

**FIFTH VERSION OF HAVOR'S 05/14/2019, 11/05/2019 & 11/18/2019 PROPOSED
AMENDMENTS TO ORANGETOWN CODE CHAPTER 12:
HISTORICAL AREAS BOARD OF REVIEW**

Proposed new language is typed in bold Arial font; existing language is typed in Times New Roman font, and existing language, that is proposed to be deleted, is ~~stricken~~.

§ 12-1. Legislative intent.

The Town Board of the Town of Orangetown (**“Town Board,” and “Town” or “Orangetown,” respectively**) hereby determines that portions of the Town of Orangetown located in the Hamlet of Tappan and in the Hamlet of Palisades are of such historic value, by reason of places, buildings and other objects which relate to the early colonial history of the Town of Orangetown and the County of Rockland, to the days of the American Revolution, to the development of the Town of Orangetown and of Rockland County through the 19th century and to the end of World War I, that these areas should be protected by action of the Town Board. The historic buildings, places and other objects within these areas are symbols of this rich heritage, giving them an aspect and appearance reminiscent of an earlier time. It is the purpose and intent of this local law to protect these places, buildings and other objects and thereby preserve the overall historic look and character within the Tappan and Palisades Historic Areas for future generations.

§ 12-2. Area defined.

The areas of the Town of Orangetown to be included within the boundaries of the ~~h~~**H**Historic ~~a~~**A**reas of the Hamlets of Tappan and Palisades are delineated on maps of each hamlet which are on file in the Town Clerk's office of the Town of Orangetown, to which reference is hereby made. Said maps shall remain on file in the office of the Town Clerk where they shall be available for any interested person at all times.

§ 12-3. Definitions.

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

ALTERATION — Any act or process that changes one or more exterior feature of a structure or building.

ARCHITECTURALLY SIGNIFICANT STRUCTURE — ~~Regarding a structure built after 1918;~~ **A**n architecturally significant structure is one which represents a rare or early example of a design that has become a widely known style associated with a particular architectural period.

CONSISTENT WITH — Used in reference to alterations, it means that added exterior architectural features and building materials shall be compatible and harmonious with, but not necessarily identical to, those of the existing structure or original structure.

CONSTRUCTION — Any act of erecting an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

HARMONIZE or HARMONIOUS — Where used to characterize a structure with relation to

surrounding structures, refers to, but is not limited to, congruity in features such as building height, width, square footage, position on site and architectural style.

MONUMENT SIGN — A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.

REPAIR — Replacement in kind or refurbishment of materials on a structure.

STRUCTURE — Any assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

§ 12-4. Controls within the hHistoric aAreas.

- A. **Except as set forth in §12-4(E) below, Any change in the exterior design or appearance of an existing structure, or the construction, installation or erection of a new exterior structure (“exterior improvement”), constructed before December 31, 1918, in the located within a hHistoric aAreas, which exterior improvement requires the issuance of shall require a building permit irrespective of this Chapter 12, Changes to structures constructed after December 31, 1918, shall require permits only where the New York State Uniform Fire Prevention Code and Orangetown Building Code presently require them. All applications for building permits with respect to new or existing structures within the historic areas shall be reviewed and decided upon by a Board of Review the Historical Areas Board of Review (“HABR”) appointed by the Town Board pursuant to Chapter 18A of the Orangetown Code.**
- B. All applications for building permits in the hHistoric aAreas shall be accompanied by a set of detailed plans and specifications. Proposed changes, additions or new construction shall be in keeping with the existing structure, and proposed new structures shall harmonize with surrounding buildings yet not necessarily recall any historic style.
- C. In the event that the Historical Areas Board of Review **HABR** shall disapprove any applications or plans and specifications hereunder, the applicant shall have the right to appeal to the Zoning Board of Appeals of the Town of Orangetown in accordance with the provisions of law established for appeals from the Orangetown Zoning Code (**Chapter 43 of the Orangetown Code**). Any application which shall be disapproved by the Zoning Board of Appeals may be reviewed pursuant to Article 78 of the Civil Practice Law and Rules, subject to the same provisions and the same manner as though said Board of Appeals has denied a special permit to the applicant under any of the other provisions of the Orangetown Zoning Code. Notwithstanding the above, an applicant whose plans have been disapproved may apply for relief to the Zoning Board of Appeals on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that he or she is unable to make any economically viable use of the property whether for income-producing purposes or for private use or that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return.
- D. Any owner within the an hHistoric aAreas desiring to repair an existing structure has

the right to replace or repair with the same material without a building permit unless otherwise required by Town ordinance or local law.

- E. ~~Owners of structures constructed before December 31, 1918, desiring to make alterations more extensive than repairs shall design such alterations only in a manner consistent with the exterior materials, scale, fenestration, colors, design and appearance of the existing or of the original structure.~~
- E. **(1).** ~~Owners of structures constructed after December 31, 1918, desiring to make alterations more extensive than repairs and thus~~ **Exterior improvements to an existing structure that require the issuance of** ~~requiring a building permit are to use~~ **shall utilize** materials and designs, where possible, that are consistent with the existing structure; ~~and. Notwithstanding the above, the Board of Review HABR shall permit the use of modern building materials. In the case of an architecturally significant structure, the Board of Review HABR shall permit the use of modern building materials where it determines that such use is appropriate and creates an appearance that is harmonious with structures in the immediate surrounding area.~~
- (2).** **Any change to the exterior color of a structure in a Historic Area, or to the exterior color of any architectural feature of a structure in a Historic Area, shall require the prior review and approval of HABR, which shall be initiated by direct written application to HABR by the property owner or an authorized representative of the owner, for which application, and HABR review, there shall be no fees charged to the applicant by the Town; and a Public Hearing, and Public Hearing notices (such as notices to neighbors, newspaper publication and posting of signs at the property), shall not be required, and the application shall be reviewed by HABR as “other business.” The said HABR application form shall include the following information:**
- (i).** the address of the property;
 - (ii).** the Tax Map Designation of the property;
 - (iii).** the full name(s) of all property owner(s);
 - (iv).** the full name, address, contact phone number, and Rockland County Home Improvement Contractor license number, of the contractor performing the work, if applicable;
 - (v).** proposed paint brand, color name(s), and color swatch(es)/sample(s);
 - (vi).** narrative description of the portion(s) of the structure(s) that are proposed to be painted, and the locations where each respective color will be applied; and
 - (vii).** color photographs of all existing structures on the property.

Notwithstanding the aforesaid requirements of §12-4(E)(2), a proposed change to any of the following colors, set forth in the following sub-sections “i” through “iii,” shall not require the

submission of an application to HABR, nor HABR review and approval, and a building permit shall not be required:

- (i). White (RGB 255, 255 or 255).
 - (ii). Any color from a list, approved by HABR and the Town Board, of paint colors that are appropriate for, and harmonious with, homes in the Historic Areas, which list of appropriate and harmonious paint colors in the Historic Areas is attached to this Chapter 12 as “12 Attachment 1,” and entitled “LIST OF APPROPRIATE AND HARMONIOUS PAINT COLORS IN THE HISTORIC AREAS.”
 - (iii). Legally existing exterior colors of legally existing structures, and their exterior architectural features, may be repainted their existing colors.
- (3). The construction, installation, erection, painting or staining of a shed, or a fence, in a Historic Area shall not require the prior review and approval of HABR, so long as the following conditions “i,” “ii” and “iii” are all complied with:
- (i). The exterior color(s) shall be natural wood, white, any color from this Chapter’s List of Appropriate and Harmonious Paint Colors in the Historic Areas (see “12 Attachment 1” hereto), and/or a repainting of legally existing exterior color(s) of legally existing shed(s) or fence(s).
 - (ii). A fence shall not:
 - (a). be vinyl/PVC, chain-link, wire-mesh, chain-wire, cyclone, hurricane, chicken-wire, diamond-mesh, or plastic mesh or netting, unless located in a rear or side yard;
 - (b). contain, or include, barbed wire; or
 - (c). be illuminated or lighted.
 - (iii). The use of a color, for a shed or a fence, that is not included in this Chapter’s List of Appropriate and Harmonious Paint Colors in the Historic Areas (see “12 Attachment 1” hereto) may be approved by HABR, in its discretion, by way of a direct written application to HABR in the same manner as set forth in §12-4(E)(2) of this Chapter.
- (4). An applicant who has been granted approval by HABR to use a paint color for a structure, shed or fence, which paint color(s) required HABR review and approval, shall, within 365 days of HABR’s approval decision, submit, to the Orangetown Office of Building, Zoning and Planning Administration and Enforcement (“OBZPAE”), a sworn and notarized statement attesting that said painting has been completed with the color(s) approved by HABR; and a failure to submit such a sworn statement, within the proscribed time, shall result in said HABR approval being automatically revoked, rescinded and nullified.

- F. New structures are to harmonize in general character with structures built in the immediate surrounding area. Notwithstanding the above, no new structure shall be required to be a copy of any particular style or architectural period.
- G. **An** ~~Applications~~ by **an** owners of **a** structures **that was primarily** constructed before December 31, 1945, in ~~a the h~~**Historic a**Area, who desires to tear down **or demolish the** a structure, **shall** be reviewed by ~~the Historie- Areas Board of Review (HABR)~~ at a public hearing. Upon referral of an application to ~~the Historical Areas Board of Review~~ **HABR** by the Director of ~~the Office of Building Zoning Planning Administration and Enforcement (OBZPAE)~~, the applicant shall be required to place a public notice in an official newspaper of the Town, and at the structure, at least five business days prior to the public hearing. Proof of publication of the public notice in the official Town newspaper, and proof of posting at the structure, shall be provided to the Clerk of ~~the~~ HABR at or prior to the public hearing. The demolition permit shall not be issued until 90 days shall have passed following the date on which the public hearing on the permit shall have been conducted and completed.
- H. In the event that the application of any provisions of this local law shall constitute the taking of private property without just compensation, the property owner shall be entitled to due compensation therefor, and such compensation may include the limitation or remission of taxes.
- I. (1). **As soon as practicable after the adoption, by the Town Board, of any amendments to this Chapter 12, the Orangetown Supervisor, who shall be assisted by the Orangetown Tax Assessor, shall send a copy of the entire Chapter 12, as amended, via United States Postal Service's First Class Mail, to each owner of real property located within a Historic Area, which copy of Chapter 12 shall be accompanied by a cover letter from the Supervisor that shall include the following statement: "Please find enclosed herewith, for your information, a copy of Chapter 12, entitled 'Historic Areas,' of the Code of the Town of Orangetown, which was recently amended by the Orangetown Town Board: kindly note that your property is located within a Historic Area, and is subject to the regulations of Chapter 12."**
- (2). **As soon as practicable after the conveyance or transfer of ownership of real property located within a Historic Area, the Orangetown Supervisor, who shall be assisted by the Orangetown Tax Assessor, shall send a copy of the entire Chapter 12, via United States Postal Service's First Class Mail, to the new owner(s) of such real property, which copy of Chapter 12 shall be accompanied by a cover letter from the Supervisor that shall include the following statement: "Please find enclosed herewith, for your information, a copy of Chapter 12, entitled 'Historic Areas,' of the Code of the Town of Orangetown: kindly note that your property is located within a Historic Area, and is subject to the regulations of Chapter 12."**
- (3). **Neither the failure of a property owner, within a Historic Area, to**

receive the aforesaid mailings from the Supervisor, nor the Supervisor's or Tax Assessor's omission, defect, mistake, error, inaccuracy or oversight in processing said mailing, shall effect the application or enforceability of the regulations of Chapter 12 to any such property owner who did not receive a mailing from the Supervisor.

§ 12-5. Uses permitted in the Tappan Historic Area.

Only existing R-15, LO and CS zoning uses, as defined in the Orangetown Zoning Code, shall be permitted within the Tappan Historic Area. The Table of General Use Regulations of the Orangetown Zoning Code shall apply to the above districts within the Tappan Historic Area with the following specific additions, exceptions or modifications:

A. In CS Districts:

(1) To the uses permitted in Column 2 of the Table of General Use Regulations, there shall be:

(a) Added: one-family residences, public libraries and museums, parks, antique and art shops, restaurants serving alcoholic beverages, provided that a restaurant operation approved by the New York State Liquor Authority is conducted at all times, handcraft shops and china, earthenware, porcelain and glassware shops.

(b) Excluded: outdoor newsstands, automobile sales rooms, auto supply stores and department stores.

(2) Permitted: all uses described in Columns 3 and 4 of the Table of General Use Regulations, except that hotels and motels shall not exceed two stories in height, subject to the approval of the appropriate board, i.e., Town Board, Zoning Board of Appeals or Planning Board.

(3) Permitted: all uses and regulations described and permitted in Columns 5, 6, and 7 of the Table of General Use Regulations, except that signs shall conform to the requirements of R-15 District monument signs, if permitted, and would not exceed 20 square feet.

B. In R-15 Districts, all uses described in Columns 2 through 7 of the Table of General Use Regulations shall be permitted, except that the uses permitted in Columns 3 and 4 shall be subject to the approval of the appropriate board, i.e., Town Board, Zoning Board of Appeals or Planning Board.

C. In LO Districts:

(1) Single-family detached residences shall be added to the uses permitted in Column 2 of the Table of General Use Regulations.

(2) All uses and regulations described and permitted in Columns 3, 4, 5, 6 and 7 of the Table of General Use Regulations shall be permitted, except that the uses permitted in Columns 3 and 4 shall be subject to the approval of the appropriate board, i.e., Town Board, Zoning Board of Appeals or Planning Board; and provided that airports, heliports, manufacturing, standpipes, water tanks and satellite dish antennas shall be excluded; and further provided that all signs shall conform to the requirements of an R-15 District unless otherwise permitted by the Board of Review.

D. Bulk regulations. The Table of General Bulk Regulations of the Orangetown Zoning

Code in effect at this time shall apply to the above districts (R-15, LO and CS) within the historic area, except that with respect to one-family residences in LO and CS Zones, R-15 bulk regulations, with exceptions, shall apply.

- E. Nonconforming uses. Existing nonconforming uses within the historic area, if any, shall fall under the provisions of the Orangetown Zoning Code. Excluded uses. Airports and heliports, high-tension transmission lines and accessory poles and towers are excluded in the Tappan Historic Area, except that high-tension transmission lines may be installed completely underground.

§ 12-6. Uses permitted in the Palisades Historic Area.

Only existing R-80, R-40, R-15 and CS zoning uses, as defined in the Orangetown Zoning Code, shall be permitted within the Palisades Historic Area. The Table of General Use Regulations of the Orangetown Zoning Code shall apply to the above districts within the Palisades Historic Area with the following specific additions, exceptions or modifications:

A. In CS Districts:

- (1) To the uses permitted in Column 2 of the Table of General Use Regulations, there shall be:
 - (a) Added: one-family residences, public libraries and museums, parks, antique and art shops, restaurants serving alcoholic beverages, provided that a restaurant operation approved by the New York State Liquor Authority is conducted at all times, handcraft shops and china, earthenware, porcelain and glassware shops.
 - (b) Excluded: outdoor newsstands, automobile sales rooms, auto supply stores and department stores.
- (2) Permitted: all uses described in Columns 3 and 4 of the Table of General Use Regulations subject to the approval of the appropriate board, i.e., Town Board, Zoning Board of Appeals or Planning Board, except airports and heliports, high-tension lines and accessory poles and towers; and provided that hotels and motels shall not exceed two stories in height; and further provided that high tension transmission lines may be installed completely underground.
- (3) All uses and regulations described and permitted in Columns 5, 6, and 7 of the Table of General Use Regulations shall be permitted, except that signs shall conform to the requirements of R-15 District monument signs, if permitted, and would not exceed 20 square feet.

B. In R-15 Districts, all uses described in Columns 2 through 7 of the Table of General Use Regulations shall be permitted, except airports and heliports, high-tension transmission lines unless installed completely underground, accessory poles and towers; and except that the uses permitted in Columns 3 and 4 shall be subject to the approval of the appropriate board, i.e., Town Board, Zoning Board of Appeals or Planning Board.

C. In R-40 Districts: same as Subsection B of this section.

D. In R-80 Districts: same as Subsection B of this section.

- E. Bulk regulations. The Table of General Bulk Regulations of the Orangetown Zoning Code in effect at this time shall apply to the above districts (R-80, R-40, R-15 and CS) within the historic area; except that, with respect to one-family residences in CS Zones, R-15 bulk regulations, with exceptions, shall apply.

F. Nonconforming uses. Existing nonconforming uses within the historic area, if any, shall fall under the provisions of the Orangetown Zoning Code.

§ 12-7. Legislative intent; severability.

Each of the foregoing provisions of this local law has been adopted in an endeavor to preserve and extend the public welfare by preserving the characteristics of the ~~h~~Historic ~~a~~Areas in the Hamlets of Tappan and Palisades. In the event that any portion of this local law shall be determined to be invalid, such determination shall not affect or result in the invalidity of any other provision contained in this local law.

§ 12-8. Conflict with other ordinances and local laws.

In the event that any of the provisions of this local law shall be in conflict with the provisions of any other local law or ordinance of the Town of Orangetown, the provisions of this local law shall control.

12 Attachment 1

**LIST OF APPROPRIATE AND HARMONIOUS PAINT COLORS
IN THE HISTORIC AREAS**

Unless otherwise noted, the below-listed paint colors are from Sherwin-Williams' *America's Heritage Palette* – if Sherwin-Williams' *America's Heritage Palette* includes a color that is not listed below, then it is not an appropriate and harmonious paint color:

Antiquarian Brown	Downing Sand	Renwick Rose Beige
Antique White	Downing Slate	Rookwood Dark Brown
Aurora Brown	Downing Straw	Rookwood Amber
Birdseye Maple	Eastlake Gold	Rookwood Antique Gold
Bunglehouse Blue	Extra White	Rookwood Blue Green
Chelsea Gray	Fairfax Brown	Rookwood Clay
Classic French Gray	Harvester	Rookwood Dark Green
Classic Light Buff	Mulberry Silk	Rookwood Dark Red
Classical White	Naval	Rookwood Medium Brown
Colonial Revival Gray	Needlepoint Navy	Rookwood Red
Colonial Revival Green	New Colonial Yellow	Rookwood Sash Green
Stone	Peace Yellow	Rookwood Terra Cotta
Colonial Revival Stone	Pearl Gray	Roycroft Bottle Green
Craftsman Brown	Pewter Tankard	Roycroft Brass
Creamy	Polished Mahogany	Roycroft Bronze Green
Curio Gray	Pure White	Roycroft Copper Red
Decorous Amber	Renwick Beige	Roycroft Mist Gray
Deepest Mauve	Renwick Golden Oak	Roycroft Pewter
Downing Earth	Renwick Olive	Roycroft Suede

Roycroft Vellum
Sage Green Light
Sheraton Sage

Teal Stencil
Toile Red
Tricorn Black

Weathered Shingle
Westchester Gray

Unless otherwise noted, the below-listed paint colors are Benjamin Moore's *Historical Colors* – if Benjamin Moore's *Historical Colors* includes a color that is not listed below, then it is not an appropriate and harmonious paint color:

Castleton Mist
Beacon Hill Damask
Greenmount Silk
Hawthorne Yellow
Weston Flax
Wyndham Cream
Bryant Gold
Dorset Gold
Chestertown Buff
Stuart Gold
Marblehead Gold
Concord Ivory
Millington Gold
Princeton Gold
Henderson Buff
Livingston Gold
Summerdale Gold
Adams Gold
Norwich Brown
Woodstock Tan
Huntington Beige
Blair Gold
Yorkshire Tan
Pittsfield Buff
Quincy Tan
Munro Bisque
Monterey White
Shellburne Buff
Dunmore Cream
Philadelphia Cream
Waterbury Cream
Standish White
Montgomery White
Wilmington Tan
Powell Buff
Hepplewhite Ivory
Mystic Gold

Decatur Buff
Putnam Ivory
Greenfield Pumpkin
Richmond Gold
Roxbury Caramel
Tyler Taupe
Lenox Tan
Shaker Beige
Jackson Tan
Brookline Beige
Bradstreet Beige
Mayflower Red
Georgian Brick
Audubon Russet
Ansonia Peach
Hathaway Peach
Jumel Peachtone
Winthrop Peach
Georgetown Pink Beige
Sheraton Beige
Chippendale Rosetone
Odessa Pink
Queen Ann Pink
New London Burgundy
Somerville Red
Monticello Rose
Townsend Harbor Brown
Hadley Red
Garrison Red
Clinton Brown
Middlebury Brown
Whitall Brown
Van Buren Brown
Hasbrouck Brown
Branchport Brown
Plymouth Brown
Valley Forge Brown

Maryville Brown
Davenport Tan
Alexandria Beige
Litchfield Gray
Greenbrier Beige
Bleeker Beige
Manchester Tan
Bennington Gray
Grant Beige
Elmira White
Fairview Taupe
Kingsport Gray
Ashley Gray
Jamesboro Gold
Northampton Putty
Crown Point Sand
Danville Tan
Wheeling Neutral
Carrington Beige
Old Salem Gray
Sag Harbor Gray
Richmond Gray
Hancock Gray
Providence Olive
Abingdon Putty
Gloucester Sage
Hampshire Gray
Clarksville Gray
Cromwell Gray
Copley Gray
Rockport Gray
Crownsville Gray
Gettysburg Gray
Sandy Hook Gray
Sussex Green
Wethersfield Moss
Nantucket Gray

Tate Olive
Louisburg Green
Saybrook Sage
Georgian Green
Guilford Green
Hancock Green
Sherwood Green
Kittery Point Green
Van Alen Green
Peale Green
Great Barrington Green
Kennebunkport Green
Caldwell Green
Cushing Green
Avon Green
Fairmont Green
Clearspring Green
Southfield Green
Webster Green
Lehigh Green
Harrisburg Green

Yorktowne Green
Tarrytown Green
Lafayette Green
Waterbury Green
Mill Springs Blue
Covington Blue
Salisbury Green
Prescott Green
Hollingsworth Green
Stratton Blue
Wythe Blue
Palladian Blue
Van Cortland Blue
Wedgewood Gray
Woodlawn Blue
Jamestown Blue
Buxton Blue
Yarmouth Blue
Buckland Blue
Whipple Blue
Marlboro Blue

Hale Navy
Newburyport Blue
Van Deusen Blue
Narragansett Green
Newburg Green
Phillipsburg Blue
Knoxville Gray
Templeton Gray
Brewster Gray
Duxbury Gray
Puritan Gray
Boothbay Gray
Kendall Charcoal
Amherst Gray
Chelsea Gray
Coventry Gray
Stonington Gray
Wickham Gray
Revere Pewter
Edgecomb Gray
Lancaster Whitewash