

## *Local Law Filing*

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**(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. \_\_ of the year 2023**

**A LOCAL LAW AMENDING CHAPTER 122 OF THE VILLAGE OF MONTGOMERY  
CODE ENTITLED "ZONING"**

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

See attached.

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

**VILLAGE OF MONTGOMERY**  
**INTRODUCTORY LOCAL LAW NO. \_\_\_ 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 connection with the continued utilization and effectiveness of the Comprehensive Zoning Plan for the Village of Montgomery, and in the interest of the protection and promotion of the public health and safety, convenience, amenities and general welfare, the amendments to the Village Zoning 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 Village. As such, the Board of Trustees deems it appropriate to amend Chapter 122 of the Village Code entitled “Zoning” as set forth herein.

**Section 2.**

Chapter 122 of The Village of Montgomery Code entitled “Zoning” shall be amended as follows:

- A. In Section 122-7.2 Floating Districts: planned development districts, add the following to the end of subsection F(5) entitled: Integrated architectural design:

“The design of any residential buildings must comply with the guidelines set forth in § 122-9.1. The design of any commercial or industrial buildings must comply with the design guidelines set forth in 122-11.1.”

- B. Add new Section 122-9 (previously reserved) as follows:

§ 122-9 ADDITIONAL PROVISIONS

§ 122-9.1 Design Guidelines

A. Purposes. Inappropriateness or poor quality of design in the exterior appearance of residential land developments adversely affects the desirability of the immediate area and neighboring areas and, by so doing, impairs the stability and value of both improved and unimproved real property in such areas. It is the purpose of this chapter to prevent these and other harmful effects of such exterior appearance of buildings and land developments and thus to promote and protect the health, safety, and general welfare of the community.

**Commented [CK1]:** It's not clear if this is referring to ALL structures or structures in or adjacent to the historic districts.

**Commented [HB2R1]:** This is standard legal language that has nothing to do with structures or affected parcels. It is simply saying that the Village Board has decided to make changes to the Zoning Law (Chapter 122).

**Commented [HB3R1]:** These regs only apply to projects requiring planning board approval that are not subject to AHRB approval. No single family homes outside of the historic district will be affected by the zoning changes. Only commercial, industrial, PUDs and multi-family require PB approval.

B. Applicability. These design guidelines shall apply to new construction of any residential structures requiring site plan approval by the Planning Board pursuant to § 122-61 (Site Plan Approval).

C. Design Guidelines

(1) Height and setbacks. The height of any new residential structure shall be compatible with other residential structures in the district. Buildings shall not be set farther back than an average of its neighbors along the same block face, unless prohibited by §122-5 (Dimensional Regulations).

(2) Building design and orientation. The design of any new residential structure 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.

(3) Architectural details. Architectural details such as cornices, trim, windows and doors shall reflect the scale of neighboring structures. The window fenestration of a new structure shall reflect that of existing historic structures within the Village and be compatible in proportion, shape, location, pattern and size with neighboring structures. Roof forms shall relate to neighboring buildings in form and material.

(4) Building materials. New residential structures shall be built with traditional building materials such a wood, stone or brick. 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.~~

**Commented [KC4]:** We need to less specific on the type of materials used. Such as Aluminum siding, vinyl siding, and vinyl windows, shall be prohibited. Aluminum clad windows are acceptable.

**Commented [HB5R4]:** To be removed from final draft.

C. Add new Section 122-11 (previously reserved) as follows:

§ 122-11 ADDITIONAL PROVISIONS

§ 122-11.1 Design Guidelines

A. Purposes. Inappropriateness or poor quality of design in the exterior appearance of commercial and industrial land developments adversely affects the desirability of the immediate area and neighboring areas and, by so doing, impairs the stability and value of both improved and unimproved real property in such areas. It is the purpose of this chapter to prevent these and other harmful effects of such exterior appearance of buildings and land developments and thus to promote and protect the health, safety, and general welfare of the community.

B. Applicability. These design guidelines shall apply to new construction of any commercial or industrial structures requiring site plan approval by the Planning Board pursuant to § 122-61 (Site Plan Approval). If any part of these design guidelines conflicts with the standards set forth in § 122-47.C (Special conditions

and safeguards for certain special exception uses) then the more restrictive requirements shall apply.

### C. Design Guidelines

(1) Height and scale. New commercial or industrial structures 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 Planning Board.

(2) Setbacks. Whenever possible, new structures should be located close to the minimum setback to establish or maintain a defined street edge.

(3) 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.

(4) Architectural details. New structures 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.

(5) 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, 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".~~

(6) 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.

(7) 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.

**Commented [CK6]:** Too restrictive on material types. The recessed exterior may also be a problem with common 2x6 outside wall construction. There would be no window sills on the inside the window would be more prone to leaks with outside sill

**Commented [HB7R6]:** To be removed from final draft.

(8) 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.

(9) 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.

(10) 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.

D. In Section 122-61 Site Plan Approval, add the following new item 21 to the end of subsection D entitled: Items to be considered in site plan review:

“(21) Consistency with the architectural and historic character of the community and compliance with the design guidelines set forth in §122-9.1 and §122-11.1.”

E. In Section 122-64 Fees, replace the existing section with the following:

§ 122-64 FEES.

A. Fees for building permits and certificates of occupancy shall be determined by the Board of Trustees. *[1] Editor's Note: The Fee Schedule is included at the end of this chapter.*

B. Review Fees. In reviewing any application, the Planning Board, at its sole and absolute discretion, may secure the advice or assistance of one or more expert consultants qualified to advise whether a proposed project conforms to any of the requirements of this Chapter. A copy of any reports or memos from such consultants shall be furnished to the applicant. All fees for the services of such consultants shall be borne by the applicant, who shall provide monies needed to establish an escrow account from which the Planning Board's consultants shall be paid pursuant to an escrow agreement in form and content acceptable to the Village Attorney and

Village Planning Board Attorney.

**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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as Local Law No. \_\_\_ of 2023 of the (County)(City)(Village)(Village) of Montgomery was duly passed by the Board of Trustees of the Village of Montgomery on \_\_\_\_\_, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Village)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not-  
*(Name of Legislative body)*  
approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted  
*(Elective Chief Executive Officer\*)*  
on \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Village)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not-  
*(Name of Legislative body)*  
approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Elective Chief Executive Officer\*)*~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Village)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not-  
*(Name of Legislative body)*  
approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Elective Chief Executive Officer\*)*~~

~~Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a Village where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)** \_\_\_\_\_

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)** \_\_\_\_\_

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the Villages of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Monserrate Rivera-Fernandez, Clerk, Village of Montgomery,  
Clerk of the county legislative body, City, Village or Village  
Clerk or officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_