

VILLAGE OF CORNWALL-ON-HUDSON  
VIEW PRESERVATION /  
ARCHITECTURAL REVIEW PACKAGE

**VILLAGE OF CORNWALL -ON-HUDSON**  
**View Preservation Law**  
**Information for Applicants**

The Village's View Preservation Law is intended to protect the scenic resources of the Village and to ensure that the benefits provided by views of the Hudson River are not lost for future generations. Your property is located within an area of the Village containing important public views and the Building Inspector has determined that your proposed project may impact an existing public view. Your project must be accomplished in a way that causes the least impact upon important public views. It is the intent of the Village that the minor inconvenience caused by these requirements will be vastly outweighed by the benefits to you and the community which our scenic resources provide.

This summary is intended to assist you in obtaining approval for your project quickly by explaining the requirements, criteria and procedures that govern this process. A complete copy of the law is included in the rear of this package.

**REQUIRED APPROVALS:**

The Village's Planning Board must grant a VISUAL SITE PLAN APPROVAL to your proposal. This requires you to appear at the Planning Board and a public hearing on your application. Normally only two (2) appearances are required. You will be required to publish notice of the hearing in the Cornwall Local and mail a copy of the notice to neighbors within 300 feet of your property. At the public hearing members of the community have a right to be heard on your proposal.

**WHAT ARE IMPORTANT PUBLIC VIEWS?**

Not all views are important. In descending order of importance:

- Views from parks, picnic areas, scenic overlooks, historic sites and trails.
- Views from roadways.
- Views from heavily developed residential areas .
- Areas of long view duration.

- Views from neighboring properties.

#### **PLANNING BOARD STANDARDS AND PROCEDURES.**

The Planning Board will perform a site inspection, select key viewpoints to determine the importance of the views, determine whether your project can be seen from those viewpoints and if so, whether and to what extent your proposed project interferes with that view.

#### **HOW TO MITIGATE IMPACTS**

If the Board determines that your proposed project interferes with the public view and that mitigation is required, the following siting considerations will be considered:

- (1) Structures be oriented so that the longest dimensions are not in full sight of the public view.
- (2) Structures be angled rather than positioned flush with the street line to avoid a wall effect.

- (3) Structures be situated in areas of shallow slope.
- (4) Structures be situated mid-slope or at the base of slopes rather than at the top of slopes.
- (5) Chimneys, dormers, and rooflines should be positioned to have no impact, or minimum impact, on public views.

The following scale considerations are used:

- (1) Low rise structures are not as visually dominant as multi-story structures and are to be encouraged.
- (2) Development is to be integrated with existing vegetation and kept below normal tree line.

### **YOUR PROTECTION:**

The Board **must** consider your aesthetic choices and the costs to you of changes to your proposal. NO ALTERATION TO YOUR PLAN MAY BE IMPOSED BY THE BOARD IF THE ECONOMIC IMPACT OF THE ALTERATION WOULD INCREASE THE COST OF THE PROJECT TO YOU BY MORE THAN 10%.

### **APPEALS.**

Any decision or order of the Planning Board may be appealed to the Zoning Board of Appeals.

### **REQUIRED DOCUMENTATION:**

The following documentation will be required:

- Building Inspector's VIEW PRESERVATION REFERRAL
- All Plans Submitted to the Building Inspector
- Visual Environmental Assessment Form  
(Photos of current views are required)
- Conflict of interest disclosure statement

### **VISUAL SITE PLAN REQUIREMENTS:**

The Visual Site Plan to be submitted to the Planning Board shall be prepared by a qualified engineer, architect, landscape architect or surveyor and shall contain the

following information:

- A plan showing the applicant's entire property and adjacent properties and streets, at a convenient scale.
- Location, width and purpose of all existing and proposed easements, restrictions and setbacks.
- The proposed location, use and exterior design of all buildings and structures - including outdoor storage areas - if any. Elevations shall be given for all buildings and structures on all four sides.
- Existing topography and proposed grade elevations, including a tree schedule/plan of any trees over three (3) feet in height as well as a plan/schedule of all plants that may be three (3) feet in height such as shrubs and bushes.
- Location of all proposed landscaping, screening and buffers such as fences and or berms.
- Location and specifications of all outdoor lighting facilities.
- If Class II or III Slopes present on site and being disturbed, compliance with Steep Slopes Law required.

The Planning Board may waive some of these visual site plan requirements at the initial meeting with the applicant, if appropriate.

**VILLAGE OF CORNWALL -ON-HUDSON**  
**View Preservation Law**  
**BUILDING INSPECTOR'S**  
**VIEW PRESERVATION REFERRAL**

STREET ADDRESS: \_\_\_\_\_  
TAX MAP REFERENCE: SECTION \_\_ BLOCK\_\_ LOT\_\_  
PROPERTY OWNER: \_\_\_\_\_

**Description of Improvement:**

**Views from parks, picnic areas, scenic overlooks, historic sites and trails.**    YES    NO IMPACT

Describe:

**Views from roadways.**    YES    NO IMPACT

Describe:

**Views from heavily developed residential areas .**    YES    NO IMPACT

Describe:

**Areas of long view duration.**    YES    NO IMPACT

Describe:

**Views from neighboring properties.**    YES    NO IMPACT

Describe:

**ATTACHED DOCUMENTATION:**

- All Plans Submitted to the Building Inspector
- Other:

Date: \_\_\_\_\_

\_\_\_\_\_  
Building Inspector

**CONFLICT OF INTEREST DISCLOSURE STATEMENT**

Mindful of the provisions of § 809 of the General Municipal Law of the State of New York and of the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer or Employee of the \_\_\_\_\_ of \_\_\_\_\_, or of the Town or County of which it is a part, has any interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

- None
- Names: Address: Relationship or interest (financial or otherwise)

DATED: \_\_\_\_\_

Applicant

\_\_\_\_\_  
Corporate or Partnership Applicant

By: \_\_\_\_\_  
(Pres.) (Partner) (Vice-Pres.)

### **GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK**

§809. Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality of which such municipality is a part, in the person, partnership or association make such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the application when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them.

- (a) is the applicant, or
- (b) is an officer, director, partner or employee of the applicant, or
- (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
- (d) is a part to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the \_\_\_\_\_ New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

- 4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

VILLAGE OF CORNWALL-ON-HUDSON  
SCENIC RESOURCE PROTECTION

This summary is for general information. Applicants are referred to the Village Code for additional information.

§ 172-73. General provisions.

A. Statutory authority.

Pursuant to General Municipal Law §96-a of the State of New York and the Village Law of the State of New York, the Board of Trustees of the Village of Cornwall-on-Hudson hereby enacts a Scenic Resource Protection Law.

B. Statement of public policy and purpose.

1. The Board of Trustees of the Village of Cornwall-on-Hudson finds that many public views of the Hudson River have been lost, altered or changed, notwithstanding the feasibility of preserving the views and without adequate consideration of the irreplaceable loss to the people of the Village of the scenic, aesthetic, cultural and historic values represented by such scenic vistas.

Development of the Village should not disregard the scenic Hudson River views and should not permit their destruction rather in the alternative should further their preservation and creation.

2. It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of public views of the Hudson River is a public necessity and is required in the interest of general health, safety and welfare of the people. The purpose of this article is to:
  - (1) Effect and accomplish the protection, enhancement and perpetuation of the public's Hudson River views which represent or reflect the elements of the Village's background.
  - (2) Safeguard the Village's scenic resources, aesthetic and cultural heritage, as embodied in the landscape and geologic features of the Village.
  - (3) Preserve property values in View Preservation Districts.
  - (4) Foster civic pride in the beauty of the Village.
  - (5) Preserve the character of the Village.

C. Intent.

1. It is declared to be the intent of the Village of Cornwall-on-Hudson to



protect and preserve the scenic resources of the Village, to ensure that the benefits provided by the Hudson River views will not be lost for present and future generations and to protect the broader public interest.

2. These regulations are enacted with the intent of providing an equitable balance between the rights of the individual property owner to the free use of his property and the rights of present and future generations. Therefore, this article recognizes the rights of the owners of property within View Preservation Districts to use their property for reasonable purposes consistent with these and other regulations and controls, provided such use does not result in a significant loss or impairment to the scenic resources of the Village.

§ 172-74. Identification and designation.

A. View Preservation District.

1. The Zoning Law of the Village of Cornwall-on-Hudson and the zoning map of the Village of Cornwall-on-Hudson are hereby amended to create, identify and designate a View Preservation District to preserve and protect views of the Hudson River from existing roads, parks or legally accessible public property.
2. The View Preservation District shall be an overlay zoning district, superimposed on the CR-1 Conservation Residential, WR Waterfront Recreation, I Industrial, and a portion of the SR Suburban Residential Zoning Districts.
3. The boundaries of the View Preservation District are described as follows:
  - (1) All properties in the CR-1, WR and I Zoning Districts.
  - (2) All of the following properties in the SR Zoning District:
    - a. Between Bayview Avenue and the Hudson River, from the intersection of Bayview Avenue with Dock Hill Road to the Village corporate line including but not limited to all properties on Bay View Terrace, Taft Place and Briggs Road.
    - b. Along Bayview Avenue extending 500 feet upland from Bayview Avenue from the intersection of Bayview Avenue with Dock Hill Road to the Village corporate line.
    - c. Between Hudson Street and the Hudson River, from the intersection of Hudson Street with Dock Hill Road to the intersection of Hudson Street with River Avenue including

but not limited to all properties on Hedges Avenue, Cornwall Avenue, Hudson Avenue, River Street, Grandview Avenue, Wilson Avenue, Wood Avenue and Church Street.

- d. Both sides of River Avenue between Hudson Street and the Hudson River.
- e. Both sides of Spruce Street and all properties between Spruce Street and the Hudson River from the intersection of Spruce Street with River Avenue to the intersection of Spruce Street with West Street including but not limited to all properties on Braden Court, Andrews Street, Hirle Street and Blackwell Street.
- f. Both sides of West Street between Spruce Street and the Hudson River.
- g. Fronting on the Idlewild Park Drive cul-de-sac including Tax Map Parcels 102-1-1, 2, 3, 4 & 5, 102-18-1, 102-19-1, 46 & 47, 101-1-12, 13.1, 13.21, 14, 15, 16 & 17.

§ 172-75. Use and development within View Preservation District.

A. Use restrictions.

- 1. No building, structure or permanent improvement shall be erected, have its exterior reconstructed, restored, structurally altered, or placed within the View Preservation District in a manner which may impact an existing public view unless visual site plan approval by the Planning Board in accordance with the provisions of this Chapter has been obtained.
- 2. Trees, shrubs and hedges shall be planted and maintained so as to avoid obstruction of protected views of the Hudson River. Existing vegetation which currently impacts or obstructs a view of the Hudson River may be maintained at their height and breadth provided, however, no greater impact or obstruction shall be permitted.

B. Planning Board visual site plan standards and procedures.

1. General provisions.

- a. When the Building Inspector reviews an application to permit the erection or exterior reconstruction, restoration, alteration, or locating of a building, structure or permanent improvement in a View Preservation District in a manner which may impact an existing public view, the application together with a Visual Environmental Assessment Form shall be referred to the Planning Board. The Planning Board shall determine the best siting of the proposed activity so as to cause the least possible

obstruction of the view of the Hudson River for the general public and neighboring properties. All determinations of the Planning Board shall be and made after due consideration of aesthetic choices and the economic impacts upon property owners.

b. In granting visual site plan approval, the Planning Board shall hold a public hearing in accordance with the procedures for site plan approval contained in Article VI of the Village Zoning Law.

c. Coordination with other reviews. To the maximum extent possible, the review, hearings and decision required under this article shall be coincident with other procedures and applications that may be before the Planning Board related to the same proposed activity.

2. Visual analysis procedures and standards.

The Planning board shall be governed by the following standards and procedures in rendering a visual site plan approval.

a. Visibility analysis procedures:

Shall: (1) The Planning Board

(a) identify the site and project scope and perform a site inspection where desirable.

(b) select viewpoints for visibility assessment - key viewpoints are those at which public sensitivity to a view alteration will be the highest. In descending order of importance:

i. Views from parks, picnic areas, scenic overlooks, historic sites and trails.

ii. Views from roadways.

iii. Views from heavily developed residential areas.

iv. Areas of long view duration.

v. Views from neighboring properties.

- (c) Determine view importance. The most important views are those most sensitive to view alteration.
- (d) Determine the visibility of the project from each viewpoint.
- (e) Determine the project's visual magnitude based on:
  - i. Distance - the proximity of the project site to a viewpoint. The further away the site from the viewpoint, the less its visual magnitude.
  - ii. Aspect - the direction of a project relative to the observer. The more directly a project faces the observer, the greater its visibility.

b. The Planning Board shall where appropriate utilize the following siting considerations:

- (1) Structures should be oriented so that the longest dimensions are not in full sight of the public view.
- (2) Structures should be angled rather than positioned flush with the street line to avoid a wall effect.
- (3) Structures should be situated in areas of shallow slope.
- (4) Structures should be situated midslope or at the base of slopes rather than at the top of slopes.
- (5) Where multiple structures are to be located on a site, buildings should be grouped in non view areas, or scattered throughout the site or around an open space green area to avoid a wall effect.

(a)  
Setbacks should be varied

(b) Large  
rectangular configurations avoided

c. The Planning Board shall where appropriate utilize the following scale considerations:

- (1) Low rise structures are not as visually dominant as multi-story structures and are to be encouraged.
- (2) Development is to be integrated with existing vegetation

and kept below normal tree line.

- d. The Planning Board shall where appropriate utilize the following landscaping considerations:
  - (1) Keeping existing trees and other shrubbery on site is highly desirable. To retain the natural characteristics of a property, care during site preparation and construction is essential, unnecessary tree removal is to be avoided and landform alterations should be minimized wherever possible.
  - (2) Where vegetation is too thick, views of the river can be opened up through selective cutting rather than wholesale removal of existing vegetation.
  
- e. The Planning Board shall where appropriate utilize the following economic considerations:
  - (1) No alteration to a plan proposed by an applicant may be imposed by the Board pursuant to its Visual Site Plan Review Authority if the economic impact of the alteration would increase the cost of the project to the applicant by more than 10%.

§ 172-76. Appeals.

Any decision or order of the Planning Board pursuant to this article may be appealed to the Zoning Board of Appeals. In accordance with the supersession authority contained in the Municipal Home Rule Law Section 10(ii)e.(3), the provisions of the Village Law Section 7-725 (3) are, to the extent they may be deemed inconsistent with this appeals procedure, superseded.

§ 172-77. Severability.

If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered or as determined by such judgment.

§ 172-78. Effective date.

This article shall take effect immediately.

**IMPORTANT INFORMATION FOR APPLICANTS**

**VILLAGE OF CORNWALL-ON-HUDSON**

**ZONING BOARD OF APPEALS & PLANNING BOARD APPLICANTS**

Applicants to the Zoning Board of Appeals and the Planning Board of the Village of Cornwall-on-Hudson are advised that in addition to application fees, all Applicants will be assessed the actual cost incurred by the Village for the legal and engineering review of the application by the Village's consultant. Once the consultant's charges have been approved by the Village, the charges will be sent to the applicant for payment.

The attorney and engineer are employed by the Village to assist the ZBA and Planning Board to fully evaluate each application. These consultants are not the applicant's consultants, although they may work with your consultants. All applicants are encouraged to retain private consultants as appropriate for the nature of the application. Applicants are further advised that the amount and description of technical assistance to the respective Boards may differ substantially for different applications as a result of a variety of factors.

This form should be signed by the Applicant/Owner of the premises that is the subject of the application for the purpose of acknowledging that this information has been communicated, and this form will remain in the application file maintained by the Village.

Dated:

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Applicant/Owner  
Property Tax Map No.: