

DATE: August 14, 2011

TO: Stephen Brescia, Mayor Village of Montgomery

FROM: Kevin Conero, Chairman of Exploratory Committee

SUBJECT: I-2 Zone

This memo is in response to the exploratory committee findings on the industrial zone (I-2) property located at 211-1-29.22. Our group is comprised of 9 and has had four meetings throughout the course of 4 months. We have had an abundant amount of participation from all members of the committee and from village residents that were not on the committee, but were interested in our findings. Since these were open meetings, we allowed anyone to speak who wanted to participate in the discussions.

Committee Members:

Kevin Conero, Chairman
Joann Scheels, Trustee Village of Montgomery
Darlene Andolsek, Trustee Village of Montgomery
Joan Rembe, village resident
Judy Noorlander, village resident
Joseph LaFasciano, village business owner
Leeanne Minieri, Bank of America
Joan Reardon-Wille, Town of Montgomery
Brian Fitzpatrick, Village Resident

Village Residents that spoke or attended:

Andy Rope
Sarah Rope
Eric GRZESZCZAK
Fred and Mary Janek

We invited two guests to help us better understand the issues. Our first guest was Jonah Mandelbaum (M+L Builders) who has a pending PDD application with the Village Board. He presented his vision on the uses for the property. The second guest was Alan Sorenson, our planner from Planit Main Street who was the architect of the Village of Montgomery's Master Plan that was adopted in 2008.

The group could not come to a consensus on what to propose to the Village Board. Having chaired many committees in the village, I thought it was best that we shift our focus on stating the facts on the proposed rezoning of the land. Below you will be presented with many of the facts that we have determined and verified through research and the guest presentations.

Background:

- The I-2 zones are located at the entrance or gateway to our village. These are critical areas that help define our boundaries as a village. Careful planning is needed in these areas to protect the historic character of the village.
- The current land owner (Alden Link) submitted a site plan to the Planning Board in April 17, 2003. He sought approval to create several light warehouse and manufacturing buildings to be sold individually. He prepared the site plan according to what was allowable in a traditional I-2 zone. This is still a pending application before the Planning Board.
- The property that is proposed for a PDD makes up 50% of the total usable land for commercial development. This includes the adjacent property that is owned by a different landowner and makes up the remainder of the I-2 zone.
- The Orange County Planning Department regional comprehensive plan suggests that senior housing and work force housing is needed throughout the county to offset the gap of housing requests.
- The Village of Montgomery has two senior housing developments. One contains 86 units and the other 24 with a combined total 110 units of senior housing.
- In March, 2007, The Village of Montgomery adopted a comprehensive plan that was developed by a committee of 12 village residents that met monthly over a 17 month period. We utilized the skills of an experienced planner who helped guide the group in determining that the I-2 in question was to be a planned business district (PBD). Having a PBD would allow greater control to the Village Board on how this land could be developed compared to the permitted uses in current I-2 zone. These were open committee meetings and input was encouraged from community members. This was adopted by the village board of trustees on November 18, 2008.

Facts:

- Any change to the I-2 zone that would significantly conflict with the Village of Montgomery's adopted master plan would require an amendment to the plan. This would require (2) public hearings to change the adopted master plan and to rezone the parcel. Since the pending PDD application would change the use from commercial- retail to residential, this would constitute a significant change in its intended use.
- The State Legislature recently passed Bill S5856-2011 and in section 43 of the bill that adds a new Section 421-M to the Real Property Tax Law which "allows a City, Town, or Village (Section 421-a or 421-c are not applicable) by local law to provide a real estate tax exemption for the construction or substantial rehabilitation of multiple dwellings where at least twenty percent of the units are affordable units ". In short, housing for handicapped, seniors and affordable housing gets a reduction by State law.

- The comprehensive plan clearly states that light industrial and warehouse type buildings were to be developed as part of a Planned Business District (PBD). These types of buildings would have the lowest impact on services in the village and would generate the greatest amount of tax revenue, while potentially providing jobs for in the community.
- Traditional mixed use developments (residential/commercial) are considered mixed uses when both uses occupy the same building footprint. The PDD pending application is not a mixed use because the housing is separate from the commercial or retail buildings.
- Extensive consideration needs to be made on the impact of our vital downtown economic businesses district if separate commercial/retail to be built.
- The property is isolated from the business district and therefore offers no economic benefits to the downtown area.
- If the commercial-retail were built, it would benefit the residents that are housed in a senior, handicap, affordable housing project.
- Revenue in a retail property is determined by the rental cost of the unit. It sometimes generate more revenue or less than residential, bur commercial uses a MUCH lower amount of local resources (i.e. water, sewer, police, fire personnel, etc) than residential. This is a great savings to the village.
- Future uses of the proposed housing could be changed in the future. After 20 years, the developer can change the stated use to other uses.
- We researched the amount of Police calls that were called to existing senior housing. They reported they received 24 calls in a one-year period. This did not include fire calls.
- The current waiting list at the senior manor is reported to be approximately 200. People are waiting for a long time to get into senior housing in Montgomery. It should be noted that we had no way of verifying how current this list is and how it's maintained.

Other Issues:

As I proceed through this process with the group, I am witnessing a bigger question at work. The question isn't if we need senior and work force housing within the county-wide area. We all agree that within Orange County it's needed and these conclusions can be supported by the County of Orange's comprehensive plan. The bigger question is, would this type of development be well suited for the Village of Montgomery? If you refer to the Master Plan on page 94 it states ***"The Village's development pattern is pretty well defined and it is important that development on the few remaining undeveloped sites be integrated into the fabric of the***

community rather than isolated from it.” The reason for designating certain parcels of land as Industrial is to create a balance between housing and commercial. Promoting businesses that will help our local economy generate revenue and reduce the current tax base without adding additional services should be the main focus of this discussion.

Recommendations:

Our recommendation would be to use these facts, along with your knowledge of the needs of the community to make a decision. You are under no duress to make **any** zone changes because of the current economic turmoil. Since the permissible uses in the I-2 zone hasn't been changed since the land was purchased, any hardships the current land owner might have, are unfortunately self-imposed hardships.

I would like to thank you for the opportunity to serve my community by chairing this committee. I am always appreciative to be living in a remarkable community such as the Village of Montgomery and am gratified by the number of concerned residents we have.

Sincerely,

Kevin S. Conero

CHAPTER 11.0 LAND USE & ZONING

11.1 Land Use

Land-use refers to how individual parcels of land are used. Generally, land-use is divided into broad categories including agricultural, residential, commercial, office, manufacturing, warehousing, institutional, parkland and vacant land. The density of housing that is developed on such sites further defines residential land uses. The Village’s existing land uses, by parcel, are shown on the Land Use Map on page 89. Having a clear picture of the Village’s existing land-use pattern is very useful when planning for its future development.

The areas with the highest residential densities include the Waterwheel and Montgomery Manor apartments off of Route 17K and apartments off of Factory Street. The Village’s historic districts have a median density of developed and the remaining neighborhoods have a low residential density. Its Downtown Business District is along Clinton Street and Union Street and includes both commercial and mixed use (e.g. commercial with residential above) buildings. There is also commercial development along Route 17K and the southernmost portion of NYS Route 211. Industrial land uses (shown in purple) about the Wallkill Valley Rail Line and/or are located on Factory Street. Active farmland is found in the southern portion of the Village.

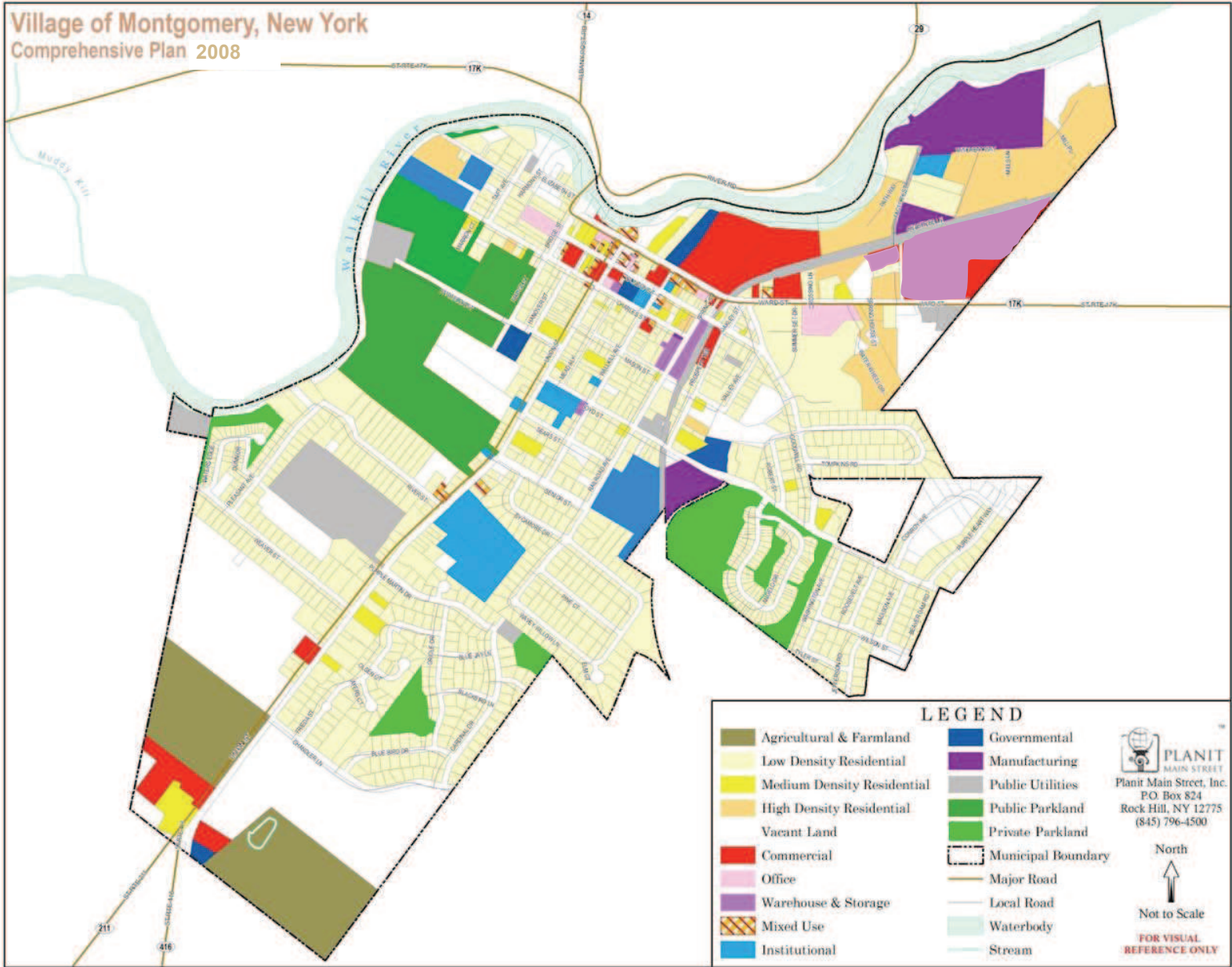
An analysis of the existing Land Use Map shows that a very high percentage of the Village is already developed. The Village’s development pattern is pretty well defined and it is important that development on the few remaining undeveloped sites be integrated into the fabric of the community rather than isolated from it.

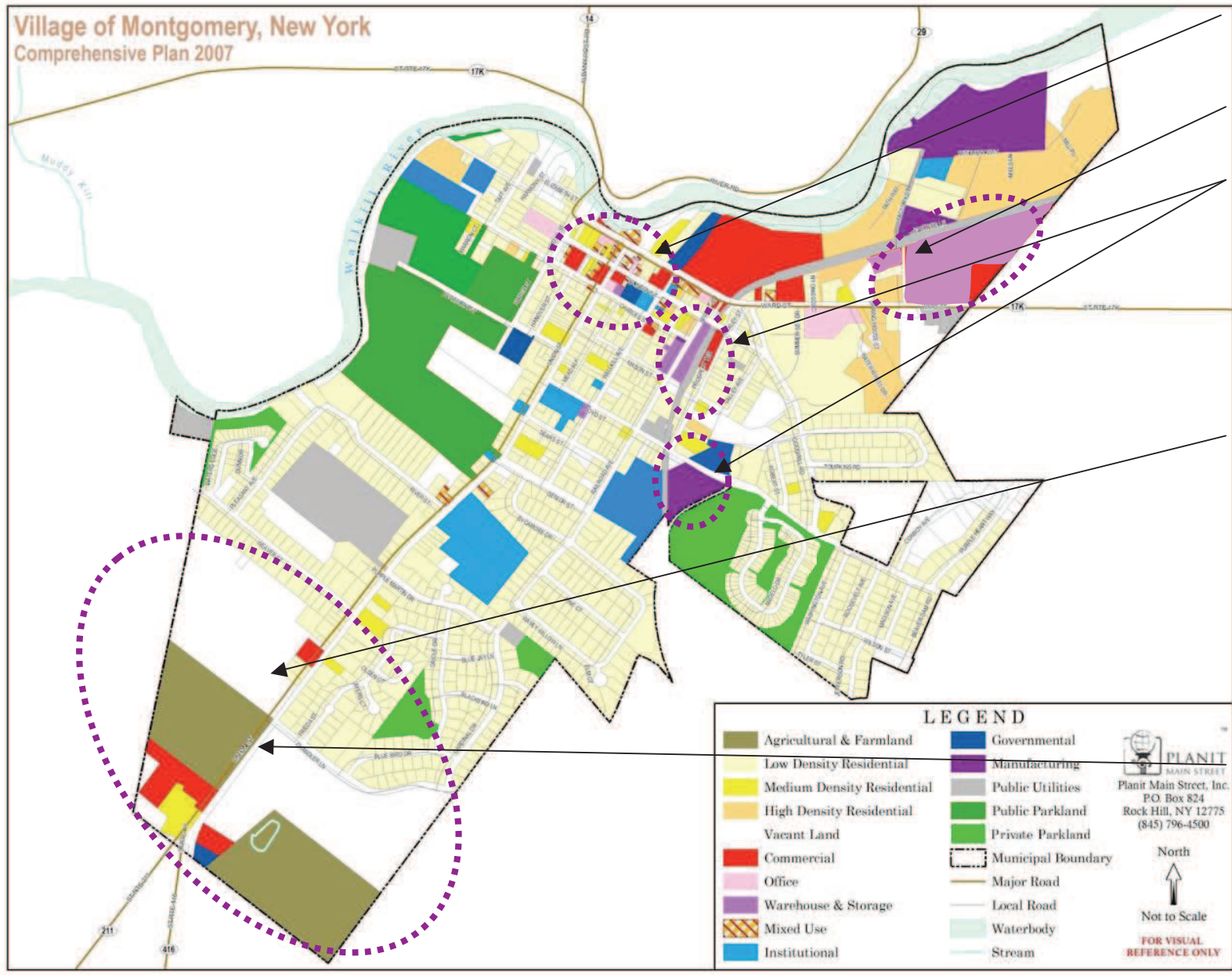
To do so, a traditional development pattern should be encouraged on infill development sites as well as the large undeveloped tracts in the southern portion of the Village. Development on infill sites should complement adjacent properties in terms of building placement, scale, height and the types of building materials that are used. Development on the large undeveloped sites in the southern portion of the Village should complement adjacent neighborhoods and the community at large. Where mixed use development is proposed under the Village’s Planned District Development (PDD) provisions, it should include a mix of home types that complement the Village at large. Where it is feasible to do so, new streets should be interconnected into the existing street network.

The large undeveloped tracts along NYS Route 211 are currently zoned I-1 Industrial Park. The design of industrial uses on these tracts must be carefully regulated to ensure that they do not adversely impact community character or surrounding neighborhoods. Industrial buildings should be screened from the public vistas and limits placed on building size. This is discussed in more detail in Section 11.2 of this Plan.



Above (top to bottom): Portion of Hoeffner Farm and other farmland in southern portion of the Village; view of Montgomery Worsted Mill and Factory Street; and aerial view showing Railroad Avenue, Downtown and ball fields at Veteran’s Memorial Park.





Downtown Sign Regulations

- Prohibit pole signs;
- Limit temporary signs;
- No plastic or vinyl signs.

Factory Street Warehouses

- Allow reuse of buildings;
- Create SP standards.

Transit Oriented Development

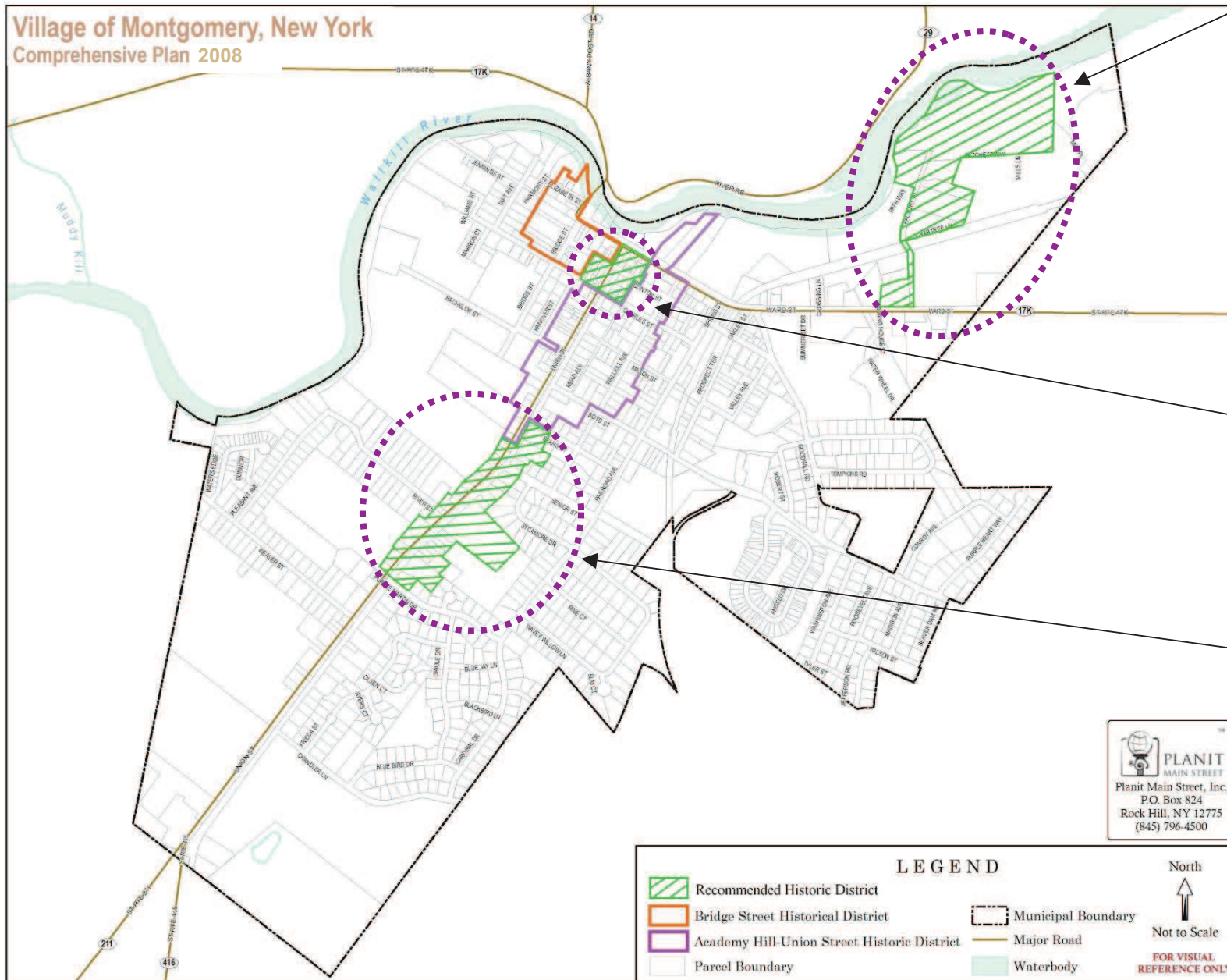
- [Only if passenger rail service is brought to Village];
- Create MX District;
 - New Urbanism principals;
 - Commercial/Residential;
 - High density mixed use;
 - Pedestrian orientation;
 - Create Design Guidelines related to building placement, building materials, architectural styles, etc.;

Planned Business Park (PBP)

- Create Planned Business District Floating District that could be applied to existing I-1 Industrial District;
- PBP District would allow light industry/flex office development under a Planned Unit Development;
- Encourage campus setting, preservation of meaningful open space and retention of natural features;
- Design guidelines; and
- Limit maximum size of industrial buildings to 100,000 square feet.

Planned Development District;

- Allow well-designed mixed use development through PDD regulations;
- Commercial/Residential;
- High density mixed use; and
- Ensure pedestrian orientation and integration into existing sidewalk system;



Factory Street Historic District

- Support creation of a new historic district that encompasses the Worsted Mills properties and other significant residential properties along Factory Street including the Patchett House; and
- Encourage preservation of those historic properties that are not presently listed on the National Register of Historic Properties;
- Preserve mature trees in this area of the Village; and
- Ensure that new development in this area of the Village complements historic properties.

New Urbanism Design

- Create New Urbanism District and guidelines on Clinton Street/Union Street within the Downtown Business District;
- Ensure placement of infill buildings complements historic building fabric; and
- Façade renovations that complement historic buildings.

Extend Union Street-Academy Hill Historic District.

- Explore feasibility of extending the historic district to the south to encompass other historically significant properties along Union Street;
- Support efforts to list individual properties on the National Register of Historic Places; and
- Create Historic Preservation Design Guidelines to encourage voluntary restoration efforts prior to creation of historic district.

PLANIT
MAIN STREET
Planit Main Street, Inc.
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LEGEND

- Recommended Historic District
- Bridge Street Historical District
- Academy Hill-Union Street Historic District
- Parcel Boundary
- Municipal Boundary
- Major Road
- Waterbody

North

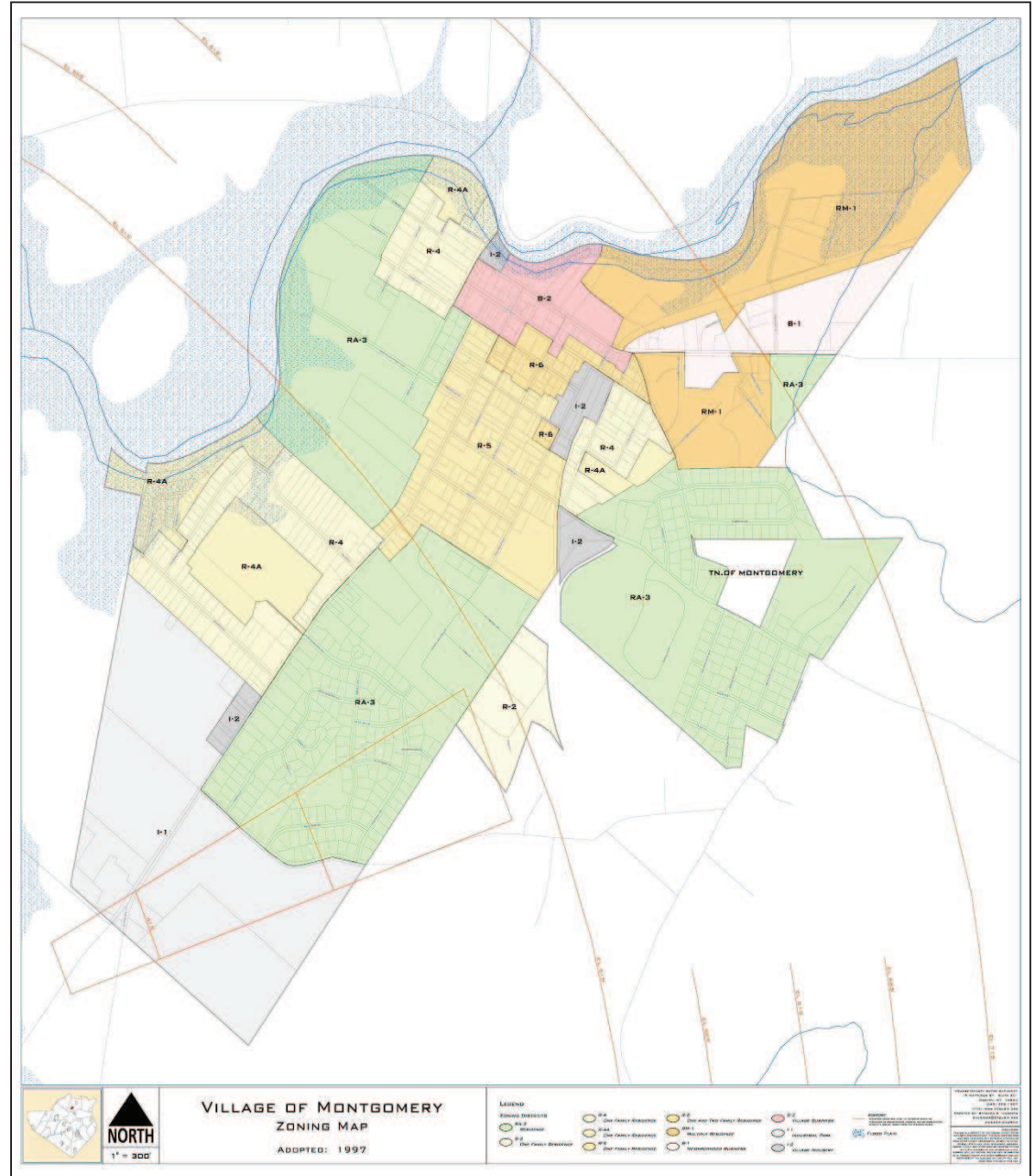
Not to Scale
FOR VISUAL REFERENCE ONLY

11.2 Zoning

The Village Zoning Code divides the Village into eleven (11) distinct zoning districts as shown on the Zoning Map to the right. These Zoning Districts define where certain land uses are permitted and regulate the intensity of land development through bulk regulations that control permitted density, building height and separation between uses. The Village’s Zoning Code is the most important land use tool that the Village has to manage future growth.

The existing zoning districts were created after many of the properties in the Village were already developed. Where lands were undeveloped, the zoning helped to shape the character of new development. For example, the R-6 One and Two-Family Residence District encompasses an historic area of the Village. That district allows relatively large homes on lots as small as 5,000 square feet. This area of the Village is very pedestrian friendly due to the higher density. In contrast, the RA-3 Residential Agricultural One-Family District requires a 20,000 sq. ft. minimum lot size that has resulted in a suburban development pattern that is less pedestrian friendly and automobile dependant.

The Village can use its zoning regulations to better guide growth on the large undeveloped parcels in the southern portion of the Village. It can also use its zoning to encourage redevelopment and infill development on smaller parcels such as on the former Alpac site.



The following is a general description of the Village's existing Zoning Districts:

R-2 One-Family: The R-2 District requires a minimum lot size of 20,000 square feet for a single-family home. Many of the lands within the R-2 District have already been developed with single-family homes. In addition to single-family residences, the R-2 District allows churches, cemeteries and playgrounds as special permit uses. Customary accessory uses include home occupations and home professional offices.

RA-3 Residential Agricultural One-Family: The RA-3 District requires a minimum lot size of 20,000 when neither water or sewer service is available. The minimum lot size is reduced to 12,000 with the provision of water and sewer. Presently, all areas within the RA-3 District are provided with water and sewer infrastructure so this provision of the Zoning Law should be revised to reflect this matter of fact. Permitted uses include single-family homes and parks. Special permit uses include planned residential developments, golf courses, libraries, schools and home veterinarian offices or breeding kennels with exercise pens.

R-4 One-Family Residence: The minimum lot size in the R-4 District is 8,000 square feet. Permitted uses include single-family homes and playgrounds. Special permit uses include, public libraries, government buildings, churches, planned residential developments, golf courses, country clubs and public and private schools.

Customary accessory uses include home occupations, home professional offices, and accommodations for not more than 2 roomers.

R-4A One-Family Residence: The R-4A differs from the R-4 District in that it requires a minimum lot size of 10,000 square feet. In terms of permitted and special permit uses the districts are identical.

R-5 One Family Residence: The R-5 District requires a minimum lot size of 5,000 square feet. Principal permitted uses include single-family homes, parks and playgrounds. Special permit uses include churches, libraries, and schools. Customary accessory uses include home occupations, home professional offices, and accommodations for not more than 2 roomers.

R-6 One and Two-Family Residence: The R-6 District requires a minimum lot size of 5,000 square feet with a minimum lot area per dwelling unit of 2,500 square feet. Principal permitted uses include one-family and two-family homes, parks, playgrounds and nursery schools. Special permit uses include churches, libraries, schools and the conversion of a single-family home to a two-family home. Customary accessory uses include home occupations, home professional offices and accommodations for not more than 2 roomers.

RM-1 Multifamily: The RM-1 Multifamily District requires a minimum lot area per dwelling unit of 5,000 square feet.



Above (top to bottom): Home in historic district on the corner of Clinton Street and Walkill Avenue (R-6 District); home on Boyd Street (R-5 District); and example of cluster housing within RA-3 District on the corner of Railroad Avenue and Senior Street.

Permitted uses include single-family detached dwellings, 2-family detached dwellings, 1-family semi-detached dwellings and multiple unit dwellings. Special permit uses include conversion of single-family detached dwellings to two-families, nursery schools, libraries and schools. Customary accessory uses include home occupations, home professional offices and accommodations for not more than 2 roomers.

B-1 Neighborhood Business: The B-1 District requires a minimum lot size of 10,000 square feet. Permitted uses include banks, funeral homes, offices, personal service shops, radio and television broadcasting, restaurants, retail shops and taverns. Special permit uses include churches, nursery schools, public libraries, fire stations, schools, institutional uses, printing and publishing plants, self-storage facilities and temporary sand and gravel removal operations.

B-2 Neighborhood Business: The B-2 District encompasses the downtown business district. It does not require a minimum lot size but it does require a minimum lot area per dwelling unit of 2,500 square feet. Permitted uses include banks, billiard parlors, funeral homes, offices, personal service shops, radio and television broadcasting, repair shops for household or personal appliances, restaurants, retail shops, taverns and vocational schools. Special permit uses include churches, dwellings over the first floor, fire stations, inns, institutional uses, nursery schools, public libraries, printing and publishing plants,

schools, self-storage facilities and temporary sand and gravel removal operations.

I-1 Industrial Park: The I-1 Industrial Park District encompasses the large undeveloped tracts in the southern area of the Village abutting NYS Route 211. The minimum lot size requirement is 40,000 square feet with a fifty foot front yard, 30 foot side yard and 50 foot rear yard. The maximum lot coverage (defined as the area covered by buildings and accessory structures is 30%) but this percentage does not include impervious surfaces. Permitted uses include agriculture, offices, radio and television broadcasting, repair shops for household or personal appliances, vocational schools and wholesale businesses. Special permit uses include airports, churches, dry cleaning plants, fuel oil storage, fire stations, kennels, laundry plants, machinery repair or plant service, non-nuisance industries, public libraries, public utilities, quarries (mining shale, gravel or topsoil), warehouse and wholesale businesses.

I-2 Industrial Park: The I-2 District encompasses the former ALPAC site, the area around Railroad Avenue, the northeast corner of Bridge Street and Ward Street and a small area to the west of Route 211 just south of Weaver Street. The minimum lot size requirement is 5,000 square feet with no front yard setback requirement, 10 foot side yard and 20 foot rear yard. The maximum permitted lot coverage (defined as the area covered by buildings and accessory structures) is 40% of the site.



Above (top to bottom): Cluster subdivision along Angelo Drive (RA-3 District); single-family detached homes on Pine Court (R-2 District); and garden apartments within the RM-1 Multi-family District.

Permitted uses include agriculture, offices, radio and television broadcasting, repair shops for household or personal appliances, vocational schools and wholesale businesses. Special permit uses include airports, churches, dry cleaning plants, fuel oil storage, fire stations, kennels, laundry plants, machinery repair or plant service, non-nuisance industries, public libraries, public utilities, quarries (mining shale, gravel or topsoil), warehouse and wholesale businesses.

Overlay Districts: The Village has two overlay districts 1) Antique Overlay District and 2) Senior Citizen Development Overlay Districts. The Antique Overlay District is an overlay of various residential areas where the Village Board felt the introduction of small antique dealerships as home occupations was appropriate. This district includes all residential properties fronting on Union Street from the south side of Charles Street to the north side of Dunn Road and all residential properties fronting on Bridge Street from the north of Bachelor Street to the south side of Ward Street. The standards for antique shop home occupations specify that not more than 1/2 of the ground floor may be used for the antique shop, no outdoor displays shall be allowed and only one announcement sign shall be permitted. Standards are not provided for off-street parking or the hours of operation.

The Senior Citizen Development Overlay District is intended to provide affordable housing opportunities for the Village’s senior citizens.

Site plan approval by the Planning Board is required for any proposed Senior Citizen Development Overlay Development. The minimum lot size for a senior development is three (3) acres (with the property fronting on NYS Route 17K or Route 211), the gross density shall not exceed 24 units per acre, maximum building height shall be 40 feet and maximum lot coverage is restricted to 35% of the site. Dwelling units are limited to one bedroom.

PDD-Planned Development District: The Planned Development District (PDD) was created by the Village Board as a Floating Zoning District. It is the intent of the PDD is to provide for flexibility of use, area and site development restrictions in order to encourage responsible and high quality developments that will be a long-lasting asset to the Village. No applicant is entitled to a PDD project unless and until the Board of Trustees approves it. The result of a PDD application is the creation of a new zoning district on the parcel or parcels that are the subject of the PDD. Permitted uses within a PDD include commercial, office, single-family dwellings (including townhouses and condominiums), multi-family dwellings, recreational facilities and mixed-use buildings. There is no minimum area requirement for a PDD application.

The standards for a PDD development are intended to encourage well-designed mixed use developments that are in harmony with the character of the Village.

“THIS PLAN RECOMMENDS THAT OFF-STREET PARKING AND HOURS OF OPERATIONS STANDARDS BE DEVELOPED FOR THE ANTIQUE OVERLAY DISTRICT.”

Zoning Summary:

A review of the Village’s residential zoning district reveals that the districts are well tailored to the residential neighborhoods in terms of bulk regulations, permitted height and allowable land uses. The Table of Dimensional Regulations for Residence and Agricultural Districts should be revised, however, to reflect the fact that water and sewer infrastructure is available throughout the Village. It is also recommended that some permitted uses be stricken from the Table of Use Regulations, as they may no longer be compatible with existing land use. These include golf courses and breeding kennels with exercise pens. The former should be deleted since it is impractical to construct a golf course in the Village. The latter due to the concern related to nuisance concerns related to the operation of a kennel in existing residential neighborhoods.

The Village’s B-1 Neighborhood Business District encompasses lands along Route 17K. The permitted uses in this district are appropriate for the Village. **However, existing warehouse buildings in the B-1 District are non-conforming. Allowing warehouses as special permit uses should be considered.** The B-2 Business District encompasses Downtown. The bulk regulations, permitted height and allowable uses are appropriate for Downtown. It is recommended that *Bed & Breakfast* establishments be specifically added to the list of permitted uses within the B-2 District. Special permit standards for B&Bs should also be established.

The Table of Use Regulations related to the I-1 Industrial Park District should be revised to remove a number of permitted and special exception uses that are no longer appropriate within the Village. These include airports, kennels, dry cleaning plants, fuel oil storage facilities and laundry plants.

The I-1 Industrial Park District caps the building footprint on a site to 30% of the site, but it does not limit the amount of impervious surfaces. There is also no provision to set aside a portion of the site for open space. As a result, the amount of impervious surface, and maximum size of a building is only restricted by the practical limitations such as the need to provide off-street parking and stormwater management.

The lack of design standards within the I-1 Industrial Park District presents a great deal of uncertainty for the Village in terms of the design or form of industrial development. It is recommended that a new *Planned Business Park (PBP) District* be created as a floating zone that could be applied to I-1 Industrial Park zoned properties. The PBP District would allow for planned unit developments that would provide an opportunity for innovative design of industrial/office/warehouse and flex space uses in the context of a campus setting. This would help to retain natural features on these sites and retain meaningful open space. Key to achieving such goals is placing a limit on the maximum permitted size of buildings and establishing thresholds for the minimum required open space.

“THE LACK OF DESIGN STANDARDS WITHIN THE I-1 INDUSTRIAL PARK DISTRICT PRESENTS A GREAT DEAL OF UNCERTAINTY FOR THE VILLAGE IN TERMS OF THE DESIGN OR FORM OF INDUSTRIAL DEVELOPMENT. IT IS RECOMMENDED THAT A PLANNED BUSINESS PARK DISTRICT BE CREATED TO ENSURE QUALITY DESIGN OF NEW INDUSTRIAL DEVELOPMENTS.”

To preserve natural features of the sites within the PBP District, buildings should be sited on one part of the development site, affording the opportunity to create meaningful buffers and useable open space. The PBP District would encourage buildings that are built into the landscape and set back from Route 211 in order to maintain a sense of open space. Encouraging a campus with flex space, industrial, office, warehouse use set upon smaller development sites would provide for better design of development and the retention of useable open space. It is also recommended that the Village adopt *design guidelines* for development within the Planned Business Park District.

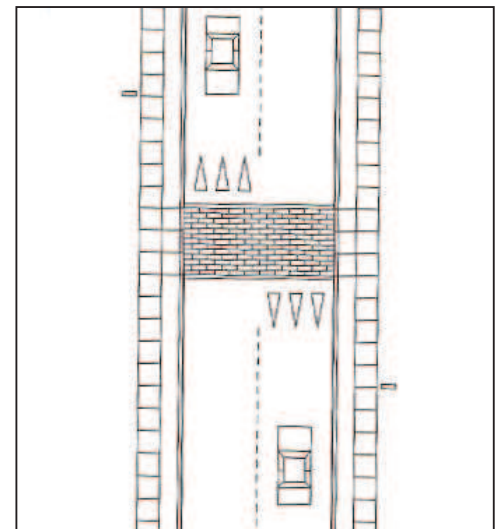
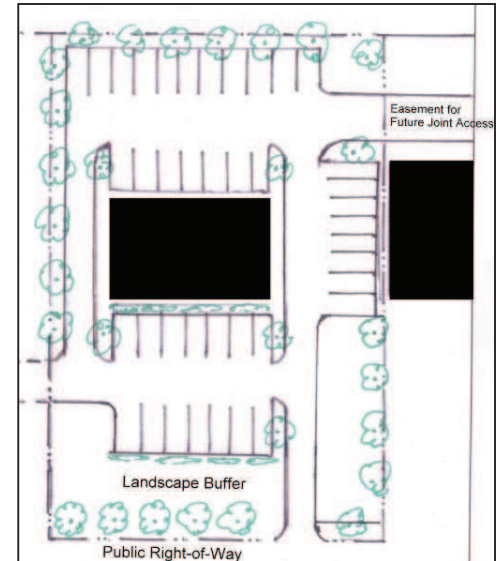
Within the Village’s existing Village Industry District, it is recommended that dry cleaning plants and laundry plants be stricken from the list of permitted uses. The existing I-2 District encompassing Railroad Avenue and the former Alpac property fit the existing development within these districts. These sites are also appropriate sites for a new passenger rail station should Metro-North MTA decide to re-establish passenger rail service along the Wallkill Valley Line. If this occurs, the creation of a new Mixed Use Zoning District is recommended to accommodate a Transit-Oriented-Development around the new train station. A new MX District would complement the train station and encourage new investment in the vicinity of the train station should it come to fruition. In the interim, the existing I-2 District and boundary is appropriate for these areas of the Village.

11.3 Site Plan Review

Section 122-61 of the Village Zoning Code grants the planning Board with the authority to review and approve site plans. The provisions for site plan approval apply to all land uses that are listed as special exception uses in all zoning districts. It also applies to all permitted uses in the Village’s business and industrial districts; multiple-family dwellings and planned unit developments.

Site plan review is a powerful planning tool that the Planning Board can use to shape the character of new development. Through site plan review the Planning Board can control the placement of buildings and other elements of the site plan including landscaping, signs, lighting, and off-street loading and parking. The Village’s Site Plan Regulations are fairly simple in that they lay out the applicability; procedures and requirements for site plan review. It provides some basic review standards to help guide the Planning Board’s decisions. Additional standards to help guide the Planning Board’s decision is recommended in certain areas such as landscaping and signage.

Landscaping standards would establish minimum requirements for the landscape areas, the caliper of trees, percentage of landscaping within off-street parking areas, standards for landscaped buffers between residential and non-residential land uses, requirements for maintaining landscaping and other applicable standards.



Above (top to bottom): Illustration showing cross access driveway and easement; illustration showing raised crosswalk that is used to slow traffic as it approached pedestrian crossings.