

ARCHITECTURAL REVIEW LAW VILLAGE OF HUNTER

SECTION I: Legislative Intent

The Village of Hunter hereby finds that it possesses a rich heritage dating back to colonial times. Many of the commercial and residential buildings and structures built along Route 23A contribute to the village's unique colonial charm.

This colonial charm, in large, contributes to the Villages current and future resort economy. Future prosperity relies on careful planning and preservation to maintain Hunter's colonial charm and attracting new business to a unique and attractive Village.

The establishment of procedures and design criteria are necessary to preserve and enhance the current character, beauty and general welfare of the village, while at the same time, attracting developers and new retail vendors to the community.

The Village Board hereby finds that poor quality of design, poor maintenance, excessive dissimilarity of buildings are adversely affecting the desirability of the immediate and surrounding areas for business and residential purposes. These factors impair the stability and value of both improved and unimproved real property in the Village. The lack of planning and review prevents the most appropriate development and use of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety and economic future and general welfare of the community. This creates an improper relationship between the taxable value of real property in such areas and the costs of municipal services provided therefore. It is the purpose of this law to prevent these and other harmful effects to the exterior appearance, through the regulation of alteration of appearance of buildings as defined in the annexed maps of the properties within the Village of Hunter, fronting, contiguous or directly accessible and visible to Route 23A.. It is the purpose of this law to protect and promote the health, safety and general welfare of the community, to conserve the value of the existing buildings and to encourage the most appropriate development and use of the land fronting Route 23A.

The Board of the Village of Hunter recommends the use of architectural review. The Board feels this will serve to foster the development of commercial, retail and residential areas fronting, adjacent or contiguous to Route 23A in the Village of Hunter.

Therefore, by enactment of this law, the Village Board hereby implements architectural review procedures to assist in preserving the architectural resources of the Village, while at the same time maximizing usage and value of present and future properties fronting, adjacent or contiguous to Route 23A in the Village of Hunter.

SECTION II: Purposes

The purpose of these regulations is (1) to promote orderly and harmonious development of the Village; (2) to enhance the desirability of residence or investment in the Village; (3) to promote visual environments which are of high aesthetic quality and variety and which, at the same time, are considerate of each other; (4) to encourage the protection, enhancement and preservation of building of historic, architectural and cultural value; (5) to stabilize and improve property values in the Village; (6) to strengthen the economy of the Village of Hunter by creating an aesthetically pleasing environment.

SECTION III: Definitions

As used in this document, the following terms shall have the meanings indicated:

Alteration – shall mean any act or process that changes one or more of the “exterior” architectural features of a building located in the Village of Hunter, fronting, abutting, adjacent or contiguous to Route 23A.

Building – shall mean a structure wholly or partially enclosed within exterior walls or within exterior or party walls and a roof, affording shelter to persons, animals or property.

Exterior Architectural Features – shall mean the architectural style, design, general arrangement and components of all of the outer surfaces of any building, including, but not limited to the kind, and texture of the building material and the style of all windows, doors, lights, signs and other fixtures appurtenant to said building.

Historical Significance – the quality of a building based upon its identification with historic persons or events in the Village of Hunter.

Architectural Significance – the quality of a building based on its date of erection, style and scarcity of same, quality of design, present condition and appearance or other characteristics that embody the distinctive characteristics of a type, period, or method of construction.

District Map – shall mean a map to be prepared and maintained by the Architectural Review Board identifying the location of all buildings and real property in the Village of Hunter, fronting, abutting, adjacent or contiguous to Route 23A.

Site – shall mean a parcel or part thereof on which is situated a building and any abutting parcel or part thereof, constituting part of the premises on which the building is situated.

Owner – unless otherwise stated herein, owner shall mean the title holder in fee simple absolute of the site or real property.

Workday – shall mean a weekday but shall not include Saturday, Sunday or a duly recognized legal holiday in the State of New York.

Styles of Architecture – shall mean styles recognized by one or more of the following organizations:

- The National Register of Historic Place
- Historic American Buildings Survey
- U.S. Department of the Interior
- National Park Service
- Division of Historical Preservation
- New York State Office of Parks and Recreation
- Greene County Historical Society
- National Trust for Historic Preservation
- Society of Architectural historians

Village – shall mean the geographical area of the Village of Hunter.

SECTION IV: Establishment of The Architectural Review Board

For the purpose of administering the provisions of this local law, there is hereby established an Architectural Review Board, which shall consist of (5) members, who shall serve with no compensation and be appointed by the Village Board of the Village of Hunter. All members shall serve a term of three (3) years. If a vacancy occurs during the term of a member of the Architectural Review Board, the Village Board, in its discretion, shall make an appointment to complete the unexpired term of that member. The Village Board shall designate a Secretary of the Architectural Review Board, who need not be a member of the Board and who shall serve at the pleasure of the Village Board.

SECTION V: Duties of the Architectural Review Board

The Architectural Review Board shall perform the following duties and functions:

1. Promote the orderly and harmonious development of the Village;
2. Encourage the preservation of Historic sites;
3. Review and, where appropriate, give advisory recommendations with respect to all applications for building permits involving alterations of the exterior and/or new construction on parcels in the Village of Hunter, fronting, abutting, adjacent or contiguous to Route 23A.
4. Maintain the desirable character of the town and approve or disapprove the exterior construction, reconstruction and alteration of

building requiring a building permit within the Village of Hunter, fronting, abutting, adjacent or contiguous to Route 23A with consideration of the harmonious relation of the new or altered buildings to such buildings as already exist and the architectural environment in which they are located.

5. The Architectural Review Board may approve, modify and approve, or disapprove any application for a building permit or sign permit within the Village of Hunter, fronting, abutting, adjacent or contiguous to Route 23A, provided that such approval or disapproval shall be by a majority vote of the members of the Architectural Review Board. The Architectural Review Board may modify and approve, or disapprove any application if it finds that the building for which the permit is applied would, if erected or altered, result in one (1) or more of the following harmful effects: poor quality of design or excessive dissimilarity or inappropriateness in relation to any other building; or for which a permit has been issued; or to any other buildings included in the same permit application. Criteria to be considered by the Architectural Review Board may include but shall not be limited to one or more of the following design features: material or quality of architectural design, roof structure, chimneys, exposed mechanical equipment, service and storage enclosures, signs and building lighting. The Architectural Review Board shall state the basis for its determination in its decision and minutes.
6. The Architectural Review Board shall have the power to retain consultants, including but not limited to, technical experts, engineers, architects and historians to advise in the preparation of any reviews or projects or to render assistance and advice in connection with any project in order to fulfill the duties of the Architectural Review Board. Any contracts to retain these consultants, involving expenditures of Village funds, shall be subject to Village Board approval.

SECTION VI: Limitations of Review

The Architectural Review Board shall not design or assist in the design of any buildings or projects submitted for approval except on request of the applicant or his architect or agent. The Board shall restrict its considerations to a reasonable and professional review of the proposal and plans, leaving full responsibility for the design and development to the applicant.

SECTION VII: Meetings and Procedure Before the Architectural Review Board

Meetings of the Architectural Review Board shall be held monthly and at such other times as the chairperson may designate.

Three members of said Architectural Review Board shall constitute a quorum for the transaction of business. The Architectural Review Board shall keep minutes of its proceedings. All reports, recommendations or decisions made by the Architectural Review Board must have the approval of the majority of the Board and shall be filed with the Village Clerk.

All applications for building and/or demolition permits for parcels within the Village of Hunter, fronting, abutting, adjacent or contiguous to Route 23A, shall be referred to the Secretary of the Architectural Review Board, within five (5) working days of its receipt by the Village Clerk.

All applications shall include a set of plans with accompanying data for its use and for storage in its permanent file. A building or demolition permit shall not be issued prior to an issuance of a decision from the Architectural Review Board. The Architectural Review Board must issue a decision within forty-five (45) days of the date application is received by the Secretary. The applicant may be requested to appear before the Architectural Review Board to review and discuss any submission to it.

The Architectural Review Board shall have the power, from time to time, to recommend adopting, amendment, and repeal of rules and regulations not inconsistent with this law.

SECTION VIII: Parking, Driveways, Demolition

- a) Off-street parking shall be provided, if available;
- b) No masonry, gravel, blacktop or other pavement or parking surface on front lawns shall be installed or maintained with the exception of an access driveway or driveways, not to exceed seventeen (17) feet in total width;
- c) Demolition of any building within the Village of Hunter, fronting, abutting, adjacent or contiguous to Route 23A, shall require prior approval of the Architectural Review Board before the issuance of a demolition permit by the Village of Hunter.

SECTION IX: Building Permit Referral

The Code Enforcement Officer shall refer all applications for a building permit within the Village of Hunter, fronting, abutting, adjacent or contiguous to Route 23A, to the Architectural Review Board, for action pursuant to this local law.

SECTION X: Additional Review Criteria

In reviewing plans under this local law, the Architectural Review Board shall also give consideration to the following factors:

- 1) The historic and architectural value and significance of the building and its relationship to the historic and architectural value of the surrounding area.

- 2) The appropriateness of proposed exterior design, scale texture, materials, and architectural details.
- 3) Any other factors relating to historical, aesthetic or architectural considerations deemed pertinent to the objections of this section.

SECTION XI: Review Procedure

The Architectural Review Board shall review all matters referred to it in accordance with the above criteria and shall issue its decision, in writing, and the basis for its decision, in writing. During the course of its review, the Architectural Review Board shall advise the applicant and the Village Board, of any meetings concerning the proposed action and may, if it deems appropriate, hold a public hearing on the proposal.

The Architectural Review Board may make the following findings:

1) “APPROVED”

This finding shall be indicative that the plan will not be detrimental to the visual environment, meets the standards required by the Village of Hunter, and shall allow the issuance of a building permit.

2) “APPROVED WITH CONDITION”

This finding shall be indicative that the plan will meet the standards of the “APPROVED” category with minor adjustments. Projects in this category may be issued a building permit with the requirement that those adjustments be made and documented to the satisfaction of the Code Enforcement Officer. Further review and approval by the Architectural Review Board shall not be required in these cases. No Certificate of Occupancy shall be issued unless and until the adjustments meet with the approval of the Code Enforcement Officer.

3) “ACTION RESERVED”

This finding shall be indicative that insufficient information is available to the Architectural Review Board for a final decision. In such a case, the Architectural Review Board shall indicate what additional information shall be required. Upon receipt of the required information, the Architectural Review Board shall place that matter on its agenda.

4) “DISAPPROVED”

This finding shall be indicative that the plan is found to be detrimental to the visual environment and beneath the standards of design required by the Village of Hunter. This disapproved plan is to be returned to the applicant and to the Code Enforcement Officer accompanied by a written explanation of the reasons for the disapproval.

SECTION XII: Appeal From Decision

An applicant may appeal a decision of the Architectural Review Board to the Village Board.

SECTION XIII: Severability

If any provision set forth herein shall be determined by any court to be invalid, such finding shall not affect the validity of any other provision of this law.

SECTION XIV: Effective Date

This Local Law shall become effective upon filing with the Secretary of State.

SECTION XV: Violation

The penalties for violation of the provision of this local law shall be that any person, firm or corporation or other entity convicted of violating any of the provisions of this local law, shall be subject to a fine of \$250.00 per day for each offense and \$250.00 each day the offense continues.