

**VILLAGE OF OLD BROOKVILLE
LOCAL LAW 6-2007
"AMENDMENT TO THE ZONING CODE, § 30.64,
ARCHITECTURAL REVIEW BOARD"**

A local law to amend § 30.64 of the Zoning Code of the Incorporated Village of Old Brookville, entitled, "Architectural Review Board," to replace the requirement that either a Trustee or Planning Board member be on the Architectural Review Board with a requirement that a Planning Board member be on the Architectural Review Board and a Trustee is prohibited from being on the Architectural Review Board, to establish guidelines for the Board, and to provide other minor modifications to the filing requirements and procedures of the Architectural Review Board.

BE IT ENACTED by the Board of Trustees of the Village of Old Brookville as follows:

SECTION 1. The following section of the Zoning Code of the Incorporated Village of Old Brookville as last amended by Local Law No. 5 of the year 2007 is hereby amended to read as follows:

§ 30.64 Architectural Review Board

A. Legislative intent, policy and findings

1. It is the purpose of this Section to preserve and promote the character, appearances, and the aesthetics of the Village and to conserve the property values of the Village by providing procedures for an architectural review of the exterior of new construction and of certain alterations and reconstruction where the area in square feet of such reconstruction or alteration exceeds twenty percent (20%) of the total square footage of the structure prior to reconstruction or alteration, and by so doing to:
 - a. Encourage good qualities of exterior building design and good appearances and to relate such design and appearances to the sites and surrounding structures; and
 - b. Preserve the prevailing aesthetic character of the neighborhood and countryside and to enhance same by means of complimentary structures; and
 - c. Permit originality and resourcefulness in building design and appearances which are appropriate to the sites and surroundings; and
 - d. Promote and encourage good qualities of architectural design and utilization of land in the erection, and construction of new structures and the exterior, refurbishing reconstruction or alteration of existing structures; and
 - e. Assure that the design and location of any proposed structure, or the addition,

alteration or reconstruction of any existing structure, is in harmony with the existing topography of its site and/or the existing structure as well as the neighboring countryside and existing property; and

- f. Discourage and prevent such design that would adversely affect or cause the diminution in value of neighboring property, whether improved or unimproved; and
- g. Prevent such design and appearance as are unnecessarily offensive to visual sensibilities, which impair their enjoyment, value or desirability of neighboring properties, and the health, safety and general welfare of the community at large.

2. The Board of Trustees hereby finds:

- a. That structures which are visually offensive or inappropriate by reason of poor exterior design, monotonous similarity or striking visual discord or dissimilarity in relation to their site or surroundings would mar the appearances of their areas and would adversely affect the desirability of the immediate area and neighboring areas; and
- b. That such structures would discourage and prevent the most appropriate development and utilization of land throughout the Village; and
- c. That such structures would impair the use, enjoyment and desirability and stability of both improved and unimproved property and are detrimental to the character of the neighborhoods, produce degeneration of the values of real property with attendant deterioration of conditions affecting the functioning, economic stability, prosperity, health, safety and morals of the inhabitants of the Village, and destroy a proper relationship between the taxable value of real property and the cost of municipal services provided therefore.

3. It is the purposes of this Section to prevent these and other harmful effects, and thus to promote the health, safety, morals and general welfare of the community.

B. Creation of Architectural Review Board

1. There is hereby created an Architectural Review Board, consisting of five (5) members, each to be appointed for a term of one (1) year by the Mayor subject to approval by the Board of Trustees by resolution. ~~One such member shall be either a member of the Board of Trustees or the Planning Board;~~ No person who is a member of the Village Board of Trustees or Planning Board member shall be eligible for membership on such Architectural Review Board. All such members shall be residents of the Village.

2. The Chairman of the Board shall be appointed by the Mayor subject to approval by the Board of Trustees.
3. The Mayor shall have the power to remove any member of the Board with or without cause prior to the expiration of his or her term. Vacancies shall be filled by the Mayor for the unexpired term of any member whose place has become vacant.
4. The Board of Trustees may officially designate and retain one or more registered architects to advise and take part in any deliberations of the Architectural Review Board. The Board of Trustees may fix and provide for all necessary costs or expenses involved in reviewing each application, including compensation for architects and other professional and advisory services. An architect so retained shall be without vote in regard to any application.

C. Procedures of Architectural Review Board

1. Meetings of the Architectural Review Board shall be held monthly, or as required not less than two (2) weeks prior to the monthly meeting of the Board of Trustees at the call of the Chairman of the Board and at such other times as the Board shall determine. The meetings of the Board shall be open to the public and shall be held at the Village Hall, McCouns Lane, in said Village. A majority of the members of the Board shall constitute a quorum for the transaction of business. Approval of any plan(s) shall be done by at least three (3) members signing the plans on which the architect's signed seal appears and the notation shall be made on the plan "Approved Plan". The Board shall keep minutes of its proceedings, showing the vote of each member on each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
2. The Board shall have power from time to time to adopt, amend, and repeal rules and regulations not inconsistent with law or the provisions of this Chapter governing its procedure and the transaction of its business, and for the purpose of carrying into effect the standards enumerated in Subdivision E hereof. Such action shall be taken after public hearing. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall be filed in the office of the Village Clerk and shall be a public record.

D. Referrals to the Board

1. Prior to the issuance of a building permit for construction of a new building ~~or enclosed structure~~ or for the alteration or reconstruction of an existing building ~~or enclosed structure~~ when such alteration or reconstruction exceeds 20% of the square footage of the building ~~or enclosed structure~~ prior to alteration or reconstruction of the building ~~or enclosed structure~~, the applicant shall file with the Board a copy of the plans ~~and map~~ for the proposed building ~~or enclosed structure~~. The plans submitted shall at least include architectural renderings accurately depicting the building and topography and landscaping of the site, identifying all materials

incorporated in exterior surfaces of the building and an accurate survey of the site locating all trees having a diameter of at least eighteen (18) inches in circumference at a height of four (4) feet above the base of the trunk. The term "building," as used in this Article shall include an enclosed structure.

2. Where the plans require compliance with the State Environmental Quality Review Act (SEQR), the appropriate proceedings must be completed pursuant to part 617 of the NYCRR and any other applicable regulations before approval may be granted and if the Architectural Review Board is not the lead agency, a copy of the final determination must be filed with the Board before the plans shall be deemed ready for submission.
3. In addition to any other requirements established by the Board for final approval of such plans, the following items shall be submitted to the Board at least fifteen (15) ~~seven (7)~~ days prior to its next regularly scheduled meeting:
 - a. Final revised plans, signed by the owner and containing the signed seal of a licensed architect. Printed upon or appended to this set of plans will be the agreed upon specifications in regard to building materials and other materials pertinent to the exterior design of the structure.
 - b. Such plans shall show all elevations of new structures or buildings and, in the case of reconstruction, alterations or additions, shall show all affected elevations.
 - c. An overall plan for the proposed landscaping in regard to the site location of the subject structure of the building will be required if the landscaping causes the alteration of the existing topography of the land or other environmental features which would have an adverse impact on the neighboring structures or the overall pre-existing appearance of the neighborhood.
 - d. The Board may, in case it deems appropriate, waive one or more of the requirements of subsection 3(a), (b) or (c) above, taking into consideration the nature and extent of the construction proposed, its location and the undue hardship which the applicant may suffer by strict compliance with these requirements.
4. No building permit for any building or structure subject to this Chapter as set forth in Paragraph 1 shall be issued unless it shall first have been approved by a vote of at least a majority of the members of the Board.
5. Final approved maps or plans, materials and specifications may not be altered or changed in any way without the express prior approval of the Board. Any requested changes of the approved plans or maps must be submitted for review at least fifteen (15) ~~seven (7)~~ days prior to the next regularly scheduled meeting of the Board and no construction work involving such changes shall be commenced or continued until

approval of the Board is granted. The Building Inspector shall, in cases of violation of this procedure, order all work to be halted and, if necessary, revoke the building permit until such time that amended plans or maps are approved by the Board. This section may also be enforced by the Board of Trustees by means of injunction. If the Village proceeds by injunction and is successful, reasonable attorneys' fees, engineering fees and other expert witness fees shall be paid by defendant.

E. Standards for Board Action

1. In considering an application, the Board shall take into account natural features of the site and surroundings, exterior design and appearances of existing structures, and the character of the neighborhood and its peculiar suitability for particular purposes, with a view to conserving the values of property and encouraging the most appropriate use of land.
2. The Board may approve any application to it upon finding that the building or structure for which the permit was requested, if constructed, erected, reconstructed, or altered in accordance with the submitted plan, would be in harmony with the purpose of this Chapter, would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or striking visual discord in relation to the sites or surroundings, would not mar the appearance of the area, would not impair the use, enjoyment and desirability and reduce the value of the properties in the area, would not be detrimental to the character of the neighborhood, would not prevent the most appropriate utilization of the site or of adjacent land, and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the entire community.
3. In approving any application, the Board may impose appropriate conditions and safeguards designed to prevent the harmful effects set forth in Paragraph 2 of Subdivision A hereof.
4. The Board may disapprove any application for a permit, provided that the Board has afforded the applicant an opportunity to confer upon suggestions for change of the plan or map, and provided that the Board finds and states that the structure or building for which the permit was requested would, if erected, constructed, reconstructed, or altered as indicated, provoke one or more of the harmful effects set forth in Paragraph 2 of Subdivision A hereof by reason of:
 - a. Monotonous similarity to any other structure or building located or proposed to be located on the same subdivision or located within one thousand (1000) feet in respect to one or more of the following features of exterior design and appearance:
 - (1) Substantially identical facade, disregarding color
 - (2) Substantially identical size and arrangement of either doors,

windows, porticos, porches or garages or other openings or breaks or extensions in the facade, including reverse arrangements; or

- (3) Other substantially identical features, such as, but not limited to, setbacks from street lines, heights, widths and lengths of elements of building design, and exterior materials and treatments.
- b. Striking dissimilarity, visual discord or inappropriateness with respect to other structures of buildings located or proposed to be located in the same subdivision or located within ~~five hundred (500)~~ one thousand (1000) feet of the site of the structure for which a building permit is requested, in respect to one or more of the following features of exterior design and appearance:
- (1) Facade, disregarding color;
 - (2) Size and arrangement of doors, windows, porticos, porches or garages or other openings, breaks or extensions in the facade; or
 - (3) Other significant design features such as, but not limited to, heights, widths, length of elements of design, exterior materials and treatments, roof structures, exposed mechanical equipment, service and storage areas, retaining walls, landscaping, signs, light posts, parking areas, fences, service and areas.
- c. Visual offensiveness or other poor qualities of exterior design, including, but not limited to, excessive divergences of the height or levels of any part of the structure or building from the grade of terrain, harmony or discord of color, or incompatibility of the proposed structure, building, refurbishing, reconstruction, alteration or addition with the terrain on which it is to be located, the failure of the exterior design to complement and enhance the natural beauty of the site, in regard to landscape, topography, surrounding structures and the scenic character of roadways when visible from said roadways.

F. Guidelines

1. These guidelines are intended to facilitate the design review process by encouraging certain design characteristics which are deemed appropriate in achieving the standards set forth in § 30.64(E). In rendering its judgments, the Board remains at liberty to depart from and may invoke standards which are not encompassed within these guidelines.
2. Massing.
 - a. Large undifferentiated volumes and/or wall surfaces should be avoided.
 - b. Abrupt transitions between volumes of a building should be avoided.

- c. In single-family dwellings, pitched roofs are preferred over flat roofs.
 - d. Pitched roofs should consist of at least two sloped surfaces, except when adjoining higher vertical surfaces (i.e., shed roofs). Neither sloped surface should be less than 1/3 the length of the longer side.
 - e. Pitched roofs shall have a minimum pitch of 1:3, except at dormers.
3. Materials
- a. Designs should rely on a limited palette of materials. It is preferred that one material, such as brick or wood, be used for the body of the building. These surfaces should be relieved by their trim, trim colors and decorative elements such as shutters, molding or other decorative ornamentation.
 - b. The Board strongly encourages the use of durable and enduring materials with proven performance. In particular, cladding and roof systems will be reviewed for durability and the quality of their technical design as well as their appearance.
4. The use of evergreen plant material (e.g., pine, cedar, hemlock, holly, laurel, yew, pachysandra, myrtle, etc.) is encouraged to ensure that any planned visual buffers function effectively year-round.
5. If located in a front elevation of a residential building, the door or doors of a garage shall not have a total horizontal dimension which exceeds 50% of the horizontal dimension of the front elevation of the residential building.
6. Exterior mechanical equipment should be indicated on all drawings and should be properly shielded from view of all streets and adjacent properties.
7. The Board encourages the use of colors, singly or in combination, which are consistent with the visual character of the existing buildings and landscape of the Village. Strident color schemes or colors which compete with those of the natural landscape are strongly discouraged.
8. Style.
- a. In general, adjacent structures shall not be identical nor mirror images of one another.
 - b. The massing and style chosen for buildings should be suitable and appropriate within the context of adjacent existing buildings.
 - c. Within any submitted design, the massing, size and shape of all openings, decorative trim and ornamentation should be stylistically consistent.

F-G. Appeal.

Any applicant aggrieved by the action of the Architectural Review Board in disapproving an application, and of the denial of a building permit because of such disapproval, may request

