

Chapter 6

ARCHITECTURAL REVIEW BOARD

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[HISTORY: Adopted by the Board of Trustees of the Village of Kensington 11-14-1984 by L.L. No. 8-1984. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 64.

§ 6-1. Creation; membership; terms.

A. There is hereby created an Architectural Review Board, which shall consist of five residents of the village appointed by the Mayor with the consent of the Board of Trustees. The Mayor shall designate which member of the Architectural Review Board shall be the Chairman of the Board, subject to the approval of the Board of Trustees, and the person so designated shall serve as

Chairman until the end of the official year in which such appointment is made. The terms of the members of the Board shall be for one official year. Vacancies occurring for whatever reason other than expiration of term shall be filled for the balance of the unexpired term.

- B. All members of the Board shall be persons deemed specially qualified by reason of training, experience or civic interest and by reason of sound judgment to judge the effects of a proposed building or exterior alteration on the nature and character of the community and of the immediate neighborhood, as provided in this chapter.
- C. Findings and purpose. 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 areas is the mainstay of the community, by providing procedures for a design review of buildings and structures henceforth erected, reconstructed or altered in the village, and thereby to encourage good qualities of exterior building design and good appearances and to relate such design and appearances to existing buildings and structures on the site and to surrounding buildings and structures, and to prevent such design and appearances as are inappropriate by reason of poor quality of exterior design, monotonous similarity or visual discord in relation to existing buildings or structures on the site or surrounding sites. [Added 12-17-1997 by L.L. No. 6-1997]

§ 6-2. Board procedures.

- A. Meetings of the Architectural Review Board shall be held at the call of the Chairman or of any three members and shall be open to the public except where otherwise permitted by the Open Meetings Law. The Board may conduct a public hearing, on such notice as the Board may determine, on any matter before it when it deems the same to be in the public interest. A majority of the

Board shall constitute a quorum for the transaction of business. The 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 maintain records of its examinations and other official actions. Such records shall be kept in the Village Office. The Board may, from time to time, adopt and amend rules of procedure not inconsistent with law or the provisions of this chapter.

- B. The Board shall meet within 21 days after the referral to the Board of an application for a permit, as required in this chapter. At least 10 days prior to such meeting, the applicant for such permit shall give written notice of such meeting to all owners of property within 200 feet of the property which is the subject of the application, by certified mail, return receipt requested, as indicated on the most recent assessment roll of the Village. Proof of mailing of such notice shall be filed with the Village Clerk no later than five days prior to such meeting, and returned certified mail receipts shall be filed with the Village Clerk no later than one day before the meeting.
- C. The Village Clerk shall post notice of all meetings of the Board in at least three conspicuous locations in the Village, including a public bulletin board maintained at the Village Hall.

§ 6-3. Referral of permit applications; action on review.

- A. As soon as practicable, and in any event within 14 business days after an application for a permit involving the exterior appearance of a new or existing building, or a group of such buildings, or of the appearance or physical shape of the land is made to the Building Inspector, the Building Inspector shall refer said application to the Village Clerk, who shall promptly transmit the same to the Chairman of the Board or, in the absence of the Chairman, to the Secretary of the

Board. The Chairman or Secretary shall review the application and determine within a reasonable period of time whether further review by the Board is required or appropriate. [Amended 5-19-2004 by L.L. No. 3-2004]

- B. Such further review shall be required by the Chairman or Secretary if the application is for construction of any new building or structure or for an addition to or reconstruction or alteration of any existing building, including exterior color changes to roof, siding, moldings, capping, fascia or soffits, or structure, in such a manner as to change the exterior character or appearance of the building or structure and for the installation of any paved surface, such as concrete or asphalt, or the use of any other material, such as gravel, stone or compacted soil, to create, alter or enlarge a driveway or any other area used for the parking of vehicles of any kind. Such further review may be required by the Chairman or Secretary in all other instances. All spaces for the parking of vehicles must be designated on a driveway plan. No parking spaces may be created without a review of the Architectural Review Board, approval by the Police Department and final approval of the Board of Trustees. Any determination by the Chairman or Secretary not to conduct further review shall be communicated to the Board of Trustees and Building Commissioner, any one of whom may, within 10 days after such communication, overrule such determination and require further review. [Amended 9-21-1994 by L.L. No. 1-1994; 4-30-2003 by L.L. No. 1-2003; 5-19-2004 by L.L. No. 3-2004]
- C. Where further review by the Board is to be conducted, such review shall be in accordance with the standards set forth in this chapter. Upon completion of such review, the Board may recommend approval or disapproval of

any matter referred to it by a concurring vote of a majority of the entire Board.¹

§ 6-4. Content of application. [Amended 6-17-1987 by L.L. No. 3-1987; 9-28-1988 by L.L. No. 5-1988; 12-17-1997 by L.L. No. 6-1997]

In addition to any other plans, applications and specifications required by the Building Inspector, applications must be accompanied by the following:

- A. Plans, signed and sealed by an architect or engineer, showing elevations of all proposed new buildings and structures and all affected elevations in the case of additions or alterations to existing buildings and structures. The elevation shall identify the colors and types of materials proposed, and, unless waived by the Board, material and color samples shall be brought to the hearing by the applicant and, where applicable, shall include detailed drawings or other examples in print of the exact windows and front doors, including all details such as, side lights, leaded glass, carvings, mutton bars, and color of stains. [Amended 4-30-2003 by L.L. No. 1-2003]
- B. Color photographs of the two houses to each side and four houses to the front and rear.
- C. A survey and plot plan showing the following: [Amended 5-19-2004 by L.L. No. 3-2004]
 - (1) A current survey accurately depicting conditions as of the date of the submission of the application.
 - (2) A plot plan showing the following:
 - (a) Metes and bounds.
 - (b) All setbacks and street frontage.

¹ Editor's Note: Former Subsection D, Direct application for review, added 1-20-1988 by L.L. No. 2-1988, which immediately followed, was repealed 5-19-2004 by L.L. No. 3-2004.

- (c) Curb cuts and driveway location in relation to all relevant street intersections.
 - (d) Location of proposed underground utilities.
 - (e) Front setbacks of the houses within 200 feet of the proposed dwelling.
 - (f) Existing elevations.
- D. Topographical map showing proposed grading with finished elevations and first-floor elevations.
- E. Landscape plan. Where the applicant proposes new construction or where the building plans can reasonably be expected to result in new or additional landscaping on the property or where the application is for new construction, a separate landscaping application must be filed concurrently with the building permit application and shall include plans for all new or additional landscaping, showing existing trees, trees to be removed and all new plantings of trees and shrubs (including size and location), all grass and ground cover and all paved areas. The landscaping plan shall also show: [Amended 5-19-2004 by L.L. No. 3-2004]
- (1) Existing and proposed contours at two-foot intervals;
 - (2) All existing trees with a trunk diameter of four inches or more at a point three feet above the ground level and an indication of whether such trees are intended to remain or to be removed; and
 - (3) Other topographical features.
- F. Color rendering, to scale, of the proposed dwelling and the houses on either side.
- G. Floor area ratio calculations.
- H. Fee and application form.
- I. Where the applicant proposes to construct a new dwelling, or where a proposed enlargement would result

in the increase of the gross floor area of an existing dwelling by 40% or more, the applicant shall prepare a scale model and artist's rendering of the proposed dwelling. The scale model shall include grades at two-foot intervals and shall depict the dwellings on all three sides. The artist's rendering shall depict the dwellings on either side of the dwelling that is the subject of the application.

- J. The Building Inspector or Board shall be entitled to require the applicant to provide any additional plans deemed necessary for a proper review of the application.
- K. All planned parking areas for vehicles. No parking areas are permitted which are not adjacent to an approved curb cut and with direct access to the driveway. [Added 5-19-2004 by L.L. No. 3-2004]

§ 6-5. Standards for actions. [Amended 6-17-1987 by L.L. No. 3-1987; 12-17-1997 by L.L. No. 6-1997]

- A. The Board shall take into account that the Village is a community of traditional homes when it considers the following standards for the recommendation for approval of an application: [Amended 5-19-2004 by L.L. No. 3-2004]
 - (1) The natural features of the site and surrounding areas;
 - (2) All modifications to the site;
 - (3) The position of the total living structure, and accessory structures on the site;
 - (4) Major changes of all structures to adjacent properties;
 - (5) Changes to curb cut position and size, and driveway position and size;
 - (6) Proportion of window to wall on front and side elevations consistent with house style;

- (7) The setting of the house on the lot;
 - (8) The exterior design and appearance of existing structures;
 - (9) The character of the site and area.
- B. The Board may recommend approval of an application upon finding that the building or structure for which the permit is requested, if erected or altered in accordance with the submitted plan:
- (1) Would be in harmony with the purposes of this chapter as enumerated in Subsection A of this section;
 - (2) Would not be visually offensive or inappropriate by reason of incompatible color, material, poor quality of exterior design or appearance or visual or architectural incompatibility with traditional architectural styles in relation to the site or surrounding properties in the immediate vicinity;
 - (3) Would not mar or adversely affect the appearance of the area;
 - (4) Would not be detrimental to the character of the neighborhood; and
 - (5) Would not be inconsistent with the existing overall style of the dwelling.
- C. In recommending the approval of an application, the Board may impose appropriate conditions and safeguards designed to prevent or minimize harmful effects of the proposed construction or alteration.
- D. Disapproval of application.
- (1) The Board may recommend disapproval of any application for a permit, provided that it finds and states that the building or structure for which the permit is requested would, if erected or altered as proposed, cause one or more of the harmful effects enumerated in Subsection B of this section.

- (2) Prior to recommending disapproval of any application, the Board shall afford the applicant an opportunity to meet with it and discuss suggestions for changes in the application. The applicant will thereafter have a period of up to 60 days to submit a written request with the revised application in conformity with the Board's suggested changes. Failure of the applicant to act within the 60 days will result in the cancellation of the application.

§ 6-6. Guidelines. [Added 12-17-1997 by L.L. No. 6-1997²]

A. Purpose of these guidelines. These guidelines are intended to facilitate the design review process by encouraging certain design characteristics which are deemed appropriate in achieving the standards set forth in § 6-5B. In rendering its judgments, the Board remains at liberty to depart from and may invoke standards which are not encompassed within these guidelines.

B. Massing.

- (1) Large undifferentiated volumes and/or wall surfaces must be avoided.
- (2) Abrupt transitions between volumes of a building must be avoided.
- (3) Single-family dwellings shall be designed with pitched roofs.
- (4) Pitched roofs should consist of at least two sloped surfaces, except when adjoining higher vertical surfaces (i.e., shed roofs). Neither sloped surface should be less than $\frac{1}{3}$ the length of the longer side.
- (5) Pitched roofs shall have a minimum pitch of 1:4, and may be greater, except at dormers.

² Editor's Note: This local law also repealed former § 6-6, Failure of Board to act, as amended.

- (6) There shall be no shed roofs on main dwellings.
- (7) Siding on a dwelling shall be horizontal.
- (8) House numbers shall be compatible with style of dwelling.
- (9) The location of the dwelling on the premises shall be consistent with the dwellings on either side of it.
- (10) Excessive volumes of glass to wall. [Added 5-19-2004 by L.L. No. 3-2004]

C. Materials.

- (1) Designs should rely on a limited palette of materials for the main body of the building, appropriate to the style of architecture chosen, such as brick, stucco, wood, shingle, or a suitable combination thereof. These surfaces should be relieved by their trim, trim color and decorative elements, including shutters, molding or other decorative ornamentation.
- (2) The Board strongly encourages the use of durable and enduring materials with proven performance. In particular, cladding and roof systems will be reviewed for durability and the quality of their technical design as well as their appearance.

D. Landscaping. The use of evergreen plant material (e.g., pine, cedar, hemlock, holly, laurel, yew, pachysandra, myrtle, etc.) is encouraged to ensure that any planned visual buffers function effectively year-round. Visual buffers, including fences, shall separate house from neighbors.

E. Garages. If located in a front elevation of a residential building, the door or doors of a garage shall not have a total horizontal dimension which exceeds 50% of the horizontal dimension of the front elevation of the residential building. No garage shall extend beyond the front wall of the dwelling.

- F. Mechanical equipment. Exterior mechanical equipment should be indicated on all drawings and should be properly shielded from view of all streets and adjacent properties.
- G. Color. The Board encourages the appropriate use of color, single or in combination, which is consistent with the architectural style of the house, visual character of the existing buildings and landscape of the Village. Strident color schemes or colors which compete with those of the natural landscape are strongly discouraged.
- H. Style.
- (1) In general, adjacent structures shall not be identical or mirror images of one another.

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- (2) The massing and style chosen for buildings should be suitable and appropriate within the context of adjacent existing buildings.
- (3) With any submitted design, the massing, size and shape of all openings, decorative trim and ornamentation should be stylistically consistent.
- (4) A garage, whether attached or detached, shall be consistent with the style, color and materials of the dwelling.

- I. Solar panels, dish antennas, skylights and other roof-mounted lighting or electrical fixtures should not be visible directly in front of the house from the street, at the discretion of the Board, and require a permit. [Amended 7-21-1999 by L.L. No. 2-1999]

§ 6-7. Review by Board of Trustees. [Amended 9-18-1985 by L.L. No. 5-1985]

All recommendations or other actions by the Board shall be reviewed by the Board of Trustees, who may affirm, reverse or modify such recommendations or actions.

§ 6-8. Action by Building Inspector.

The Building Inspector shall not issue any permit unless the application has been approved by the Board of Trustees. In the event the Board of Trustees approves an application on conditions, the Building Inspector shall not issue any permit until all changes in the plans have been made to conform to such conditions and unless all such conditions have been met or complied with.

§ 6-9. Further review.

Any person aggrieved by the action of the Board of Trustees in disapproving a permit application or in approving an

application on conditions, or of the Building Inspector in denying a permit because of such disapproval by the Board of Trustees, may, within 30 days after the determination of the Board of Trustees, institute a proceeding to review in the manner provided by Article 78 of the Civil Practice Law and Rules.

§ 6-10. Fees. [Amended 3-21-1990 by L.L. No. 3-1990]

In addition to any other fees provided or required by law, the applicant shall pay to the Village Clerk a fee established by resolution of the Board of Trustees for any application for a permit which requires review by the Architectural Review Board. Such fee shall be paid before any meeting of the Board to consider review of such application.