

Village of Nyack Architectural Review Board

Informational Packet

Definition:

ARCHITECTURAL REVIEW BOARD or ARB - The Architectural Review Board of the Village of Nyack.

Architectural Review is required for:

- ❖ New Construction
- ❖ Additions
- ❖ Alterations
- ❖ Mechanical equipment visible from the street or adjacent property
- ❖ Street furnishings
- ❖ Signage-See Sign packet

VILLAGE OF NYACK, NEW YORK CHAPTER 360: ZONING

ARCHITECTURAL REVIEW BOARD

§ 360-5.3. Board meetings, rules and expenses.

- A. Meetings of any decision-making boards shall be open to the public and held at regular monthly intervals or at such other times as the board may determine, subject to the notice requirements under New York State Law. A public hearing may be held when it is deemed to be in the public interest or required by the standards of this chapter.
- B. A majority of the members of a board shall constitute a quorum for the transaction of business. Each board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- C. When relevant or necessary to carry out the provisions of this chapter, the Board may exercise the following powers to assist it in arriving at its decisions:
 - (1) To conduct examinations and investigations.
 - (2) To hear testimony and take proof, under oath if it should so determine.
 - (3) To enter, or delegate to any agent or representative of the Board the power to enter, any building or property for the purpose of conducting investigations, surveys or inspections.
- D. Boards shall have the power from time to time to adopt, amend and repeal rules and regulations not inconsistent with law. Every such rule or regulation, every amendment or repeal and every order, requirement or decision shall immediately be filed with the Building Department and shall be a public record.
- E. Boards shall have the power to employ consultants and to pay for their services and such other expenses as may be necessary and proper. The board, at its sole discretion, may require an applicant to reimburse the Village for the cost of consultant services pertinent to the subject application. Where such action is anticipated in advance, the Building Inspector may require that an appropriate and reasonable sum be placed in escrow by the applicant to cover such reimbursement.

§ 360-5.2. Decision-making bodies

C. Architectural Review Board

(1) Legislative findings

The Board of Trustees hereby finds that monotonous similarity, striking visual discord, inappropriateness or poor quality of design in the exterior appearance of structures erected, reconstructed or altered in any area in the Village of Nyack adversely affects the desirability of the immediate area and neighboring areas within the community and, by so doing, impairs the benefits of occupancy or use of real property in such areas; impairs the stability and value of both improved and unimproved real property in such areas; prevents the most appropriate development of such areas; produces degeneration of the property in such areas, with attendant deterioration of conditions affecting the health, safety, morals and general welfare of the inhabitants of the community; and

destroys a proper relationship between the taxable value of real property in the community and the cost of municipal services provided therefor. It is the purpose of this chapter to prevent these and other harmful effects and thus to promote and protect the health, safety, morals and general welfare of the community.

(2) Purpose.

(a) It is the purpose of this chapter to preserve and promote the character and appearance and conserve the property values of the Village, the attractiveness of whose residential and business areas is the economic mainstay of the community, by providing procedures for an architectural review of structures henceforth erected, reconstructed or altered and items installed in the Village. It is the purpose to encourage good qualities of exterior building design and good appearances and to relate such design and appearances to the sites and surroundings of structures, to permit originality and resourcefulness in design which are appropriate to the sites and surroundings and to prevent such design and appearances as are unnecessarily offensive to visual sensibilities and inconsistent with Village character.

(b) The Architectural Review Board shall assist applicants to focus on design principles, which can result in creative solutions that will develop a satisfactory visual appearance within the Village, preserve property values and encourage an improvement in the overall quality of Village life.

(c) The Architectural Review Board shall issue certificates of appropriateness for any exterior alterations of a building or site designated as a landmark or located within a designated historic district as set forth in § 360-5.11.

(3) Establishment and organization.

(a) There is hereby established an Architectural Review Board ("ARB"), which shall consist of five members appointed by the Board of Trustees. All members of the ARB shall be residents of the Village. All members shall be specifically qualified by reason of training or experience in architecture, design, building construction, other related business or profession. If available, at least one member shall be a professional architect licensed to practice in the State of New York. If available, at least one member shall be knowledgeable in architectural history, historic building design and construction and/or local history. The Board of Trustees shall select one of the members of the Architectural Review Board to serve as Chairperson.

(b) In addition, the Board of Trustees shall appoint two alternate members, who shall serve in the absence of the regular members. These alternate appointments shall be for two years.

(c) The Mayor shall appoint a new member to fill any vacancy occurring other than by the expiration of a term.

(4) Powers and duties. The ARB shall have the following powers and duties:

(a) To adopt rules and regulations for its operation and to follow said rules and regulations in the conduct of its official business.

(b) To hear and decide requests and impose reasonable conditions pursuant to § 360-5.15 for building permits for the construction or alteration of any structure or item within the Village of Nyack that would affect the exterior appearance or would be visible from the exterior, except for site grading and landscaping, but including:

[1] New construction.

[2] Additions.

[3] Alterations.

[4] Mechanical equipment visible from the street or adjacent property.

[5] Street furnishings.

(c) To review the construction or installation by or for public agencies of structures, facilities and all other items listed above. Such approval or disapproval and all attendant procedures and rules shall apply whether or not an application for a permit for construction or alteration is required or has been submitted.

(d) To hear and decide requests and impose reasonable conditions for sign permits pursuant to § 360-5.13.

(e) To provide recommendations related to design and appearances to the Village Board, Planning Board and other Village boards and agencies on requests for site plan development, subdivision and demolition.

(f) To hear and decide requests and impose reasonable conditions pursuant to § 360-5.11 in its capacity as a historic review body with regard to building permit applications for exterior alterations, moving and demolition of historic landmarks and properties in historic districts.

- (g) To review and recommend in its capacity as a historic review body with regard to building permit applications for exterior alterations of properties which:
- [1] Are not designated local landmarks but which are listed on or are eligible for listing on the State and/or National Register of Historic Places or are properties included the inventory of historic properties and districts within the Village; or
 - [2] Are not locally designated historic districts but which districts are listed on or are eligible for listing on the State and/or National Register of Historic Places included the inventory of historic properties and districts within the Village.
- (h) To recommend pursuant to § 360-5.12 the designation of local historic landmarks and districts to the Board of Trustees, and to review and recommend with regard to any proposed designation of such landmarks or districts by the Board of Trustees.
- (i) To maintain an inventory of historic properties and districts within the Village.
- (j) To promulgate and make available to public written and graphic architectural and building design guidelines or standards to be used by it in treating any application before it for architectural review or for a certificate of appropriateness.
- (k) To prepare and make available to the public graphic and textual depictions which illustrate design principles to be encouraged throughout the Village or in particular districts or for particular building types and uses.
- (l) To retain, as necessary, counsel, clerks, a secretary and experts, including but not limited to engineers, architects, landscape architects, historic preservationists and planners, to assist the Board in the conduct of its official business.
- (m) To maintain and make available minutes of all of its meetings in accordance with § 7-712-a of the Village Law of the State of New York and to comply with all applicable public notice and hearing requirements specified in this chapter.
- (n) To perform such other tasks as may be necessary in the carrying out of the above powers and duties, or any additional powers and duties authorized by law.

§ 360-5.15. Building permit (ARB review required)

A. Purpose and applicability

No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the Building Department for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature. The provisions of this section apply to those applications that require approval by the ARB due to the nature of the application.

B. Procedure.

(1) Step one: Application submittal. Applicable, with the following modification: Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

(2) Step two: Determination of application completeness. Applicable. When Planning Board decision is required for the application, the ARB will provide recommendation to the Planning Board. After the Planning Board decision, the application shall be resubmitted to the ARB.

(3) Step three: Application referral, review and staff report. Applicable, with the following addition: Any application that requires ARB review shall be approved, approved with modifications or disapproved within 60 days of the date the application is deemed complete. To advance the review either the ARB or the Planning Board can schedule a joint meeting on a application. Each Board will decide only on topics within its jurisdiction.

(4) Step four: Public notice. Applicable.

(5) Step five: Public hearing. Applicable.

(6) Step six: Decision and findings. Applicable, with the following additions: Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the Department of Buildings, and the other set shall be returned to the applicant, together with the building permit, and shall be kept at the building site open to inspection by the Building Inspector or his authorized representative at all reasonable times. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the applicable building laws ordinances or regulations. All work shall conform to the approved application, plans and specifications, except that no building permit shall be valid insofar as it authorizes the performance of work or the use of materials which are not in accordance with the requirements of the applicable building regulations.

C. Criteria

In approving the building permit, the Architectural Review Board shall take into consideration the general design framework which respects the scale and architectural character of existing neighborhoods and which will allow development and alterations to be in harmony with and compatible with the existing design and architecture of the Village and not detrimental thereto. In reviewing applications, the ARB shall take into account natural features of the site and its surroundings, the exterior design and appearance of existing and planned structures in the immediate area and the character of the area and the Village encouraging the most appropriate use of the property, conservation of property values and prevention of harmful effects. Board may attach more or less weight to any guideline or part thereof in relation to other guidelines as may be appropriate under the particular circumstances. The Board may approve, approve subject to specified conditions or modifications or disapprove any application for a permit referred to it, provided that such action shall be by a majority vote of ARB members, and provided that the ARB shall not disapprove any application unless it finds the building, structure or sign for which the permit was applied would, if erected, be so detrimental to the surrounding area as to provoke one or more harmful effects due to:

(1) Excessive similarity or dissimilarity to any other nearby buildings and structures existing or planned in the area of visual impact, in respect to location and alignment along a street related to neighboring development; architectural massing, width, height, proportion and scale in relation to its surroundings; modulation of vertical and horizontal elements of the facades to reflect the scale of neighboring development; facade design; architectural style; exterior surface materials; heights of horizontal building features such as sill levels, lintels, cornices, etc.; roof design, including roof elements such as dormers; porches and porticos and other attachments and projections; and rhythm or spacing and proportion of windows, doors, storefront and other aspects of building fenestration; the nature of building trim and ornament; visibility of mechanical equipment, and other design elements.

(2) Inappropriateness of design in respect to the quality of architectural design; to the nature of materials to be used in construction; and incompatibility of design features with the terrain on which it is to be located.

D. Amendments.

Amendments to the application or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Building Inspector if minor. If major amendments, they are subject to the approval of the ARB.

§ 360-5.16. Demolition permit

A. Purpose and applicability.

The purpose of demolition review is to reflect the objectives of the Village Comprehensive Master Plan, including to promote and enhance the Village's historic scale, character and charm.

B. Procedure.

(1) Step one: Application submittal. Applicable.

(2) Step two: Determination of application completeness. Applicable. The application should include photographs of the building and structure proposed for demolition and of all buildings and structures on the lot and on adjacent properties; a site plan locating the building or structure on the lot, a statement

why the demolition is requested and, if requested, by the ARB or Planning Board cost estimates for rehabilitating the building or structure and other information necessary for making a decision.

(3) Step three: Application referral, review and staff report. Applicable, with the following modification: A demolition application shall be referred to the ARB for a formal advisory recommendation prior to review by the Planning Board, except for applications on landmark properties or within historic districts when the ARB shall decide. If the review will be advanced by a joint meeting of the Planning Board and the Architectural Review Board, either Board can schedule a joint meeting or request an advisory opinion from the other Board.

(4) Step four: Public notice. Applicable.

(5) Step five: Public hearing. Applicable.

(6) Step six: Decision and findings. Applicable. The Planning Board will make the decision except for applications involving landmarks or landmark districts when the ARB shall make the decision.

C. Criteria.

(1) The ARB shall consider whether the building(s) or structure(s) proposed for demolition may qualify for designation as a landmark using the criteria in § 360-5.12C and how the demolition effects design and appearance in the visual impact area using the criteria in § 360-5.15C.

(2) If the property is a landmark or within a landmark district, the ARB shall use the criteria in § 360-5.11C to decide the demolition application.

(3) The Planning Board shall take into consideration the location, arrangement, massing, scale and design of the existing building or structure proposed for demolition and of any proposed new construction on the property, as well as other criteria found in § 360-5.7D.

§ 360-4.4 NATURAL AND SCENIC RESOURCE PROTECTION STANDARDS

(2) Approval by Planning Board.

(a) No building or structure shall be erected, altered, enlarged or moved in the district unless approved in accordance with the provisions of this section.

(b) Every application to permit the erection or exterior alteration of a building or structure in a View Protection Overlay District shall be referred by the Building Inspector per the requirements of § 360-5.7. Following a review and recommendation by the Architectural Review Board, the Planning Board shall also consider, in addition to the usual site plan elements, the best siting, dimensions and configuration of principal and accessory structures so as to cause the least possible obstruction of the view of the Hudson River for neighboring properties and adjacent public property and rights-of-way.

§ 360-4.10. Lighting.

(4) The Planning Board shall review lighting for safety, illumination levels and hours of operation. The Architectural Review Board shall review lighting for aesthetics considerations (i.e., the design of fixtures and their placement on the exterior of buildings or, if freestanding, impact on the buildings)

§ 360-5.13. Sign permit.

A. Purpose

The purpose of this section is to control outdoor and window signs of all types and in all zoning districts by regulating size, location, quantity, quality, content and design to:

- (1) Enhance and protect the Village's physical appearance and environment, so as to protect the Village's scenic and natural beauty and to create an attractive economic, business and tourist climate;
- (2) Encourage excellence in sign design and to provide uniform design standards;
- (3) Reduce sign or advertising distractions and obstructions that may contribute to traffic accidents or driver confusion;
- (4) Reduce hazards from signs on public rights-of-way;

- (5) Increase the profitability of businesses in the Village of Nyack by encouraging residents and visitors to shop in the stores;
 - (6) Replace or remove nonconforming signs; and
 - (7) Promote the health, safety and welfare of the residents of the Village of Nyack.
- B. Applicability. A sign permit is required for the erection, moving, enlargement, reconstruction or redesign of any exterior or window sign, except for the following:
- (1) The changing of the advertising or message on an approved sign that is specifically designed for the use of temporary replaceable copy (i.e., a movie marquee or bulletin board).
 - (2) Painting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural change is made or there is a change in the graphic presentation on the face of a sign.
- C. Procedure.
- (1) Step one: Application submittal. Applicable.
 - (2) Step two: Determination of application completeness. Applicable.
 - (3) Step three: Application referral, review and staff report. Applicable, with the following modifications: The ARB shall approve, approve with modifications or disapprove the application within 60 days of receipt of the complete application, except where a sign application is part of a site plan or special permit application, in which case the sign shall be reviewed as part of that application. As part of a site plan or special permit application, the decisionmaking body shall refer the application to the ARB for a recommendation on the application.
 - (4) Step four: Public notice. Applicable.
 - (5) Step five: Public hearing. Applicable.
 - (6) Step six: Decision and findings. Applicable, with the following modification: The Building Inspector shall issue a sign permit within five calendar days of receipt of the ARB's decision, subject to delivery to the Building Inspector of an insurance certificate, in a form and amount acceptable to the Building Inspector, naming the Village as an additional insured under the permit owner's comprehensive general liability coverage. Such certificate shall provide that the insurance cannot be canceled without 30 days' prior notice to the Village of Nyack Building Inspector. The permit shall be conditioned upon the permit owner keeping such insurance in effect.
- D. Criteria. In reviewing a sign permit application, the ARB shall take into consideration the purpose and intent of this section and all relevant standards of this chapter, including the sign standards of § 360-4.11, as well as strength of illumination of the sign and whether its design, materials and placement are appropriate for the building on which it will be located and compatible with nearby buildings and structures. For properties designated as a landmark or located within a designated historic district, the application must also meet the standards applicable to a certificate of appropriateness.

§ 360-5.1. Summary and organization of this article.

- A. This article describes the procedures for review and approval of all applications for development activity in the Village, as well as outlines the responsibilities of the various decision-making bodies responsible for that review. Common procedures, which are applicable to all or most types of development applications, are in § 360-5.4. Subsequent sections set forth additional provisions that are unique to each type of application, including staff and review board assignments, review standards, and other information.
- B. Table 5-1 summarizes the review and decision-making responsibilities for the administration of the procedures described in this article. The table is a summary tool and does not describe all possible types of decisions made under this chapter. Other duties and responsibilities are described in this article.
- C. The Building Inspector may also refer applications to other boards, commissions, government agencies and nongovernmental agencies not referenced in this chapter.

Table 5-1: Summary of Decisionmaking Authority

KEY:

D	=	Decisionmaking authority
R	=	Review required (other boards may review at the request of the board with decisionmaking authority)
H	=	Public hearing required
A	=	Appeal authority

Procedure	Section	Decisionmaking Bodies				
		Board of Trustees	Planning Board	Zoning Board of Appeals	Architectural Review Board	Building Inspector
Amendments to Zoning Chapter (rezonings)	§ 360-5.6	D-H	R-H			R
Site development plans	§ 360-5.7		D-H	A-H	R	R
Subdivisions	§ 360-5.8		D-H	A-H		
Special use permits	§ 360-5.9			D-H		R
Variances	§ 360-5.10			D-H		R
Certificate of appropriateness	§ 360-5.11			A-H	D-H	R
Historic designation (historic district or landmark)	§ 360-5.12	D-H	R-H		R-H	R
Sign permit	§ 360-5.13			A-H	D-H	R
Building permit (no board review required)	§ 360-5.14			A-H		D
Building permit (ARB review required)	§ 360-5.15			A-H	D-H	R
Certificate of occupancy	§ 360-5.17			A-H		D
Interpretation and appeals	§ 360-5.19			A-H		D
Tree removal permits	§ 360-5.18		D-H	A-H		R
Demolition permits	§ 360-5.16		D-H	A-H	R	R