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THE FOLLOWING CHANGES AS DESCRIBED IN THE TRACKED-CHANGES HEREAFTER ARE PROPOSED TO EXISTING CODE SECTIONS. UNDERLINED TEXT IS PROPOSED TO BE ADDED WHILE ~~STRUCK THROUGH TEXT~~ IS PROPOSED FOR DELETION.

Chapter 195

Zoning

Village of Montebello Code

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Article XII

Special Permit Standards

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§ 195-69 Decisions.

- A. The Planning Board or Village Board shall cause to be filed with the Clerk to the Planning Board, the Village Clerk-Treasurer and Building Inspector the decision of the Planning Board or Village Board, and shall cause a copy thereof to be mailed to the applicant.
- B. Approval of a special permit shall ~~be deemed to be indefinite authorization, unless otherwise specified in the approval thereof but, in any case, shall~~ expire within 18 months of the date of approval unless a building permit has been issued for the use by special permit. Such period may be extended on separate application to the Planning Board or Village Board.
- C. A special permit use located in a district other than a residential zoning district, shall be for an indefinite term, unless otherwise specified in the approval thereof.
- D. Approval of a special permit for a use located within any residential zoning district shall remain in effect for two years from the issuance of a building permit and shall thereafter expire unless the following renewal procedure is followed:
 - a. No more than 30 days prior to the expiration of the Special Permit, the permittee shall submit an application for a certificate of compliance from the Building Inspector, who shall inspect the special permit use within 14 days to ensure compliance with the conditions of the Special Permit. If all of the conditions of the special permit have been met, the certificate of compliance shall be issued by the Building Inspector and the Building Inspector shall then extend the term of the special permit for five years. After the first renewal, subsequent renewals shall be required every five years under the same procedure as the initial renewal. Applications for renewal shall be made prior to expiration and no renewal shall be made nunc pro tunc.
 - b. In the event the Building Inspector denies the certificate of compliance, the applicant may submit an application for renewal of the Special Permit to the Planning Board pursuant to the procedures and standards of this Article governing a new special permit within 60 days of the notice of denial. The original special permit shall expire at the time that the

Planning Board renders its decision on the application for special permit renewal. In the event the Planning Board approves the application for special permit renewal, the renewed special permit will be considered as a new special permit and will be subject to an initial two-year term as required by §195-69D. In the event the application for special permit renewal is denied, the original Special Permit shall expire.

E. If any Special Permit expires, the permittee may reapply for a new special permit to the Planning Board, pursuant to the procedures and standards of this Article.

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§ 195-72 Schools of General Instruction, Schools of Special Instruction, Dormitories.

A. Schools of General or Special Instruction. The bulk standards for schools of general or special instruction as indicated in Column C-1 of the Table of General Use Requirements, Use Group N, shall apply, except for minimum lot area, which shall be calculated as in §195-72.A(1) below.

(Note: A new Use Group N shall be added to the Bulk Table as in the chart below:

Use Group N

<i>Minimum Lot Area</i>	<i>Per §195-72.A(1)</i>
<i>Lot Width (feet)</i>	<i>300</i>
<i>Front Setback (feet)</i>	<i>100</i>
<i>Front Yard (feet)</i>	<i>50</i>
<i>Side Setback (feet)</i>	<i>60</i>
<i>Total Side Setback (feet)</i>	<i>200</i>
<i>Side Yard (feet)</i>	<i>30</i>
<i>Rear Setback (feet)</i>	<i>100</i>
<i>Rear Yard (feet)</i>	<i>50</i>
<i>Street Frontage (feet)</i>	<i>200</i>
<i>Maximum Height (feet)</i>	<i>35</i>
<i>Development Coverage (percent)</i>	<i>40</i>
<i>Floor Area Ratio (FAR)</i>	<i>0.20</i>

(1) Minimum Lot Area for Schools of General or Special Instruction.

- a. Minimum Lot Area Based on Maximum Enrollment. Based upon maximum enrollment capacity, the required minimum lot area shall be 120,000 square feet for schools with 100 students or less, with an additional required minimum lot area of 50,000 square feet added for each additional increment of 50 students, or part thereof.

For example, Viola School has an enrollment of 368 students, and is located on a ten acre lot. Under this code, a school with a maximum enrollment capacity of 368 students would be rounded up to 400 students, and require 120,000 sf for the first hundred students and 300,000 sf (300 x 50,000 sf) for the next 268 students for a total minimum lot area of 420,000 square feet or 9.6 acres.

Suffern High School has an enrollment of 1,494 students and is located on a 49-acre lot. Under this code, a school with a maximum enrollment capacity of 1,494 students would be rounded up to 1,500 students and require 120,000 sf for the first hundred students and 1,400,000 sf (1,400/50*50,000 sf) for the next 1,400 students for a total minimum lot area of 1,520,000 sf or 34.9 acres.

- b. Furthermore, an additional minimum lot area requirement shall be required to be added to the amount required in section a above, if a dormitory is added to the site as an accessory use to the principal school use. An additional 1,800 square feet of required minimum lot area shall be required for each dormitory bed on the school site.

*For example a 368 student school with a dormitory containing 200 dormitory beds would require 420,000 sf as in the example above for the school plus an additional 360,000 sf (200*1,800 sf) for the dormitory for a total minimum lot area of 780,000 square feet or 17.9 acres).*



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(2) Design Requirements for Schools of General or Special Instruction:

- a. Architectural Review. All applications for Schools of General or Special Instruction shall be referred to the Architectural Review Board in accordance with Article XI of this Chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.
- b. Usable Open Space. The School of General or Special Instruction shall include at least one outdoor area of distinctive design with a minimum area of 10% of the minimum lot size as calculated in section (1) above, which purpose is for recreation use by students, to create an area for gathering and/or recreation for use by the students, staff, and faculty of such institution. The Usable Open Space shall be linked to an on-site pedestrian walkway network. Usable Open Space shall not be located within a required yard.
- c. Lighting. Outdoor lighting shall be limited to that necessary for operational reasons, and shall be so designed as to be compatible with surrounding land uses. The Applicant shall provide a lighting plan showing that exterior lighting will not be directly visible beyond the boundaries of the property line to the maximum extent practicable. Any lighting shall be directed away from adjoining streets and properties, and shall be arranged as to reflect the light away from any adjoining properties and abutting streets, highways and roads.
- d. Utilities. All utilities shall be installed underground or within buildings.
- e. Landscaping. Applicant shall prepare and receive approval for a landscaping plan addressing the following subjects:
- i. All portions of the project site not used for impervious surfaces shall be attractively landscaped or left in a natural condition.
- ii. Landscape Buffer Area. Except where the Planning Board finds that existing vegetation to remain along the property boundary provides adequate visual screening, a minimum 20-foot-wide landscaped buffer area shall be provided along all property lines, excluding the front line, and access points. The required landscaped buffer area shall be densely planted with a mixture of shrubs, trees not less than 6 feet high and/or berms, which will create an opaque screen on a continuing basis through all seasons. The required landscaped buffer area may be incorporated into the required yards or setbacks. The Planning Board also may require that a fence be added as necessary to effectuate the screening, but such a fence shall be in addition to and not relieve the need for the required landscaped buffer area plantings.
- iii. All landscaped areas along property lines which are crossed by access drives shall be planted with low shrubs no greater than three feet high and trees with a branching habit which begins at least eight feet above ground level.

- iv. Planting shall not interfere with the normal sight distance needed for safe entering and exiting maneuvers by motor vehicles.

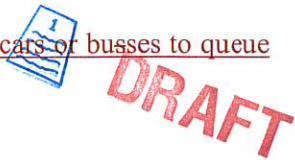
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f. Parking and Internal Roadway Requirements:

- i. Parking for Schools of General or Special Instruction shall be provided as set forth in the Table of General Use Requirements Column F. This parking requirement may be reduced by up to 25% pursuant to §195-28.B. Reserve areas for future parking lot development may be provided in lieu of construction of parking spaces, pursuant to §195-28.A.
- ii. All on-site drives and parking areas shall be constructed according to Article VII of this Chapter.
- iii. Where a parking structure is proposed, the Planning Board shall consider the effects of the proposed structure in terms of traffic and environmental concerns, such as noise, air quality and headlight glare, particularly the effects on any proximate residential properties, and shall require landscaping, fencing or other measures to mitigate any adverse effects. Parking structures shall only be incorporated into a site plan to achieve the objectives of this Chapter, including, but not limited to, preservation of open space and reduction of building coverage.
- iv. Parking Lot Landscaping. One shade tree designed to reach a mature height of at least 20 feet shall be planted for every 12 parking spaces.

g. Other Traffic and Transportation Requirements

- i. Regulation of faculty and staff arrival and departure times in both AM and PM hours shall be established for Schools of General or Special Instruction as necessary to mitigate vehicle trips in the AM and PM peak hour. The Planning Board may require the applicant to coordinate timing of such arrival and departure times with schools in the vicinity to the extent practicable in order to avoid conflicts.
- ii. For Schools of General or Special Instruction, the Applicant shall submit documentation necessary to evaluate the need for each of the following:
 1. Traffic control signals;
 2. Crosswalks;
 3. Speed humps; and
 4. Other changes in roads and traffic signals related to changes in traffic activity.
- iii. The entrance points for pedestrian/bicycle paths shall be signed indicating the need for bicyclists to share the path and properly yield to pedestrians that are present.
- iv. A traffic circulation and parking plan shall be provided prior to the issuance of a Special Permit, and shall be based upon the maximum student capacity and traffic characteristics of the School of General or Special Instruction. The plan shall provide the following information to the Village Building Department on an annual basis:
 1. Bus circulation and traffic patterns expected to be generated by the School of General or Special Instruction;

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2. Demonstration that bus circulation and traffic patterns shall not cause cars or busses to queue on public or private roads at peak hours;
 3. Maximum student enrollment capacity and attendance policies;
 4. Numbers of fulltime and part time faculty and staff, with attendance policies and parking locations and requirements;
 5. If applicable, requirements for parental compliance with busing and driving policies;
 6. If applicable, community residence of students and whether busing is provided by home district, and for what grades;
 7. List of locations of bus drop-offs other than campus and how students reach campus;
 8. List of exceptions to bus ridership and number of students receiving exemption for each year;
 9. If applicable, number and size of buses transporting students by grade;
 10. Number of students riding buses by grade; and
 11. Number of student drivers authorized and any limitations thereto, with parking locations and requirements.
- v. All construction of internal roadway improvements shall be completed prior to the issuance of any temporary or permanent Certificate of Occupancy.
- vi. All on and off-site traffic improvements required by the Special Permit Use criteria for this use shall be undertaken at Applicant's sole cost and expense.
- f. Water. Each Applicant shall demonstrate that there is sufficient water capacity for the project, and shall supply a potable water delivery system capable of meeting both the domestic water and emergency firefighting needs of the facility.
- g. Signs. Signs shall be permitted for Schools of General or Special Instruction in accordance with Chapter 143, and shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.
- h. Other Conditions and Safeguards. The Planning Board shall attach such other conditions and safeguards to the Special Permit as are necessary for the protection of the health, safety and welfare of the community, and to assure continual conformance with the intent of this Chapter.
- (3) Bulk Provision Waiver. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for Schools of General or Special Instruction herein up to 3%, for good cause shown.

B. Dormitories

- (1) Bulk and Parking Requirements. Dormitories are permitted only as accessory uses to ~~schools~~ Schools of ~~general~~ General or Special ~~instruction~~ Instruction, and only shall be permitted as part of a Special Permit for such a school, subject to the following supplemental requirements below:

a. Bulk requirements in each zoning district for Dormitories shall be determined by the use group indicated for the principal School of General or Special Instruction use, as indicated in column C-1 of the Table of General Use Requirements, and as defined in the Table of Bulk Requirements, with the modifications below:

i. The required minimum lot area for a Dormitory shall be provided according to §195-72.A(1)b above. There shall be a minimum lot area of 1,800 square feet provided per dormitory bed, exclusive of the lot area allocated and devoted to the principal and other accessory buildings on any site, including the required yards and/or setbacks, buffers and parking facilities of said buildings.

ii. The minimum distance between a ~~d~~Dormitory and any other building on the lot shall be 50 feet.

~~C~~-iii. The minimum distance between any ~~d~~Dormitory and any interior driveway shall be 25 feet.

~~D~~-iv. The maximum height of any ~~d~~Dormitory shall be ~~two stories or 25 feet, whichever is less~~the same as the requirement for a one-family detached residence in the district where the dormitory is located.

~~E~~-v. No dormitory room or dwelling unit shall be permitted in any cellar. A Dormitory shall be permitted only in habitable floors of a structure as defined by the New York State Uniform Fire Prevention and Building Code.

vi. The Dormitory buildings, and any dining halls serving such, shall, in combination, contain not more than 35% of the gross floor area of all buildings on the entire school site.

~~F~~-vii. All dormitories shall be equipped with sprinkler and fire alarm systems in accordance with the New York State Uniform Fire Prevention and Building Code.

a.b. Parking for Dormitories shall be provided in addition to the parking required for the School of General or Special Instruction in the Table of General Use Requirements Column F. One parking space shall be provided for every four Dormitory beds for elementary and secondary schools and for every -two Dormitory beds for post-secondary schools. This parking requirement may be reduced by up to 25% pursuant to §195-28.B. Reserve areas for future parking lot development may be provided in lieu of construction of parking spaces, pursuant to §195-28.A.

(2) Lighting and Landscaping

a. All required outdoor lighting standards shall be the same for dormitories and the principal school use, as set forth in subsection A above.

b. Required screening and landscaped buffer areas shall be the same for dormitories and the principal school use, as set forth in subsection A above.

(3) Occupancy standards. Dormitory units shall only be occupied in accordance with the limitations set forth in this Section. The School of General or Special Instruction shall provide annual reports to the Village Building Department demonstrating compliance.

a. Occupancy of a Dormitory unit shall be limited to Full-Time Students and Full-Time Student Supervisors, as defined by this Chapter. Full-Time Student Supervisors shall not exceed 10% of the total of dormitory occupants. There shall be no more Dormitory beds accessory to any School of General or Special Instruction than are reasonably required to accommodate the school's maximum capacity of Full-Time Students and their Full-Time Student Supervisors, as required under law.

- b. If a person ceases to be eligible for occupancy, said person shall vacate the Dormitory within thirty (30) days.
- c. No Dormitory unit or structure housing a Dormitory unit shall be sold in fee-simple or as any other interest in real or personal property, or otherwise subdivided from the School of General or Special Instruction use, nor shall any Full-Time Student or Full-Time Supervisory Staff be permitted to independently rent, sublet, lease or otherwise grant permission to any other individual to reside in the Dormitory.
- (4) Solid Waste Disposal. Central refuse collection areas shall be located for the convenience of all Dormitories. They shall be supplied with an adequate number and type of covered receptacles and shall be provided with proper screening and maintenance. Such areas shall not be located in the required front yard.
- (5) Architectural Review. All applications for Dormitories accessory to Schools of General or Special Instruction shall be referred to the Architectural Review Board in accordance with Article XI of this Chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.
- (6) Bulk Provision Waiver. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for Dormitories herein up to 3%, for good cause shown.

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§ 195-79A ~~(Reserved)~~ Residential Gathering Places

- (1) The building containing the residential gathering place shall comply with the zoning code standards of the Village of Montebello for a one-family detached residence, and with the requirements of all applicable fire and building codes of New York State.
- (2) Only habitable spaces in compliance with all applicable building codes may be utilized for a Residential Gathering Place.
- (3) The maximum occupancy of the residential gathering place shall be determined by dividing the number of square feet of the portion of the residence so designated by forty (40) square feet per person. A minimum of 40 square feet of floor area shall be provided for each occupant using the Residential Gathering Place.
- (4) The gathering place shall have a maximum floor area of 2,000 square feet, or a maximum of 50% of the gross floor area of the one-family detached residence, whichever is less; and
- (5) Notwithstanding any other provision of this chapter, Only those accessory uses permitted as-of right to a one family detached residence shall be allowed at a residence with a residential gathering place. All other accessory uses shall be prohibited including but not limited to administrative offices, bath and shower facilities, gymnasiums, indoor recreation facilities, schools and classrooms. Where such accessory uses are proposed, the use shall no longer be considered for issuance of a Special Permit for a Residential Gathering Place under this Chapter.

- (6) The required number of parking spaces for a Residential Gathering Place shall be determined by Column F of the Table of General Use Requirements. Parking shall be provided for both the residence and the gathering place area, according to the Table. This parking requirement may be reduced by up to 25% pursuant to §195-28.B. Reserve areas for future parking lot development may be provided in lieu of construction of parking spaces, pursuant to §195-28.A. All required parking spaces shall be provided on the lot on which the Residential Gathering Place is located.
- (7) No parking or loading shall be permitted between the structure and any street line on which the property fronts.
- (8) All outdoor lighting shall be shielded in a manner to direct lighting away from adjacent properties and the public street. Exterior lighting shall be limited to the minimum requirements by code for safety.
- (9) The Planning Board shall require adequate screening in the required rear and side yards, to protect the character and compatibility of adjacent uses. Screening can consist of a wall, fence and/or plantings as approved by the Planning Board.
- (10) The application for a Residential Gathering Place shall be referred to the Architectural Review Board in accordance with Article XI of this Chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.
- (11) No regularly scheduled assembly may be held between the hours of 11:00 PM and 6:00 AM. For the purpose of this provision, regularly scheduled shall mean occurring in greater frequency than three times per calendar year.
- (12) No space within the Residential Gathering Place may be rented out to or utilized for meetings or functions not directly convened or hosted by the residents of principal one-family detached residence.
- (13) One sign is permitted which shall meet the standards for a home occupation sign as set forth in §195-82.A. In addition, the sign shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.
- (14) Use of any outdoor areas of the property by non-residents shall be limited only to parking and passive recreational uses requiring a minimum of facilities or equipment, which may include a small jungle gym or climber for children, benches and picnic tables.
- (15) The Planning Board may impose such additional restrictions and conditions on the location of parking spaces, landscaping and/or fencing to screen the Residential Gathering Place from adjacent residential properties, outdoor lighting, and other conditions of use of the Residential Gathering Place as, in the judgment of the Board, are necessary for the Residential Gathering Place to be able to operate in a manner that is consistent with public safety and neighborhood character.
- (16) No kitchen or cooking facilities will be permitted, in scale or type other than those customarily incidental to a one-family detached residence.
- (17) A narrative summary shall be submitted to the Planning Board, providing the maximum anticipated number of persons to be assembled, square footage of the assembly spaces, days and hours of assembly, and number of parking spaces provided.

(18) Bulk Provision Waiver. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for Residential Gathering Places herein up to 3% , for good cause shown.



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§ 195-79B Neighborhood Places of Worship

Note: The Use Table will be amended to add Neighborhood Places of Worship to the ER-80, RR-50, R-35, R-25 and R-15 zoning districts-, and to assign use group "k" in each case.

- (1) A building containing a Neighborhood Place of Worship shall comply with all requirements of all applicable building codes of New York State and the zoning code of the Village of Montebello.
- (2) A Neighborhood Place of Worship may include a single residential dwelling unit, but occupancy of the unit shall be limited to clergy and their families. Such a single residential dwelling unit shall be considered an accessory use, and shall not require any additional minimum lot area.
- (4) For Neighborhood Places of Worship, the principal use shall be the holding of regularly scheduled religious services. Accessory uses such as classrooms, social halls, administrative offices, baths, gymnasiums and/or indoor recreation facilities may be provided, so long as such accessory uses in their aggregate shall be subordinate to the size and function of the Neighborhood Place of Worship. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted. A School of General Instruction established at the site of a Neighborhood Place of Worship shall not be considered as accessory to the Neighborhood Place of Worship, but rather as an additional principal use.
- (5) The required number of parking spaces for a Neighborhood Place of Worship shall be determined by Column F of the Table of General Use Requirements. This parking requirement may be reduced by up to 25% pursuant to §195-28.B. Reserve areas for future parking lot development may be provided in lieu of construction of parking spaces, pursuant to §195-28.A.
- (6) No parking or loading shall be permitted between the structure and any street line on which the property fronts, although a drop-off or porte cochere shall be permitted in the front yard. All loading and delivery areas shall be located in the rear yard and shall be effectively screened to a height to eight feet from any adjacent residential properties and the public street.
- (7) All outdoor lighting shall be shielded in a manner to direct lighting away from adjacent properties and the public street.
- (8) The application for a Neighborhood Place of Worship shall be referred to the Architectural Review Board in accordance with Article XI of this Chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.
- (9) A minimum 20-foot-wide landscaped area shall be provided along all property lines, excluding the front line, and access points. The landscaping shall incorporate plantings, berms, and such other elements as are necessary to screen the facilities.
- ~~(4)~~(10) No regularly scheduled assembly may be held between the hours of 11:00 PM and 6:00 AM. For the purpose of this provision, regularly scheduled shall mean occurring in greater

frequency than three times per calendar year.



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- (11) Attendance at any services, wedding receptions or other social or religious functions for congregants held at the Neighborhood Place of Worship shall be limited to available on-site parking.
- (12) Signs. Signs shall be permitted for Neighborhood Places of Worship in accordance with Chapter 143, and shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services. .
- (13) Use of any outdoor areas of the property shall be limited only to parking and passive recreational uses requiring a minimum of facilities or equipment, which may include a small jungle gym or climber for children, benches and picnic tables.
- (14) The Planning Board may impose such additional restrictions and conditions on the location of parking spaces, landscaping and/or fencing to screen the Neighborhood Place of Worship from adjacent residential properties, outdoor lighting, and other conditions of use of the Neighborhood Place of Worship as, in the judgment of the Planning Board, are necessary for the Neighborhood Place of Worship to be able to operate in a manner that is consistent with public safety and neighborhood character.
- ~~(5)~~(15) No cooking facilities will be permitted, other than warming kitchen equipment for use by the clergy and/or congregants of the Neighborhood Place of Worship and any kitchen equipment for exclusive use of residents of a residential dwelling unit. No catering facilities are permitted.
- (16) A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the sanctuary and other dedicated spaces, days and hours of services, and number of parking spaces provided.
- (17) Bulk Provision Waiver. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for Neighborhood Places of Worship herein up to 3%, for good cause shown.

§ 195-79C Community Places of Worship

(Note: A new Use Group O shall be added to the Bulk Table as in the chart below:

<i>Use Group O</i>	
<i>Minimum Lot Area</i>	<i>5 acres</i>
<i>Lot Width (feet)</i>	<i>300</i>
<i>Front Setback (feet)</i>	<i>100</i>
<i>Front Yard (feet)</i>	<i>50</i>
<i>Side Setback (feet)</i>	<i>50</i>
<i>Total Side Setback (feet)</i>	<i>200</i>
<i>Side Yard (feet)</i>	<i>30</i>
<i>Rear Setback (feet)</i>	<i>100</i>
<i>Rear Yard (feet)</i>	<i>50</i>
<i>Street Frontage (feet)</i>	<i>200</i>
<i>Maximum Height (feet)</i>	<i>35</i>
<i>Development Coverage (percent)</i>	<i>40</i>



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- (2) A building containing a Community Place of Worship shall comply with all requirements of all applicable building codes of New York State and the zoning code of the Village of Montebello.
- (3) No parking or loading shall be permitted between the structure and any street line on which the property fronts, although a drop-off or porte cochere shall be permitted in the front yard. All loading and delivery areas shall be located in the rear yard and shall be effectively screened to a height to eight feet from all adjacent residential properties and the public street.
- (4) Parking Lot Landscaping. One shade tree designed to reach a mature height of at least 20 feet shall be planted for every 12 parking spaces.
- (5) Landscape Buffer Area. A minimum 20-foot-wide landscaped area shall be provided along all property lines, excluding the front line, and access points. The landscaping shall incorporate plantings, berms, and such other elements as are necessary to screen the facilities.
- (6) A Community Place of Worship may or may not include a single residential dwelling unit, but occupancy of the unit shall be limited to ~~eongregants~~ and/or clergy and/or their families. Such a single residential dwelling unit shall be considered accessory, and shall not require any additional minimum lot area.
- (7) All outdoor lighting shall be shielded in a manner to direct lighting away from adjacent properties and the public street.
- (8) The application for the Community Place of Worship shall be referred to the Architectural Review Board in accordance with Article XI of this Chapter. The appearance of all principal and accessory structures shall be in harmony with the surrounding area and be of a similar design aesthetic in conformity with the scale and character of the neighborhood within which it is to be located.
- (9) For Community Places of Worship, the principal use shall be the holding of regularly scheduled religious services. Accessory facilities and functions such as religious schools, social halls, administrative offices and indoor recreation facilities may be provided, so long as such facilities and functions shall be subordinate in aggregate to the size and function of the Community Place of Worship. No building permit or certificate of occupancy shall be granted to such accessory use, building or structure until the building permit and certificate of occupancy for the principal use or building, respectively, have been granted. A School of General Instruction established at the site of a Community Place of Worship shall not be considered as accessory to the Community Place of Worship, but rather as an additional principal use.
- (10) On-site parking shall be provided according to the standards indicated in the Table of General Use Requirements, Column F. This parking requirement may be reduced by up to 25% pursuant to §195-28.B. Reserve areas for future parking lot development may be provided in lieu of construction of parking spaces, pursuant to §195-28.A.
- (11) Attendance at any services, wedding receptions or other social or religious functions held at the Community Place of Worship shall be limited to the capacity of the Community Place of Worship as determined by the applicable building codes of New York State, as well as the available on-site parking, unless a Parking Management Plan (PMP) is provided. Such events

demanding parking in excess of the on-site parking provided shall require a PMP to be submitted for approval by the Planning Board as part of the Special Permit application establishing a Community Place of Worship, pursuant to the requirements set forth below. The PMP shall be used to address parking demand during the maximum projected attendance at the maximum building capacity, for Holy Days or other large planned events for the particular place of worship making the application. Such PMP shall be provided to the Ramapo Police Department, the applicable Fire Department and the office of the Montebello Village Clerk. If a PMP is required, as part of the special permit process the applicant shall address the following:

- a. Designated off-site parking areas. The Applicant shall submit a fully executed written agreement between the Applicant and one or more providers of a location for off-site parking;
- b. The applicant shall indicate implementation of group travel to and from the off-site parking locations by the use of shuttle vehicles;
- c. The applicant shall use traffic control measures such as the hiring of an off-duty police officer and/or volunteers to facilitate pedestrian flow, as well as on-site and off-site traffic;
- d. The applicant shall provide a notification processes to notify patrons of the Community Place of Worship and others regarding the locations of off-site parking areas to be used;
- e. The applicant shall indicate a method of pre-event registration to obtain a ticket before the holiday or event to use the on or off-site parking facilities; and
- f. In the event that off-site parking areas are not available to accommodate the full capacity of the Community Place of Worship, methods to limit the number of event attendees to the number of attendees that can be accommodated in the on-site parking area or at any available off-site locations by utilization of a pre-event registration system and distribution of tickets to registered persons that will be submitted upon arrival at the site on the day of the event.
- g. Existing Community Places of Worship in existence prior to the adoption of this local law shall submit a PMP for large events to the Planning Board within one year of adoption.

(12) Signs. Signs shall be permitted for Community Places of Worship in accordance with Chapter 143, and shall contain English language characters and text to the extent necessary for public safety and/or to aid in the dispatch of emergency services.

(13) The Planning Board may impose such additional restrictions and conditions on the location of parking spaces, landscaping and/or fencing to screen the community place of worship from adjacent residential properties, outdoor lighting, and other conditions of use of the Community Place of Worship as, in the judgment of the Planning Board, are necessary for the Community Place of Worship to be able to operate in a manner that is consistent with public safety and neighborhood character.

(14) Commercial kitchen and catering facilities are permitted, in compliance with all plumbing, electrical, fire, health and safety codes.

(15) A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the sanctuary and other dedicated spaces, days and hours of services, and number of parking spaces provided.

(16) Bulk Provision Waiver. The Planning Board shall have the authority, consistent with the purposes of this Chapter and upon finding that the waiver shall not result in danger to the health, safety and general welfare of the community, neighborhood or area residents, to waive any bulk provision for Community Places of Worship herein up to 3%, for good cause shown.

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§ 195-82 Home occupations/home professional office.

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- ~~K. Upon first issuance, the special permit shall be for a period of two years, unless the applicant seeks a shorter duration. Upon a first renewal the renewal period shall be for five years, and the second renewal shall be without expiration date unless otherwise specified hereinafter. The special permit shall automatically expire according to its terms unless the following renewal procedure is followed:~~
- ~~(1) Application for renewal must be made to the Planning Board no later than 60 calendar days prior to the expiration thereof.~~
 - ~~(2) Notice of said application for renewal in a form prescribed by the Village shall be sent by the applicant within 10 days of making application to all residences abutting the subject parcel, whether to the rear or along the side lines, and along both sides of the street or roadway on which the driveway to the subject parcel is located within 500 feet of the lot lines thereof where same intersect said street or roadway. Said notice shall be sent registered mail, return receipt requested, and proof of said mailing shall be submitted to the Clerk of the Planning Board.~~
 - ~~(3) Said notice shall include a tentative hearing date to consider such renewal as set by the Clerk on the next regularly scheduled meeting of the Planning Board closest to the expiration date. The special permit shall be deemed extended, if need be, until the matter is heard and decided. Upon such application for a renewal the Planning Board shall be deemed to have renewed said special permit, and the Clerk shall issue a renewal special permit, unless written objections to such renewal have been received by the Clerk from the noticed persons by no later than 15 days before the tentative hearing date, or unless reports of complaints about such usage were made during the term of the expiring permit as appearing in the records of the Village.~~
 - ~~(4) If either of the above two exceptions apply, then the Clerk shall place the matter on the Planning Board agenda for a public hearing with due legal notice, and the Planning Board shall hear the matter to determine whether said occupation has been consistent with the terms and conditions of the expiring special permit, and has been secondary to, and consistent with, the residential character of the zoning district involved. If the Planning Board so determines it shall grant renewal of the special permit.~~
 - ~~(5) If the Planning Board determines otherwise, it may, upon granting renewal, impose additional terms and conditions, and may limit said renewal period to a period less than the renewal period applicable, but in no event for less than two years.~~
 - ~~(6) This renewal process shall apply whenever renewal is sought.~~
- ~~L.K.~~ Anything to the contrary notwithstanding, said special permit shall automatically expire upon the sale and conveyance of the subject parcel, or upon the termination of the interest of the permit holder if issued to a person other than the owner, or upon the permit holder ceasing to engage in said occupation for a continuous period of six months or more. Each such special permit shall exclusively be issued for, and shall relate only to, the activities of the original applicant at the premises originally subject to same. However, should a permit holder-owner convey the residence to another person who

is to reside thereat wishing to obtain the benefit of the special permit, and according to the same terms and conditions, the rights shall be transferable upon the filing of written notice in a form prescribed by the Village with the Clerk of the Planning Board together with proof of such conveyance. In such an event the Clerk shall issue a special permit to the benefit of the new permit holder-owner, except that the expiration date thereof shall be set to be not be longer than one year from the date of said issuance or the actual expiration date of the original special permit, whichever shall be sooner.

Article XVIII Word Use and Definitions



§ 195-124 Definitions.

As used in the chapter, the following terms shall have the meanings indicated:

CAMP

Any premises, including its area of land or water, or land and water, on which are located two or more cabins, tents, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other temporary living purposes, primarily for children, but not including a day camp, trailer camp, rooming house, tourist home, hotel, motel, summer colony, hospital, place of detention, ~~school~~ School of ~~g~~General or Special ~~i~~nstruction, Dormitory or nursery school.

DORMITORY

A building or part of a building containing private or semiprivate rooms which open to a common hallway, which rooms are sleeping quarters for administrative staff, faculty or students, along with the following communal facilities: bathroom, dining hall, cooking kitchen, laundry, lounge and recreation facilities, as required. Dormitory rooms shall not contain separate cooking, dining or housekeeping facilities, except that one dwelling unit with complete housekeeping facilities may be provided for use of a superintendent or supervising staff for every 50 dormitory rooms. No more than one communal dining room shall be provided in any building or structure used for dormitory purposes. Single-family, two-family and/or other multiple residential facilities, other than that described above, are not to be considered as dormitories. Private rooms may be occupied by no more than one person, and semiprivate rooms may be occupied by no more than two persons.

GATHERING PLACE, RESIDENTIAL

The use of a dedicated portion of a one-family detached residence for large gatherings, meeting all of the following criteria:

1. The gatherings occur more than twelve (12) times per year; and
2. These gatherings are comprised of 15 or more persons; and
- 4.3. These gatherings shall not exceed 49 persons, or the maximum number to be classified as Group B occupancy under the New York State Uniform Fire Prevention and Building Code, whichever is less.

Any use that exceeds any of the above criteria at any time shall not be considered a Residential Gathering Place. The Building Inspector shall determine the appropriate use category based upon the requirements of this Chapter."



PLACE OF WORSHIP, NEIGHBORHOOD

The principal use of a building or structure for regular organized religious assembly with a maximum capacity of 200 seats.

PLACE OF WORSHIP, COMMUNITY

The principal use of a building or structure, for regular organized religious assembly other than a Neighborhood Place of Worship.

SCHOOL OF GENERAL INSTRUCTION

Any public or nonpublic ~~school offering courses in general~~ pre-K, kindergarten, elementary, junior high, or high schools subject to 8 NYCRR part 100 regulations; or any colleges, universities or postgraduate schools, seminaries or other schools of religious vocational training, that offer instruction at least five days per week and seven months per year.

~~**SCHOOL OF RELIGIOUS INSTRUCTION**~~

~~Any private school offering courses in religious instruction at least five days per week and seven months per year.~~

SCHOOL OF SPECIAL INSTRUCTION

Any nonpublic school conducting a regularly scheduled curriculum of specialized or vocational study, such as trade or technical programs, except that a school offering religious vocational training at least five days per week and seven months per year shall be deemed a School of General Instruction.

STUDENT, FULL-TIME

A student who is enrolled for no less than six weeks and no less than thirty (30) hours of instruction per week for elementary and secondary schools, or fifteen (15) hours of instruction per week for post-secondary schools.

STUDENT SUPERVISOR, FULL-TIME

Supervisory Staff including:

1. Teachers or professors of the School of General or Special Instruction who perform no less than fifteen (15) hours per week of classroom instruction for said School of General or Special Instruction, or
2. Any other employee of the School of General or Special Instruction who performs no less than (30) hours per week of work for said School of General or Special Instruction.

YARD, REQUIRED REAR

An unoccupied required yard situated along the rear lot line and extending the full width of the lot to the side lines of the lot.

YARD, REQUIRED SIDE

An unoccupied required yard extending along a side lot line from the required front yard (or from the front lot line if there is no required front yard) to the required rear yard (or to the rear lot line if there is no required rear yard).



A. Modify the Table of General Use Requirements, 195 Attachment 1 of the Village Code, as follows, for the ER-80 District:

1. Remove item 3, "Churches and similar places of worship," in its entirety from Column B, and remove its associated Use Group "c" in Column B-1.
2. Remove item 7, "Schools of general or religious instruction," in its entirety from Column C, and remove its associated Use Group "f" in Column C-1. Replace with a new item 7 in Column C: Schools of general instruction, with use group as modified by §195-72.A, and with a new associated Use Group "N" in Column C-1.
3. Add to the parking requirement for Item 1 in Column F, Schools of General Instruction, the following sentence, after the words "over the age of 16": For dormitories, see §195-72.B
4. Remove item 3, "Churches and similar places of worship," in its entirety from Column F; Replace with a new item 3 in Column F: Places of Worship, Residential Gathering Places. The associated parking requirement for item 3 shall be modified by removing the parenthetical phrase "(school areas same as No. 1)."
5. Add the use to Column C, Uses by Special Permit, "Gathering places, residential" along with the associated Use Group "e" in Column C-1.
6. In Column F, in the minimum off-street parking requirement for dormitories, eliminate the words "Not less than the actual resident capacity unless legal restrictions are imposed on occupancy of such facilities," and replace with the words "See §195-72.B."
7. Add the use to Column C, Uses by Special Permit, "Places of worship, neighborhood" along with the associated Use Group "k" in Column C-1.
8. Add the use to Column C, Uses by Special Permit, "Places of worship, community" along with the associated Use Group "O" in Column C-1.

B. Modify the Table of General Use Requirements, 195 Attachment 1 of the Village Code, as follows, for the RR-50, RR-35, R-25 and R-15 Districts:

1. Under Column B, Uses Permitted by Right, eliminate "Churches" as well as any Use group associated with "Churches" in Column B-1.
2. Add the use to Column C, Uses by Special Permit, "Gathering places, residential." In each district, assign the same Use Group designated for one-family detached residences in that district to the associated Use Group for "Gathering places, residential" in Column C-1.
3. Add the use to Column C, Uses by Special Permit, "Places of worship, neighborhood" along with the associated Use Group "k" in Column C-1.
4. Add the use to Column C, Uses by Special Permit, "Places of worship, community" along with the associated Use Group "O" in Column C-1.
5. Remove "Schools" or "Schools of general or religious instruction" in its entirety from Column C where it appears, and remove its associated Use Group in Column C-1, if any. Add the use to Column C, Uses by Special Permit, "Schools of general instruction, with use group as modified by §195-72.A," along with a new associated Use Group "N" in Column C-1.
6. Add to Column F, Minimum Off-Street Parking Requirements, for the use "Places of worship, residential gathering places:" "200 square feet of floor area or 5 seats capacity, whichever is greater"
7. Add to Column F, Minimum Off-Street Parking Requirements, for the use "Schools of general instruction:" "300 square feet of floor area or 12 student seats, whichever requirement is greater, plus 1 space per 2 enrolled students over the age of 16; for dormitories see §195-72.B."

C. Modify the Table of General Use Requirements, 195 Attachment 1 of the Village Code, as follows, for the RSH and R-AH Districts:

1. Add the use to Column C, Uses by Special Permit, "Places of worship, neighborhood" along with the associated Use Group "k" in Column C-1.
2. Add the use to Column C, Uses by Special Permit, "Places of worship, community" along with the associated Use Group "O" in Column C-1.
3. Add the use to Column C, Uses by Special Permit, "Schools of general instruction, with use group as modified by §195-72.A," along with a new associated Use Group "N" in Column C-1.
4. Add to Column F, Minimum Off-Street Parking Requirements, for the use "Places of worship,": "200 square feet of floor area or 5 seats capacity, whichever is greater"
5. Add to Column F, Minimum Off-Street Parking Requirements, for the use "Schools of general instruction:" "300 square feet of floor area or 12 student seats, whichever requirement is greater, plus 1 space per 2 enrolled students over the age of 16; for dormitories see §195-72.B."

D. Modify the Table of General Use Requirements, 195 Attachment 1 of the Village Code, as follows, for the NS District:

1. Remove "Schools of special instruction" as a Use Permitted by Right in Column B, along with its associated Use Group in Column B-1 and associated Minimum Off-Street Parking Space requirement in Column F.
2. Add the use to Column C, Uses by Special Permit, "Places of worship, neighborhood" along with the associated Use Group "k" in Column C-1.
3. Add the use to Column C, Uses by Special Permit, "Places of worship, community" along with the associated Use Group "O" in Column C-1.
4. Add to Column F, Minimum Off-Street Parking Requirements, for the use "Places of worship,": "200 square feet of floor area or 5 seats capacity, whichever is greater"

E. Modify the Table of General Use Requirements, 195 Attachment 1 of the Village Code, as follows, for the LO, LO-C, PI and PI-C Districts:

1. Add the use to Column C, Uses by Special Permit, "Schools of special instruction" along with the associated Use Group "N" in Column C-1.
2. Add to Column F, Minimum Off-Street Parking Requirements, for the use "Schools of special instruction": "100 square feet of floor area or per 2 students, whichever is less."



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