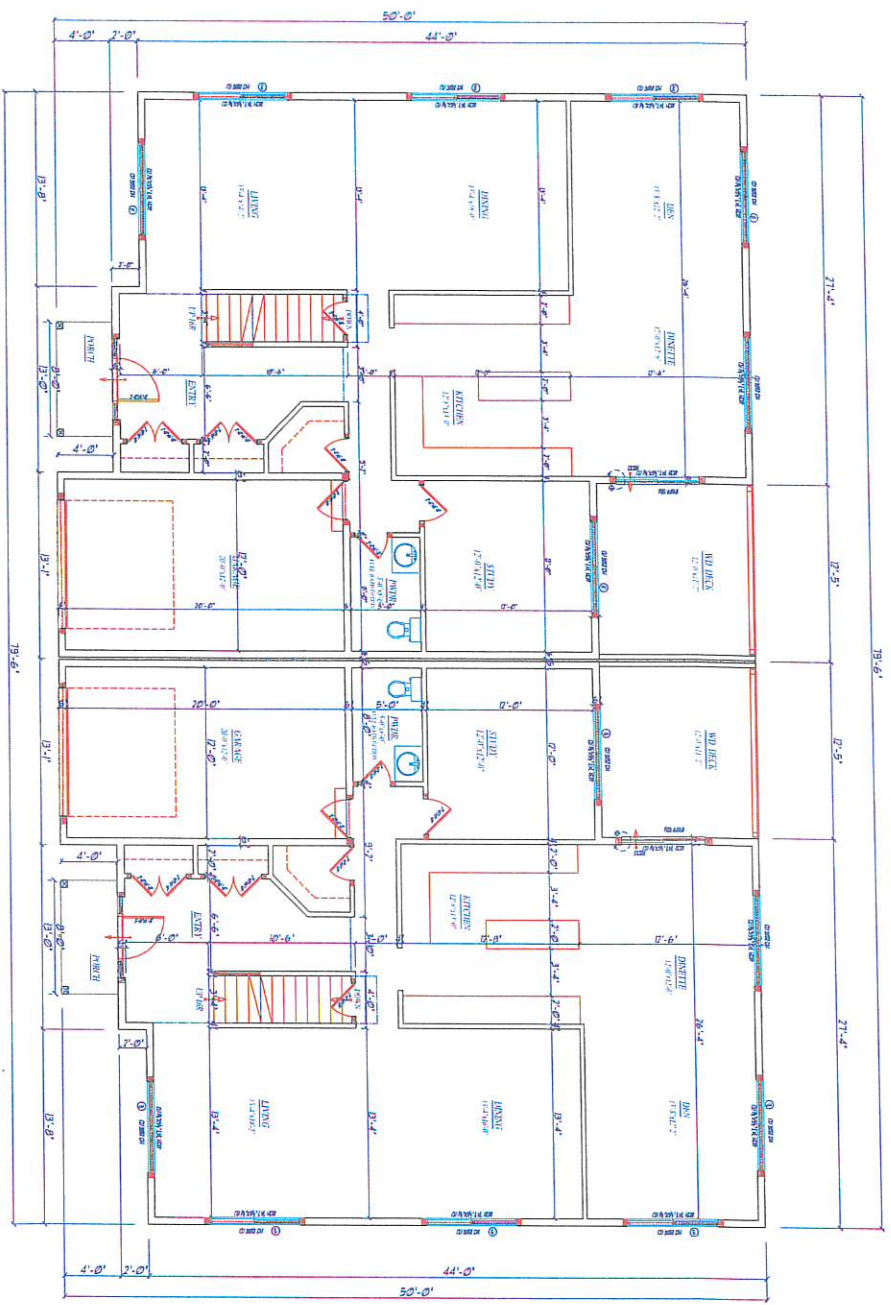
PROJECT
DIVEN MODEL TUDOR FOR
STONEHEDGE HEIGHTS
 SPARK ROCK ROAD
 BELLEVILLE
 RICHMOND COUNTY, NEW YORK

PDR REVIEW
 REAR & SIDE ELEVATION

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PROJECT # 202-001
 SCALE 1/4" = 1'-0"
 DRAWING NO. **A-2**
 DATE 12/15/2017
 BY: J. L. ARNOLD
 N.Y. LIC. ARCHT. 001178





MAIN FLOOR PLAN
 HEIGHT: 10'-0" (3.05 M)
 FINISH: 1'-0" (0.30 M)
 TOTAL FLOOR AREA: 3570 SQ. FT. (330 SQ. M)
 TOTAL FLOOR AREA: 3570 SQ. FT. (330 SQ. M)

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|--|---|---|---|--|--|
|  | <p>ERIC KNUTE OSBORN ARCHITECT 28 BAYVIEW ROAD WASHINGTON, DC 20007 (202) 692-7271</p> | <p>PROJECT DUREX MODEL TWO FOR STONEHEDGE HEIGHTS 2800 RICE ROAD ROCKLAND COUNTY, NEW YORK</p> | <p>FOR REVIEW MAIN FLOOR PLAN</p> | <p>PROJECT NO. 101 SCALE: 1/8" = 1'-0" DATE: 10/1/88</p> | <p>SEAL & SIGNATURE </p> |
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POOL HOUSE

