

Local Law Filing

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~~County~~
~~City~~
~~Town~~ of Baxter Estates
~~Village~~

Bill No. 1 of 2024

Local Law __ of the year 202_

(Insert Title)

A local law amending Chapter 147, “Site Plan Approval,” of the Village Code, to establish architectural review of structures in Residence F and Business A zoning districts

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~
~~Town~~ of Baxter Estates
~~Village~~

Section 1. Legislative Findings and Intent. The Board of Trustees (the “Board”) of the Village of Baxter Estates (the “Village”), has determined that the peace, good order, health, safety and welfare of the Village and its residents can be advanced through Village review and control over the aesthetics of new structures and extensions of existing structures in the Residence F and Business A zoning districts of the Village. The Board has determined that such review and control can prevent excessive uniformity, dissimilarity or poor quality of design in the exterior appearance of buildings and building facades, conditions which the Board finds can adversely affect the desirability of the immediate and neighboring areas, impair the benefits of occupancy of existing developed property, undermine the stability and value of both improved and unimproved real property in such areas

and prevent the most appropriate development of such areas. The Board finds that amending the Village Code Chapter addressing site plan review to include such provisions as set forth hereinafter should promote the peace, good order, health, safety and welfare of the Village and its residents.

Section 2. The title of Chapter 147, “Site Plan Approval,” is hereby amended to read in its entirety as follows:

“Chapter 147 Site Plan and Architectural Design Review”

Section 3. The title of § 147-1, “Approval required; Board of Jurisdiction,” is hereby amended to read in its entirety as follows:

“§ 147-1 “Site Plan Approval required; Board of Jurisdiction; Architectural Design approval required”

Section 4. § 147-1, “Approval required; Board of Jurisdiction,” is hereby further amended by adding a new Subsection “C.”, to read in its entirety as follows:

“C. Architectural Design approval required.

(1) Whenever a site plan as defined in Subsection “A.” of this § 147-1 requires approval thereunder, and the Board of Jurisdiction with respect to such site plan is the Board of Trustees pursuant to Subsection “B.” of this § 147-1, the proposed project that is the subject of such site plan shall also require the approval of the Board of Trustees as Board of Jurisdiction with respect to the architectural design for any building or structure that is proposed to be constructed or, with respect to any existing building or structure, that is proposed to be substantially altered in appearance, in accordance with the further provisions of this Subsection “C.”.

(2) The Board of Trustees as Board of Jurisdiction, when evaluating architectural design hereunder, shall consider whether the proposed building or structure, or the façade thereof, would, if erected, be detrimental to the desirability of the immediate and neighboring areas, impair the benefits of occupancy of existing developed property, undermine the stability and value of both improved and unimproved real property in such areas or prevent the most appropriate development of such areas, by reason of:

- (a.) Monotonous similarity to any other structure existing, or proposed to be constructed and for which a permit has been issued, that faces upon the same street and is within 2,000 feet of the proposed site, with respect to one or more of the following features of exterior design and appearance:
 - (i) Substantially identical façade;
 - (ii) Substantially identical size and arrangement of either doors, windows, porticos, porches, garages or other openings or breaks in any facade visible from any street, including reverse arrangements; or
 - (iii) Other substantially identical features, such as but not limited to setbacks from street and property lines; height, width and length of design elements; and exterior materials and treatments; or

- (b.) Striking dissimilarity, visual discord or inappropriateness with respect to any other structure existing or proposed to be constructed and for which a permit has been issued that faces upon the same street and is within 2,000 feet of the proposed site with respect to one or more of the following features:
 - (i) Materials of the façade;
 - (ii) Color of the façade;
 - (iii) Size and arrangement of doors, windows, porticos, porches, garages or other openings or breaks in any facade visible from any street, including reverse arrangements; and
 - (iv) Other significant design features, such as but not limited to height, width and length of design elements; exterior materials and treatments; roof structures; exposed mechanical equipment; storage areas; retaining walls; landscaping, signs; light posts; parking areas and fences; and service and loading areas.

- (c) Visual offensiveness or other poor qualities of exterior design, including, with respect to signs, considerations of the harmony or discord of colors, or incompatibility of the proposed structure with the terrain on which it is to be located, including but not limited to excessive divergencies of the height or levels of any part of the structure from the grade of the terrain.”

Section 5. § 147-2, “Approval of amended site plans,” is hereby amended to read in its entirety as follows:

“§ 147-2 **Approval of amended site plans and architectural design.** Any amendment of a previously approved site plan or architectural design shall be subject to approval by the Board of Jurisdiction, pursuant to the same procedure as that applicable to an original site plan or architectural design.”

Section 6. § 147-3, “Building permits, demolition permits, and certificates of occupancy contingent upon compliance with site plan,” is hereby amended to read in its entirety as follows:

“§ 147-3 **Building permits, demolition permits, certificates of occupancy and certificates of completion contingent upon compliance with site plan and architectural design.** No building permit or demolition permit may be issued for any building or structure within the purview of this section until approval of a site plan and, where applicable, an architectural design has been granted to the applicant by the Board of Jurisdiction and presented to the Superintendent of Buildings. No certificate of occupancy or certificate of completion may be issued for any building or use of land within the purview of this section unless the building is constructed or used or the land is developed or used in conformity with an approved site plan and, where applicable, an approved architectural design.”

Section 7. § 147-5, “Approval procedures,” is hereby amended to read in its entirety as follows:

“§ 147-5 **Approval procedures.**

A. Applications for site plan approval and, where applicable, architectural design approval shall be made on forms adopted by the Board of Jurisdiction for that purpose. An original and seven copies of the application, together with eight copies of the proposed site plan, signed and sealed by a licensed design professional, and, where applicable, the proposed architectural design drawings, signed and sealed by a licensed design professional, and eight copies of the survey which serves as the basis for the site plan and, where applicable, the architectural design drawings, shall be filed with the Village Clerk. In addition, each copy of the application shall include such architectural renderings as may be requested by the Village Superintendent of Buildings or the Board of Jurisdiction.

B. The Chairman of the Board of Jurisdiction shall schedule the Board's consideration of the applications for site plan review and, where applicable, architectural design review in

such a manner as will permit an orderly and expeditious disposition of these applications with due regard to the Board's other duties and responsibilities. Prior to formal consideration of the application by the Board, the Chairman may direct or the applicant may request that a preliminary conference be held wherein the applicant shall meet in person with the Board or such representatives of it as are designated by the Chairman to discuss the site plan and, where applicable, architectural design submitted so that the necessary subsequent steps may be undertaken with a clear understanding of the Board's requirements in matters relating to the development of the site and recommendations with respect to the site plan and, where applicable, architectural design submitted.

C. The Superintendent of Buildings shall certify on each site plan whether or not such plan meets the requirements of all Village Zoning Code provisions.

D. Disapproval or conditional approval by the Board of Jurisdiction shall include written findings upon any site plan element or, if applicable, any architectural design element, found contrary to the provisions or intent of this Chapter. In reviewing the application, the Board of Jurisdiction may hold a public hearing and may secure the advice or assistance of one or more expert consultants qualified to advise as to whether a proposed development or use will conform to the requirements of this Chapter.

E. Following approval of the site plan or, where applicable, architectural design by the Board of Jurisdiction, the applicant shall file with the Village Clerk a performance bond to cover the full cost of any required public improvements, in an amount set by the Board of Jurisdiction. Such bond shall be satisfactory to the Village Attorney as to form, sufficiency, manner of execution and surety. A period of one year or such other period as the Board of Jurisdiction may deem appropriate, not to exceed three years, within which required public improvements must be completed shall be set forth in the bond. If the bond is not filed within 45 days of the approval granted in Subsection **“D.”** above, the site plan and, where applicable, architectural design shall be deemed disapproved.”

Section 8. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.