

Village of Montgomery
133 Clinton Street
Montgomery, NY 12549
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Website: www.villageofmontgomery.org
Email: villageofmontgomery@hvc.rr.com
Board of Trustees
Agenda

➤ **Tuesday, October 3, 2023 Public Hearing for Introductory Local Law 4 of 2023, at 7:00 pm, at Village Hall**

I. CALL TO ORDER – OPEN PUBLIC HEARING

1. This proposed local law is to be considered for adoption entitled “A Local Law Instituting Regulations for the Operation of All-Terrain Vehicles Within the Village of Montgomery”, to establish regulations related to the appropriate operation of all-terrain and other motorized vehicles within the Village.

II. PUBLIC COMMENT (Discussion limited to 3 minutes)

III. CLOSE PUBLIC HEARING

➤ **Tuesday, October 3, 2023 – Public Hearing Continuation for Introductory Local Law 1 of 2023, at 7:15 pm, at Village Hall**

I. CALL TO ORDER – OPEN PUBLIC HEARING

1. This proposed local law is to be considered for adoption that “Amends Chapter 6 of The Village of Montgomery Code

Entitled ‘Architectural and Historic Review Board’ which amendments are intended to enhance the existing regulations

protecting the exterior appearance of buildings and land developments within the historic district of the Village.

II. PUBLIC COMMENT (Discussion limited to 3 minutes)

III. CLOSE PUBLIC HEARING

PLEASE TAKE NOTICE - Any resident of the Village of Montgomery is entitled to be heard upon said proposed Local

Law at such public hearing. Copies of said proposed Local Laws are available for review at:

Montgomery Village Hall, 133 Clinton Street, Montgomery, NY 12549

The Village of Montgomery will make every effort to assure that the hearing is accessible to persons with disabilities.

Anyone requiring special assistance and/or reasonable accommodations should contact the Village Clerk.

BY ORDER OF THE VILLAGE BOARD OF THE VILLAGE OF MONTGOMERY.

**VILLAGE OF MONTGOMERY
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that there has been introduced before the Village Board of the Village of Montgomery, New York, a local law entitled “A Local Law Instituting Regulations for the Operation of All-Terrain Vehicles Within the Village of Montgomery”, to establish regulations related to the appropriate operation of all-terrain and other motorized vehicles within the Village.

PLEASE TAKE NOTICE that a public hearing will be held by the Village Board of the Village of Montgomery on October 3, 2023, at 7:00 p.m. at Montgomery Village Hall, 133 Clinton Street, Montgomery, New York to consider the adoption of the aforesaid Introductory Local Law.

Any resident of the Village of Montgomery is entitled to be heard upon said proposed Local Law at such a public hearing. Copies of said proposed Local Law are available for review at:

Montgomery Village Hall
133 Clinton Street
Montgomery, NY

The Village of Montgomery will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Village Clerk.

BY ORDER OF THE VILLAGE BOARD OF THE VILLAGE OF MONTGOMERY.

Dated: September 25, 2023

Monserrate Rivera-Fernandez, Village Clerk
Village of Montgomery

DRAFT

**INTRODUCTORY LOCAL LAW NO. 4 OF 2023
VILLAGE OF MONTGOMERY**

**A LOCAL LAW INSTITUTING REGULATIONS FOR
THE OPERATION OF ALL-TERRAIN VEHICLES
WITHIN THE VILLAGE OF MONTGOMERY**

BE IT ENACTED by the Village Board of Trustees of the Village of Montgomery, Orange County, New York, as follows:

SECTION I. DECLARATION OF POLICY.

The Board of Trustees of the Village of Montgomery hereby finds that the increased use of All-Terrain Vehicles (“ATV’s”) throughout the Village of Montgomery without any regard for the rights of the property owners whose property is used for the operation of those ATV’s without permission, or without regard for the health, safety, and welfare of persons utilizing the public roads upon which ATV’s are used, and without regard for the noise emanating from said ATV’s, and the dirt and dust raised up into the air by the operation of these ATV’s, and the young age of the operators, has increased to such a degree that these ATV’s are not only hazardous and detrimental to the health, safety and welfare of the residents of the Village of Montgomery as well as its property owners, but also to those who operate them with no regard for their own safety or the safety of others and that regulation of the use of ATV’s within the Village will protect residents and property owners within the Village and protect those that use ATV’s within the Village. This chapter is intended to serve the foregoing purposes by regulating and prohibiting the use of ATV’s in the Village of Montgomery except in conformity with the provisions of this chapter and rules and regulations promulgated hereunder.

SECTION II. DEFINITIONS

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

ALL-TERRAIN VEHICLE or ATV: Any self-propelled vehicle manufactured for operation primarily on off-highway trails or in off-highway competitions and which is only incidentally operated on public highways, provided that such vehicle does not exceed 60 inches in width or 800 pounds dry weight. Such definition includes, but is not limited to, vehicles commonly referred to as dirt bikes, minibikes, go-carts, dune buggies, trail bikes, snowmobiles, and mopeds.

MOTORIZED BICYCLE: Any bicycle with an attached motor, engine and/or transmission which is gas powered and has foot pedals that can assist with propelling the bicycle.

PRIVATE PROPERTY: All land and buildings in the Village of Montgomery not included in the definition of "public property" nor part of the public road system.

PUBLIC PROPERTY: Lands and buildings, including Village parks owned or leased by the Village of Montgomery, any school district, the County of Orange or the State of New York or any other equivalent public body. This definition specifically excludes any public roadways owned or maintained by any of the aforementioned public entities.

SECTION III. PROHIBITED ACTS.

It shall be unlawful to operate an ATV in the following locations and/or manner:

A. Upon public property at any time without express consent or a permit issued by the governmental agency in control of said property, which shall include easements granted to the Village including the same or similar restrictions.

B. Upon private property (other than that private property owned by the family of the operator) without the written consent of all of the owners of the private property.

C. Without a registration and/or permit as required under Article 48-B of the Vehicle and Traffic Law of the State of New York or other applicable provisions of the NYS Vehicle and Traffic Law, or in violation of any other rules, regulations, or provisions mandated by the NYS Vehicle and Traffic Law or the Department of Motor Vehicles of the State of New York.

D. In a manner that is disturbing and bothersome to adjoining property owners.

E. In a manner which causes or otherwise results in the propulsion of sand, dirt, dust, rocks, gravel, or other similar materials
beyond a property line.

F. Upon public or private property in such a way as to harass, worry or disturb farm animals, domestic livestock, or wildlife or
further to destroy or damage crops or farm produce.

G. Without an operable muffler or other similar device to reduce the sound emitted from the vehicle or at a noise level of 75
decibels at a property or street line.

H. On or near any public roadway so as to cause operators of other motor vehicles to take evasive or irregular action to distance
said motor vehicle(s) from an ATV.

I. Which is not in proper operating condition, which means that all of the original operating equipment specified by the original
manufacturer or replacement equipment equal to the specifications of the original manufacturer's equipment must be present.

J. Upon any private street or right-of-way within the Village of Montgomery without the written permission of the owner of the
private street or right-of-way.

K. While under the influence of liquor or drugs.

L. Upon any private property, public property, or public street between the hours of 9:00 p.m. and 7:00 a.m.

SECTION IV. PENALTIES FOR OFFENSES.

A. For any violation of the terms of § 3, Prohibited acts, the offender shall be liable for a penalty not to exceed \$250 for a first offense and \$500 for a second offense and any subsequent offense within a twelve-month period measured from the date of the first alleged violation of this chapter.

SECTION V. ENFORCEMENT.

This Chapter may be enforced by the Village of Montgomery Building Inspector, the Village of Montgomery Code Enforcement Officer, any other official so designated by the Village Board of Trustees by resolution, the New York State Police, and any other law enforcement agency having jurisdiction within the borders of the Village of Montgomery. All foregoing designated persons are authorized to issue violation notices and appearance tickets.

SECTION VI. EXCLUSIONS.

This chapter shall not apply to the operation of ATV's on premises owned by the operator in the course of his business or by employees of the owner on the business of the owner or to the operation of ATV's under circumstances regulated by any agency of the State of New York.

SECTION VII. AUTHORITY.

This chapter is enacted pursuant to the Municipal Home Rule Law. This chapter shall supersede the provisions of the Montgomery Village Code and any other local law, ordinance, or resolution to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

SECTION VIII. EFFECTIVE DATE.

This local law shall take effect upon posting and filing with the Secretary of State of New York.

**VILLAGE OF MONTGOMERY
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that there has been introduced before the Village Board of the Village of Montgomery, New York, a local law entitled “A Local Law Amending Chapter 6 of The Village of Montgomery Code Entitled ‘Architectural and Historic Review Board’” which amendments are intended to enhance the existing regulations protecting the exterior appearance of buildings and land developments within the historic district of the Village

PLEASE TAKE NOTICE that a continued public hearing will be held by the Village Board of the Village of Montgomery on October 3, 2023, at 7:15 p.m. at Montgomery Village Hall, 133 Clinton Street, Montgomery, New York to consider the adoption of the aforesaid Introductory Local Law.

Any resident of the Village of Montgomery is entitled to be heard upon said proposed Local Law at such continued public hearing. Copies of said proposed Local Law are available for review at:

Montgomery Village Hall
133 Clinton Street
Montgomery, NY

The Village of Montgomery will make every effort to assure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Village Clerk.

BY ORDER OF THE VILLAGE BOARD OF THE VILLAGE OF MONTGOMERY.

Dated: September 25, 2023

Monserrate Rivera-Fernandez, Village Clerk
Village of Montgomery

New York State Department of State
Division of Corporations, State Records and Uniform
Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Village Village
(select one:)

of Montgomery

Introductory Local Law No. 1 of the year 2023

**A LOCAL LAW AMENDING CHAPTER 6 OF THE VILLAGE OF MONTGOMERY CODE ENTITLED
“ARCHITECTURAL AND HISTORIC REVIEW BOARD”**

Be it enacted by the Board of Trustees of the Village of Montgomery as follows:

See attached.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

DRAFT

VILLAGE OF MONTGOMERY INTRODUCTORY LOCAL LAW NO. 1 OF 2023

Be it enacted by the Board of Trustees of the Village of Montgomery, in the County of Orange, as follows:

Section 1. **Purpose**

In the interest of the protection and promotion of the public health and safety, convenience, amenities and general welfare, the amendments to the Montgomery Village Code set forth in this Local Law have been established in consideration of the need to enhance the existing regulations protecting the exterior appearance of buildings and land developments within the historic district of the Village. As such, the Board of Trustees deems it appropriate to amend Chapter 6 of the Village Code entitled “Architectural and Historic Review Board” as set forth herein.

Section 2.

Chapter 6 of The Village of Montgomery Code entitled “Architectural and Historic Review Board” shall be amended as follows:

- A. In Section 6-1.1. Definitions, add the following:

AFFECTED STRUCTURES

For the purposes of this chapter, "affected structures" shall mean any structure located within or adjacent to a historic district or property listed on the National Register of Historic Places as identified on the map appended to this chapter.

AFFECTED PARCELS

For the purposes of this chapter, "affected parcels" shall mean any parcel of land located within or adjacent to a historic district or property listed on the National Register of Historic Places as identified on the map appended to this chapter.

ADJACENT

Abutting; contiguous. For the purposes of this chapter, a lot shall be deemed "adjacent" when any part of the property line of such lot touches the boundary line of any property, listed individually or contained within a historic district that is listed on the Federal and/or New York State Register of Historic Places. Lots separated from the property or district boundary by a street, road, highway, river or park shall not be deemed to be "adjacent" to said designated district.

- B. In Section 6-3. Duties and procedures, add the following subsections “E” and “F”:

E. The Board may undertake the survey and study of neighborhoods, areas, sites, places, buildings and structures that have historic, architectural, cultural or aesthetic value. Pursuant to such study and survey, the Board may propose regulations, special conditions, and restrictions to the Village Board of Trustees, including recommendations for nomination to the National Register of Historic Places, as may be appropriate to serve the purposes of this chapter.

- F. The Board may advise and educate owners of designated structures on current best practices for the physical and financial aspects of preservation, renovation, rehabilitation, and reuse.

- C. In Section 6-3. Controls on designated structures and districts, replace the existing section with the following with the bolded language replacing certain terms:

A. Any owner of an **affected structure** who desires to repair the exterior of an existing building or structure has the right to repair with the same material without a certificate of appropriateness. The Architectural and Historic Review Board shall have no control over interior changes in any building or structure as long as no evidence of such change appears on the exterior.

B. Extensive change in the exterior design or appearance of an **affected structure** or any proposed new construction **on an affected parcel** shall require a certificate of appropriateness. All applications for such a certificate shall be

reviewed and decided upon by the Architectural and Historic Review Board. All applications shall be sufficiently detailed to show that proposed changes, additions, removals, or new construction will be in harmony with the existing designated building, structure or district.

- C. Owners desiring to make alterations to an **affected structure** shall design such alterations only in a manner consistent with the design criteria listed in § 6-6 (Design Criteria for Board decisions and recommendations) as is reviewed and approved by the Board.
- D. New structures proposed **on an affected parcel** shall harmonize with the general character of the community and shall be designed in a manner consistent with the design criteria listed in § 6-6 as is reviewed and approved by the Board. Notwithstanding the above, no new structure shall be required to be a copy of any particular style or architectural period.
- E. Nothing herein contained shall be construed to require the owner of any presently existing **affected structure**, which is otherwise maintained in conformity with the law, to make any change in the exterior design or appearance of such structure, nor shall it be construed to prohibit the use of modern materials, techniques or methods of construction in the erection of new structures on affected parcels.
- F. Owners who desire to demolish an **affected structure** shall obtain a certificate of appropriateness from the Architectural and Historic Review Board. After the granting of such a certificate, a period of 120 days must elapse before a demolition permit can be issued. Anyone who desires to save the structure by suitable means may have this time to determine a fair price by appraisal and to locate a purchaser who will agree not to raze the structure.
- G. Consideration of tax abatement or reduction in assessment may be recommended to the Board of Trustees and used to promote preservation when justified in the opinion of the Architectural and Historic Review Board.
- D. In Section 6-5. Review of Applications, replace the existing section with the following:

Any building permit application or site plan application involving new construction on an affected parcel, or extensive changes to the exterior design or appearance of an affected structure, shall be referred by the Building Inspector to the Architectural and Historic Review Board for a certificate of appropriateness. The Building Inspector shall not issue a building permit for construction on any affected parcel unless a certificate of appropriateness has been granted. If the Architectural and Historic Review Board has failed to act on an application for a certificate of appropriateness within **60 days** or such longer interval as agreed to by the applicant, then the Building Inspector may issue a building permit. In such an instance, the Building Inspector or Planning Board, when such application requires Planning Board approval, may implement the design criteria as provided in this Chapter.
- E. In Section 6-6. Design Criteria for Board decisions and recommendations, replace the existing section with the following with the bolded language replacing certain terms:
 - A. In making its decisions, the Board shall consider the following factors:
 - 1) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood.
 - 2) Texture, materials and color and their relation to similar features of other properties in the neighborhood.
 - 3) 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 setbacks.
 - 4) The importance of historic, architectural or other features to the significance of the property.
 - B. The Board shall base its recommendations on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (current revision), and upon the following generally accepted

principles:

- (1) The distinguishing original qualities, **character defining elements or overall** character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural feature, **whether original or as part of the building's period of significance** shall be avoided when possible.
- (2) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structure.
- (3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that are incompatible shall be discouraged.
- (4) Changes that have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
- (6) Contemporary design for alterations and additions to existing properties shall be permitted when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, color, scale, material, **proportion** and character of the property, neighborhood, and environment.
- (7) The repeated use of identical or nearly identical facades on adjacent structures shall be discouraged, unless said repetition is part of the design concept for a group of buildings arranged in a cluster as approved by the Planning Board.

C. Design Guidelines.

The following design guidelines shall apply to any affected structures within the Village of Montgomery:

1) Building Exteriors

a. Wood

- i. Historic defining wall features including clapboards, corner boards, cornices, quoins, **shingles, storefronts** and corbelling shall be retained whenever possible.
- ii. Original walls shall be repaired when necessary. If a wall feature needs replacing due to deterioration or damage, the new feature shall match the original in size, profile, material and texture.
- iii. Paint shall not be applied to wood surfaces that were historically not painted.
- iv. Covering original wall surfaces with vinyl or aluminum siding is prohibited.
- v. Existing siding may be replaced with wood or other material approved by the Architectural and Historic Review Board. Removal or covering of existing asbestos siding may be permitted based on the environmental regulations and cost factors.
- vi. **If any high-pressure power washing is contemplated, pre-approval by the Building Inspector is required, and care should be taken to prevent damage to the underlying structure or architectural features.**

- b. Masonry
 - i. Character-defining masonry architectural features including corbelling, cornices, sills, quoins, foundations, and walls shall be preserved whenever possible.
 - ii. Deteriorated masonry shall be repaired using materials that match the original in size, texture, color and overall appearance of the original structure.
 - iii. Paint shall not be applied to masonry surfaces that were historically not painted.
- c. **Sandblasting is not permitted. If any high-pressure power washing is contemplated, pre-approval by the Building Inspector is required, and care should be taken to prevent damage to the underlying structure or architectural features.**
- d. Metal
 - i. Character-defining metal features including cast-iron columns, metal roofs, gutters, architectural details, gates and hardware shall be preserved whenever possible.
 - ii. Deteriorated metal shall be repaired rather than replaced. Should replacement be warranted, new elements shall match the original design, color, detail, and material.
 - iii. The protective patina coating on metals such as copper and bronze shall not be removed.
- e. Foundations
 - i. Historic foundations shall be retained and preserved including their design, texture, color and materials.
 - ii. Historic foundation features including vents, grills, panels, piers, lattice, porch steps, basement windows and door openings shall be preserved whenever possible.
 - iii. Paint shall not be applied to previously unpainted masonry foundations. If painting is to be applied to previously painted surfaces the color should closely match the existing masonry material.
 - iv. New foundation openings including vents, or mechanical installations may be installed in non-character-defining elevations.

2) Windows and Doors

- a. Historic windows and doors including frames, trim, sashes, muntins, **mullions, sills**, glass, lintels, shutters, and hardware shall be retained and preserved whenever possible.
- b. If replacement of a window or door is necessary, the new unit shall match the original in size, scale, material, detail, pane and/or panel configurations.
- c. Shutters may be Installed on historic structures only if the building would have originally had shutters assembles. New shutters shall be made of wood and have the appearance of being operational. **The inner edge of shutters should be aligned with the sash edge and overlay the window casing instead of being installed outboard of the window casing.**
- d. Metal storm windows with painted or baked enamel finishes are acceptable. **Where new metal storm windows are installed, they should match the color of the window sash.**
- e. Storm doors shall be full-view glass doors and have a finish matching the **door**, trim color or louvered full-length shutters that are operational.

- f. Introduction of new windows or door openings is strongly discouraged. If permitted by the Board, they should proportionally match existing openings and have the same sash, glass, sills, frames, casings and muntin patterns of the existing windows.
- g. Window sashes, panes, muntins and rails shall not be replaced with those incompatible in size, configuration, and reflective qualities or alter the relationship between the **depth of the window** and wall **plane**.
- h. Permanently filling or covering window or door openings must conform to the architectural integrity of the structure and where possible, the opening **shall be retained on the interior or exterior of the wall to preserve its historic existence**.
- i. Canvas awnings may be installed over windows and doors if they are historically appropriate. Awnings shall fit within the scale of the window **and shall not have a tightly wrapped valance; the valance shall be loose hanging and may have a decorative edge**.
- j. Exterior muntins must be raised on windows and doors. **Ideally, they should be a through-muntin, however a muntin that has three components is acceptable (exterior, interior and between glazing)**.

3) Roofs and downspouts

- a. Historical roofs and roofing materials including design, shape, pitch and line shall be retained and preserved whenever possible.
- b. Character-defining elements of historical roofs shall be retained including dormer windows, chimneys, turrets, cupolas, and parapet walls. Eave overhangs, mouldings, trim, and soffit boards should also be retained and preserved. Original materials should be preserved whenever possible.
- c. Changing the historical character of a building by adding roof elements that are not historically accurate is prohibited. **This includes dormer windows, vents or sky lights visible from the public right-of-way**. However, when installed for energy efficiency purposes, alterations will receive consideration. Exterior vents, when necessary for moisture release, must not be visible from the public right-of-way.
- d. Roof ventilators and other mechanical items shall be placed on rear slopes or other locations not easily visible from public right-of-way.
- e. Built-in **“Yankee” or box-style** gutters shall be repaired rather than be replaced.
- f. Installation of new gutters and down spouts shall be done in a manner that does not damage any architectural feature. **K-style gutters are discouraged and half-round gutters are preferred. Enlarging the size of gutters due to climate change is an acceptable alteration**.

4) Porches and Entryways

- a. **Historic** entryways and porches shall be retained and preserved including steps, columns, balustrades, doors, railings, brackets, roofs, cornices and entablatures.
- b. If replacement of a porch element is necessary, repair or replace only the deteriorated or missing detail with new materials that match the design of the original as closely as possible. **Deteriorated porch flooring may be replaced with wood or other material approved by the Architectural and Historic Review Board**.
- c. Reconstruction of missing or extensively deteriorated porches is permitted. If adequate documentation is not available, a new design may be approved if compatible with the style and period of the building.
- d. Enclosure of porches on primary elevations are prohibited. Porches on rear elevations not seen from public right-of-way may be screened or enclosed as long as it can be installed or removed without damage to the historical

structure.

- e. The installation of temporary features to aid the handicapped and disabled is permitted. Whenever possible, any handicapped-accessible features should be added to a non-character defining elevation and designed so that they can be installed or removed without damaging the historical structure.
- f. Paint schemes that are most appropriate to the architectural style and period of the structure are recommended. Example: Victorian colors for a Victorian structure, Colonial colors for colonial structures, etc. Colors chosen from the “historical color collection” of most major paint brands are generally acceptable.
- g. Painting architectural details such as trim, brackets, corner boards, and mouldings a contrasting color than the body is recommended, for the purpose of accentuating these details as would be appropriate for the period of significance of the structure.
- h. **Use of pressure treated wood for decorative elements (i.e. balustrades, railings, cornices) is discouraged, unless painted using approved paint colors.**

6) Architectural Details

- a. Original architectural components and details shall be retained whenever possible.
- b. When architectural components or details must be replaced, the new components and details shall match the historical elements as closely as possible in style, proportion, and material.
- c. Architectural components or details that are not appropriate to the historical character of the structure shall not be added without physical evidence that they historically existed.
- d. Historical architectural components shall not be replaced with materials such as plywood, vinyl and aluminum that would not have been available and used in the original construction.
- e. Architectural details shall not be covered or obscured by artificial sidings of any kind.

7) Storefronts

- a. Commercial storefront details including display windows, recessed entryways, doors, transoms, corner posts, columns and other decorative features shall be retained and preserved whenever possible.
- b. Historic materials including wood, stone, architectural metal and cast iron shall be retained and preserved whenever possible.
- c. If replacement of deteriorated storefront or storefront feature is required, the deteriorated element may be replaced to match the original size, scale, proportion, material, texture and detail.
- d. Adding new material which detracts from the historical and architectural character of the building is prohibited, Example: mirrored glass.
- e. Altering a storefront so that it appears as an office or residence, or use other than commercial is prohibited. Altering a residence so that it appears as a storefront is also prohibited.

8) Storefront Upper Arcades

- a. Historic arcades and their architectural features such as brick corbelling, **decorative terra cotta, parapets, ornamental hoods**, brick and stone string columns, cornices, fascias and other façade elements shall be retained and preserved whenever possible.
- b. Historic materials shall be retained and preserved whenever possible including wood, stone, **terra cotta**, architectural metal and cast iron.

- c. Covering of architectural details or entire facades with non-historic materials is prohibited.
- d. If replacement of upper façade element is necessary, it should be replaced with elements that match the original in size, scale, design, proportion, detail, **appearance**, and material if possible.
- e. Original windows of upper façades shall not be covered up or bricked in **and shall retain their original size. Where original window openings have been replaced, new windows should go back to the original size and configuration based on the period of significance of the structure, provided they comply with current fire and building codes.**
- f. Original windows on upper floors that are located on rear or non-character defining areas may be replaced with vinyl clad windows that match the design, size and proportions of original.

9) Outbuildings and Accessory Structures

- a. Existing outbuildings and accessory structures which have historical significance shall be retained and preserved whenever possible.
- b. Architectural elements of historic outbuildings such as roofs, siding, material, windows and doors, foundations and character-defining detailing shall be retained and preserved.
- c. If replacement of an element on a historic outbuilding is necessary, replace only the deteriorated portion to match the original in material, size, proportion, texture and detailing. Upon good cause shown (hardship), outbuildings may be resided with materials other than original materials.
- d. Designs for new outbuildings and accessory structures shall complement the architectural style and period of the primary structure.
- e. New outbuildings shall be located in rear yards if possible.
- f. New outbuildings shall be proportionally the same size and height as seen in relationship between other primary and secondary structures in the district.

10) Streetscape and Site Improvements.

The following design guidelines shall apply to any streetscape and site improvements installed on affected parcels in the Village of Montgomery:

- a. Landscaping.
 - 1. Significant and character-defining vegetation including mature trees, hedges, shrubs, and ground cover shall be retained and preserved whenever possible.
 - 2. Historical site features such as walkways, walls, formal and informal gardens, fountains, and trellises shall be retained whenever possible.
- b. Driveways
 - 1. Driveways on residential properties shall be composed of either concrete, brick, asphalt or crushed stone.
 - 2. New driveways shall be designed to minimize impact to the landscape, building and historical curbing.
- c. Fences and Walls
 - 1. Historic fences and walls shall be retained and preserved whenever possible including gates, hardware, cast or wrought iron details, ornamental pickets, etc.

2. Chain-link fences shall be prohibited.
3. Deteriorated fences and wall elements should be repaired rather than replaced. New elements shall match the original in material, texture, and design.
4. New fences and walls should be of a design that is appropriate to the architectural style and period of the historical structure.
5. Front yard fences shall be of an open design such as picket and no greater than four (4) feet in height. The use of privacy, split-rail, basket weave, lattice and shadowbox fencing in front yard is prohibited.
6. Masonry walls that were historically unpainted should not be painted. Repainting previously painted masonry walls is permitted.
7. Retaining walls, when visible from a public right-of-way shall be constructed of brick or stone. Landscape timbers and railroad ties may be used when they are not visible from the public right-of-way.

11) Residential and Commercial Signage.

The following design guidelines shall apply to residential and commercial signage installed on any affected structure in the Village of Montgomery:

- a. All residential and commercial signage requires a sign permit from the building inspector and must comply with §122-33 of the Village Zoning Law. The building inspector shall not issue a sign permit for such signs without approval from the Architectural and Historic Review for materials and sign style.
- b. Each business is allowed a maximum of two sign styles. Permitted sign styles include flush mounted signs, projection signs (also known as overhanging or blade signs), pole-mounted signs and A-frame (sandwich board) signs.
- c. Some signage has gained historical significance in its own right. Such historical signage should be retained and preserved wherever possible.
- d. The size, scale, location, style and material of signage shall be compatible with the architecture of the historic buildings and character of the district, **and shall not cover more than 25% of the window area.**
- e. Signs attached to an historic structure shall be mounted so that no significant architectural feature is concealed or damaged.
- f. Flush-mounted wall signs on buildings shall be located on the wall space above the store front if possible, **or over a portion of transom windows, as long as it does not conceal the presence of the transom windows.**
- g. Historic sign materials such as wood, metal, masonry, or a composite of these materials are preferred. **Raised lettering is preferred though not required, and the colors of the sign shall complement the storefront. Light letters on a dark signboard are most readable and preferred. Pure white letters should be avoided.**
- h. **Internally-illuminated box signs are prohibited. Neon signs are permitted, but they shall not exceed one neon sign per business. Gooseneck lighting is the preferred type of lighting to illuminate signage.**
- i. Free-standing post-signs are recommended for residential structures that serve a commercial function. However, the size of the sign shall be limited so that it does not obscure the building or disrupt patterns of facades or yards.
- j. Signs mounted on residential buildings, including those that serve a commercial function, shall be limited to six (6) square feet of identification panels installed at the primary entrance.

D. New Construction.

The following design guidelines shall apply to any new construction on affected parcels in the Village of Montgomery:

1) Residential Construction

- a. Height and setbacks. The height of new homes shall be compatible with other residential building in the district. New homes shall not be set farther back than an average of its neighbors along the same block face, unless prohibited by the zoning code.
- b. Design and orientation. The design of a new home shall not attempt to create a false historic appearance, but rather complement the existing district. Main entrances shall be clearly evident and shall be oriented toward the sidewalk and street. If possible, new buildings shall include a front porch or portico.
- c. Architectural details. Architectural details such as cornices, trim, windows and doors shall reflect the scale of buildings in the existing historic district. The fenestration of a new structure shall reflect that of existing historic structures within the district (**typically taller and narrower than a standard window**) and be compatible in proportion, shape, location, pattern and size. Roof forms shall relate to neighboring buildings in form and material.
- d. Materials. New homes within the district shall be built with materials approved by the Architectural and Historic Review Board. Modern materials, if used, should be similar in appearance and texture to traditional materials. ~~Aluminum siding, vinyl siding, and vinyl windows, shall be prohibited. Aluminum clad windows are acceptable.~~
- e. Landscaping. When undertaking new construction, significant trees (**those with trunks measuring more than 8” in diameter**) and vegetation shall be preserved whenever possible.
- f. Additions. Additions to existing historic structures shall be located to the rear or non-character defining elevation and shall be placed in a manner that they are not seen from the public right-of-way. New additions shall not remove, damage, or obscure character-defining architectural features and shall be compatible in materials, design, roof form, and proportion to the main structure.
- g. Decks. New decks shall be designed and constructed so that the historic structure and its character-defining features and details are not damaged or obscured, and they can be removed in the future without damage to the structure. If feasible, decks shall not be visible from the public right-of-way. The design and detail of decks and associated railings and steps shall reflect materials, scale, and proportions of the building. **Decks may be constructed with pressure-treated wood or other material approved by the Architectural and Historic Review Board. Wooden decks shall be painted or stained in a color that is compatible with the historic structure and district.**
- h. **No roof-mounted or ground-mounted solar energy collector panels may constructed or installed on any affected structure.**

2) Commercial Construction

- a. Height and scale. New construction shall be compatible with any preexisting building patterns found in adjacent or nearby buildings with regards to massing, height, scale, form and setbacks. The height of new buildings should attempt to coordinate common heights and facade lines with neighboring buildings. In cases where there is a sharp contrast between the massing, height, scale, form or setbacks of immediately adjacent buildings, compatibility with the adjacent buildings of a smaller-scale is generally preferred, and a transitional buffer around existing historic properties may be requested by the Architectural and Historic Review Board.

- b. **Setbacks.** Whenever possible, new structures should be located close to the minimum setback to establish or maintain a defined street edge.
- c. **Design and orientation.** The building's primary facade should be sited parallel to the street. Buildings shall be oriented to ensure good sight lines for vehicular and pedestrian traffic. The primary entry on all new construction shall be easily identified, scaled appropriately to the size of the building and face the street.
- d. **Architectural details.** New construction shall contain architectural design features that complement the Village's existing historic architecture. The use of columns, cornices, clock towers, turrets, and covered entry features are encouraged, where appropriate. Air handling units, condensers, satellite dishes and other equipment placed on roofs must be set back, screened from view or disguised with a permanent architectural feature so as not to be readily visible from the public right-of-way.
- e. **Windows and Roofs.** Fenestration shall reflect that of existing historic structures within the Village and be compatible in proportion, shape, location, pattern and size. Roof forms shall relate to neighboring buildings in form and material whenever possible. Windows shall relate to the overall scale of the building (~~for example, the principal windows should not be less than 2/3 the height of the corresponding floor to ceiling height wherever possible~~), and shall include a casing whenever possible. ~~Glazing shall not be tinted or mirrored. Windows may be metal, wood or aluminum clad wood. Vinyl windows are not permitted. Window frames shall be recessed from the exterior finish of the building by at least 4".~~
- f. **Building materials.** New construction shall utilize quality materials and colors that are compatible with those found in existing buildings. The context of the historic nature of the area shall be considered when choosing materials and colors. Natural building materials such as brick, stone, and wood are **highly** encouraged, and natural colors selected from a historic paint palette are preferred.
- g. **Landscaping.** When undertaking new construction on an undeveloped site, significant trees and vegetation shall be preserved whenever possible. Natural landscaping, rather than large parking areas, should dominate the streetscape. Landscaping shall be sited and designed in a manner that will help maintain and reinforce a consistent street wall in areas where there are no building facades.
- h. **Parking areas.** The preferred location for main parking areas is at the side and/or rear of the building. Locating main parking areas between the building and the street should be avoided, to lessen the visual impact of parking areas within the streetscape. Where parking areas are visible from the street, buffer landscaping and architectural screening features shall be provided, such as tree planting, berms, low walls, decorative fencing and/or hedging.
- i. **Loading, service, storage and refuse areas.** Loading, service, storage and refuse areas are fundamental components to any commercial or industrial building. However, these areas detract from the streetscape when they are exposed to public view. These facilities shall be oriented away from and not visible from the street, and shall be adequately screened by a combination of fencing, walls and/or landscaping.
- j. **Site lighting** shall be configured to minimize any impacts on adjacent or nearby residential buildings. Site lighting shall be directed downward and inward, and be night-sky compliant. Uplighting may be permissible in instances where it is designed to highlight landscaping or architectural features. Lighting design plans for parking areas should be organized to avoid a clutter of light standards, particularly where these are highly visible from the public right-of-way. Where site lighting abuts a public street, it should relate in size, scale, design and location to the surrounding public streetscape.

Section 3. Separability

If any provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances, and the Board of Trustees of the Village of Montgomery hereby declares that it would have passed this local law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 4. Statutory Authority

This local law is enacted in accordance with the powers granted to the Board of Trustees pursuant to the provisions of Article 10 of the Municipal Home Rule Law of the State of New York, pursuant to which the Board of Trustees has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Village of Montgomery and for the protection and enhancement of its physical environment.

Section 5. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 6. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Village of Montgomery
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Board of Trustees Agenda

➤ **Tuesday, October 3, 2023 – Regular Meeting immediately following the Public Hearing held at Village Hall**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. MINUTES – September 5, 2023, and September 19, 2023.
- IV. REQUEST TO MEET WITH THE BOARD (Discussion limited to 3 mins.)
 1. Mayor Brescia and Atty. Will Frank – to discuss a water moratorium.
- V. ABSTRACT – NO. 09-2023
- VI. OLD BUSINESS
- VII. REPORTS – DEPARTMENTS – BOARD – COMMITTEES
- VIII. NEW BUSINESS
 - IX. 1. Consider the adoption of Introductory Local Law I-2 of 2023, that “Amends Chapter 122 of The Village of Montgomery Code Entitled ‘Zoning’ which amendments are intended to establish updated design guidelines for new construction of any residential, commercial, or industrial structures requiring site plan approval by the Planning Board within the Village.
 2. Set a bid opening date for the Village of Montgomery (STP) Sewage Treatment Plant Sludge Hauling to be held at the Village Hall Meeting room on _____, 2023, at _____ p.m. and authorizing the Village Clerk to publish a notice to bidders.
 3. Consider approving one of the three proposals to renew the Anti-Malware Protection:
 - current term expires on 10/30/2023 at the cost of \$489.90/for the year, same as option (a).
 - a. 12 months @ 10 workstations at the cost of \$489.00/a year.
 - b. 24 months Malwarebytes Advanced Protection Bundle at the cost of \$497.70/per year.
 - c. 36 Month Malwarebytes Advanced Protection Bundle with 24/7 Monitoring at the cost of \$616.00/per year.
 4. Consider approving Treasurer Palmieri request to carryover vacation leave time of 46 hours, to be used by the December 31, 2023.
 5. Residents of 47 Wallkill Avenue and 43 Wallkill Avenue request the Village remove two trees located in front of both their homes, due to the sheading of biproduct and acorns, their concerns are for the threatening safety of pedestrians and their properties.
 6. The Village Hall will be closed on Monday, October 9, 2023, in Observance of Columbus Day.
(Garbage Pick-up will commence on the next scheduled pickup day).
- X. EVENTS:
 - Village Wide Yard Sale Day, Saturday, October 7, 2023, from 10:00 am to 5:00 pm. (It is a rain or shine event).
 - Hydrant Flushing begins Monday, October 16th through the 27th, between the hours of 7:00 am and 4 pm.
(Water may be discolored but it is safe to use. When using the washing machine make sure the water is clear. Flushing is necessary to keep the water mains clear. We apologize for the inconvenience.
 - Halloween Parade will be held on Saturday, October 28, 2023, at 4 pm – parading from top of Clinton Street, to Bridge Street, ending at the Senior Center.
 - Trick or Treat will be held in the Village of Montgomery on Tuesday, October 31, 2023, from 6 pm to 8 pm.
 - Leaf pick-up begins every Tuesday starting November 1st through the 30th, leaves must be bagged and placed curbside by 7:00 am.
- XI. PUBLIC PORTION (Discussion limited to 3 mins.)
- XII. EXECUTIVE SESSION (If necessary)
- XIII. ADJOURNMENT