

RESOLUTION 3: __ - # ____ OF 2022

WHEREAS, the Town Board has determined that local law amendments be made to Article VI, entitled "Advisory Board on Architecture and Community Appearance;" and

WHEREAS, the proposed amendments are annexed hereto as Exhibit A and incorporated herein as if recited verbatim, with the word underlined to be added, and those words ~~stricken~~ to be deleted, and the Town Board does direct that said amendments be spread across the record as if they, in fact, had been read verbatim; and

WHEREAS, this action to amend the Town Code is a Type II Action under the New York State Environmental Quality Review Act (SEQRA), and, as such, no further environmental review is required; and

WHEREAS, the Town Board has determined that the proposed amendment must be referred to the Putnam County Department of Planning, Development and Public Transportation for review and recommendation; and

WHEREAS, the amendment requires a public hearing.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby sets a public hearing on the proposed amendments for March ____, 2022, at 6:00pm, or as soon thereafter as the matter may come to be heard, in the Town Hall, 265 Oscawana Lake Road, Putnam Valley, New York; and
2. The Town Board refers this matter to the Putnam County Department of Planning, Development and Public Transportation for a recommendation pursuant to GML §239-m.

Dated: _____

Moved: _____

Seconded: _____

Motion passes/fails: Ayes: _____ Nays: _____

REFERRAL REQUEST TO ABACA

REFERRAL DATE: _____ REFERRAL AGENT: _____

BRIEF DESCRIPTION OF PROJECT: _____

MATERIALS SUBMITTED: Site Plan _____ Architectural Plans _____ EAF _____ Other _____

REVIEW AND ADVISORY COMMENTS:

Please review and comment as requested (checked) below on the submitted materials by a written report to the referral agent within 30 days (unless otherwise indicated by the referral agent) of the above referral date:

_____ The repeated and adjacent use of identical or near identical facades or structures arranged without respect to natural features of terrain or other existing structures.

_____ Inappropriateness of a structure or land development in relation to any other structure or land development existing within 500 feet of the proposed structure or land development, or for which a permit has been issued and to be located within such five-hundred-foot distance, or to any other structure or land development included in the same application with respect to one or more of the following features:

_____ Gross floor area.

_____ Height of building or height of roof.

_____ Scale. Out-of-scale:

_____ With regard to a building or any part thereof, the condition of being or appearing to be disproportionately large, bulky, or massive relative to the other buildings in the surrounding neighborhood and/or relative to the size of the lot upon which the building is situated.

_____ With regard to any part of a building, the condition of appearing to be disproportionately large, bulky, or massive relative to any other part of the same building.

_____ With regard to an addition to a preexisting building, the condition of appearing to be disproportionately large, bulky, or massive relative to the preexisting building.

_____ With regard to an accessory structure, the condition of being disproportionately large, bulky, or massive relative to the principal structures, the other buildings in the surrounding neighborhood, and/or the size of the lot upon which the accessory structure is situated.

_____ Other circled significant design features, such as material quality of architectural design, roof structures, chimneys, exposed mechanical equipment and service and storage enclosures, signs, landscaping retaining walls, parking areas, service and load docks, dividing walls, fences, lighting posts and standards, provided that a finding of inappropriateness shall state not only that such inappropriateness exists but, further, that it is of such a nature that by a fair preponderance of the credible evidence it has been proven that its allowance results in one or more of the harmful effects set forth in § 8-37.

Article VI: Advisory Board on Architecture and Community Appearance

(Adopted 6-5-2002 by L.L. No. 4-2002]

§ 8-37

Legislative intent.

§ 8-38

Board established; membership; officers; terms of office.

§ 8-39

Meetings; procedures.

§ 8-40

Matters to be referred.

§ 8-41

Criteria to be used.

§ 8-42

Severability.

§ 8-37

Legislative intent.

The Putnam Valley Town Board hereby finds that inappropriateness or poor quality of design in the exterior appearance of buildings or land developments adversely affects the desirability of the immediate area and neighboring areas and by so doing impairs the benefits of occupancy of existing property in such areas, impairs the stability and value of both improved and unimproved real property in such areas, retards the most appropriate development of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants thereof, and creates an improper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this article 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, morals and general welfare of the community. It is also a purpose of this article to control the recent trend of tearing down existing houses and replacing them with larger houses or building large additions to existing houses, which threatens the appearance and impact upon the health, safety, welfare and quality of life in Putnam Valley.

§ 8-38

Board established; membership; officers; terms of office.

There is hereby created an Advisory Board on Architecture and Community Appearance (ABACA), which shall consist of five members who shall serve without compensation. All members of the Board shall be

residents of the Town and shall be specially qualified by reason of training or experience in architecture, land development, city planning, real estate, landscape architecture or other relevant business or profession, or by reason of civic interest and sound judgment, to judge the effects of a proposed building or land development upon the desirability, property values and development of surrounding areas, and at least one member of the Board shall be a registered architect in the State of New York. The members of the ABACA shall be appointed by the Town Board. The Chairman shall be designated by the Town Board annually and shall serve at the pleasure of the Town Board. The Secretary of the ABACA shall be designated by the members of the Board annually. The term of office of each member shall be three years, except that the initial appointments of one member shall be for one year, of two members for two years and of two members for three years. The Town Board shall have the power to remove any member for cause. Vacancies shall be filled by the Town Board for the unexpired term of any member whose place becomes vacant.

§ 8-39

A: Meetings; Referrals.

All requests for advisory input from the Town Board, Planning Board, Zoning Board of Appeals and the Building Inspector ("referring agents") shall be conveyed by a formal referral form. The referral form shall contain the following information:

The referring agent, date of referral and materials submitted for review.

Name, Address and Brief Description of the proposed project

Request for specific advisory input as indicated in the referral letter.

B: Meetings; procedures.

Regularly scheduled meetings of the Advisory Board on Architecture and Community Appearance shall be held monthly or at such other times as the Chairman shall designate. A majority of said Board shall constitute a quorum for the transaction of business. The ABACA shall keep minutes of its proceedings. Any report or recommendation made by the ABACA must have the approval of the majority of the Board present and shall be officially filed with the referring board or department (hereinafter cited as the "referring agent") within 30 days as of the date of the referral letter described in Section 8-39A of referral, except that failure to report within 30 days, unless otherwise directed by the referral agent, shall be deemed to be approval thereof. Where changes or modifications on any submission are recommended, there shall be set forth the specific changes and the reason(s) for same. ~~After having referred an application for building or land development permit to the ABACA, the referring agent shall not take final action prior to receiving and considering the recommendations of this Board. The referring agent shall provide a full set of plans and accompanying data to the ABACA for its use and permanent file. The applicant may be requested to appear to review with the ABACA any submission to it.~~

§ 8-40

Matters to be referred.

A.

The following matters ~~may~~ shall be referred to the ABACA:

(1)

~~Every~~ Application for the site development or subdivision of land into five or more lots.

(2)

~~Every~~ Application for the development or subdivision of land located within the Hillside Management Overlay District.

~~(3)~~

~~Every application for a building permit for the construction of any structure in excess of 1,200 cubic feet of cubical contents.~~

~~(4)~~

~~Every application for a building permit for the reconstruction or alteration of any structure in excess of 1,200 cubic feet of cubical contents.~~

(5)

~~Every~~ Application for a variance under § 165-44A(2) of the Code of the Town of Putnam Valley.

(6)

~~Every~~ Application for a variance under Chapter 165 Article VII, Accessory Structures and Uses, of the Code of the Town of Putnam Valley.

B.

Referrals.

(1)

Any such application for a building permit filed with the Code Enforcement Officer ~~shall~~ may be referred to the ABACA within seven days after the submission of the application, provided that it conforms in all respects to all other applicable laws and ordinances.

(2)

Any such application for a variance filed with the Zoning Board of Appeals ~~shall~~ may be referred to the ABACA within seven days after the submission of the application, provided that it conforms in all respects to all other applicable laws and ordinances.

(3)

Any such application for site plan approval filed with the Planning Board ~~shall~~ may be referred to the ABACA within seven days after ~~sketch~~ concept approval has been granted.

(4)

Any such application for subdivision filed with the Planning Board ~~shall~~ may be referred to the ABACA within seven days after the ~~sketch~~ preliminary approval has been granted.

§ 8-41

Criteria to be used.

The ABACA shall base its recommendations on the following criteria: No building or structure or land development shall be so detrimental to the desirability, property values or development of the surrounding area as to provoke one or more of the harmful effects set forth in § 8-37 by reason of:

A.

The repeated and adjacent use of identical or near identical facades or structures arranged without respect to natural features of terrain or other existing structures.

B.

Inappropriateness of a structure or land development in relation to any other structure or land development existing within 500 feet of the proposed structure or land development, or for which a permit has been issued and to be located within such five-hundred-foot distance, or to any other structure or land development included in the same application with respect to one or more of the following features:

(1)

Cubical contents.

(2)

Gross floor area.

(3)

Height of building or height of roof.

(4)

Scale. Out-of-scale:

(a)

With regard to a building or any part thereof, the condition of being or appearing to be disproportionately large, bulky, or massive relative to the other buildings in the surrounding neighborhood and/or relative to the size of the lot upon which the building is situated.

(b)

With regard to any part of a building, the condition of appearing to be disproportionately large, bulky, or massive relative to any other part of the same building.

(c)

With regard to an addition to a preexisting building, the condition of appearing to be disproportionately large, bulky, or massive relative to the preexisting building.

(d)

With regard to an accessory structure, the condition of being disproportionately large, bulky, or massive relative to the principal structures, the other buildings in the surrounding neighborhood, and/or the size of the lot upon which the accessory structure is situated.

(5)

Other significant design features, such as material quality of architectural design, roof structures, chimneys, exposed mechanical equipment and service and storage enclosures, signs, landscaping retaining walls, parking areas, service and load docks, dividing walls, fences, lighting posts and standards, provided that a finding of inappropriateness shall state not only that such inappropriateness exists but, further, that it is of such a nature that by a fair preponderance of the credible evidence it has been proven that its allowance results in one or more of the harmful effects set forth in § 8-37.

§ 8-42

Severability.

If any section, paragraph, subdivision, clause or provision of these rules, regulations and ordinances shall be adjudged invalid, such judgment shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and shall not affect, impair or invalidate any other part or portion of these rules, regulations and ordinances.