

VILLAGE OF TARRYTOWN
PUBLIC HEARING NOTICE

Chapter 9 – Architectural Review Board

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 2nd day of March, 2020, at 8:00 p.m. in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear and consider enacting an amendment to Chapter 9 of the Code of the Village of Tarrytown entitled Architectural Review Board.

A local law to amend Chapter 9 of the Code of the Village of Tarrytown entitled Architectural Review Board to amend the review of certain building permit applications by the Architectural Review Board

Section 1. Be it enacted by the **Board of Trustees** of the **Village of Tarrytown** as follows (Language in **Bold and Underlined** to be added, language in ~~**Strikethrough and bold and underlined**~~ to be deleted):

Section 2. Chapter 9, Section 4. (A) “Referral of applicants for building permits” shall be amended to read as follows:

Chapter 9, Section 4. (A) shall be re-titled – Referral of applicants for building permits or other work for Architectural Review.”

Section 3. Chapter 9, Section 4. (A) “Referral of applicants for building permits or other work for Architectural Review” shall be amended to read as follows:

Section 4. (A) Referral of applicants for building permits or other work for Architectural Review:

Except where an application for a certificate of appropriateness must be submitted to the Architectural Review Board pursuant to the Landmark and Historic District Act (Chapter 191, Historic Districts and Landmarks), every application for a building permit ~~shall be referred by the Building Inspector to the Architectural Review Board, provided that:~~

- ~~(1) There will be construction, reconstruction or alteration of any building or structure that affects the exterior appearance of the building or other structure and is visible from any public street;~~
- ~~(2) The proposed plans include construction, reconstruction or alteration of any deck or uncovered porch that affects the exterior appearance of the building or other structure, is visible from any public street and exceeds 25 square feet, including steps;~~
- ~~(3) The proposed plans include construction, reconstruction or alteration of existing/new windows or security grills that affect the exterior appearance of the building or other structure and are visible from any public street; or~~
- ~~(4) The proposed plans include construction, reconstruction or alteration of any fence or wall exceeding three feet in height or 20 feet in length that is visible from any public street. **involving**~~

any of the following shall be referred by the Building Inspector to the Architectural Review Board:

ARB review is required for applications requiring Planning Board approval, as well as other projects which are detailed as follows:

1. **Construction of a new building**
2. **Reconstruction or rehabilitation of buildings with prior Architectural Review Board approval , which differs from that prior ARB approval;**
3. **Renovation or rehabilitation of buildings that involves replacement or introduction of new exterior features (including but not limited to, windows, doors, shutters, siding, garage doors and roofing) that are not of the same kind and style as the existing building, and which are visible from a public street. For example, while replacement of wood double-hung windows with vinyl double hung windows would not require ARB approval, replacement of double-hung windows with casement windows would.**
4. **All additions of any size for buildings built before 1929. For buildings built in 1929 or later, either: (i) additions to existing buildings where the proposed addition increases the footprint of the existing building by 25% or more or results in a square footage or FAR increase of 50% or more; or (ii) additions of any size that either: (a) introduce new exterior features (including but not limited to, windows, doors, shutters, siding, garage doors and roofing) that are not of the same kind and style as the existing building; or (b) paint that is not the same color as the existing building.**

5. Fences that are in the front yard (See Schematic Plan (1) or within the required minimum front yard setback (See Schematic Plan (2) and higher than thirty inches (30’)).
6. Walls, including retaining walls, that are in a front yard or within the required minimum front yard setback and are visible from a public street.
7. Walls, including retaining walls that are over 30 inches (30’) and that are within the required minimum side yard or rear yard setback.
8. Applications for signage or awnings;
9. Applications for a property within the Restricted Retail RR Zone or commercial properties outside the RR Zone involving:

(a) Construction, reconstruction or alteration of any building or structure that affects the portion of the exterior appearance of the building or other structure that is visible from any public street, except applications involving only fences, retaining walls, steps, and /or sidewalks;

(b) Construction, reconstruction or alteration of any deck or uncovered porch that affects the exterior appearance of the building or other structure, is visible from any public street and exceeds 25 square feet (such size calculation shall include any steps); or

(c) Construction, reconstruction or alteration of existing/new windows or security grills that affect the exterior appearance of the building or other structure and are visible from any public street.

(d) Painting using different colors than those that exist on the building, that affect the exterior appearance of the building or other structure and are visible from any public street.

4. B. Exceptions that apply in every zoning district except for the RR Zone, historic districts and historic designated structures– Since it is the intent of the Board of Trustees to provide a process for routine maintenance or changes and upgrades to buildings that do not result in major, detrimental departures from the original construction and design of a structure, applications that are excepted from ARB review include:

1. For buildings built after 1929, additions that do not increase the footprint of the existing building by 25% or more or result in a square footage or FAR increase of 50% and either: (i) are not visible from a public street; or (ii) do not introduce either: (a) new exterior features (including but not limited to, windows, doors, shutters, siding, garage doors and roofing) that are not of the same kind and style as the existing building; or (b) paint that is not the same color as the existing building.
2. Fences that are only in the rear yard or side yard setback, less than 48” and not fronting on a street. (Finish of the fence must face the adjoining property).
3. Walls with Planning Board approvals.
4. Walls that are less than 30 inches (30”) in height but not within the required minimum side yard or rear yard setback.
5. Steps, and/or sidewalks.
6. Painting a building or structure the same colors.
7. Painting a building or structure and changing colors from the existing colors, provided that the colors are in the Benjamin Moore Historical Color Chart, and the Benjamin Moore White and Off-White Color Charts, as they may be updated from time to time, maintained in the Building Department, or an equivalent color palette that has only slight variations in color hues.
8. Adding storm widows to existing windows without making further changes.
9. Replacement in kind (same type and style but not necessarily same material) of structures or fences that obtained prior building permit with ARB approvals.

Section 4: The current Section 9-4 (B), (C), and (D) should be renumbered to 9-4 (C), (D) and (E).

Section 5: Supersession of other laws.

All laws, ordinances, rules and regulations of the Village are modified and superseded by this article with respect to their application to parking and enforcement.

Section 6: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

Section 7: 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.