

Minutes of the Public Hearing for Introductory Local Law 3 of 2023, of the Board of Trustees, of the Village of Village of Montgomery was held at the Village Hall Meeting Room, 133 Clinton Street, Montgomery, NY 12549, on Tuesday, September 5, 2023, at 6:45 pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury, Trustee Hembury (Absent), Trustee Picarello, Atty. Will Frank, DPW Supt. Nelson, Chief of Police Herlihy, Village Clerk Rivera-Fernandez, PB Chrmn. Conero, PB. Mbr. Romano, PB. Mbr. Steed, Historian Fitzpatrick, Maria Beltrametti, Johanna Sweikata, Don Berger, Cynthia Nokland, Mary Lippincott, Acquisitions Marking Videographer Jose Rojas, Nina Schmitt, Jay Presutti.

#### CALL TO ORDER – PLEDGE OF ALLEGIANCE

Mayor Brescia opened the meeting with the Pledge of Allegiance to the Flag.

#### OPEN THE PUBLIC HEARING

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board opened the Public Hearing for Introductory Local Law 3 of 2023. Motion Carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Mayor Brescia asked the Village Clerk Rivera-Fernandez if all the paperwork is on file to hold this Public Hearing.

Village Clerk Rivera-Fernandez replied, yes, all the paperwork is on file to hold this Public Hearing.

Mayor Brescia asked Atty. Will Frank to provide a synopsis on the proposed Local Law 3 of 2023 regarding the Outdoor Dining.

Atty. Will Frank said, the proposed local law is to be considered for adoption creating Chapter 79 of The Village of Montgomery Code Entitled “Outdoor Dining, Seasonal”, to establish regulations to allow temporary (seasonal) outdoor dining and to permit same to encroach into the public right-of-way as an accessory component of an adjacent primary business which is located on private property. The Village businesses will be required to apply to participate in the Outdoor dining, like the operations during COVID except for NO alcohol being served and will have to adhere to the rules and regulation set forth by the Village Code with an initial application fee of \$150.00, with an annual renewal fee, that has not been determined. The Village Board thought to control the process through the Building Inspector. Trustee Picarello suggested the time frame to the venue to possibly occur on April 15<sup>th</sup> through November 15<sup>th</sup>, or April 1 through November 1<sup>st</sup>, if permitted the sidewalks should be cleared during adverse weather conditions.

Mayor Brescia suggested reducing the annual renewal fee from the initial application fee.

Atty. Will Frank continued to say the sidewalks should have a three-foot walking space with no obstructions. In addition, the applicants need to allow for the processing the of the application. The restaurants are not to exceed their approved occupancy level.

#### PUBLIC COMMENT:

Ms. Beltrametti feels there is not a problem with the outdoor dining, and it should be done without permission. Furthermore, everyone should be held to the same standard.

Atty. Will Frank also said the restaurants have to provide a certificate of insurance, listing the Village as the additional insured as it states in the law, due the Outdoor dining being on Village property.

Mr. Berger asked why the local law was not posted on the website.

Village Clerk Rivera-Fernandez provided Atty. Will Frank evidence of the Local Law Notice as well as the Local Law being posted on the website.

Mr. Berger also asked why the agenda was not posted to website sooner and feels the Local Law should follow along with agenda for easy

Village Clerk Rivera-Fernandez replied the agenda was emailed to the Village website manager on Friday.

Mr. Berger went on to say the Village website should have the information available as he wishes for it to appear. The proposed local laws should not be listed with the adopted local laws.

PB. Chrnm. Conero said the proposed Local Law for the Outdoor Dining, takes a decision off the Planning Board.

Mayor Brescia asked if there were any further questions regarding his public hearing.

No further questions from the public were presented.

Mayor Brescia called for a motion to close the Public Hearing with no further questions presented.

#### CLOSE PUBLIC HEARING

Moved by Trustee Picarello, seconded by Trustee Hembury, the Board closed the Public Hearing for Introductory Local Law 3 of 2023, creating Chapter 79 of the Village of Montgomery Entitled, "Outdoor Dining" at 7:05 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

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Monserrate Rivera-Fernandez, Village Clerk

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury, Trustee Hembury (Absent), Trustee Picarello, Atty. Will Frank, DPW Supt. Nelson, Chief of Police Herlihy, Village Clerk Rivera-Fernandez, PB Chrmn. Conero, PB. Mbr. Romano, PB. Mbr. Steed, Historian Fitzpatrick, Maria Beltrametti, Johanna Sweikata, Don Berger, Cynthia Nokland, Mary Lippincott, Acquisitions Marking Videographer Jose Rojas, Nina Schmitt, Jay Presutti.

**CALL TO ORDER – OPEN PUBLIC HEARING**

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board opened the Public Hearing for Introductory Local Law 1 of 2023. Motion Carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Mayor Brescia asked the Village Clerk Rivera-Fernandez if all the paperwork is on file to hold this Public Hearing.

Village Clerk Rivera-Fernandez replied, yes, all the paperwork is on file to hold this Public Hearing.

Mayor Brescia asked PB. Chrmn. Conero to provide a synopsis on Introductory Local Law 1 of 2023.

PB. Chrmn. Conero said the proposed local law to be considered for adoption amends Chapter 6 of The Village of Montgomery Code Entitled ‘Architectural and Historic Review Board’ which the amendments are intended to enhance the existing regulations protecting the exterior appearance of buildings and land developments within the historic district of the Village. He mentioned the Chairpersons met as a group and forwarded their collaborative efforts to Helen Budrock and of which a redline draft was forwarded to Atty. Will Frank. He hopes to have everything finalized by September 19<sup>th</sup> and with no issues to be able to meet the deadline before the grant money to run out. The recommended changes are in bold for Introductory Local Law 1 of 2023, for AHRB, with the next set of changes for Introductory Local Law 2 of 2023, for Zoning are Redlined. He read several of the changes aloud as follows:

**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 from a historic district or property listed on the National Register of Historic Places as identified on the map appended to this chapter.

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

F. 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.

G. 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 to remove paint, it is recommended that 300psi or less be used to prevent damage to the underlying structure.**

##### 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.
- vii. Sandblasting is not permitted. If any high-pressure power washing is contemplated to remove paint, it is recommended that 300psi or less be used to prevent damage to the underlying structure.**

##### c. 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.

d. 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, muntin's, **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, muntin's 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 muntin's 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, moldings, 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 moldings 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. **Pressure treated wood should not be used for decorative elements (i.e., balustrades, railings, cornices) visible from the public right-of way.**

#### 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, fascia's 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.**
- 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 approved materials. 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 solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on any affected structure without prior approval from the Architectural and Historic Review Board. Roof-mounted solar energy collector panels visible from the public right of way are prohibited. In some instances, solar energy collector panels that are integrated into and harmonious with the architectural design of the structure, or ground-mounted solar panels sited in rear yards not visible from the public street, may be permitted.**

## 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.

Historian Fitzpatrick the committee met regarding this and submitted their comments to Helen Budrock, with the hopes of finalize it soon. The language determining the adjacent seems to be a benefit. As Don mentioned its harmonized, synchronized, or has continuity, and it also assists the AHRB and PB to be able to refer to an architect.

#### **PUBLIC COMMENT:**

Mayor Brescia opened to received public comment. He also said the Sunoco Station is an example of that, of which they complied with the aesthetic we asked of them.

PB Chrnm. Conero said the Sunoco gas station is a PDD.

Ms. Beltrametti asked if clapboard siding has been replaced with hardy board.

Mayor Brescia said not everyone can afford cedar siding.

PB Chrmm. Conero said the changes avoid the hardship point.

Ms. Beltrametti asked she noticed the house on Bridge Street is using knotty pine for the siding or is any wood product an approved use.

Mayor Brescia said almost all wood products are approved.

Historian Fitzpatrick said a credit goes out to the Village Board, Bruce, Randy, & Kevin for applying all the rules and guidelines that are being proposed.

Mayor Brescia asked if there were any further questions regarding this public hearing.

No further comments received.

Mayor Brescia adjourned the Public Hearing for Introductory Local Law 1 of 2023 to continue September 19, 2023, at 7:00 pm.

#### ADJOURN PUBLIC HEARING

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board adjourned the Public Hearing for Introductory Local Law 1 of 2023, to continue September 19, 2023, at 7:00 pm. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

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Monserrate Rivera-Fernandez, Village Clerk

Minutes of the Public Hearing for Introductory Local Law 2 of 2023, of the Board of Trustees, of the Village of Montgomery, was held at the Village Hall Meeting Room, 133 Clinton Street, Montgomery, NY 12549, on Tuesday, September 5, 2023, at 7:15 pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury, Trustee Hembury (Absent), Trustee Picarello, Atty. Will Frank, DPW Supt. Nelson, Chief of Police Herlihy, Village Clerk Rivera-Fernandez, PB Chrmn. Conero, PB. Mbr. Romano, PB. Mbr. Steed, Historian Fitzpatrick, Maria Beltrametti, Johanna Sweikata, Don Berger, Cynthia Nokland, Mary Lippincott, Acquisitions Marketing Videographer Jose Rojas, Nina Schmitt, Jay Presutti.

#### CALL TO ORDER – OPEN THE PUBLIC HEARING

Moved by Deputy Mayor Andolsek, seconded by Trustee Hembury, the Board opened the Public Hearing for Introductory Local Law 2 of 2023. Motion Carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Mayor Brescia asked the Village Clerk Rivera-Fernandez if all the paperwork is on file to hold this Public Hearing.

Village Clerk Rivera-Fernandez replied, yes, all the paperwork is on file to hold this Public Hearing.

Mayor Brescia asked PB Chrmn. Conero to provide a synopsis of Introductory Local Law 3 of 2023.

PB Chrmn. Conero said Helen Budrock revised to proposed Introductory Local Law 3 of 2023, regarding the zoning changes are intended to establish design guidelines for new construction of any residential, commercial, or industrial structures requiring site plan approval by the Planning Board within the Village. The changes came about through the comments of the group for building materials, such as vinyl windows or aluminum. There are always new products being produced now, for commercial and business purposes. This has been formulated for an applicant to know what and how we want a structure to look. As an example, the Village corridor's appearances should be as we want it to be. Furthermore, its Butlers intent to move their operation to the Dunn Drive and the business that occupies their current location will be subject to these changes. Helen as drafted the proposed Local Law with mark-up of the draft changes, see the attached document Exhibit A.

Atty. Will Frank said the Notice of Intent was filed with the Orange County Department of Planning and there were no problems with their findings.

Mr. Berger said he is confused, is this only for new construction in the historic district.

PB Chrmn. Conero said its for renovations in the historic district, of building materials, such as wood and the new vinyl is good now.

#### PUBLIC COMMENT

#### ADJOURN PUBLIC HEARING

Moved by Trustee Picarello, seconded by Deputy Mayor Andolsek, the Board adjourned the Public Hearing for Local Law I-2 of 2023. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

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Monserrate Rivera-Fernandez, Village Clerk

Minutes of the Regular Meeting, of the Board of Trustees, of the Village of Montgomery was held in the Village Hall Meeting Room, 133 Clinton Street Montgomery, NY 12549, on Tuesday, September 5, 2023, at 7:30 pm.

Present: Mayor Brescia, Deputy Mayor Andolsek, Trustee Hembury, Trustee Hembury (Absent), Trustee Picarello, Atty. Will Frank, DPW Supt. Nelson, Chief of Police Herlihy, Village Clerk Rivera-Fernandez, PB Chrmn. Conero, PB. Mbr. Romano, PB. Mbr. Steed, Historian Fitzpatrick, Maria Beltrametti, Johanna Sweikata, Don Berger, Cynthia Nokland, Mary Lippincott, Acquisitions Marketing Videographer Jose Rojas, Nina Schmitt, Jay Presutti.

#### CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mayor Brescia opened the meeting with the Pledge of Allegiance to the Flag.

#### MOMENT OF SILENCE

Mayor Brescia called for everyone present to observe a moment of silence in honor of Stephen Gollow.

#### MINUTES

Moved by Deputy Mayor Andolsek, seconded by Trustee Picarello, the Board approved the minutes of, June 29, 2023. Motion carried, 3-Ayes, 0-Nays, 1-Absent (Trustee Lindner), 1-Abstention (Trustee Hembury – Absent for this meeting).

Moved by Deputy Mayor Andolsek, seconded by Trustee Hembury, the Board approved the minutes of July 24, 2023. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

Moved by Trustee Andolsek, seconded by Trustee Hembury, the Board approved the minutes of August 1, 2023. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner).

#### REQUEST TO MEET WITH BOARD

Dennis Maher addressed the Village Board of Trustees, regarding the donation of a tennis wall to the Village of Montgomery to be placed at the Veterans Memorial Park, at the Tennis Courts. He feels it would be a great addition to the park, on behalf of the Hudson Valley Tennis Association.

#### DONATION OF TENNIS WALL TO THE VILLAGE OF MONTGOMERY FOR THE VETERANS MEMORIAL PARK

Moved by Trustee Hembury, seconded by Deputy Mayor Andolsek, the Board accepted the donation of a tennis wall, for the Veterans Memorial Park with the conditions of DPW Supt. Nelson approval to be able to secure the wall to the existing tennis court fence. Motion carried, 4-Ayes, 0-Nays, 1-Absent (Trustee Lindner). The board motioned to accept the offer but will need to discuss installation with the village engineer first.

#### RESIDENT CONCERNS WITH THE KSH PROJECT DEVELOPMENT

Don Berger addressed the Village Board of Trustees regarding resident concerns with the KSH project development. He feels the noise study conducted was not done properly. The noise study was done from one docking bay, their  
“The KSH project has been, from the residents’ standpoint, a very rough ride...what’s problematic, and I know we’ve talked about this at the planning board sessions, is that we’ve really had a lot of people there, and they’ve been talking about a lot of great things. And what we feel is that we’re not being listened to,” Berger said.

Berger went on to explain why the project’s original noise study was insufficient and how the project’s location could affect the village’s aquifer.

"The noise study that they would give was garbage; they were given a noise study with one tractor-trailer bay. There are 92 tractor-trailer bays! How could you take a noise study for one? Impossible," Berger said, touching on the noise study.

ABSTRACT – NO. 09 - 2023

OLD BUSINESS

REPORTS – DEPARTMENTS – BOARD – COMMITTEES

NEW BUSINESS

Adopt a resolution acknowledging the completion of the annual audit checklist for the Village of Montgomery Justice Court records on July 13, 2023, conducted by Trustee Hembury.

Adopt a resolution for certification of Authority, for the Village of Montgomery Board of Trustees, authorizing the Mayor to sign the Municipal Agreement for FY 2023 between the County of Orange through its Office of Community Development and the Village of Montgomery, and for entering into a municipal cooperation agreement with County, in accordance with Section 99-h (2) of New York State General Municipal Law, to apply for and receive Community Development Block Grant ("CDBG") funds (CFDA# 14.218) from the United States Department of Housing and Community Development ("HUD") under Title I of the Housing and Community Development Act of 1974, ("HCD Act"), as part of the Orange County Urban County Consortium for the Fiscal Year 2023, pursuant to 24 C.F.R § 570.501(b) and § 570.503, this separate agreement is necessary for the Municipality to receive the CDBG funds through the County to implement community development activities.

Hire up to 10 Per Diem employees for General Montgomery Day only, at the rate of \$20.00/hr.

Consider updating the Village of Montgomery Board of Trustees Planning and Zoning Fee Schedule, as well as updating the Planning Board Applications as Atty. Joseph McKay has recommended.

Consider approving the UAudit Cost and Revenue Review Agreement, reviewed and updated by Atty. Will Frank.

A Public Hearing will be held by the Board of Trustees of the Village of Montgomery on Tuesday September 19, 2023, at 7:30 P.M. at Montgomery Village Hall located at 133 Clinton Street, Montgomery, New York regarding the proposed application to the NY Forward grant program. If selected for an award, the Village would have the opportunity to engage in widespread improvements to the physical resiliency, aesthetic character, and overall connectivity of its downtown corridor.

Approve the budget adjustment to the pay the tax bill for (N of) Dunn Road Water Supply, \$251.71 from appropriation A0-1990-000 Contingency to Judgement & Claims A0-1930-000.

Approve the updated SRO agreement between the Valley Central School District, and the Village of Montgomery Police Department through its office of the Village of Montgomery Board of Trustees, authoring the Mayor or his designee Police Chief Herlihy to entering into the said agreement, for the fiscal year 2023-2024.

Adopt a resolution authorizing the addition of the Holt Well #3B to the Village's Groundwater Supply at the Holt Well Field (WSA No. 12532).

Adopt a SEQR Resolution classifying the Holt Well #3B project as an unlisted action under the State of Environmental quality review act and issuing a negative declaration for the project.

#### EVENTS & SERVICES:

General Montgomery Day, Saturday, September 9, 2023, for more information see the attached Schedule of Events.

Clinton Street Car Show, Sunday, September 17, 2023, 10 am to 3 pm. All vehicles welcomed, for more information call 845-457-9661.

The next Village Board of Trustees Meeting is on Tuesday, September 19, 2023, at 7:30 pm, at the Village Hall, 133 Clinton Street, Montgomery, NY 12549.

September 5, 2023

PUBLIC PORTION

ADJOURNMENT

September 5, 2023

# General Montgomery Day

Schedule of Events for September 9, 2023

**7:30am-10:00am**

**Continental Breakfast**

St. Mary's Hall

Contact: Bob Berenger ...845-692-2392

**7:45am-9:30am**

**The GMD 8k-Run/Walk**

**Veterans Memorial Park**

Late Registration 6:30am-7:30am

Contact : Amy Frisbee.....914-213-4626

Erin Sherry.....845-649-5419

<https://runsignup.com/Race/NY/GeneralMontgomeryDay8kRun/Walk>

**9:00am-7:00pm**

**Craft/Antique Vendors**

Contact: Kevin Conero...845-224-5486

Sophia Romano.....845-457-9661 x201

**Business/Civic Vendors**

Contact: Tina Murphy...845-239-7192

**Food Vendors**

Contact: Teri Latasa 845-457-9661 x201

**10:30am (line-up 9:30am)**

**Parade Begins**

Contact: Stacy ...845-457-9661 x217

**Following Parade:**

Speeches & Presentations  
on the Reviewing Stand

**12:00pm-4:00pm**

**Lemonade Stand & Bake Sale**

First Presbyterian Church Lawn

## Special Events

Bouncy House  
& Events  
**FOR CHILDREN**  
Veterans  
Memorial Park  
All Day

**MACARONI  
THE CLOWN**  
1:00PM  
Clinton Street

**ROBERT  
ROGERS  
PUPPET  
COMPANY**  
2 Shows  
2:00pm-3:30pm  
Clinton Street  
Village Hall Lawn

**BOBBY MAGICIAN**  
4:30PM  
Clinton Street  
Village Hall Lawn

**SPECIAL  
THANKS TO  
ALL OUR  
SPONSORS!**

**Concerts on the Bandstand**

1:00pm-4:00pm *Good Vibes*

5:00pm-9:00pm *Steve Alexander Band*

**Concerts on Clinton Street Stage**

1:00pm-4:00pm *Mustang 65*

5pm-9:00pm *First Round Band*

**2:00pm-4:00pm**

*Montgomery Village Museum Displays*

**2:00pm-4:00pm**

*O.C. Firefighters Museum Displays*

**3:30pm Trophies & Prizes**

*Clinton Street Reviewing Stand*

**4:00pm Horse Crapshoot Raffle**

*Intersection Union & Clinton Street*

Contact: John Tracy.....845-457-3601

Janet Leonard...845-457-8115

**8:30pm FIREWORKS**

*Veterans Memorial Park*

*Sponsored By:*



NOTICE TO ALL VILLAGE REDSIDENTS-There will be no yard sales or reserved parking on General Montgomery Day

**For General Information: Call Village Hall at 845-457-9661 ext.201**

[Villageofmontgomery.org](http://Villageofmontgomery.org)