

LOCAL LAW NO. 5 OF 2018  
VILLAGE OF MONTEBELLO  
STATE OF NEW YORK

BE IT ENACTED, by the Village Board of the Village of Montebello Local Law No. 5 of 2018 Entitled: "Historic and Scenic Roads Overlay District with Review Procedures and Standards" as follows:

§ 195-60 **Historic Preservation Commission.**

A. Purpose.

- (1) The Board of Trustees of the Village of Montebello finds that there exist within the Village places, sites, structures and scenic roads that have a special character or special historical or aesthetic interest or value in American history, architecture and culture; that it is feasible to preserve and continue the use of such improvements; and that such improvements face the danger of being uprooted and destroyed without adequate consideration of the irreplaceable loss to the people of the Village of Montebello of the aesthetic, cultural and historical values represented by such improvements. It is the sense of the Village Board that the standing of Montebello as a community steeped in the history and culture of Rockland County and the Hudson Valley region requires the maintenance and enhancement of the historical, aesthetic, cultural and architectural heritage of the Village.
- (2) It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, preservation and use of improvements of historical, aesthetic, cultural and architectural value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is:
  - (a) To effect and accomplish the protection, enhancement, perpetuation and preservation of such places, sites and structures located within the Village;
  - (b) To safeguard the Village's historic, cultural and architectural heritage as embodied and reflected in such improvements;
  - (c) To foster civic pride in the beauty and accomplishments of the past;
  - (d) To promote the use of the Village's local historic districts and local landmarks for the education, pleasure and welfare of the people of the Village.

B. Historic Preservation Commission.

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- (3) The HPC shall have the following powers and duties:
  - (a) Employment of staff and professional consultants as necessary to carry out the duties of the HPC.

- (b) Promulgation of rules and regulations which shall provide for a quorum, regularly scheduled meetings, adoption of request forms, and any other matters within the discretion of the HPC.
- (c) Adoption of criteria for the identification of significant historic, architectural, and cultural landmarks and for the delineation of historic districts.
- (d) Conduct of surveys of significant historic, architectural, and cultural landmarks and historic districts within the Village of Montebello.
- (e) Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
- (f) Making recommendations to the Village Board concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Village of Montebello.
- (g) Recommending acquisition of a landmark structure by the Village of Montebello where its preservation is essential to the purposes of this section and where private preservation is not feasible.
- (h) Preparing, reviewing or recommending applications for local landmark or local historic district designation.
- (i) Approval or disapproval of applications for certificates of appropriateness pursuant to these regulations.
- (j) Approval or disapproval of certificates of appropriateness, or providing recommendations when requested, on building permit, site plan, subdivision or other applications reviewed by the Building Inspector, Planning Board or the Board of Appeals for properties that are:
  - 1. on or adjacent to a property on the National Register of Historic Places, or the New York State Register of Historic Places, or
  - 2. designated local landmarks or located in historic districts, or
  - 3. located in the Historic or Scenic Roads Overlay District, as established in §195-64A of the Village Code.
- (k) Reviewing and making recommendations to County, State or the New York Metropolitan Transportation Council (NYMTC) officials on proposed improvements or alterations to Historic and Scenic Roads, as designated by the Comprehensive Plan.
- (l) The Commission shall generally meet on a monthly basis. **[Added 4-16-2008 by L.L. No. 2-2008]**

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- J. Certificate of appropriateness for alteration, demolition or new construction affecting local



landmarks, historic districts, or sites in the Historic and Scenic Roads Overlay District. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within an historic district or the Historic and Scenic Roads Overlay District, nor shall any person make any material change in the appearance of such property, its light fixtures, signs, sidewalks, fences, steps, paving, landscaping, plantings or other exterior elements which affect the appearance and cohesiveness of the local landmark or such district, without first obtaining a certificate of appropriateness from the HPC. Once a certificate of appropriateness has been issued, any applications to Village agencies for any development proposals shall be referred to the HPC for a determination of the effect of the proposal on the landmarked property or historic district.

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L. Criteria for approval of certificate of appropriateness.

- (1) In reviewing the plans, the HPC shall give consideration to the following:
  - (a) The historical and architectural value and significance of the building or structure and its relationship to the historic and architectural value of the surrounding area.
  - (b) The general appropriateness of proposed exterior design, colors, arrangement, texture and materials.
  - (c) The scale of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
  - (d) Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties in streets, including setback.
  - (e) Properties which contribute to the character of the historic district shall be retained, with their exterior historic features altered as little as possible, and their interior features retained to the extent reasonably possible if the HPC also finds same to be historically significant. **[Added 4-16-2008 by L.L. No. 2-2008]**
  - (f) Any other factors relating to aesthetic considerations that the HPC deems pertinent to the benefit of the Village and the historic or architectural significance of the structure or building and surrounding area.
- (2) Alterations, repairs and additions to buildings or structures located wholly or partly within the boundaries of an historic district or which are designated as landmarks shall be made consistent with the materials and styles of the particular architectural period of which said building or structure is characteristic.
- (3) New construction shall be consistent with the architectural styles or historic value in an historic district. However, the HPC may approve the construction of buildings or structures that have a dissimilar architectural style to that of the historic district if the HPC deems that the new construction will be in the best interests of the historic district.

- (4) Moving of buildings or structures designated as landmarks or located wholly or partly within the boundaries of the historic district may be allowed as an alternative to demolition.
- (5) The following criteria and standards shall apply to structures and sites in the Historic and Scenic Roads Overlay District, as defined in §195-64.A:
  - a) Where the Village Board has adopted Rural Character Design Guidelines, the HPC shall review the proposed application against such design guidelines and require substantial compliance with same;
  - b) The HPC shall review the proposed application for potential aesthetic or character impacts on those historic and aesthetic resources identified in Historic and Aesthetic Resources Element of the Comprehensive Plan of the Village of Montebello. Where the HPC finds that the proposed application could result in development out of character with area historic or aesthetic resources, it shall suggest alternative siting, site design, architectural appearance, buffering or landscaping in order to mitigate potential impacts. The HPC may require renderings, visual simulations, or cross-sections including under leaf-off conditions to determine the scope and nature of potential impacts and the effectiveness of proposed mitigations.
  - c) On lots with front yard areas within the Historic and Scenic Road Overlay District, a buffer strip with all native and natural vegetation shall be maintained between any newly constructed or modified building and the road right-of-way line. The minimum width of the naturalized vegetative buffer shall be equal to at least 10% of the depth of the parcel, and shall be maintained from the property line adjacent to the regulated road towards the building or structure. In cases where the minimum width has already been cleared or is an established lawn area, a planting plan shall be developed by the applicant to revegetate the buffer area with native vegetation. The buffer should be designed to as not to impair significant views of area historic or aesthetic resources. The HPC will recommend the dedication of easements for buffer areas, where it believes such buffers are critical for maintaining the historic or scenic quality of the road.
  - d) Within the minimum naturalized vegetative buffer strip, removal and/or maintenance of dangerous dead wood and non-native invasive species is permitted. Invasive species shall be those defined in New York State Department of Environmental Conservation NYCRR Part 575 Invasive Species Regulations, which can be found at [http://www.dec.ny.gov/docs/lands\\_forests\\_pdf/isprohibitedplants2.pdf](http://www.dec.ny.gov/docs/lands_forests_pdf/isprohibitedplants2.pdf).
  - e) The construction of a driveway with a single curb cut for each principal use is permitted through the buffer area. This requirement shall not be deemed to prohibit boulevards.
  - f) Stone walls. Stone walls shall be retained wherever possible. If stone walls or portions thereof must be removed for safety reasons, they shall be rebuilt in a comparable manner in a similar location and with a similar orientation, with respect to the right-of-way of the Historic and Scenic Road. Along certain roads, where stone walls are prevalent, the HPC as a condition of issuing a certificate of appropriateness, may require the construction of a stone wall as a feature within the minimum naturalized buffer.



- g) Existing structures on a lot or portion thereof within the Historic and Scenic Overlay District with historic or architectural significance shall be retained to the extent possible. Alterations to such structures shall be compatible with the architecture of the existing structure with regard to window patterns, siding materials, colors, architectural detailing and architectural style. Any new structures or additions to existing structures shall be compatible with any structures identified within the Historic and Scenic Resources Element of the Comprehensive Plan of the Village of Montebello located within the same public viewshed with regard to architectural style, apparent massing, setback height and architectural quality.
- h) Buildings or structures visible from the Historic and Scenic Roads, including canopies, car ports, pavilions, gazebos, or the like, shall have peaked roofs, except that hip roofs with a slope of at least 4:12 and flat roofs that are hidden by a raised cornice shall also be permitted.
- i) Parking fields, garages and garage doors shall be designed and sited in a manner to minimize their visual impact from the Historic and Scenic Road.
- j) Fences. Chain link fences and stockade or other fence designs that completely block visual access to land in the corridor shall be prohibited, unless such fences are necessary to screen a preexisting use that does not conform to the requirements of this section. Where stone walls are not present, open wooden fencing such as board on post fencing is acceptable.

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S. Historic Preservation Commission advisory role.

(1) Purpose and intent.

- (a) Certain development activities have the potential to impact the historic and visual quality of properties, buildings, structures, and other features that have been identified as significant historic and cultural resources as demonstrated by their inclusion on the National Register of Historic Places or the New York State Register of Historic Places, or in the Historic and Scenic Roads Overlay District.
- (b) It is the intent of this section to interject the advice of the HPC during the SEQRA review process for certain applications that affect properties located on the National Register of Historic Places or the State Register of Historic Places, or in the Historic and Scenic Roads Overlay District.
- (c) The HPC shall act in an advisory capacity to assist a lead agency in determining the potential impact of proposed actions occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Office for nomination for inclusion in the National Register, or that is listed on the State

Register of Historic Places, or that is located in the Historic and Scenic Roads Overlay District.

- (2) Referral by agencies. Where an application is submitted to the Planning Board, the Board of Appeals, or the Village Board affecting property listed in the National or State Register or designated by the HPC, a copy of said application shall also be transmitted to the HPC for review. The application shall be accompanied by such drawings or material samples as may be required to clearly indicate the design intent.
- (3) The Village Planner shall annually review the New York Metropolitan Transportation Council (NYMTC) Transportation Improvement Program and confer with the Rockland County Highway Department and Town of Ramapo Department of Public Works to determine whether any proposed transportation improvement projects will have a negative impact on the Historic and Scenic Roads Overlay District, and to make written recommendations on potential ways to mitigate such impacts. When a street or road located in the Historic and Scenic Roads Overlay is proposed to be altered or improved by the Town, County, State or the New York Metropolitan Transportation Council (NYMTC), the HPC shall consider the following, when analyzing the proposal and making its recommendations for any design changes:
  - a) Alterations and improvements of designated historic and scenic roads should be carried out to preserve to the highest degree possible and enhance wherever feasible the aesthetic, historic and/or scenic and historic characteristics of the roadway.
  - b) Vehicular speeds. Scenic and historic values are correlated with lower vehicular speeds. The impact of the alteration or improvement of the existing speed of vehicular traffic along the scenic and historic roadway should be determined. The lower speed limit should be posted and suitably enforced.
  - c) Curves. Scenic and historic values correlate with the existence of curves in a roadway which allow a constant unfolding of new and changing views. Curves should not be eliminated unless they constitute a safety hazard and unless no reasonable economically practicable alternative, such as lower speed limits, could address safety concerns.
  - d) Grades. Hills and valleys and corresponding changes in topography and road grades are correlated with scenic and historic values. Changing grades through cuts and fills should not be undertaken unless necessary for roadway safety.
  - e) Widths. Narrow roadways correlate with scenic and historic beauty, especially when surrounded by natural vegetation and a canopy of trees. Scenic and historic roadways, or portions thereof, should not be widened unless there are no other reasonable, economically practicable alternatives, such as construction of wide bypasses and turnouts at intervals where they will have the least impact on scenic and historic values.
  - f) Side slopes. Existing steepness of side slopes are preferred to reduction of gradient through extensive removal of soil, rock, and slope, particularly where the slope is fully stabilized and has extensive ground cover, shrubs or trees.



- g) Vistas. Roadside views of near and distant scenic and historic landscapes should be preserved and, where possible, enhanced through vegetative management and selective cutting to maintain or open up such views.
  - h) Stone walls. Stone walls should be retained wherever possible. If stone walls or portions thereof must be removed for safety reasons, they should be rebuilt in a comparable manner within the untraveled portion of right-of-way of the scenic and historic roadway.
  - i) Road surface. Road surfaces are correlated with the historical character of a roadway and contribute to its scenic and historic beauty. Existing road surfaces should be retained where possible. If the surface of a roadway must be paved and/or altered for safety reasons, such road surface should be repaired or paved in a manner consistent with and for the purpose of preserving the existing character of said roadway.
  - j) Utility lines. Wherever possible, utility lines should be placed underground. Where they are overhead the utility corporations should be encouraged to cooperate by implementing suitable vegetation management techniques which preserve the wildflowers and the shrubs.
  - k) Vegetation. Vegetation on the side of the road should be managed in such a way as to preserve flowers, shrubs, wildlife and trees. Overarching isolated trees and the canopy of a closed forest are valuable scenic qualities and should be preserved wherever possible. Maintenance of scenic roadways should be done so as to minimize root damage to bordering trees.
  - l) Drainage ditches. Drainage swales should be vegetated or lined with stones in areas subject to erosion.
  - m) To preserve a rural experience, no sidewalks, concrete curbs or walkways should be constructed along road segments in the Historic and Scenic Roads Overlay district, except along the following roads: Hemion Road and North Airmont Road. Where it is absolutely critical to support existing levels of pedestrian or bicycle traffic, preference should be given to on-road painted facilities. Any new curbs should be comprised of flat-laid Belgian Block except as otherwise required by the Village Engineer.
  - n) New curb cuts to provide road access to new development should be minimized, with shared curb cuts to be utilized whenever practicable. Existing curb cuts and driveways should be removed whenever a reduction in road access points can be achieved and adequate road access can still be provided.
- (4) The HPC shall advise the referring agency on the proposed action's potential effects on the listed or nominated property and may make recommendations to limit said effects. In advising the agencies on their respective applications, the HPC shall consider the following:
- (a) The general design, character and appropriateness to the property of the proposed alteration or new construction;
  - (b) The scale of proposed alteration or new construction in relation to the property itself,

surrounding properties, and the neighborhood;

- (c) Texture, materials, and color and their relation to similar features of other properties in the neighborhood;
  - (d) Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and
  - (e) The importance of historic, architectural, or other features to the significance of the property.
- (5) If the HPC fails to act upon the application within 30 days of receipt of the application, the HPC shall be deemed to have issued a favorable recommendation on the proposed action.

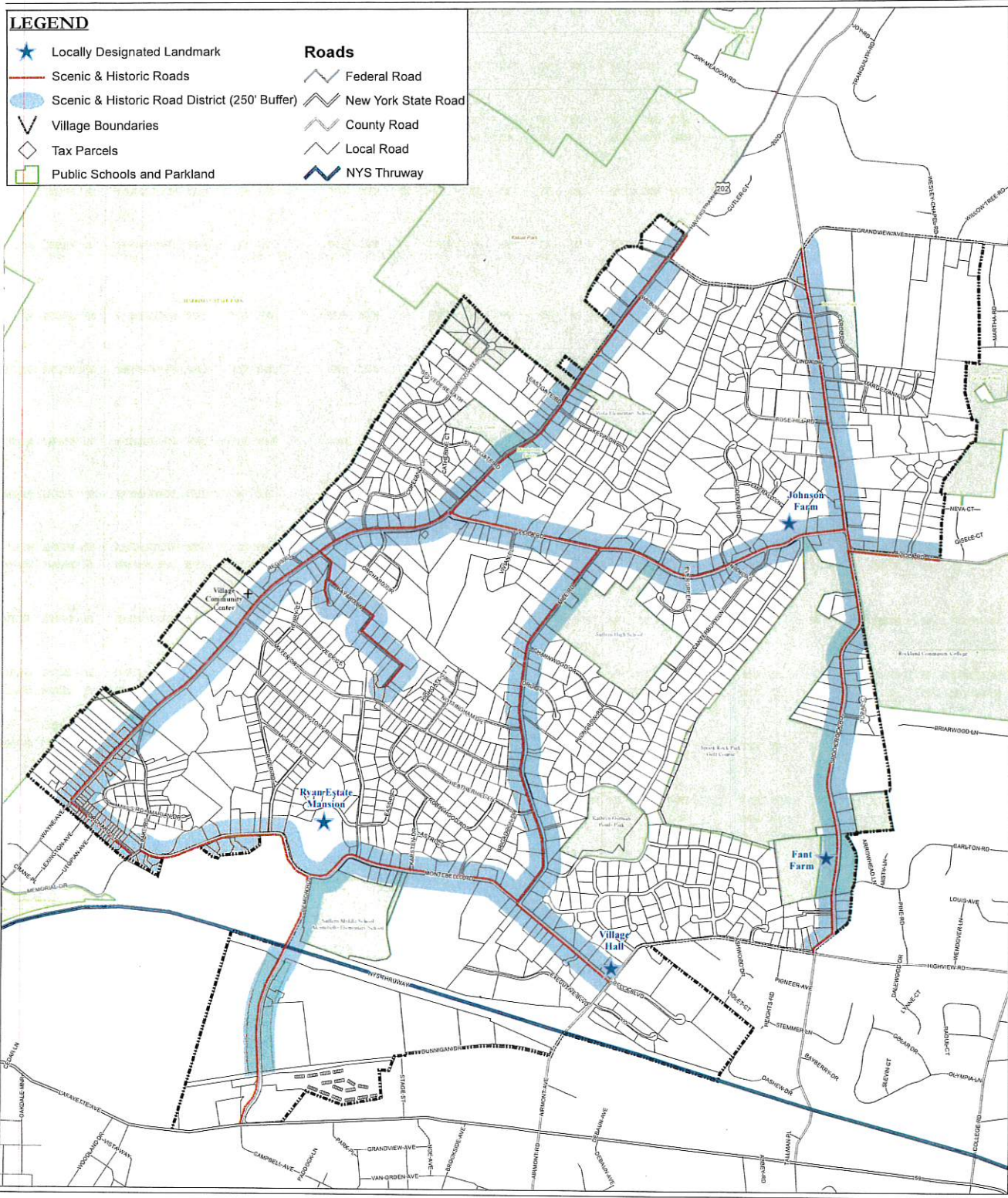
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#### §195-64-A Historic and Scenic Roads Overlay District

- A. Purpose. The Comprehensive Plan recommends adopting the Historic and Scenic Roads Overlay District to maintain the quality of historic and scenic roads, and to protect against inappropriate and incompatible development along said roads. The overlay district boundary shall be 250 feet from the centerline of those road segments as shown on the Historic & Scenic Roads Overlay District Map, dated October 2017, which, with all explanatory matters thereon, is hereby adopted and made part of this Chapter. A copy of said map, indicating the latest amendments, shall be kept up-to-date in the offices of the Village Clerk-Treasurer for the use and benefit of the public. *Note: See chapter 195 Attachment 8.*
- B. Permitted Uses and Bulk Standards. The permitted uses and bulk standards shall be the same as those of the underlying zoning district.
- C. Certificate of Appropriateness Required within the Historic and Scenic Roads Overlay District. No applications shall be approved by the Building Inspector or Planning Board for any building permit, site plan, subdivision or other application for sites located partially or wholly within the Historic and Scenic Road Overlay District, unless a Certificate of Appropriateness has been issued by the Historic Preservation Commission pursuant to the procedures and standards of §195-60 of this Chapter.
- D. Minor Projects in Historic and Scenic Roads Overlay Exempt from Certificate of Appropriateness Requirement. Applications for approval, if required, for the following activities located partially or wholly within the Historic and Scenic Road Overlay District shall be exempted from the requirement to obtain a Certificate of Appropriateness as set forth in subsection C above:
  - 1. Changes to side or rear elevations of buildings or the construction of building additions that are not visible from the pavement edge of the Historic and Scenic Road.
  - 2. Construction of accessory structures to the rear of buildings that are not visible from the pavement edge of the Historic and Scenic Road.



3. The addition of open decks with or without railings to the side or rear of buildings that may be visible from the Historic and Scenic Road.
4. Installation of walkways or patios at grade that may be visible from the pavement edge of the Historic and Scenic Road, not including retaining walls or decorative walls.
5. The installation of lighting, flagpoles, mailboxes, benches or minor appurtenances that may be visible from the pavement edge of the Historic and Scenic Road, but not including fences.
6. Maintenance of existing lawn, garden and landscape areas that may be visible from the pavement edge of the Historic and Scenic Road.
7. Approval of tree removal permits pursuant to §176-6 for tree removals referred to the Planning Board for review.
8. Approval of tree removal permits pursuant to §176-6 for tree removals located outside of the buffer required by §195-60(L)(5)(c), and that are not visible from the pavement edge of the Historic and Scenic Road.



Note: This map is for general planning purposes only.  
 Sources:  
 Roads: New York State Department of Transportation  
 Tax Parcels & Municipal Boundary: Rockland City, Dept. of Planning  
 Landmarks & Historic Scenic Roads: Village of Montebello

### HISTORIC & SCENIC ROADS OVERLAY DISTRICT

MONTEBELLO COMPREHENSIVE PLAN UPDATE

Village of Montebello, New York

Prepared for Montebello Comprehensive Plan Commission



OCTOBER 2017

