ARTICLE VIII
**Board of Architectural Review**

**§ 100-49. General provisions.**

A. The Board of Architectural Review of the Village of Tuxedo Park shall be governed by the provisions of all applicable state statutes, local laws, ordinances and these rules.

B. The term "BAR~~oard~~" as used in these rules shall mean the duly appointed Board of Architectural Review of the Village of Tuxedo Park.

**§ 100-50. Findings and purpose.**

The Board of Trustees finds that:

A. General Policy. The Board of Trustees finds that the Village of Tuxedo Park is unique in its many examples of distinguished architectural, landscape, and site design, and that the Village's historic, scenic, and natural features are integral to its character, identity, and long-term value. It is hereby declared to be the policy of the Village of Tuxedo Park, and a guiding principle for the Board of Architectural Review in the exercise of its duties under this chapter, to recognize, respect, and honor the Village's designation as a historic district listed on the National Register of Historic Places and the Village's natural landscape, topography, vegetation, watersheds, viewsheds, and ecological systems.

B. Policy BAR Objective. In carrying out its duties, the BAR shall seek to preserve and enhance the Village's historic resources, and established architectural character while allowing reasonable modernization, restoration, additions. The BAR shall permit high-quality contemporary design that are compatible with and respectful of the historic district context and the Village's natural landscape, topography, vegetation, watersheds, viewsheds, and ecological systems.

C. Policy Decision Making. In carrying out these duties the BAR shall also balance 100-50 (A) and 100-50 (B) against and shall consider reasonable cost, long-term durability, maintenance, resilience, and availability of materials as supporting factors where relevant under this chapter, no determination shall be based solely on cost.

D. Policy Administrative Standards. The BAR shall conduct itself in a transparent, clear, fair, and consistently administered manner that enhances property values and instills public confidence. BAR decisions shall not be based on personal preference or subjective taste and shall be clearly based on the applicable standards and provisions of this Chapter 100 and other applicable law.

E. **Jurisdiction; limits on authority.** The Board of Architectural Review shall exercise only those powers expressly granted by this chapter and other applicable law. Its jurisdiction shall be limited to the review of exterior design, exterior appearance, exterior materials, site features, and other visual elements that are subject to review under this chapter. The Board shall not regulate interior arrangements, interior finishes, interior use, or other interior matters, except to the extent an interior change is proposed in connection with, or causes, an exterior alteration or other matter otherwise subject to Board review. The Board shall not exercise jurisdiction over engineering or environmental matters.

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential

A. The Village of Tuxedo Park is unique in its many examples of excellence in architectural and landscaping design.

B. The designation of the entire Village as an historic site and its listing on the National Register of Historic Places by the United States Department of the Interior is both a recognition of the unique excellence of architecture and landscaping within the Village and a mandate to the Village to preserve the values and standards reflected in such excellence and such designation. **[Amended 12-21-1990 by L.L. No. 1-1990]**

C. Property within the Village derives much of its value from its proximity to such examples of excellence in architecture and landscaping, and that when and where structures of poor design quality or inferior building materials have been erected within the Village there has been a corresponding diminution in value to adjacent properties in particular and to properties in general throughout the Village.

D. The predominant terrain throughout the Village is steep, rocky and severe and presents unusual difficulties and challenges to designers of new construction and landscapers, and that such terrain does not lend itself to successful development with stock or standard structure designs but rather requires the skill and attention of trained professionals who have investigated and addressed the specific site to be developed.

E. Special emphasis shall be placed on the State Environmental Quality Review Act (SEQRA), when applicable. **[Amended 3-18-2009 by L.L. No. 3-2009]**

F. Poor siting, excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings and other structures erected in any neighborhood adversely affects the desirability of the immediate areas and neighboring areas for residential and other use 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, prevents the most appropriate development of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, comfort and general welfare of the inhabitants thereof and destroys a proper relationship between the taxable value of real property in such areas and the cost of municipal services provided. It is the purpose of these governing rules to prevent these and other harmful effects of such exterior appearances of buildings and other structures and thus to promote and protect the health, safety, comfort and general welfare of the community, to promote the public convenience and prosperity, to conserve the value of the buildings and to encourage the most appropriate use of land within the Village.

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential

**§ 100-51. Creation and composition. [Amended 6-7-2006 by L.L. No. 3-2006; 1-26-2022 by L.L. No. 1-2022]**

A. There is hereby established a Board of Architectural Review. The BAR shall consist of five members appointed by the Board of Trustees. The Board of Trustees shall annually, by resolution, designate from the members of such Board Chairman and Vice Chairman. A quorum shall consist of not less than three members. Each member of the BAR shall serve for a term of office as set forth in § 15-13 of the Code of the Village of Tuxedo Park. Any member may be removed by the Board of Trustees for cause after a public hearing. The Board of Trustees should, where practicable, appoint at least one licensed architect to the BAR.

B. The Chairman shall decide all points of order and procedure subject to this Chapter and applicable law unless directed otherwise by a majority of the BAR. All matters shall be decided by a roll-call vote. No motion shall be adopted unless it has been duly seconded and receives at least three affirmative votes

~~A. There is hereby established a Board of Architectural Review. Such Board shall consist of five members appointed by the Board of Trustees in accordance with all applicable laws. The Board of Trustees shall, by resolution, designate from the members of such Board a Chairman and Deputy Chairman. A quorum shall consist of not less than three members. Each member of such Board shall serve for a term of office as set forth in § 15-13 of the Code of the Village of Tuxedo Park. Any member may be removed by the Mayor for cause after a public hearing.~~

~~B. The Chairman shall decide all points of order and procedure subject to these rules unless directed otherwise by a majority of the Board. All matters shall be decided by a roll-call vote. Approval of any motion shall require a second and at least three aye votes; otherwise the matter shall be deemed disapproved.~~

~~C.~~ C. Vacancies shall be filled by appointments made by the Board of Trustees.

D. In the absence of a quorum, the Chairman may adjourn the meeting to any subsequent date.

C. Subject to the limitations set forth in § 100-50, the Board of Architectural Review shall have jurisdiction to review and determine applications involving exterior changes to buildings, structures, landscaping, and other site features where such review is expressly required by this chapter, and except as otherwise provided by law, including any Safe Harbor exception set forth in Article 64. The BAR's review shall be directed to exterior design, visual compatibility, architectural character, and related landscape treatment within the scope of this chapter.

D. The Board of Architectural Review may accept Owner-Prepared Plans where such plans meet the definition and standards set forth in § 100-2 and are sufficient to permit review of the application. If the Board determines that submitted plans do not meet those requirements, the Owner may revise and resubmit the plans in an effort to bring them into compliance, or the BAR may require submission of plans prepared by a licensed design professional where required by law or reasonably necessary for adequate review.

A.

E. **Findings; record of decision.** All decisions of the Board of Architectural Review shall be based on express standards, criteria, or requirements set forth in this Code or other applicable law. The BAR shall in writing, state the basis for each approval, approval with modifications, or denial on the record, and such basis shall be reflected in the official record, whether in the meeting minutes, or other written determination issued by the BAR or Building Inspector on behalf of the BAR.

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential

~~D.~~

~~E. The Board of Architectural Review shall have jurisdiction to approve, modify or disapprove the landscaping and exterior aesthetics of all buildings and structures to preserve the aesthetic and architectural integrity of the Village of Tuxedo Park. It shall also have site plan jurisdiction to approve, modify or disapprove the existence, location and architecture for any building and garage renovations and additions, cabana shed, gazebo, greenhouse, folly, animal shelter and playhouse. The Board of Architectural Review may, at any time during its review of an application before it, refer any matter, in whole or in part, to the Planning Board for a report and recommendation back to the Board of Architectural Review.~~

## § 100-52. Meetings.

~~A.~~H. The Board shall hold **two** public meeting **each month** at a chosen regular time and day at the Village Office. If there is no immediate business, the Chairman may cancel the meeting by notification to all members not less than 24 hours prior to the time set for such meeting.

~~B.~~I. **Attendance.** BAR members are expected to attend at least 75% of the regular and special meetings of the Board in any rolling 12-month period. If a member fails to attend 25% or more of such meetings during that period, the Secretary shall notify the Chair, and the Chair shall report the matter to the Mayor and Board of Trustees for such action, if any, as may be authorized by law and this Code.

~~C.~~J. **Site visits.** The BAR, or individual members thereof, may conduct site visits to properties or locations that are the subject of an application. Site visits shall be for observation and fact-gathering only, and no deliberations or decisions shall occur except at a duly noticed meeting. Any such site visit shall be disclosed on the record at the next BAR meeting at which the application is considered.

~~D.~~K. **Recusal.** A member shall recuse themself from any matter in which the member has a conflict of interest under applicable law, or where the member's impartiality might reasonably be questioned, including due to a financial interest, a family or close personal relationship, pending litigation involving the member and an applicant, or other comparable circumstances. The basis for recusal shall be stated on the record, and the recused member shall not participate in discussion or vote on the matter.

~~E.~~L. **Disclosure of off-record communications.** Any substantive off-record communication with a Board member regarding a pending application, including a communication from an applicant, neighbor, or other interested person, shall be disclosed on the record before the BAR deliberates or takes action.

~~F.~~M. **Public comment; relevance.** The BAR may receive public comment at regular meetings and public hearings. In considering public comment, the BAR shall consider factual information relevant to the applicable standards of this Code. Preference or opposition alone shall not constitute evidence and shall not be the sole basis for a decision.

~~G.~~

~~H.~~N. The Board shall hold an informal work session meeting at least once per month for the purpose of discussing preliminary plans and tentative projects. Work sessions may be combined with the regular monthly meeting, but no official action may be taken at these work sessions. The Board shall have the option to set the time and day of these work sessions, and the Chairman shall have the same prerogative to cancel as for the regular meeting.

O. **Consultants.** Only to the extent necessary and subject to appropriations and applicable Village procurement requirements, the BAR may retain or seek the assistance of outside professional advisors,

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential

including architects, engineers, landscape designers, and architectural historians, to assist the BAR in carrying out its duties.

~~I. The Board may also employ outside professional advisors such as architects, engineers, landscape designers and architectural historians to aid in the execution of this article.~~

~~J. When deemed necessary by the Board, a public hearing may be held for any matter before the Board. At least five days' public notice is required before a hearing may convene.~~

~~K. Each Board member shall be expected to attend at least 75% of all meetings (regular and special) of the Board. If a member misses 25% or more of the meetings of the Board held over the last twelve-month period, that member shall forfeit his/her position on the Board and be deemed to have resigned from the Board. The Secretary is responsible for monitoring attendance and notifying the Chair of such an attendance situation. In such an event, the Chair shall report the situation to the Mayor and request the appointment of a replacement member. All Board members shall be expected to attend~~

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential

~~site visits of those properties and locations that are the subject of the application or appeal the Board. The Chair will schedule at least one PB/BAR site visit for each application or appeal. If a member cannot attend a site visit, he/she shall perform a site visit on his/her own. In deference to property owners, the Secretary will make every attempt to notify applicants of PB/BAR site visits in advance. [Added 12-21-2005 by L.L. No. 2-2005[81]]~~

**§ 100-53. Procedures.**

A. **Projects Requiring Review.** Except as provided in the Safe Harbor exception in Chapter 64 or in Subsection B below, exterior projects involving new construction, exterior alteration, demolition, excavation, site work, accessory structures, or any other activity that alters the property's appearance shall require a Building Permit, if otherwise required by law, and shall be subject to review and approval by the Board of Architectural Review. For purposes of this article, an exterior project or alteration of a property's appearance means a change to exterior features, site elements, or other visible conditions subject to review under this Chapter.

~~B.~~

B. **Exemptions.** BAR approval shall not be required for strictly in-kind exterior maintenance or repair, meaning work involving the same material, dimensions, configuration, finish, and color, where no change in exterior appearance results and where the work does not involve structural work, changes to openings, or new site disturbance. Normal repairs and maintenance that do not change design, materials, configuration, or exterior appearance shall likewise be exempt.

~~C.~~

A. **Administrative approvals by Building Inspector.** Notwithstanding the requirement for Board of Architectural Review otherwise applicable to exterior work under this article, an applicant may apply to the Building Inspector for administrative approval of **minor** work affecting the exterior appearance of property. The Building Inspector may approve such application only where the Building Inspector determines the proposed work: **(1)** is using consistent materials previously approved by the BAR in a similar context, **(2)** is consistent with the applicable standards of this chapter and with written BAR determinations, criteria, or other adopted guidance, (3) does not present a material question of policy, precedent, or visual compatibility warranting BAR review, (4) does not involve structural work, changes to openings, or new site disturbance; and (5) is appropriate to the architectural context of the project.

If the Building Inspector determines that an application does not qualify for administrative approval,the Building Inspector shall refer the application to the BAR for review in the ordinary course. Every administrative approval granted under this section shall be made in writing and shall state the basis for the approval. The refusal of the Building Inspector to grant an administrative approval **shall not** be appealable to the Board of Appeals.

~~A.~~B.

B. **Non-binding Reference File**. The Building Inspector or other village employee ~~—~~shall maintain a nonbinding reference file of materials previously approved in applications (including in Administrative Approvals) from the Effective Date of this Section. The file shall be for guidance only and shall not limit the discretion of the reviewing authority or entitle any applicant to approval based on prior approvals. The non-binding reference file may contain exterior materials, brands, finishes, colors, details, or product types together with the type of project approved and other necessary context. Such reference file is intended solely as an administrative aid and shall not constitute a vested right, binding precedent, or automatic approval for any future application. Each application shall be reviewed on its own facts and under the standards otherwise applicable under this chapter, including

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential

consideration of the specific property, context, visibility, architectural character, historic setting, and any changes in law, policy, or conditions.

C. **Informal Review/Pre Application Consultation (optional).** An applicant may request placement on the agenda of a BAR work session for an informal consultation to discuss a project in conceptual terms or to seek preliminary guidance before filing a formal application.

**(1)** A request for Informal Review shall be submitted at least ten (10) days before the scheduled work session, or by such other deadline as the BAR may establish.

**(2)** No official action shall be taken and no approval shall be granted at an Informal Review. Any comments by the BAR shall be advisory only, nonbinding, and without prejudice to the BAR's consideration of any later formal application.

**(3)** No formal application materials shall be required for an Informal Review, but the applicant shall provide sufficient conceptual materials to identify the property, describe the proposal, and facilitate discussion.

**(4)** An applicant may request one or more additional Informal Review sessions, but the scheduling of any such session shall be within the discretion of the BAR.

D. **Formal Review.** An applicant may submit an application for Formal Review, or the Building Inspector may refer a matter to the Board of Architectural Review for Formal Review.

**(1) Application.** An applicant seeking Formal Review shall submit a complete Building Permit application, the required fee, and such plans and supporting materials as may be reasonably required by the Building Inspector or the BAR in light of the scope of the project, including, as applicable, site plans, elevations, renderings, material or color information, landscape plans, photographs, and an EAF, and including Owner-Prepared Plans where permitted under § 100-2. Submission shall be made at least ten (10) days before the next scheduled BAR meeting.

**(2) Building Inspector review.** Within ten (10) business days after filing of a substantially complete application, the Building Inspector shall review the application for compliance with this chapter, the Uniform Fire Prevention and Building Code, water and sewer requirements, and other applicable laws. If the application is deficient, it shall be rejected in writing with the reasons stated. If the application is sufficient for BAR review, it shall be placed on the agenda for the next available formal meeting, provided it has been on file at the Village Office at least ten (10) days before such meeting.

**(3) BAR review and action.** The applicant or the applicant's authorized agent shall appear at each meeting at which the application is considered, and the BAR may require the attendance of the project architect, engineer, or other consultants as reasonably necessary. If the BAR is lead agency under SEQRA, it shall conduct such review as required by law; otherwise, it may rely on the findings of the lead agency to the extent permitted by law. Upon review, the BAR may approve the application, request additional information or modifications, or deny the application in whole or in part. Any request for additional information or any denial shall be stated on the record with the reasons therefor.

**(4) Time for decision; lapse.** The BAR shall endeavor to render a decision within three (3) regular meetings after the application is first placed on a formal agenda as complete, unless extended by: (1) mutual consent of the applicant and the BAR, or (2) by the BAR because a related matter of the applicant is still pending with the Lakes Committee, Planning Board or Board of Appeals, and such related matter could impact the BAR decision, or (3) by incompleteness of the application, or (4) by lack of quorum. An application not ready for review within six (6) months after its first agenda listing may be deemed void by the BAR. A voided application shall require resubmission and payment of applicable fees, unless waived by the Board for good cause shown.

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential

**(5) Vote; permit issuance.** All approvals shall require a second and at least three (3) affirmative votes. No Building Permit shall be issued until BAR approval has been obtained where required, and all other applicable provisions of the Village Code and other applicable laws have been satisfied.

~~D.~~

~~E. The applicant shall first request inclusion on an informal work session agenda. The Board shall require of the applicant:~~

~~(1) A site plan or survey of the property preferably with topography.~~

~~(2) Sketches, renderings, tear sheets, pictures or other preliminary depictive information about the project together with several alternative designs.~~

~~(3) Representation by a registered New York State architect and/or licensed professional engineer responsible for the design who must be familiar with the site, SEQRA requirements, neighboring properties, the Zoning Law and the Village's National Register of Historic Places designation. The Board may waive the requirement for an architect or engineer, but only if the proposed project is valued at less than $10,000. **[Amended 12-21-1990 by L.L. No. 1-1990; 3-18-2009 by L.L. No. 3-2009]**~~

~~(4) A preliminary landscape plan and any other materials considered essential by the Board.~~

~~(5) An agenda fee or preliminary review fee as established by resolution of the Board of Trustees. **[Added 12-21-1990 by L.L. No. 1-1990]**~~

~~F. During the first work session discussion, the Board shall review the overall concept and architectural acceptability of the project rather than particular details. The Board shall also seek where appropriate the preliminary opinion of the Building Inspector regarding compliance with the Zoning Law, Uniform Fire Prevention and Building Code, water and sewer regulations, etc. The applicant may attend as many work sessions as he wishes without need of an additional application fee. During the review period, the applicant shall grant access to the subject parcel so Village officials may make any site inspections deemed necessary.~~

~~G. When the applicant is ready to proceed formally, he or his designated agent shall file an application in the Village Office as follows:~~

~~(1) Complete and submit two copies of the application for Building Permit form together with evidence of property ownership or project authority.~~

~~(2) Submit three sets of the architect's sealed drawings, including all four elevations, topography, site plan specifications and key map. The front, rear and both side elevations of the proposed building must show existing grade lines at the foundation walls and proposed finished grades.~~

---

~~81.~~78. **Editor's Note: This local law also provided that the twelve-month period should begin the first Monday of the first month after Local Law No. 2 of 2005 is registered with the State of New York. Said local law was registered 1-6-2006.**

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential

~~All exterior materials and colors must be indicated on the elevations.~~

~~(3) Submit two copies of the complete landscaping plan, including new trees, full perimeter plantings and location of existing trees over five inches in diameter at 48 inches in height, and designation of any trees to be removed.~~

~~(4) Submit to the Village Clerk at least 14 days prior to the meeting, sufficient postage to permit notification by mail of the project to all neighboring property owners within 500 feet of the subject property boundaries.~~

~~(5) Pay to the Village Clerk the required formal application fee as established by the Board of Trustees.~~

~~(6) Complete one copy of the EAF, if applicable.~~ ~~**[Amended 3-18-2009 by L.L. No. 3-2009]**~~

~~(7) Include any renderings, photos, models or other supporting materials that may better convey the proposal to the Board.~~

~~H. When the formal application is fully complete, the Building Inspector shall, within 45 days of its filing, review that application for conformance with this chapter, the Uniform Fire Prevention and Building Code, the water and sewer regulations and any other applicable regulations or local laws. Any application that is disapproved by the Building Inspector shall be deemed rejected and shall not proceed to any other phase of normal review. If approved, the application shall be placed on the Board of Architectural Review agenda for its next available formal meeting. However, no application shall be placed on this agenda unless it is on file at the Village Office at least 10 days prior to said Board meeting.~~ ~~**[Amended 12-21-1990 by L.L. No. 1-1990]**~~

~~I. Once approved by the Building Inspector, the application, if complete, shall move to the Board of Architectural Review. Before deciding upon any application approved by the Building Inspector, the Board shall perform any and all necessary SEQRA review, unless otherwise previously performed by the Planning Board.~~ ~~**[Amended 12-21-1990 by L.L. No. 1-1990; 6-7-2006 by L.L. No. 2-2006; 3-18-2009 by L.L. No. 3-2009]**~~

~~J. To be considered complete, an application must conform to Subsection D above, and the applicant and/or his authorized agent must be present at each relevant meeting with the project's architect and engineer. The Board shall then render its decision within the ensuing three formal meetings following the first formal agenda listing for that application. Extensions may occur if requested by the applicant and approved by the Board; if SEQRA requirements have not been met, if the application is deemed incomplete; or if a quorum of the Board is lacking. Approval shall require a second and three favorable votes; otherwise, the matter shall be deemed disapproved. Any application that is not ready for review within six months from its first agenda listing may be deemed void by the Board.~~ ~~**[Amended 12-21-1990 by L.L. No. 1-1990]**~~

~~K.~~C. Once approved by the Board of Architectural Review, the Building Inspector is empowered to issue Building Permits, provided all other requirements of the Village Code and State Building and other codes, laws, rules and regulations have been satisfied. **[Amended 4-28-2015 by L.L. No. 1-2015]**

**§ 100-54. Criteria. [Amended 8-17-2005 by L.L. No. 4-2005; 3-15-2006 by L.L. No. 1-2006; 6-7-2006 by L.L. No. 2-2006; 1-26-2022 by L.L. No. 1-2022]**

A. **Compatibility with surrounding character.** In reviewing an application, the BAR shall determine whether the proposed project is compatible with the established visual and architectural character

Downloaded from https://ecode360.com/TU0190 on 2025-09-28
Confidential

of the surrounding area and avoids substantial visual disharmony. For purposes of this subsection, the "surrounding area" shall mean structures within five hundred (500) feet of the subject property. In making such determination, the BAR shall consider, as applicable, the extent to which the proposal is consistent with or respectfully relates to the following factors: exterior materials, including texture, profile, and reflectivity; massing, scale, and façade composition; roof form, pitch, and roofline; fenestration pattern and rhythm, including the proportion and alignment of windows and doors in particular on primary elevations; color palette; siting and orientation in relation to the street and prominent views; landscape treatment, including the preservation or restoration of natural features and screening vegetation; and whether particular design elements are visually consistent with the overall composition of the proposed structure. The BAR may require revisions where one or more of these factors would create substantial disharmony. Any approval, approval with conditions, or denial shall include written findings identifying the specific factor or factors relied upon and the evidence in the record. The use of elements that historically served a structural purpose (such as half timber) for decorative purpose may be allowed only where their size, spacing, placement, detailing and construction are visually coherent and consistent with the overall design of the structure.

B. **Historic District context; compatibility; findings.** In reviewing applications within its jurisdiction, the BAR shall recognize and give substantial weight to the Village's designation on the National Register of Historic Places and shall evaluate whether a proposal is compatible with the Village's historic architectural integrity and established character, and whether it will alter the tradition of quality design and construction. In conducting that review, the BAR shall consider, as applicable, the proposal's massing, scale, size, proportions, roof form, fenestration pattern and rhythm, exterior materials, façade composition, architectural style and authenticity, landscaping, colors, potential for visual anachronisms, and the integration of architectural detailing on elevations. The Board shall also consider location and dimensions of buildings, adjacent land use, neighboring structures and buildings, and natural physical features. While the chosen architectural style is important, the Board shall also emphasize authenticity, scale, accuracy and details of design. Such elements as roof pitch and geometry, gables, dormers, window design and recess, doorways, rails, porches, gutters, eaves, louvers, garage doors, pillars, sills, etc. shall be scrutinized for design detail, accurate reproduction (if appropriate), appropriate scale, harmony and visual integrity. The BAR shall take a strict approach toward designs that incorporate elements such as blank walls, exposed foundations, shallow rooflines, plastic mullions, non-masonry chimneys, flush windows, aluminum stacks, and erratic placement of windows and doors; provided, however, that such elements (except plastic mullions) shall not be deemed inherently impermissible, and may be permitted where they are appropriately integrated into the overall architectural design, are consistent with the character of the Park, and are justified by context, including but not limited to, architectural style, historic preservation considerations, or site-specific conditions.

C. **Visibility; degree of scrutiny.** In applying the criteria of this section, the Board shall give primary weight to exterior elements that are readily visible from public ways or neighboring properties.

D. **Cost, durability, and practical feasibility.** In applying the criteria of this section, the Board may consider the reasonable cost of proposed work, the durability and expected maintenance of proposed materials, the availability of comparable materials, and the technical practicality of the

Downloaded from https://ecode360.com/TU0190 on 2025-09-28
Confidential

proposed treatment or design approach. The BAR shall not require the most expensive alternative solely for the sake of exact replication or maximum detail where a less costly alternative would remain generally compatible with the architecture of the structure and the character of the Village. Cost alone, however, shall not be the sole basis for approval or denial, and any departure from otherwise preferred materials or details shall remain consistent with the purposes and standards of this article.

E. **Special rules regarding replacement materials.** The BAR shall recognize that advances in construction methods and building technology may provide substitute materials that are more durable, sustainable, readily available, or cost-effective than traditional materials. Modern materials, including composite or engineered materials, may be permitted where they are otherwise compatible with the character and design intent applicable to the structure and surrounding area under § 100-54. The BAR need not require exact duplication of historic materials where the applicant demonstrates that a proposed substitute material is visually compatible with the historic character of the structure and its setting. In evaluating whether a substitute material is acceptable, the BAR shall consider objective factors including profile, dimensions, texture, finish, color, reflectivity, reveal, pattern, detailing, and the material's relationship to surrounding historic features, and whether the proposed material would create a materially adverse effect on the architectural character of the structure or the Village.

Reasonable cost, long-term maintenance, durability, resilience, technical practicality, and the availability of comparable traditional materials may also be considered as supporting factors. Such factors may weigh in favor of a compatible substitute material, but shall not alone justify approval of a materially incompatible material.

The BAR may require submission of manufacturer specifications, product samples, photographs, or a mock-up where reasonably necessary to evaluate the characteristics described in this subsection. When evaluating the viability of Modern Materials under this (E) the BAR shall not per se reject a material because it is replacing a material that was previously not favored under this Section 100-54.

~~. **Compatibility with surrounding character.** In reviewing an application, the BAR shall determine whether the proposed project is compatible with the established visual and architectural character of the surrounding area and avoids substantial visual disharmony. For purposes of this subsection, the "surrounding area" shall mean structures within five hundred (500) feet of the subject property In making such determination, the BAR shall consider, as applicable, the extent to which the proposal is consistent with or respectfully relates to the following objective factors: exterior materials, including texture, profile, and reflectivity; massing, perceived scale, and façade composition; roof form, pitch, and roofline; fenestration pattern and rhythm, including the proportion and alignment of windows and doors on primary elevations; color palette; siting and orientation in relation to the street and prominent views; landscape treatment, including the preservation or restoration of natural features and screening vegetation; and whether particular design elements are visually consistent with the overall composition of the proposed structure. The BAR may require revisions where one or more of these factors would~~

Downloaded from https://ecode360.com/TU0190 on 2025-09-28
Confidential

create substantial disharmony. Any approval, approval with conditions, or denial shall include written findings identifying the specific factor or factors relied upon and the evidence in the record. Historically derived or traditionally decorative elements, including elements that historically served a structural purpose, may be used only where their size, spacing, placement, detailing and construction are visually coherent and consistent with the overall design of the structure.

**Historic District context; compatibility; findings.** In reviewing applications within its jurisdiction, the BAR shall recognize and give substantial weight to the Village's designation on the National Register of Historic Places and shall evaluate whether a proposal is compatible with , the Village's historic architectural integrity and established character, and whether it will alter the tradition of quality design and construction. In conducting that review, the BAR shall consider, as applicable, the proposal's massing, scale, size, proportions, roof form , fenestration pattern and rhythm, exterior materials, façade composition, architectural style and authenticity, landscaping, colors, potential for visual anachronisms, and the integration of architectural and detailing on elevations . The Board shall also consider location and dimensions of buildings, adjacent land use, neighboring structures and buildings, and natural physical features. . While the chosen architectural style is important, the Board shall also emphasize authenticity, scale, accuracy and details of design. Such elements as roof pitch and geometry, gables, dormers, window design and recess, doorways, rails, porches, gutters, eaves, louvers, garage doors, pillars, sills, etc. shall be scrutinized for design detail, accurate reproduction, appropriate scale, harmony and visual integrity. A proposal that would cause a substantial adverse impact under the criteria of this section, as supported by the record, shall be denied unless adequately mitigated by conditions within the BAR's jurisdiction. Any approval with conditions or denial shall be supported by written findings identifying the specific criteria relied upon and the evidence in the record.

A. **Visibility; degree of scrutiny.** In applying the criteria of this section, the Board shall give primary weight to exterior elements that are readily visible from public ways or neighboring properties.

B. **Cost, durability, and practical feasibility.** In applying the criteria of this section, the Board may consider the reasonable cost of proposed work, the durability and expected maintenance of proposed materials, the availability of comparable materials, and the technical practicality of the proposed treatment or design approach. The BAR shall not require the most expensive alternative solely for the sake of exact replication or maximum detail where a less costly alternative would remain generally compatible with the architecture of the structure and the character of the Village. Cost alone, however, shall not be the sole basis for approval or denial, and any departure from otherwise preferred materials or details shall remain consistent with the purposes and standards of this article.

B.

C. **Special rules regarding replacement materials.** The BAR shall recognize that advances in construction methods and building technology may provide substitute materials that are more durable, sustainable, readily available, or cost-effective than traditional materials. Modern materials, including composite or engineered materials, may be permitted where they are otherwise compatible with the character and design intent applicable to the structure and surrounding area under § 100-54. The BAR need not require exact duplication of historic materials where the applicant demonstrates that a proposed substitute material is visually compatible with

Downloaded from https://ecode360.com/TU0190 on 2025-09-28
Confidential

~~the historic character of the structure and its setting. In evaluating whether a substitute material is acceptable, the BAR shall consider objective factors including profile, dimensions, texture, finish, color, reflectivity, reveal, pattern, detailing, and the material's relationship to surrounding historic features, and whether the proposed material would create a materially adverse effect on the architectural character of the structure or the Village.~~

~~Reasonable cost, long-term maintenance, durability, resilience, technical practicality, and the availability of comparable traditional materials may also be considered as supporting factors. Such factors may weigh in favor of a compatible substitute material, but shall not alone justify approval of a materially incompatible material.~~

~~The BAR may require submission of manufacturer specifications, product samples, photographs, or a mock-up where reasonably necessary to evaluate the characteristics described in this subsection.~~

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential

**§ 100-55. Review by other officials. [Amended 12-21-1990 by L.L. No. 1-1990]**

The Board may request that a project be reviewed by the Village Police Department, Village Attorney, Village Public Works Department the Lakes Committee, the Planning Committee or other officials, and agencies to help meet the intent of this chapter.

**§ 100-56. Variances. Appeals.**

Should any aggrieved party seek a reversal or variance from the decision of this Board or any official (other than the failure of the Building Inspector to issue an Administrative Approval under Section _____), then that party, as well as the ~~Board~~ BAR or official, shall formally notify the ~~Board of Zoning Appeals~~Board of Appeals, and both shall be represented at any hearings held by the ~~Board of Zoning Appeals~~Board of Appeals on that matter. However, approval by the ~~Board of Zoning Appeals~~Board of Appeals of any portion of a project shall in no way be deemed implicit

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential

approval of the entire project.

**§ 100-57. Appeals Cost.**

~~Appeals from decisions of the Board of Architectural Review may be made to the Board of Zoning Appeals in the same manner as provided for zoning appeals, and the Board of Zoning Appeals may revise or affirm action of the Board of Architectural Review and the Building Inspector.~~

Any appeal requested in accordance with 100-56 shall incur a fee of $250.00 which shall be refunded or waived in the event the aggrieved party prevails.

Downloaded from https://ecode360.com/TU0190 on 2025-09-28

Confidential