

Town of Putnam Valley
Chapter 147 -- Historic Preservation
Draft -- Revised February 20, 2003

Be it enacted by the Town Board of the Town of Putnam Valley a Local Law as follows:

1. A new Chapter 147 is added to the Town Code of the Town of Putnam Valley, as follows:

§§ 147.1 Declaration of policy and purpose.

It is hereby declared as a matter of public policy that the protection, perpetuation and use of parcels of land of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- A. Effect and accomplish the protection and perpetuation of such improvements and districts which represent or reflect elements of the town's cultural, social, economic, political and architectural history.
- B. Safeguard the town's historic, aesthetic and cultural heritage, as embodied and reflected in such parcels and districts.
- C. Foster civic pride in the beauty and memorable accomplishments of the past.
- D. Promote the use of historic districts and landmark sites for the education, pleasure and welfare of the people of the town.

§§ 147.2 Definitions.

COMMISSION -- The Historic Preservation Commission of the Town of Putnam Valley.

LANDMARK -- Any natural area, a building, a group of structures in an area, an historical highway, path or monument, a tree or trees, natural or man-made objects, including waterways, lakes, ponds, dams, rock formations, mines, caves and hills, or places where identifiable historic events occurred, each of 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 of Putnam Valley, the State of New York or of the United States. The terms "landmark" and "historic landmark" are used interchangeably herein.

LANDMARK SITE -- A parcel or part thereof on which is situated a landmark and any abutting parcel or part thereof used as and constituting part of the premises on which the landmark is situated and which has been designated as a landmark site pursuant to the provisions of this chapter.

HISTORIC DISTRICT -- Any area which:

A. Contains one or more Landmarks which:

- (1) Have a special character or special historical or aesthetic interest or value; and/or
- (2) Represent one or more periods or styles of architecture typical of one or more areas in the history of the town; and/or
- (3) Cause such area, by reason of such improvements, to constitute a distinct section of the town; and

B. Has been designated as a Historic Preservation District by the Town Board pursuant to the provisions of this chapter.

§§ 147.3 Membership; term; meetings; quorum.

A. The Commission shall consist of five members to be appointed by the Town Board. Persons residing within the Town of Putnam Valley who shall have demonstrated significant interest in and commitment to the field of historic preservation, evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field, shall be eligible for appointments as members of the Commission. **The Town Historian shall be a member of the Commission, and if practicable, one member shall be a licensed architect.**

B. Commission members shall serve for a term of four years with the exception of the initial term of one of the members, which shall be one year, one which shall be two years, one which shall be three years, and two which shall be for four years.

C. The Chairman of the Commission shall be appointed by the Town Board to serve at the pleasure of the Town Board.

D. The Commission shall meet at least monthly.

E. A quorum for the transaction of business shall consist of three of the Commission's members, but not less than a majority of the full authorized membership may render a decision regarding landmark status or grant or deny a certificate of appropriateness.

§§ 147.4 Powers and duties of Commission

The powers and duties of the Commission shall include:

1. Employment of staff and professional consultants as necessary to carry out the duties of the Commission, within the budget determined by the Town Board;
2. Promulgation of rules and regulations as necessary for the conduct of its business;

3. Conduct of surveys of significant historical, architectural and cultural landmarks and historic districts within the Town;
4. Proposal of identified structures or resources to be designated as landmarks and recommendations to the Town Board on the creation of historic districts;
5. Acceptance on behalf of the Town of the donation of facade easements and development rights; the making of recommendations to the Town Board concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this Chapter;
6. Increasing public awareness of the historic, cultural and architectural preservation of development and participating in public education programs;
7. Making recommendations to Town Board concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Town;
8. Making recommendations to the Planning Board regarding applications for site plan review or subdivisions of real property containing landmarks or within an historic district;
9. Employment, where justified, of the use of special techniques or policies so as to improve the quality of the area or, where economic assistance is warranted, to provide such aids or other incentives so that privately owned properties may realize a reasonable economic return;
10. Recommending acquisition of a landmark structure by the Town Board where its preservation is essential to the purposes of this chapter and where private preservation is not feasible; and
11. Approval or disapproval of applications for certificates of appropriateness pursuant to this chapter.

§§ 147.5 Designation of Landmarks

A. The Commission may propose an individual property or an identified district for designation as a landmark or historic district if it:

1. Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or
2. Is identified with historic personages; or
3. Embodies the distinguishing characteristics of an architectural style; or
4. Is the work of a designer whose work has significantly influenced an age; or
5. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood; or
6. Is within 500 feet of a historically significant property eligible for landmark designation.

B. Notice of a proposed designation shall be sent by certified mail to the owner of the property proposed for designation (or, in the case of a proposed district, all such owners) appearing on the most recent real property tax rolls of the Town and a copy sent to the Building Inspector describing the property proposed and announcing a public hearing by the Commission to consider the designation to be held not less than 20 days after the date the notice is mailed to the

owner. Once the Commission has issued notice of a proposed designation, no building or demolition permits shall be issued by the Building Inspector nor shall any material change be made to the appearance of the property until the Commission has made its decision.

C. The Commission shall hold a public hearing on the date set forth in the notice prior to designation of any landmark or historic district. The Commission, the owner(s) and any interested parties may present testimony or documentary evidence at the hearing, which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or district. The Commission shall make a decision in writing within 62 days of closing of the public hearing and send a copy of its decision to the owner(s) of the property and file a copy with the Town Clerk and the Building Inspector. The Commission decision shall state the reasons for granting, modifying or denying a landmark designation.

D. The Commission shall prepare and present to the Putnam County Clerk for recording a notice of each property (or in the case of a district, each property within such district) designated as a landmark and describing the decision of the Commission with regard to such property.

§§ 147.6 Certificate of appropriateness

A. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a building designated as a landmark or any property within an historic district, nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving, major landscape feature or design or other exterior elements without first obtaining a certificate of appropriateness from the Commission.

B. The Town Building Inspector shall be responsible for administering and maintaining records of the applications for a certificate of appropriateness, whether or not they are accompanied by an application for a building permit. The Building Inspector shall have the same enforcement capability with respect to a certificate of appropriateness that the Inspector may exercise with respect to a building permit.

C. No fees shall be collected for a certificate of appropriateness application.

D. Any application for a variance, special use permit, site plan, building permit, demolition permit, sign permit, subdivision or site plan affecting a landmarked property or any property within an historic district or a structure or premises listed in the National or State Register of Historic Places shall be referred to the Commission for its recommendations in order to facilitate the review process.

§§ 147.7 Criteria for approval of certificate of appropriateness

A. In passing upon an application for a certificate of appropriateness, the Commission shall not consider changes to interior spaces.

B. The Commission's decision shall be based upon the following principles:

1. Historic properties shall be retained with their historic features altered as little as possible.
2. Any alteration of existing property shall be compatible with its historic character, and with the historic character of surrounding properties, if any. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
3. New construction shall be compatible with the historic character of its surroundings.

C. In determining compatibility, the Commission shall consider the following factors:

1. The general design, character and appropriateness to the property of the proposed alteration or new construction;
2. The scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
3. Texture, materials and color and their relation to similar features of other properties in the neighborhood;
4. Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on the streets, including setback;
5. The importance of historic, architectural or other features to the significance of the property.

§§ 147.8 Application procedure for certificate of appropriateness

A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such certificate with the Building Inspector. The application shall state, where appropriate:

1. Name, address and telephone number of the applicant;
2. Location and photographs of property;
3. Detailed description of proposed changes;
4. Perspective and elevation drawings, including relationship to adjacent properties;
5. Samples of color and/or materials to be used;
6. Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination and a plan showing the sign's location on the property; or

7. Any other information which the Commission may deem necessary in order to visualize the proposed work.

B. No building permit, demolition permit or sign permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Commission. The certificate of appropriateness required by this chapter shall be in addition to and not in lieu of any permits that may be required by any other laws or regulations of the Town. The Building Inspector shall refer any application for a certificate of appropriateness to the Commission within 10 working days of receipt by the Building Inspector or by such other deadline established by the Commission.

C. The Commission shall approve, approve with modifications, or deny the certificate of appropriateness within 45 days from receipt of the completed application. The Commission shall hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Failure to render a decision within 45 days shall be deemed an approval.

D. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by certified mail, return receipt requested, and a copy filed with the Town Clerk and the Town Building Inspector for public inspection. The address used for such notification shall be the address of the applicant as shown on his application for the building permit. The Commission decision shall state the reasons for granting, modifying or denying any application.

§§ 147.9 Enforcement

All work performed pursuant to a certificate of appropriateness issued under this Chapter shall conform to any requirements included therein. It shall be the duty of the Building Inspector to inspect any such work to assure compliance. In the event work is performed that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Commission, the Building Inspector or Code Enforcement Officer shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

§§ 147.10 Maintenance and Repair Required

A. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark, a property under consideration for landmark designation, or property within a historical district which does not involve a change in design, material, color or outward appearance.

B. Deterioration.

1. No owner or occupant of real property designated as a landmark or included within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect

upon the character of a landmark or an historic district as a whole or the life and character of the property itself.

2. Examples of such deterioration include:

- a. Deterioration of exterior wall or other vertical supports;
- b. Deterioration of roofs or other horizontal members;
- c. Deterioration of exterior chimneys;
- d. Deterioration or crumbling of exterior stucco or mortar;
- e. Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;
- f. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

C. The Building Inspector shall conduct an annual survey of all buildings designated as landmarks to determine that they are not in a state of disrepair and that no changes have been made in the features described in §§ 147.6A of this Chapter without the owner having first obtained a certificate of appropriateness.

§§ 147.11 Appeals regarding landmark designation

A. Any person aggrieved by a decision of the Commission relating to landmark designation or the creation of a historic district may, within 30 days of the filing of the Commission's decision in the office of the Town Clerk, file a written application with the Town Clerk for review of the Commission's decision by the Town Board.

B. The Town Board shall review the decision of the Commission at a regularly scheduled or special meeting within 30 days after the application for review is filed with the Town Clerk, at which an opportunity to comment on the appeal is afforded to all interested parties or any member of the public. A majority of the membership of the Town Board is required to change a decision of the Commission.

C. In reaching its decision, the Town Board shall consider the record of the case provided to the Commission. Any new issues, additional information or considerations must first be referred to the Commission for its initial determination.

§§ 147.12 Appeals Regarding Certificates of Appropriateness

A. Any person whose application for a certificate of appropriateness has been denied by the Commission may apply for relief on the ground of hardship, which appeal must be filed within 30 days of the filing of the decision in the office of the Building Inspector, by making a written application to the Building Inspector for review of the decision by the Town Zoning Board of Appeals.

B. The Zoning Board of Appeals shall review the decision of the Commission at a regularly scheduled or special meeting within 30 days after the application for review is filed with the Building Inspector, at which an opportunity to comment on the application is afforded to all interested parties or any member of the public. The Zoning Board of Appeals shall decide the

application within 62 days after the meeting, or any adjournments or extensions thereof. The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse or modify a decision of the Commission.

C. In order to prove hardship, the applicant shall demonstrate to the Zoning Board of Appeals that:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood;
3. The requested use, if approved, would not adversely impact on adjoining or nearby properties designated as landmarks or located within an historic district, and
4. The alleged hardship has not been self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of relief.

§§ 147.13 Judicial review

A. Any person aggrieved by a decision of the Town Board in the review of a decision of the Commission regarding landmark designations or a decision of the Zoning Board of Appeals regarding certificates of appropriateness may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Law and Rules. The proceeding must be commenced within 30 days after the filing of the decision appealed from in the office of the Town Clerk.

§§ 147.14 Penalties for offenses

A. Failure to comply with any of the provisions of this Chapter shall be deemed a violation of the Town's Zoning Ordinance, Chapter 165.

B. Any person who constructs, alters, demolishes or permits a property designated as a landmark to fall into a serious state of disrepair in violation of this Chapter shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this Chapter shall be brought by the Town Attorney or Code Enforcement Officer, who shall be entitled to recover, in addition to the fine, all costs and expenses incurred by the Town in pursuing compliance with this Chapter. This civil remedy shall be in addition to, and not in lieu of, any other remedy or penalty.

§ 147-15. Limited tax exemption for Approved Rehabilitation.

A. In accordance with Real Property Tax Law §§ 444-a, real property designated as a Landmark Site or within a Historic District shall be exempt from taxation to the extent of any increase in value attributable to the approved alteration or rehabilitation of such historic property ("Approved Rehabilitation") pursuant to the following schedule:

Year of Exemption	Percent of Exemption
1	100%
2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

B. No such exemption shall be granted for such alterations or rehabilitation unless:

- (1) Such property has been designated as a Landmark, a Landmark site or is located within a Historic District in accordance with this Chapter 147;**
- (2) The alterations or rehabilitation are made for means of historic preservation;**
- (3) The alterations or rehabilitation meet any guidelines and review standards set forth in this Chapter 147;**
- (4) The alterations or rehabilitation are approved by the Committee prior to commencement of work; and**
- (5) The alterations or rehabilitation are commenced subsequent to the effective date of this Chapter.**

C. Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the State Office of Real Property Services. The application shall be filed with the Assessor of the town on or before March 1, or such other date as may be the town's taxable status date.

D. Such exemption shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The Assessor shall approve such application and such property shall thereafter be exempt (to the extent of such Approved Rehabilitation) from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in Subsection C herein. The assessed value of any exemption granted pursuant to this section shall be entered by the Assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

2. This local law shall take effect upon filing with the Secretary of State.