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County   City   Village   Village  
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**of Montgomery**

**Introductory Local Law No. \_\_ 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.

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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 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:

##### **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 **either the Historic District or a property individually listed on the New York State or National 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.

##### **AFFECTED PARCELS**

For the purposes of this chapter, "affected parcels" shall mean any parcel of land **located within or adjacent to either the Historic Districts or any property individually listed on the New York State or National Register of Historic Places** as identified on the map appended to this chapter.

##### **ALTERATION**

Any change, construction, reconstruction, repair or demolition in the exterior architectural features of any existing building or the construction or placement of any new building on any parcel of land **within or adjacent to either the Historic Districts or a property individually listed on the New York State or National Register of Historic Places**. Alteration shall include the repair to a building required by normal wear and tear. Any alteration of the interior of any building that does not affect the exterior architectural

features of any building subject to this chapter shall not be deemed an alteration.

### **LINE OF SIGHT**

Any lots separated from an affected parcel by a street, road, highway, river or park shall be considered within “line of sight” from said parcel.

- 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 parcel** who desires to repair the exterior of an existing building or structure **on said parcel** 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 existing building or structure on an affected parcel** 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. **New structures, or extensive change in the exterior design of appearance of existing buildings or structures on any parcel within line of sight of an affected parcel shall not require a certificate of appropriateness, but shall instead be referred to the Architectural and Historic Review Board for review recommendations. Such recommendations shall be advisory in nature and non-binding.**
  
  - D. Owners desiring to make alterations to **an existing building or structure on an affected parcel** 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.

- E. 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.
- F. Nothing herein contained shall be construed to require the owner of any presently **existing building or structure on an affected parcel**, 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.
- G. Owners who desire to demolish an **existing building or structure on an affected parcel** 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.
- H. 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 **existing building or structure on an affected parcel** shall be referred by the Building Inspector to the Architectural and Historic Review Board. The Building Inspector shall not issue a building permit for construction on any **affected parcel** unless a certificate of appropriateness has been granted. **The Building Inspector shall not issue a building permit for construction on any parcel within line of sight of an affected parcel until the Architectural and Historic Review Board has reviewed the application and provided non-binding recommendations.** If the Architectural and Historic Review Board has failed to act on an application 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 and shall include a casing whenever possible.
- 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 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.

**(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 approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted 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 approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.~~

~~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 approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.   
*(Name of Legislative body)*   
*(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: \_\_\_\_\_