

# **CHAPTER 17 HISTORIC DISTRICTS**

## **Article I Purpose/ Definitions**

### **§ 17.1 Purpose**

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements and districts of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the prosperity and welfare of the people. The purpose of this chapter is to effect and accomplish the protection, enhancement and perpetuation of such improvements and districts which represent or reflect elements of the Town's cultural, social, economic, political and architectural history; safeguard the Town's historic, aesthetic and cultural heritage, as embodied and reflected in such improvements and districts; stabilize and improve property values in such districts and the Town as a whole; foster civic pride in the beauty and noble accomplishments of the past; strengthen the economy of the Town; and encourage the designation of landmarks, landmark sites and historic districts for the education, pleasure and welfare of the people of the Town.

### **§17.2 Definitions:**

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

#### **ALTERATION**

Any act or process that changes one or more of the exterior architectural features of a structure designated for preservation or any structure in a district designated for preservation.

#### **COMMISSION**

The Landmarks and Historic District Commission.

## **EXTERIOR ARCHITECTURAL FEATURE**

The architectural style, design, general arrangement and components of all of the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior surfaces, including but not limited to the kind, and texture of the building materials and the type and style of all windows, doors, siding, trim, masonry, lights, signs and other fixtures appurtenant to such improvements. In addition, the design, arrangement and components of all fences on any Landmark Site or within any Historic District. The foregoing shall specifically not be construed to extend to the color of paint used on the exterior of any improvement nor the color or material of the roof.

## **HISTORIC DISTRICT**

Any area which contains improvements which have a special character or special historical or aesthetic interest or value or which represent one or more periods or styles of architecture reflecting the history of the Town or which cause such area, by reason of such factors, to constitute a distinct section of the Town, and which area has been designated as a "Historic District" pursuant to the provisions of this chapter.

## **IMPROVEMENT**

Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

## **IMPROVEMENT PARCEL**

That portion of real property which includes a physical betterment constituting an improvement and that portion of the land embracing the site thereof as may be deemed appropriate for preservation by the Commission, or an unimproved unit of real property that may be deemed appropriate for preservation. [Amended 11-5-1987 by L.L. No. 3-1987]

## **LANDMARK**

Any improvement which has a special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the Town, state or nation and which has been designated as a "Landmark" pursuant to the provisions of this chapter.

## **LANDMARK SITE**

Any improvement parcel which has a special characteristic, including but not limited to barns or ancillary structures, or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the Town,

state or nation and which has been designated as a "Landmark Site" pursuant to the provisions of this chapter.

### **ORDINARY REPAIRS AND MAINTENANCE**

Any work done on any improvement or replacement of any part of an improvement, for which a permit issued by the Building Inspector is not required by law, where the purpose and effect of such work or replacement is to prevent or correct any deterioration or decay of or damage to such improvement or any part thereof and to restore the same, particularly as to appearance, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

### **REPLACEMENT OF WINDOWS**

The removal and/or replacement of exterior windows

## **Article II: Landmarks and Historic District Commission**

### **§ 17.3 Creation**

There is hereby created a Landmarks and Historic District Commission, which shall consist of nine resident members to be appointed by the Town Board for terms of three years, provided that of those members first taking office three shall be appointed for one year, three for two years and three for three years. The membership shall include the Town Historian, a member of the Planning Board, one or more resident owners in an Historic District of a Landmark and, when available, one architect. All members shall serve without compensation.

### **§ 17.4 Powers & Duties**

The Commission shall have the powers and duties granted to it by Article III of this chapter.

### **§ 17.5 Officers**

The Commission shall elect from its membership a Chairman and a Vice Chairman, whose terms of office shall be fixed by the Commission.

### **§ 17.6 Commission Secretary**

The Town Board has authorized the hiring of a Secretary who shall keep a record of all resolutions and actions of the Commission. The Secretary can be, but need not be, a member of the Commission. The Secretary shall receive compensation in an amount as determined by the Town Board. The records of the Commission shall set forth every determination made by the Commission and the vote of every member participating therein and the absence of or failure to vote of every member.

### **§ 17.7 Quorum**

A majority of the Commission shall constitute a quorum for the transaction of its business or the performance of its functions, and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendations, motions or other acts of the Commission, except that the affirmative vote of five members shall be necessary for issuance of a certificate of appropriateness.

## **Article III: Designation of Historic Districts, Landmarks and Landmark Sites.**

### **§ 17.8 Investigation of Potential Sites; Consultation with Neighboring Property Owners**

- A. The Commission shall investigate, pursuant to requests from property owners or on its own motion, possible improvements or areas to be designated as a Landmark, Landmark Site or Historic District. The Commission shall poll the owners of the property in the proposed District or of the proposed Landmark Site and shall not create the Landmark, Landmark Site or Historic District without the approving vote of 70% of the owners of the affected properties.
  
- B. For the purpose of this section, the owner or owners of each separately assessed parcel shall be entitled to but one vote, notwithstanding that title may be held in joint ownership or tenancy in common or similar multiple-party ownership.

### **§ 17.9 Hearing**

[Amended 11-5-1987 by L.L. No. 3-1987] If the Commission shall deem an improvement parcel appropriate for the designation as a Landmark, Landmark Site or Historic District and if the owner of the improvement parcel concurs in accordance with the required poll, the Commission shall then call a public hearing which shall be advertised in the official Town newspaper at least 15 days prior to the date of such hearing. A written notice of such hearing shall be sent to the owner

or owners of any property proposed to be designated as a Landmark or Landmark Site or placed within an Historic District. In addition, all owners of property adjoining the proposed Historic District, Landmark or Landmark Site shall also be notified.

#### **§ 17.10 Designation on Official Map**

[Amended 11-5-1987 by L.L. No. 3-1987] Within twenty (20) days following the adoption of a resolution establishing a Landmark, Landmark Site or Historic District, such site or area shall be so designated on the Official Map of the Town and will indicate the portions of the land, if any, embracing the Landmark, Landmark Site or Historic District.

#### **§ 17.11 Amendments to Designation**

A Landmark, Landmark Site or Historic District may be amended or rescinded in the same manner as the original designation was made.

#### **§ 17.12 When-Designation Takes Effect**

Any designation made under this chapter shall be in full force and effect from and after the date of adoption.

### **Article IV: Construction, Alterations, Demolitions**

#### **§17.13 Commission Approval Required; Certificate of Appropriateness**

No Improvement shall be erected, altered, restored, moved or demolished on a Landmark Site or within an Historic District until after an Application for a Certificate of Appropriateness as to the impact of said action(s) upon exterior architectural features has been submitted to the Commission and approved by said Commission. Furthermore, no Landmark shall be altered, restored, moved or demolished until after an Application for a Certificate of Appropriateness as to the impact of said action(s) upon Exterior Architectural Features has been submitted to the Commission and approved by said Commission. Requirement for a Certificate of Appropriateness shall apply only to those changes or improvements that are viewable from a public roadway or right-of-way. It is the responsibility of the property owner to apply for the Certificate of Appropriateness. Furthermore, the owner shall be responsible for complying with all instructions that are part of the Application for a Certificate of Appropriateness, including, but not limited to, notification of adjacent property owners. Said notification shall be verified by the owner's submission of an Affidavit of Mailing.

#### **§ 17.14 Limitation on Commission Actions**

In its deliberations, the Commission shall not consider the arrangement or use of the interior of any improvement and shall take no action except for the purpose of preventing the erection, alteration, restoration, removal or demolition of Exterior Architectural Improvements obviously incongruous with, or having an explicit deleterious effect upon, the historic aspects of the Landmark, Landmark Site or Historic District.

#### **§ 17.15 Exemption for Ordinary Repairs**

Nothing shall be construed to prevent Ordinary Repairs & Maintenance or repair of any existing Exterior Architectural Feature or an improvement that does not involve a change of design thereof. Replacement of entire Windows shall not constitute an ordinary repair under the foregoing.

#### **§ 17.16 Application for Certificate; Hearing; Approval or Disapproval**

[Amended 11-5-1987 by L.L. No. 3-1987] The Landmarks and Historic District Commission shall hold a public hearing upon each Application for a Certificate of Appropriateness. Notice of the time and place of said hearing shall be given by the Commission by publication in form of a legal advertisement in the official Town newspaper 15 days before such hearing. Within not more than 60 days after the filing of an application, the Commission shall make a decision upon such application and shall give written notice of its decision to the applicant, including its reasons for approval or disapproval. Evidence of approval shall be by Certificate of Appropriateness issued by the Commission. Failure of the Commission to act within said 60 days shall constitute approval, and no other evidence of approval shall be needed. The Commission shall keep a record of all applications for Certificates of Appropriateness and of all its actions.

#### **§ 17.17 Standards for Determination of Appropriateness**

If the Commission determines that the proposed erection, alteration, restoration, removal or demolition will be appropriate, it shall issue a Certificate of Appropriateness. In passing upon appropriateness, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture and material of the architectural features involved as well as the relationship thereof to the exterior architectural style and pertinent features of other improvements in the immediate neighborhood if relevant. A Certificate of Appropriateness may be refused for any building or structure, the erection, alteration, restoration, removal or demolition of which, in the opinion of the Commission, would be detrimental to the interest of the Landmark, Landmark Site or Historic District.

## **Article V: Administration and Enforcement.**

### **§ 17.18 Property Maintenance**

Every owner of a Landmark or a Landmark Site or property within a Historic District shall maintain the property and improvement in good order and repair.

### **§ 17.19 Compliance Required; Informal Conferences**

It is the intent of this chapter that the objectives thereof will best be achieved by way of voluntary compliance and cooperation between the owner of an affected parcel and the Commission. The Commission shall, in the event of a dispute as to compliance with the terms and provisions of this chapter, invite the attendance of the owner to an informal conference for adjustment of any such dispute.

### **§ 17.20 Specification of Violations; Time Period for Compliance**

In any case where the Commission deems an owner to be in violation of the provisions of this Chapter, it shall submit to the owner and Zoning Code Enforcement Officer a specification of the violations and appropriate instructions to remedy the same and shall set a time to allow the owner to comply with the directions of the Commission. The period of time shall be determined in light of the magnitude of the directions and the ability of owner to comply but shall remain under the authority of the Commission. If the owner fails to comply with said directions, this shall constitute a Violation under the Code. In such event, the Building Inspector shall, upon written request by the Commission, issue a Notice of Violation and serve same upon the owner in any manner provided by law.

### **§ 17.21 Final Notice; Injunctive Relief**

In the event of a violation which remains uncorrected for ninety (90) days after the issuance of a Notice of Violation, and subject to the right of owner to appeal as herein provided, upon authorization by a majority vote of the Town Board the Commission may seek an injunction in a civil court of competent jurisdiction, but no proceedings penal in nature shall be commenced, and a violation of this Chapter shall in no case be deemed to be a crime or criminal offense. The Town shall provide representation to the Commission in any such proceeding when authorized by the Town Board.

## **Article VI: Appeals.**

### **§ 17.23 Court Review**

Any person or persons aggrieved by any decision, resolution or determination of the Commission, or against whom a Notice of Violation has been issued, may have the determination reviewed by a court of competent jurisdiction in the manner provided by Article 78 of the New York Civil Practice Law and Rules, provided that the proceeding is commenced within thirty (30) days after the filing of the decision, resolution or determination of the Commission in the office of the Town Board, or within thirty (30) days after issuance of a Notice of Violation. The Town shall provide representation to the Commission in any such proceeding.



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