

## NOTICE OF PUBLIC HEARING

**PLEASE TAKE NOTICE** that a Public Hearing will be held on Wednesday December 18, 2019, beginning at 8:00 p.m. or as soon thereafter as the matter can be heard at the Dr. Jeffrey Oppenheim Community Center, 350 Haverstraw Road, Montebello, NY 10901 to consider adopting Local Laws No.9 and 10 of 2019, amending Chapter 195 Zoning, to implement the Comprehensive Plan 2017, entitled:

Local Law 9 of 2019: Open Space Recreation District Uses and Standards;

Local Law 10 of 2019: Personal Horticulture Standards; and

thus amending Chapter 195 of Village Code, as more particularly set forth in said Local Laws, but summarized as follows.

- LL9            Laboratory Office and Laboratory Office-Campus Uses and Standards – Add additional commercial uses, definitions, and strengthen performance standards.
- LL10          Designation of State Critical Environmental Areas for Timber Rattlesnake Habitat and Historic & Scenic Roads – Define locations for Critical Environmental Areas pursuant to SEQR, 6 CRR-NY 617.14, to ensure thorough consideration for these resources during SEQR proceedings.

All interested parties are invited to attend. The proposed laws will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 am to 4:00 pm as well as on the Village of Montebello website [www.villageofmontebello.com](http://www.villageofmontebello.com).

Joan Will  
Village Clerk – Treasurer  
Village of Montebello  
One Montebello Road  
Montebello, NY 10901  
(845) 368-2211

Warren E. Berbit  
Village Attorney

November 13, 2019

VILLAGE OF MONTEBELLO  
LOCAL LAW NO.9 OF THE YEAR 2019

A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO ADD USES AND STANDARDS TO THE LABORATORY OFFICE AND LABORATORY OFFICE-CAMPUS DISTRICTS,

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 Attachment 1 to Chapter 195, Table of General Use Requirements, page 1:12, Laboratory Office District (LO), by deleting the following Uses by Permitted by Right in Column B, and deleting the corresponding Use Group in Column B-1:*

<b>B</b>	<b>B-1</b>
<b>Uses Permitted by Right</b>	<b>Use Group</b>
<del>2. Office buildings for business and professional use, including administrative, scientific, research and development, training, statistical, financial and similar purposes in connection with such use</del>	<del>J</del>
<del>3. Laboratories, research facilities and corporate parks</del>	<del>J</del>
<del>4. Medical and dental clinics, health service complexes</del>	<del>J</del>

*Section 2: Amend Attachment 1 to Chapter 195, Table of General Use Requirements, page 1:12, Laboratory Office District (LO), by adding the following Uses by Special Permit of the Planning Board to Column C, with the corresponding Use Group in Column C-1:*

<b>C</b>	<b>C-1</b>
<b>Uses by Special Permit of the Planning Board (subject to Article XII)</b>	<b>Use Group</b>
<u>9. Office buildings for business and professional use, including administrative, scientific, research and development, training, statistical, financial and similar purposes in connection with such use</u>	<u>J</u>
<u>10. Laboratories, research facilities and corporate parks</u>	<u>J</u>
<u>11. Medical and dental clinics, health service complexes</u>	<u>J</u>
<u>12. Commercial Gym or Fitness facility</u>	<u>J</u>
<u>13. Distribution/Warehousing</u>	<u>J</u>
<u>14. Restaurants and Brewpubs</u>	<u>J</u>
<u>15. Shopping Center</u>	<u>J</u>
<u>16. Assisted Living Residences</u>	
<u>17. Skilled Nursing Care</u>	<u>J</u>



18. <u>Continuing Care Retirement Facility</u>	<u>J</u>
19. <u>Specialty Supermarket with more than 8,000 and less than 20,000 square feet of gross floor area</u>	<u>J</u>
20. <u>Business Park Flex Space</u>	<u>J</u>
21. <u>Data Center</u>	<u>J</u>

Section 3: Amend Attachment 1 to Chapter 195, Table of General Use Requirements, page 1:12, Laboratory Office District (LO), by amending the following Minimum Off-Street Parking Spaces (subject to Article VII) in Column F, as follows:

F	
Minimum Off-Street Parking Spaces (subject to Article VII)	
For:	At least 1 parking space for each unit of measurement listed or as otherwise noted below:
<del>1. Same as NS, No. 2 and 6</del>	
<del>2. Same as PO, No. 2</del>	
<del>1. Manufacturing of prototype products</del> <del>3. Industrial Uses</del>	<del>2 employees in the maximum working shift, plus 1 space per 1,000 square feet of office area</del>
<del>2. Medical and dental clinics, health service complexes</del>	<del>250 square feet of floor area plus 3 per suite</del>
<del>3. Commercial Gym or Fitness facility</del>	<del>Not less than the highest design hour as determined by the Planning Board.</del>
4. Laboratories, research facilities <u>and corporate parks</u>	2 employees, but not less than 10
5. Hotels and motels	1 accommodation unit, plus 1 per 3 employees in the maximum working shift, plus additional spaces for auxiliary uses in accordance with the schedule for each use.
6. Office Buildings	200 square feet
7. Commercial recreation	Not less than the highest design hour as determined by the Planning Board.
8. Schools of Special Instruction	100 square feet of floor area or per 2 students, whichever is less
9. <u>Skilled Nursing Care</u>	<u>1 per 2 beds</u>
10. <u>Shopping Center,</u> <u>Specialty Supermarket</u>	<u>Use standards summed for individual uses proposed, according to the standards in NS District, column F.</u>
11. <u>Restaurants and Brewpubs</u>	<u>4 persons, plus 5 spaces additional</u>
12. <u>Business Park Flex Space</u>	<u>150 square feet of office area, plus 1 for each 2 employees</u>
13. <u>Distribution/Warehousing</u>	<u>150 square feet of office area, plus 1 for each 2 employees</u>

14. <u>Continuing Care Retirement Facility</u>	<u>For independent living, 1 per dwelling unit;</u> <u>For other care levels, 1 per two beds</u>
15. <u>Data Center</u>	<u>150 square feet of office area, plus 1 for each 2 employees</u>

Section 4: Amend Attachment 1 to Chapter 195, Table of General Use Requirements, page 1:13, Laboratory Office-Campus District (LO-C), by amending the following Uses by Permitted by Right in Column B, and amending the corresponding Use Group in Column B-1, as follows:

<b>B</b>	<b>B-1</b>
<b>Uses Permitted by Right</b>	<b>Use Group</b>
<del>2. Same as LO, No. 2 (offices), No. 3 (laboratories), No. 4 (medical and dental)</del>	<del>L</del>
<del>3. Pre-existing places of worship in existence on October 29, 2003, the adoption date of this Zoning Chapter. A place of worship not already in existence on the adoption date of this Zoning Chapter shall not be permitted.</del>	<del>L</del>

Section 5: Amend Attachment 1 to Chapter 195, Table of General Use Requirements, page 1:13, Laboratory Office-Campus District (LO-C), by adding the following language to Use by Special Permit of the Planning Board, in Column C, with the corresponding Use Group in Column C-1 unchanged:

<b>C</b>	<b>C-1</b>
<b>Uses Permitted by Right</b>	<b>Use Group</b>
1. Same as NS No. 5 (child day-care center), <u>provided that such facility is accessory to professional, medical or dental offices, and located within the same building.</u>	A

Section 6: Amend Attachment 1 to Chapter 195, Table of General Use Requirements, page 1:13, Laboratory Office-Campus District (LO-C), by adding the following Uses by Special Permit of the Planning Board to Column C, with the corresponding Use Group in Column C-1:

<b>C</b>	<b>C-1</b>
<b>Uses by Special Permit of the Planning Board (subject to Article XII)</b>	<b>Use Group</b>
<u>4. Same as LO, No. 9 (offices), No. 10 (laboratories), No. 11 (medical and dental)</u>	<u>L</u>
<u>5. Same as LO, No. 4 (hotels and motels)</u>	<u>N</u>
<u>6. Same as LO, No. 5 (commercial recreation facilities)</u>	<u>N</u>



<u>7. Professional Training and Retreat Center</u>	<u>L</u>
<u>8. Commercial Gym or Fitness facility</u>	<u>L</u>
<u>9. Same as LO, No. 7 (Manufacturing of prototype products)</u>	<u>N</u>
<u>10. Shopping Center</u>	<u>N</u>
<u>11. Skilled Nursing Care</u>	<u>N</u>
<u>12. Continuing Care Retirement Facility</u>	<u>N</u>
<u>13. Specialty Supermarket, of more than 8,000 and less than 20,000 square feet of gross floor area</u>	<u>L</u>
<u>14. Business Park Flex Space</u>	<u>N</u>
<u>15. Data Center</u>	<u>N</u>
<u>16. Distribution/Warehousing</u>	<u>N</u>
<u>17. Restaurants and Brewpubs</u>	
<u>18. Child Day-Care Center (only when on-site accessory to Professional or Medical Offices)</u>	<u>L</u>

Section 7: Amend Attachment 1 to Chapter 195, Table of General Use Requirements, page 1:13, Laboratory Office-Campus District (LO-C), by amending the following Minimum Off-Street Parking Spaces (subject to Article VII) in Column F, as follows:

<b>F</b>	
<b>Minimum Off-Street Parking Spaces (subject to Article VII)</b>	
For:	At least 1 parking space for each unit of measurement listed or as otherwise noted below:
<u>1. Same as LO Nos. 1,2 , 3 &amp; 4</u>	<u>1 accommodation unit, plus 1 per 3 employees in the maximum working shift, plus additional spaces for auxiliary uses in accordance with the schedule for each use.</u>
<u>1. Hotels and Motels</u>	
<u>2. Same as NS, No. 5</u>	<u>2 employees, but not less than 10</u>
<u>2. Laboratories, research facilities and corporate parks</u>	
3. Schools of Special Instruction	100 square feet of floor area or per 2 students, whichever is less
4. Assisted Living Residences	1 parking space per 2 beds, plus 1 loading zone
<u>5. Office Buildings</u>	<u>200 square feet</u>
<u>6: Child Day Care Center</u>	<u>350 square feet of gross floor area, exclusive of exterior play areas</u>
<u>7. Medical and dental clinics, health service complexes</u>	<u>250 square feet of floor area plus 3 per suite</u>
<u>8. Manufacturing of prototype products</u>	<u>2 employees in the maximum working shift, plus 1 space per 1,000 square feet of office area</u>
<u>9. Commercial recreation</u>	<u>Not less than the highest design hour as determined by the Planning Board.</u>

<u>10. Commercial Gym or Fitness facility</u>	<u>Not less than the highest design hour as determined by the Planning Board.</u>
<u>11. Skilled Nursing Care</u>	<u>1 per 2 beds</u>
<u>12. Shopping Center. Specialty Supermarket</u>	<u>Use standards summed for individual uses proposed, according to the standards in NS District, column F.</u>
<u>13. Restaurants and Brewpubs</u>	<u>4 persons, plus 5 spaces additional</u>
<u>14. Business Park Flex Space</u>	<u>150 square feet of office area, plus 1 for each 2 employees</u>
<u>15. Distribution/Warehousing</u>	<u>150 square feet of office area, plus 1 for each 2 employees</u>
<u>16. Continuing Care Retirement Facility</u>	<u>For independent living, 1 per dwelling unit; For other care levels, 1 per two beds</u>
<u>17. Data Center</u>	<u>150 square feet of office area, plus 1 for each 2 employees</u>
<u>18. Professional Training and Retreat Center</u>	<u>As determined by the Planning Board</u>

*Section 8: Amend §195-73 Hotels and Motels, subpart C, by adding new language, as follows:*

C. The following accessory uses shall be permitted:

- (1) One apartment with or without kitchen facilities for the use of the hotel or motel manager or caretaker and family within the motel building.
- (2) One coffee shop for hotels or motels with no more than 100 rooms. For hotels or motels of over 100 rooms, a restaurant and a coffee shop are permitted. Such facilities shall be located within the hotel or motel building.
- (3) Amenities, amusements and sports facilities for the exclusive use of hotel guests, including:
  - (a) Swimming pools, saunas or steam rooms.
  - (b) Children's playground.
  - (c) Tennis and other game courts.
  - (d) Game or recreation rooms.
  - (e) Spa or massage treatment rooms
- (4) Office and lobby, provision of which shall be mandatory for each hotel or motel.
- (5) Meeting, banquet and/or conference rooms.

*Section 9: Amend §195-124 Definitions, by adding the following new definitions, insert in them into alphabetical order with the existing definitions:*

**Brewpub:** A business use or establishment which is primarily engaged in the sale and service of food for on-premises consumption and that also brews beer for on-site consumption in accordance with New York State Liquor Authority regulations.

**Business Park Flex Space:** See “Flex Space, Business Park.”



**Data Center:** a facility for a large group of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data, along with employee offices.

**Distribution/Warehousing:** An establishment used primarily for the storage of goods, products, cargo and materials and/or which receives, stores or distributes such goods or materials.

**Flex Space, Business Park:** A building or buildings designed for the commercial use of one or more tenants, generally for an undefined mix of office, light assembly, showroom, distribution/warehousing or storage of equipment and/or material inside a building. A Business Park Flex Space development shall not include restaurants, personal care, or retail establishments. Tenant spaces shall have a minimum of 2,000 square feet and a maximum of 10,000 square feet of gross floor area and may include individual loading berths.

**Supermarket** Any retail establishment offering for sale a combination of commonly sold prepackaged food products, ready-to-eat food products, fresh-grown products, fresh meat and fish, household items, sundries, magazines, newspaper products, tobacco products, and similar goods not for immediate consumption, but characterized by use in the home or off site and having a gross floor area of more than 8,000 square feet.

**Gym or Fitness Facility, Commercial:** An establishment that provides for athletic or fitness activities, including but not limited to aerobic exercises, running and jogging, weightlifting, game courts, swimming facilities, saunas, showers, massage rooms and lockers. Accessory uses may include provision of instructional programs, group classes, eating facilities or shops selling sports equipment and clothing.

**Manufacturing:** Any process where either the nature, size or shape of articles or raw materials is changed or where articles are assembled.

**Nursing Care Facility, Skilled:** A facility licensed and approved to provide skilled nursing care under medical supervision for the accommodation and recuperative, postoperative or convalescent care of persons suffering from or afflicted with or convalescing from any infirmity, disease, ailment or incapacity. It shall not mean or be deemed to include a hospital or place of treatment for mental illness or contagious diseases.

**Professional Training and Retreat Center:** A building or group of buildings for continuing education and training of working professionals and organizational personnel. Buildings may include offices, conference rooms, seminar rooms, training equipment, ancillary services, temporary sleeping and dining accommodations, and recreational facilities, for the sole use of the participants, staff and administrators. No individual kitchen facilities shall be provided. No restaurant, tavern, catering hall, nightclub, hotel, motel or inn serving the public shall be operated or maintained. Professional Training and Retreat Centers shall not serve students who are not yet employed as professionals and shall not include schools of general instruction or dormitories accessory thereto.

**Restaurant:** An enterprise that is primarily engaged in preparing and serving food and beverages intended to be consumed on the premises by patrons seated and served at tables or counters, and that may provide incidental musical entertainment without dancing, either by mechanical electrical



devices or by not more than four persons playing any nonamplified instrument(s). Warehousing:  
See “distribution/warehousing.”

*Section 10: Add the following new section §195-87.3, to Article XII Special Permit Standards, entitled, “For all uses requiring a Special Permit in the LO and LO-C Districts,” as follows:*

**§195-87.3 For all uses requiring a Special Permit in the LO and LO-C Districts**

- A. In the LO-C District, a fifty-foot-wide landscaped buffer shall be maintained along the frontage of Montebello Road and North Airmont Road. Existing mature wooded growth shall be maintained, and shall be supplemented with additional plantings to provide visual screening of the development, If necessary. The buffer area shall not be used for above ground stormwater management features, buildings, parking areas, travel ways or parking aisles or maneuvering spaces. The buffer may only be crossed by access drives connecting the interior of the site to frontage roads.
- B. Parking areas may be provided within an above ground or underground parking structure or in surface parking lots. If surface lots area utilized, such lots shall be screened from view of major roads. The incorporation of stonewalls in landscaping is encouraged to meet this standard.
- C. Architectural Review shall be required pursuant to Article XI.
- D. Any property with access to both Montebello Road and Executive Boulevard shall provide its primary vehicular and pedestrian access to Executive Boulevard, with secondary access to Montebello Road. Nonconforming accesses in existence on such properties, as of the effective date of Local Law 9 of 2019, may continue, until such time as uses on such properties change or substantially increase in intensity.
- E. Existing stone walls along Montebello Road and Airmont Road shall be preserved, refurbished and maintained as necessary as part of any project subject to a special permit.
- F. Noise. Given proximity to many types of residential uses, for any Special Permit proposed in these districts, the Planning Board may prohibit overall operations, outdoor loading or any other outdoor operations which may generate noise and create a nuisance.
- G. In any structure with multiple uses, the entire building shall be built to the highest fire and life safety standards found in the New York State Uniform Fire Prevention and Building Code for any of the uses proposed.

*Section 11: Amend Article XII, Nonconforming Uses, Buildings or Lots, by adding an additional subsection “F” to §195-89 Nonconforming buildings, structures or lots*

**F. Existing Special Permit Uses**

Any use for which a special permit is required, or for which a special permit may be granted as provided in this Chapter, which use was existing at the time of adoption of this chapter or its predecessor, or was existing at the time of the adoption of any amendment thereto, which designated the use as requiring a special permit, in any district in which such use is specifically



permitted subject to the securing of a special permit and which use has continuously existed since that time, shall without further action be deemed to have been granted a special permit. Any expansion of such use shall require s special permit and site development plan approval subject to the provisions of Articles IX and XII of this Chapter.

*Section 12: This local law shall take effect immediately.*

VILLAGE OF MONTEBELLO  
LOCAL LAW NO. 10 OF THE YEAR 2019

A LOCAL LAW AMENDING CHAPTER 195, ZONING, TO DESIGNATE STATE  
CRITICAL ENVIRONMENTAL AREAS FOR TIMBER RATTLESNAKE HABITAT AND  
HISTORIC  
AND SCENIC ROADS

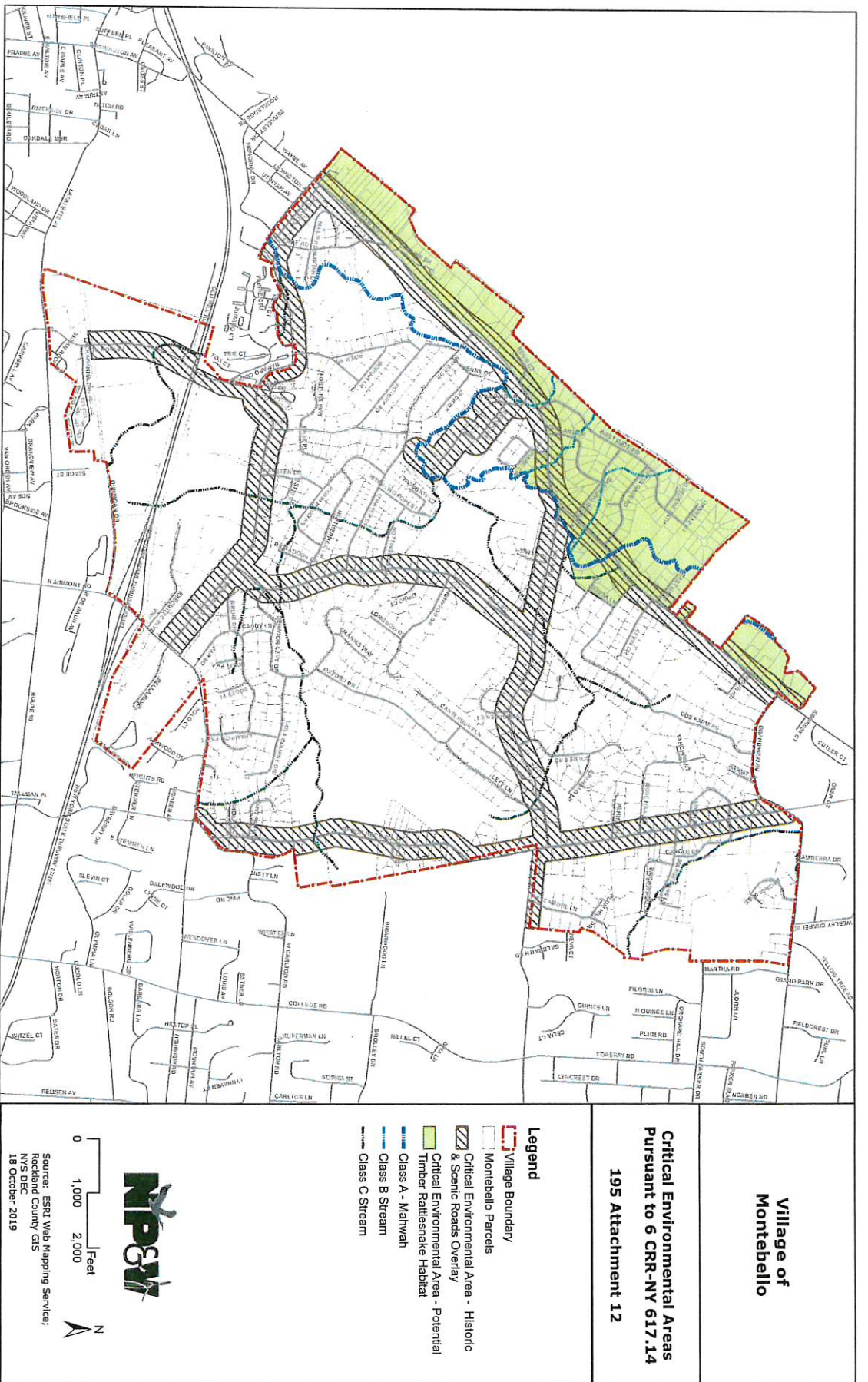
Be it enacted by the Village Board of Trustees of the Village of Montebello by authority of  
Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law, as follows:

*(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: Adopt the following map as an additional attachment to Chapter 195, Zoning, and number accordingly:*

Attachment (Note: Insert proper number in sequence, after other attachments.) – Critical Environmental Areas Pursuant to 6 CRR-NY 617.14







Section 2: Insert the following new subsection §195-4.1 Critical Environmental Areas, immediately following the existing §195-4 Districts Established.

§195-4.1 Critical environmental areas

In addition to the above-referenced districts, the following areas are designated as critical environmental areas pursuant to the provisions of the New York State Environmental Quality Review Act (SEQRA) regulations at 6 NYCRR 617.14(g):

A. Potential Timber Rattlesnake Habitat

- (1) The area designated as Potential Timber Rattlesnake Habitat on Attachment 12 to Chapter 195, the Critical Environmental Areas Map of the Village of Montebello, generally is the part of the Village west of Route 202. In the northwestern area of the Village it also includes some areas east of Route 202, between the said route and the Mahwah River, as shown in Attachment (Note: insert proper number in sequence, after other attachments).
- (2) This area possesses specific environmental characteristics which are exceptional and unique, and it is the specific goal of this designation to identify and protect those characteristics which are set forth below:
  - (a) This area includes potential habitat for the Timber Rattlesnake, *Crotalus horridus*, which is designated as a Threatened Species by the New York State Department of Conservation. State surveys have found den sites, mating and feeding areas for the Timber Rattlesnake along the western boundary of the Village. Individuals have been seen west of Route 202, and occasionally east of Route 202 near large bridges and box culverts at the Mahwah River crossing and tributary crossings in the northwest Village area; and
  - (b) During any SEQR proceedings for any actions within this area, any impacts on Timber Rattlesnakes potentially present should be addressed. This species may be adversely affected by any change, development or disturbance in the area, and any proposed action must be scrutinized. Mitigation measures may be required as part of the proposed action to protect this habitat and allow co-existence with the species.

B. Historic and Scenic Roads Overlay District

- (1) The area designated as the Historic and Scenic Roads Overlay on Attachment 12 to Chapter 195, the Critical Environmental Areas Map of the Village of Montebello, is the coterminous and equivalent to the area of the Historic and Scenic Roads Overlay District as shown on the Official Zoning Map.
- (2) This area possesses specific environmental characteristics which are exceptional and unique, and it is the specific goal of this designation to identify and protect those characteristics which are set forth below:



- (a) These road corridors possess large, majestic specimen trees, stone walls, and vistas which contribute significantly to the overall character of the Village, and are lined with buildings with architectural and historic significance; and
- (b) During any SEQR proceedings for any actions within this area, any impacts on the Historic and Scenic Roads Overlay should be addressed. The integrity of views may be adversely affected by any clearing, grading or construction with the road corridors, and any proposed action must be scrutinized. Mitigation measures may be required as part of the proposed action to preserve these historic and scenic road corridors, and to ensure that their integrity is preserved.

*Section 3: This local law shall take effect immediately.*