

[Blue indicates existing language; proposed changes are in black.]

Chapter 300. Zoning and Land Use

Article II. Definitions

§ 300-14. General terms.

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

Archaeological Resource

Any material remains of past human life or activities which are of archaeological interest, and which are at least 100 years of age. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, unless found in an archaeological context.

Certificate of Appropriateness

An official form issued by the Architectural and Historic Review Board stating that the proposed work on a designated Historic Landmark, Scenic Landmark, or contributing structure within a Historic District is compatible with the historic character of the property and thus in accordance with the provisions of this local law and therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the Building Department may issue any permits needed to do the work specified in the certificate.

Compatible / Compatibility (as set forth in §300-19B(2)-(3))

In harmony with location, context, setting, and historic character.

Contributing Property

A special historic resource that contributes to the historic fabric of the community, or to a particular neighborhood, or to a more important structure. The relationship of this structure to other landmarks/landmark districts may make its preservation important to other structures or to a definable geographic area. Identification of the value and contribution of such a structure to the surrounding structures or

area, as described above, would make it eligible for inclusion in the Historic Resources Inventory. This resource has the potential to be considered for inclusion in a Village Historic District.

The scoring system in the Individual Property Form is a non-binding guideline for determining whether a property is contributing or non-contributing.

(a)

Appendix K: Historic District Application and Individual Property Form.^[1]

[1]

Editor's Note: Appendix K is included at the end of this chapter.

Historic District

An area designated as an Historic District by this local law, and which contains within definable geographic boundaries a significant concentration, linkage or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. An Historic District designated under this local law shall be considered an overlay zone, and the use regulations for any lot or parcel in the overlay zone shall be the same as otherwise permitted in the zoning district in which the lot or parcel is located. Furthermore, the bulk requirements (coverage, lot size, yards, height) for any lot or parcel in the overlay zone shall be the same as otherwise required in the zoning district in which the lot or parcel is located.

Historic Integrity

The retention of sufficient aspects of location, design, setting, workmanship, materials, feeling or association for a property to convey its historic significance.

Historic Landmark

Any building, structure, object or site which has special historical, cultural, or aesthetic value to the Village of Dobbs Ferry, and/or is an important part of the Village's heritage.

The scoring system in the Individual Property Form is a non-binding guideline for determining whether a property qualifies as an Historic Landmark.

(a)

Appendix K: Historic District Application and Individual Property Form.^[1]

[1]

Editor's Note: Appendix K is included at the end of this chapter.

Historic Resource

Any evaluated building, structure, object, or site that

A. exemplifies or possesses special character, or historic or aesthetic interest of value as part of the political, economic, or social history of the Village;

B. is identified with persons or events significant in local, state, or national history;

- C. embodies the distinguishing characteristics of a type, period or method of construction or design style, or is a valuable example of the use of indigenous materials or craftsmanship; or is representative of the work of a designer, architect or builder;
- D. represents an established and familiar visual feature of the community by virtue of its unique location or singular physical characteristic, represents an established and familiar visual feature of the community; or
- E. has yielded or may be likely to yield information important in prehistory or history.
- F. is part of a collection of structures which together serve as tangible evidence of a community's cultural heritage and historic identity

National Register of Historic Places

The official inventory of the nation's historic properties, districts, sites, districts, structures, objects and landmarks which are significant in American history, architecture, archaeology, and culture, maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 USC. 470 et seq., 36 CFR Sections 60, 63, as may be amended).

Non-Contributing Property

A structure in a recognized or potential historic district that does not make a significant contribution to that district. Although preservation of this building is not essential, it is important to recognize the relationship of its existence and/or changes in land use to other buildings in the district.

The scoring system in the Individual Property Form is a non-binding guideline for determining whether a property is contributing or non-contributing.

(a)

Appendix K: Historic District Application and Individual Property Form.^[1]

[1]

Editor's Note: Appendix K is included at the end of this chapter.

Rehabilitation

The act or process of repairing, altering, and/or adding on to a structure while preserving those portions or features of the property which convey its historical, architectural and cultural values.

Repair

Acts of ordinary maintenance that do not include a change in the design, material, form, or outer appearance of a resource, such as repainting. This includes methods of stabilizing and preventing further decay, and may incorporate replacement- in-kind or refurbishment of materials on a building or structure.

Restore

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Scenic Landmark

Structures that are not buildings but may include structures, features or resources such as bridges, piers, parks, gateways, cemeteries, sidewalks, clocks, and trees, which meet the criteria for an Historic Landmark.

Article III. Planning Board

§ 300-16. Establishment and organization, powers and duties.

A. Establishment and organization.

(1) Pursuant to § 7-718 of the Village Law, there is hereby established in the Village of Dobbs Ferry a Planning Board which shall consist of five members. All members of the Planning Board shall be residents of the Village. The members shall be appointed by the Mayor, subject to the approval of the Board of Trustees. All members, including alternate members, shall comply with all other requirements of all applicable laws, including training requirements.

(2) The Mayor shall nominate one of the members of the Planning Board to serve as Chairperson, subject to the approval of the Board of Trustees.

(3) The members of the existing Planning Board in office at the time this chapter takes effect shall continue in office until the end of the terms for which they were appointed. Their successors shall be appointed for terms of five years. The terms of Planning Board members shall always be staggered in such manner as to provide that one member's term expires each year in accordance with the provisions of § 7-718 of New York State Village Law.

(4) The Mayor shall appoint at least one but no more than two alternate Planning Board members, subject to approval by the Board of Trustees. The terms of the alternate members shall be three years, and no alternate member shall be appointed in the same year as another alternate member, except to fill the unexpired term of a vacancy. The Chairperson of the Planning Board may designate an alternate member to substitute for a regular member when such member is absent or unable to participate because of a conflict of interest on an application or matter before the Planning Board. Any alternate

members shall attend all meetings of the Planning Board, shall sit with the regular members during the review of matters before the Board, and shall participate in all actions of the Board up to, but not including, voting on motions, resolutions and actions, unless they are substituting for a regular member.

(5) If a vacancy shall occur otherwise than by expiration of a term, the Mayor shall appoint a new member for the unexpired term.

(6) To the extent that the provisions of this section are inconsistent with the provisions of the Village Law at § 7-718, the Board of Trustees hereby declares its intent to supersede the provisions of the Village Law pursuant to § 10 et seq. of the Municipal Home Rule Law.

B. Powers and duties. The Planning Board shall have the following powers and duties:

(1) To adopt rules and regulations for its operation and to follow said rules and regulations in the conduct of its official business.

(2) To review and recommend changes to the Vision Plan adopted by the Board of Trustees pursuant to § 7-722 of the Village Law of the State of New York.

(3) To review and recommend proposed amendments to this chapter.

(4) To hear and decide requests for preliminary and final subdivision approval pursuant to Article XIV of this chapter.

(5) To hear and provide recommendations and/or approvals with regard to applications for site plan approval pursuant to Article XII of this chapter.

(6) To hear and decide requests for special permits.

(7) To hear and decide applications for demolition permits, except with regard to Historic Landmarks, Scenic Landmarks, or Contributing Properties within an Historic District.

(8) To review development applications for compliance with SEQRA.

(9) To review development applications for compliance with the Local Waterfront Revitalization Plan.

(10) To refer applications to the Board of Trustees, Zoning Board of Appeals, Architectural and Historic Review Board, Technical Review Committee and Conservation Advisory Board as required by the provisions of this chapter.

(11) Upon the granting of an approval or making a recommendation, to impose such reasonable conditions and restrictions as are intended to promote the objectives of SEQRA, the Vision Plan, the Local Waterfront Revitalization Plan, or other relevant law or officially adopted local or regional plan, and as are directly related to and incidental to the proposed use of the property.

(12) To retain, as necessary, counsel, clerks, a secretary and experts, including but not limited to engineers, architects, landscape architects, historic preservationists and planners, to assist it in the conduct of its official business, which shall be paid for by the applicant in accordance with Article XVI.

(13) To submit a report to the Board of Trustees on any matter or class of matters referred to the Planning Board by the Board of Trustees for review and recommendation before final action is taken by the Board of Trustees or other office or officer of the Village having final authority over said matter. The Board of Trustees may stipulate that final action shall not be taken until the Planning Board has submitted its report thereon or has had a reasonable time to submit the report.

(14) To recommend to the Board of Trustees new or modified regulations relating to any subject matter over which the Planning Board has jurisdiction pursuant to this chapter.

(15) To maintain and make available minutes of all of its meetings in accordance with Article 7 of the Public Officers Law and to comply with all applicable public notice and hearing requirements specified in this chapter.

(16) To perform such other tasks as may be necessary in the carrying out of the above powers and duties.

C. Expenses. The Board of Trustees shall make such appropriation as reasonable and necessary for the operation of the Planning Board, including but not limited to the hiring of counsel, experts, clerks and a secretary.

Article IV. Architectural and Historic Review Board

§ 300-17. Purpose and findings, establishment, powers and duties.

A.

Purpose and findings. The Board of Trustees hereby states the following purposes and findings:

(1)

That Dobbs Ferry is a village of distinct neighborhoods, each of which has its own distinct architectural and landscape character related to the natural environment and

historic context in which it was developed and the values of the people who have lived there over the course of time.

(2)

That Dobbs Ferry also is possessed of many distinct and unifying features that transcend particular neighborhoods, including the Hudson River waterfront, other smaller watercourses, generous open spaces, tree-lined streets, a traditional downtown and many hillside settings.

(3)

That Dobbs Ferry is home to a large number of long-standing institutions, the future use and development of which properties could have a substantial impact on the quality of life in the Village.

(4)

That building and design techniques and preferences have changed significantly throughout the course of the Village's period of settlement and are likely to continue to change in the future, thereby posing continuing challenges to the preservation of the unique attributes of Dobbs Ferry's neighborhoods and the Village as a whole.

(5)

That Dobbs Ferry has a special responsibility, owing to its location on the Hudson River waterfront and its many historic resources, to guide future changes to its physical design and the appearance of its buildings, structures and landscapes in a manner that preserves and enhances the Village's traditional appearance, natural features, historic features, and sense of place.

(6)

That, in light of the above findings, the establishment of an Architectural and Historic Review Board with the power to review and approve or disapprove development applications on the basis of objective design and historic preservation standards, to be set forth in this article, is in the best interests of the Village and its residents.

(7)

It is the purpose of this chapter to preserve the exterior traditional appearances of the buildings throughout the Village in the varying neighborhoods and to promote and protect the health, safety, morals and general welfare of the community. In addition, the Architectural and Historic Review Board's purpose is to conserve the value of the buildings and structures and encourage the most appropriate use of land within the Village.

B.

Establishment and organization.

(1)

In accordance with the findings set forth hereinabove, there is hereby established in the Village of Dobbs Ferry an Architectural and Historic Review Board, to consist of five members appointed by the Mayor, subject to the approval of the Board of Trustees. All members of the Architectural and Historic Review Board shall be residents of the Village and shall have particular expertise in architecture, historic preservation, landscape architecture, urban design, real estate, building construction, community and regional

planning or related fields. At least one member of the Board shall be a registered architect in the State of New York, and at least one member shall:

(a)

Possess a degree or certification in historic preservation granted by an institution of higher education; and/or

(b)

Demonstrate expertise in historic preservation through a history of employment in the field or in projects involving historic preservation in a related field such as architecture, construction or planning.

(2)

The Mayor shall appoint one of the members of the Architectural and Historic Review Board to serve as Chairperson, subject to the approval of the Board of Trustees.

(3)

The members of the existing Architectural Review Board in office at the time this chapter takes effect shall assume office in the Architectural and Historic Review Board until the end of the term for which they were appointed to the Architectural and Historic Review Board. Their successors shall be appointed for terms of three years.

(4)

The Mayor may appoint one or two alternate Architectural and Historic Review Board members, subject to the approval of the Board of Trustees. The terms of the alternate members shall be three years, and no alternate member shall be appointed in the same year as another alternate member, except to fill the unexpired term of a vacancy. The Chairperson of the Architectural and Historic Review Board may designate the alternate member to substitute for a member when such member is absent or unable to participate because of a conflict of interest on an application or matter before the Board. Alternate members shall attend all meetings of the Architectural and Historic Review Board, shall sit with the regular Board members during the review of matters before the Board, and shall participate in all actions of the Board up to, but not including, voting on motions, resolutions and actions, unless they are substituting for a regular member.

(5)

If a vacancy shall occur otherwise than by expiration of a term, the Mayor shall appoint a new member for the unexpired term.

C.

Powers.

[Amended 6-14-2011 by L.L. No. 6-2011]

(1)

The Architectural and Historic Review Board has the right to refuse to hear applications that are not compliant with the provisions of this Code or that are not complete.

(2)

Excessive similarity. The Architectural and Historic Review Board may disapprove any application for a building permit referred to it which shall include the construction, reconstruction or alteration of any building or structure, provided that the Board finds that the building or structure for which the permit is applied would, if erected or altered, be so

detrimental to the desirability, property values or development of the surrounding area, consisting of any lot fronting on the same street within 200 feet of the proposed site, as to provoke such harmful effects by excessive similarity to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application or for which an application for a permit is pending in respect to one or more of the following features of exterior design and appearance: apparently identical facade, identical size and arrangement of either doors, windows, porticos or other openings or breaks in the facade facing the street, including reverse arrangement, massing and/or other design elements, provided that a finding of excessive similarity shall be based upon a preponderance of evidence as set forth in the minutes.

(3)

Excessive dissimilarity. The Architectural and Historic Review Board may disapprove any application for a building permit referred to it, as provided in Subsection C(2) above, provided that the Board finds that the building or structure for which the permit is applied would, if erected or altered, be so detrimental to the desirability, property values or development of the surrounding area, consisting of any lot fronting on the same street within 200 feet of the proposed site, as to provoke such harmful effects by excessive dissimilarity or inappropriateness in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application or for which an application for a permit is pending, in respect to one or more of the following features: massing, cubical content, gross floor area, height or bulk of building or height of roof, or other significant features, such as but not limited to material, provided that a finding of excessive dissimilarity or inappropriateness shall be based upon a preponderance of evidence as set forth in the minutes.

(4)

Limits on ridge height, eave height and sky exposure plane. For any application in an OF or MDR-1 residential district submitted to the Architectural and Historic Review Board, the following shall apply:

(a)

Roof ridges shall not exceed a maximum height determined by multiplying the prevailing ridge height of existing buildings within the context limit area of the subject lot by 1.25. Existing ridge heights shall be measured from the average grade along the facade with the highest grade elevation, and the proposed ridge height shall also be measured from the average grade along the facade with the highest grade elevation. Existing buildings with ridge heights excessively high or excessively low may be omitted from this calculation at the discretion of the AHRB. Proposed buildings with ridge heights that do not exceed 28 feet, as measured above, are exempt from this requirement. Refer to Table B-7.^[1]

[1]

Editor's Note: Table B-7 is included at the end of this chapter in Appendix B.

(b)

Roof eaves shall not exceed a maximum height determined by multiplying the prevailing eave height of existing buildings within the context limit area of the

subject lot by 1.15. Eave heights shall be measured above the facade with the highest grade elevation, and the proposed eave height shall also be measured from the average grade along the facade with the highest grade elevation. Existing buildings with eave heights excessively high or excessively low may be omitted from this calculation at the discretion of the AHRB. Proposed buildings with eave heights that do not exceed 22 feet, as measured above, are exempt from this requirement. Refer to Table B-7.^[2]

[2]

Editor's Note: Table B-7 is included at the end of this chapter in Appendix B.

(c)

The Architectural and Historic Review Board may omit buildings from the calculations that it determines are an anomaly within the context limit area.

(d)

No part of a proposed building may penetrate a plane determined by projecting a forty-five-degree angle from a height of 10 feet along a lot line, with the base point of the measurement established as the average grade between the lot line and the proposed building. Exceptions to this are chimneys and dormers seven feet or less in width, not to exceed a total aggregate width of 33% of the overall length of the building wall below that roof on which the dormers sit.

(e)

A table listing the eave heights and the ridge heights of all relevant buildings used in determining the prevailing eave and ridge heights shall be provided with the documents submitted to the Architectural and Historic Review Board for the application. The table shall show the prevailing eave height based on the calculation as per Table B-7.^[3]

[3]

Editor's Note: Table B-7 is included at the end of this chapter in Appendix B.

(f)

Diagrams showing the sky exposure plane relative to the proposed building shall be included on the drawings submitted for the application to the Architectural and Historic Review Board.

(g)

For building designs that do not meet the standards of this article, it is strongly recommended that the applicant submit massing diagrams that demonstrate why the project cannot comply or why the deviant design is preferable. The Architectural and Historic Review Board may require that these diagrams be submitted for its review. The burden of proof is on the applicant.

(5)

The Architectural and Historic Review Board may modify the limits above to accommodate a proposed building when the Architectural and Historic Review Board determines that:

(a)

The applicant has demonstrated that best efforts have been made to comply with the limits, but that this is not feasible due to special site conditions or the context of the neighboring buildings.

(b)

The project as a whole, with modifications included, remains consistent with the intent of this section.

(c)

The modifications granted shall be the minimum needed to solve the problems presented by the special site conditions in the context of the neighboring buildings.

(d)

The applicant has provided a written request for consideration acceptable to the Architectural and Historical Review Board that justifies such modification.

(6)

Review of historical appropriateness. With respect to properties deemed to be Historic Landmarks, Scenic Landmarks, or Contributing Properties within designated Historic Districts pursuant to §300-43 or otherwise, the Architectural and Historic Review Board shall:

(a)

Evaluate an application for a Certificate of Appropriateness submitted pursuant to §300-19; approve, approve with modifications, or deny any proposal for exterior changes to a designated individual landmark or Contributing Property within a designated Historic District resulting from any such application;

(b)

Evaluate an application for a certificate of economic hardship; approve, approve with modifications, or deny any such application;

(c)

Evaluate an application for a Certificate of Appropriateness for demolition, removal or relocation; recommend or deny any such application to the Board of Trustees;

(d)

Issue Certificates of Appropriateness and certificates of economic hardship, as appropriate, following approvals pursuant to the above provisions;

(e) Perform other functions that the Village governing Board of Trustees may designate by local law.

D.

Duties. The Architectural and Historic Review Board shall have the following duties:

(1)

To adopt rules and regulations for its operation and to follow said rules and regulations in the conduct of its official business.

(2)

To review and recommend changes to the Design Guidelines and to the Historic Design Requirements.^[4]

[4]

Editor's Note: The Design Guidelines are included at the end of this chapter in Appendices F and G, and the Historic Design Requirements are included in Appendix J

(3)

In its capacity as a design review body, to review and approve or disapprove building permit applications referred to it in accordance with the provisions of this article.

(4)

In considering approval of a building permit application, the Architectural and Historic Review Board may impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property and which act to promote desirable design characteristics or preserve historic features.

(5)

Upon request or upon application, to review and make binding recommendations in its capacity as a historic review body with regard to building permit applications for Historic Landmarks and properties in Historic Districts in accordance with relevant other provisions of this Code.

(6)

Upon request or upon application, to review and make nonbinding recommendations in its capacity as a historic review body with regard to building permit applications for properties which are eligible for listing on the state or national registers of historic places, either as a landmark or within a Historic District.

(7)

Upon request or upon application, to recommend the designation of local Historic Landmarks and districts to the Board of Trustees, and to review and make recommendations with regard to any proposed designation of such landmarks or districts by the Board of Trustees.

(8)

To maintain an inventory of properties and districts within the Village that are listed on the local, state and/or national registers of historic places or that have been certified as eligible for such listing or otherwise of local significance, and to make such inventory available to the public.

(9)

To retain, as necessary, counsel, clerks, a secretary and experts, including but not limited to engineers, architects, landscape architects, historic preservationists and planners, to assist the Board in the conduct of its official business. These fees shall be paid by an applicant in accordance with Article XVI.

(10)

To maintain and make available minutes of all of its meetings in accordance with § 300-27, and to comply with all applicable public notice and hearing requirements specified in this chapter.

(11)

To prepare and make available to the public graphic and textual depictions which illustrate design principles to be encouraged throughout the Village or in particular districts or for particular building types and uses, subject to the approval of the Board of Trustees.

(12)

To perform such other tasks as may be necessary in the carrying out of the above powers and duties.

(13)

Any person aggrieved by a decision of the Architectural and Historic Review Board shall have the right to appeal said action to the Zoning Board of Appeals by written notice signed by the appellant or legal representative. Any appeal to the Zoning Board of Appeals shall be made within 30 days of a duly signed "findings statement" that is filed with the Village of Dobbs Ferry Clerk's office. See § 300-23.

E.

Expenses. The Board of Trustees shall make such appropriation as reasonable and necessary for the operation of the Architectural and Historic Review Board, including, but not limited to, the hiring of counsel, experts, clerks and secretary, which expenses shall be paid by the applicant in accordance with Article XVI.

§ 300-18. Design review.

A.

When required. Design review by the Architectural and Historic Review Board shall be required for the following types of applications:

(1)

The construction, reconstruction or exterior alteration of any structure.

(2)

Applications requiring site plan review.

(3)

Signs.

B.

Criteria for decision.

(1)

Buildings and structures. The Architectural and Historic Review Board shall approve, approve with modifications and/or conditions, or deny a permit for a building or structure in accordance with the expertise and judgment of its members, who shall be guided in their decision by the following:

(a)

Appendix F: Downtown Design Guidelines.^[1]

[1]

Editor's Note: Appendix F is included at the end of this chapter.

(b)

Appendix G: Residential Design Guidelines.^[2]

[2]

Editor's Note: Appendix G is included at the end of this chapter.

(c)

Consistency with the Vision Plan and the Local Waterfront Revitalization Plan (LWRP).^[3]

[3]

Editor's Note: The Vision Plan and the Local Waterfront Revitalization Plan are on file in the Village office.

(d)

Consistency with the findings of the environmental quality review, if applicable.

(e)

Harmony with the character of the neighborhood and surrounding area.

(f)

The Field Guide to American Houses and other recognized architectural field guides selected by the Architectural and Historic Review Board for use as guidelines on historic styles and related massing, materials and details.

(g)

Appendix J: Historic Design Requirements.

(h) The provisions of this article.

(2)

Signs. The Architectural and Historic Review Board shall consider the compatibility and harmony of proposed signs with existing and proposed improvements on the property, the surrounding built and natural environment and existing signs on nearby properties, in particular:

(a)

The sign should utilize materials and colors that are compatible with those used on the building.

(b)

The amount of information on the sign should be minimized, and the relative size of the lettering should be similar to other signs of the same type (e.g., wall signs, awning signs or monument signs) in the area.

(c)

The sign should not mask architectural features on the building or viewsheds identified in the Vision Plan or this chapter.

(d)

The intensity of sign lighting should be similar to that of surrounding signs, but the type of lighting may differ from sign to sign.

C.

Time for decision. Within 45 days of the first meeting on the application, the Architectural and Historic Review Board shall approve, deny or approve the application subject to conditions in accordance with the law. This time period is subject to such extensions of time as may be required by the Architectural and Historic Review Board to obtain further information, to complete the environmental quality review process, or for the applicant to submit amendments to the application. The time frame shall be extended to the next

scheduled meeting if a regularly scheduled meeting has been cancelled for any reason. The failure to render a decision on an application within 45 days of the first meeting on the application does not result in an automatic approval, but rather, an applicant's sole remedy is a mandamus proceeding to compel the Board to act. Written findings shall be filed with the Village Clerk within 30 days of any decision denying the application. In instances where filing of a written decision is not required under this section and a written request for the issuance of a written decision has been made within 30 days of such decision, written findings will be filed with the Village Clerk within 60 days of such request.

[Amended 6-14-2011 by L.L. No. 6-2011]

D.

Post-approval procedure. If the application requires additional approvals pursuant to this chapter, the Architectural and Historic Review Board shall refer the application, together with a resolution detailing its findings and the conditions of approval, to the appropriate administrative body. If the application does not require additional approvals, the Architectural and Historic Review Board shall refer the application, together with a resolution detailing its findings and the conditions of approval, to the Land Use Officer. All decisions by the Architectural and Historic Review Board shall be appealable to the Zoning Board of Appeals within 30 days of the filing of written findings with the Village Clerk.

E.

Public meetings. The Architectural and Historic Review Board shall conduct meetings open to the public, during which the application will be reviewed. These meetings, however, are not public hearings, and the opportunity for the public to speak at meetings is at the discretion of the Architectural and Historic Review Board.

§ 300-19. Historical review; Certificate of Appropriateness.

A.

When required.

(1)

In addition to the requirements set forth in §300-18 regarding design review, the Architectural and Historic Review Board shall conduct a binding historic review during a public hearing for applications for the construction, reconstruction, exterior alteration or demolition of properties which are one or more of the following:

(a)

deemed to be Contributing Properties located in locally designated Historic Districts.

(b)

locally designated as Historic Landmarks or Scenic Landmarks

(c) designated on the state or national registers of historic places, or located within Historic Districts on the state or national registers of historic places

(d) listed as eligible for inclusion on the state or national registers of historic places as of [effective date of this section].

B.

Criteria for historic review or approval.

(1)

Certificate of Appropriateness; general criteria:

The Architectural and Historic Review Board shall approve the issuance of, and shall issue, a Certificate of Appropriateness only if it determines that (a) the proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the individual landmark or Scenic Landmark or (b) if the proposed work is within a Historic District, the proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance of the property itself, the district or neighboring properties in such district.

(2)

In making this determination, the AHRB's decision to approve, approve with modification(s) or deny an application for a Certificate of Appropriateness for an individual landmark, for a Scenic Landmark, or for a Contributing Property within a Historic District, will be guided by the following principles:

- (a) properties which contribute to the character of the Historic District shall be retained, with their historic features altered as little as possible;
- (b) any alteration of existing properties shall be compatible with the surrounding Historic District and shall not impair the essential form or Historic Integrity of the property; and
- (c) new construction shall be compatible with the Historic District in which it is located.

(3)

In applying the principle of compatibility set forth in paragraph B(2)(b) and (c) of this Section, the AHRB shall consider the following factors:

- (a) the general design and character of the proposed alteration or new construction relative to existing features of the property or Historic District;
- (b) the scale and visual compatibility of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
- (c) materials, and their relation to similar features of the property and other properties in the neighborhood;
- (d) visual compatibility with surrounding properties, including proportion of the property's facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and
- (e) the importance of historic physical and visual features to the significance of the property.
- (f) conformity with the Historic Design Requirements set forth in Appendix J.

(4)

In approving an application for a Certificate of Appropriateness, the AHRB shall find that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan or with stated modifications, would be consistent with the requirements of §300-17(C)(2)-(3).

(5)

Where the AHRB grants a Certificate of Appropriateness under circumstances in which the permitted activity is likely to uncover or affect Archaeological Resources, or where Archaeological Resources are uncovered during the course of the permitted activity, the AHRB shall require reasonable efforts to protect and preserve such resources. Where such protection and preservation is not possible without incurring undue economic hardship, the AHRB shall nonetheless impose appropriate and reasonable conditions to insure that the Archaeological Resource is made accessible for a reasonable period to qualified persons.

(6) With respect to any proposed work that requires historic review and AHRB approval, the issuance of a Certificate of Appropriateness shall be a prerequisite to obtaining a building permit required by other provisions of this Code or by other applicable regulations.

(7) Time limits

(a)

Any building or structure, the construction of which has not been completed, including grading, the paving of driveways, access roads and parking areas, within 12 months of the date of the issuance of the Certificate of Appropriateness therefor, in accordance with the plans and specifications on file with the Building Inspector, shall be considered a violation of this chapter and shall subject the owner, lessee or contractor to the penalties contained herein.

(b)

The Building Inspector may, in his discretion, extend such twelve-month period for up to two additional twelve-month periods if satisfactory proof is submitted to him that the completion of the building or structure was delayed by reasons outside the control of the owner, lessee or contractor.

(c)

No Certificate of Appropriateness, including any extensions, shall be valid for a period of more than 3 years from the original issuance date.

C.

Hardship Process and Criteria.

(1)

An applicant whose Certificate of Appropriateness for a landmark property has been denied may apply for relief on the ground of economic hardship and request a certificate of hardship. In order to prove the existence of economic hardship, the applicant shall establish that the denial of a Certificate of Appropriateness will prevent the property owner from earning a reasonable return on investment, regardless of whether that return represents the most profitable return possible, or will deny the property owner the beneficial use of his property.

(2)

Economic Hardship; criteria. The applicant shall demonstrate the existence of economic hardship by demonstrating to the Zoning Board of Appeals, by a preponderance of the evidence, that:

(a)

i. the applicant cannot realize a reasonable return if compliance with the AHRB's decision is required, provided, however, that the lack of reasonable return is proven by the applicant to be substantial as demonstrated by competent financial evidence;

ii. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

iii. that the requested relief, if granted, will not substantially alter the essential character of the neighborhood; and

iv. that the alleged hardship has not been self-created

OR that

(b) alterations would prevent continued beneficial use and/or legal occupancy of the subject property or would limit its adaptive reuse.

(3)

Public hearing.

The Zoning Board of Appeals shall hold a public hearing of the hardship application at which an opportunity will be provided for the applicant and public to present their views on the hardship application. Such hearing shall be held within a reasonable time following the submission of a complete application for certificate of hardship.

(4)

Zoning Board of Appeals decision.

A decision of the Zoning Board of Appeals on the hardship application shall be in writing and shall state the reasons for granting or denying it. A copy shall be sent to the applicant by certified mail/return receipt requested or courier service with proof of delivery or personal service with proof of delivery and a copy filed with the Village clerk's office for public inspection.

(5)

As promptly as is practicable after the Zoning Board of Appeals has made a preliminary determination of hardship as provided in this local law, the AHRB, with the aid of such experts as it deems necessary, may, in consultation with the applicant, endeavor to develop a plan whereby the improvement may be preserved and perpetuated in such manner as to effectuate the purpose of this local law, and also rendered capable of earning a reasonable return.

(6)

No building permit or other land use approvals shall be issued unless the Zoning Board of Appeals grants the hardship application.

(7)

The Zoning Board of Appeals, in the granting of a certificate of economic hardship, shall grant the minimum terms deemed necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

D.

Demolition or Relocation of Historic Properties.

(1) The AHRB must hear applications for demolition or relocation of individual Historic Landmarks, Scenic Landmarks, or Contributing Properties within a Historic District. Such applications will be heard in public hearings.

(2) Notwithstanding the foregoing, if any such landmark or structure presents an immediate peril to health, safety or security of property as determined by a qualified engineer approved by the Building Inspector, then the Building Inspector may proceed to authorize demolition with notice to but without the required input of the AHRB in accordance with the reporting requirements of §136-1, and thereafter the Board of Trustees may proceed in a manner consistent with the requirements of §136-2 through §136-5.

(3) If any such landmark or structure is determined by the Building Inspector to be a Public Nuisance as defined in §136-1 (B), but not an immediate threat to health, safety or security of property, then the Building Inspector shall provide a written report to the AHRB, specifying in such report the date of the inspection, the condition found which he deems to be a public nuisance, his opinion as to the cause of such condition (including, if appropriate, the opinion of a licensed engineer approved by the AHRB and paid for by the property owner), and his recommendations with reference to the correction of such condition. Such report shall be filed with the AHRB not less than five days from the date of such inspection. If the report recommends demolition of said structure, the AHRB shall make a recommendation for or against demolition to the Board of Trustees, and thereafter the Board of Trustees may proceed in a manner consistent with the requirements of §136-2 through §136-5. Relocation of an individual landmark or of a Contributing Property within a Historic District shall only be allowed in the event that relocation is the only alternative to demolition.

(4)

Any person desiring to demolish an individual landmark, Scenic Landmark, or Contributing Property within a Historic District shall first file an application for a historic building demolition permit with the Building Inspector. The applicant must submit the following items: (a) a report from a licensed engineer or architect, approved by the AHRB and paid for by the applicant, with experience in Rehabilitation as to the structural soundness of any buildings on the property and their suitability for Rehabilitation; and (b) expert testimony or opinion on the feasibility of Rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and Rehabilitation.

(5) Any evidence of the condition having been self-created through deliberate neglect or inadequate maintenance of the property shall weigh against the applicant.

(6) The Building Inspector shall provide a recommendation to the AHRB regarding whether the application for demolition should be granted.

(7) The AHRB shall hold a public review and shall take one of the following actions:

(a) Recommend approval of the demolition permit by the Board of Trustees, and thereafter the Board of Trustees may proceed in a manner consistent with the requirements of §136-2 through §136-5;

(b) Recommend approval of the demolition permit by the Board of Trustees, subject to a waiting period of up to one hundred twenty days to consider relocation and other alternatives to demolition, and additional documentation; thereafter the Board of Trustees may proceed in a manner consistent with the requirements of §136-2 through §136-5.

(c) Recommend that the Board of Trustees deny the permit.

(8)

During the waiting period, if any, the AHRB may investigate relocation of the Historic Resource (on site) or modification of the Historic Resource for future uses in a way which preserves the architectural and Historic Integrity of the resource. If relocation is recommended by the AHRB to the Board of Trustees, the relocated site shall be compatible with the character of the resource and of the original site.

(9) Demolition or removal of any such resource may be approved only in connection with approval of a replacement project appropriate for the site.

E.

Affirmative Maintenance and Repair Requirement

(1)

Ordinary maintenance; repair.

(a). Nothing in this local law shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a Historic Landmark, Scenic Landmark, or property within a Historic District that does not involve a change in design, building materials, or outward appearance.

(b). If a property owner is unsure whether or not proposed work constitutes ordinary maintenance and repair, the AHRB may evaluate the proposed work and decide without public review whether the proposed work requires a Certificate of Appropriateness.

(2)

No owner or person with an ownership interest in real property designated as an individual landmark, Scenic Landmark, or property within a Historic District shall permit the property to fall into a serious state of disrepair. Maintenance shall be required, consistent with the Property Maintenance Code of New York State Uniform Fire Prevention and Building Code and all other applicable local regulations. Violations of the affirmative maintenance and repair requirements of this section shall be subject to enforcement in accordance with §300-29 hereof, and in particular, each day that passes

shall be considered a separate offense for purposes of the penalties set forth in §300-29D(8)(a).

(3)

Every owner or person in charge of an improvement on an individual landmark, Scenic Landmark, or property with an Historic District shall keep in good repair:

- (a) all of the exterior portions of such improvements and
- (b) all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a serious state of disrepair. Examples of types of prohibited disrepair include, but are not limited to:
 - i. deteriorated or crumbling exterior plasters, mortar or facades;
 - ii. deteriorated or inadequate foundation;
 - iii. defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
 - iv. deteriorated walls or other vertical structural supports that split, lean, list or buckle due to defective material or deterioration;
 - v. members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
 - vi. ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
 - vii. defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering, which may cause or tend to cause deterioration, decay or damage;
 - viii. fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;
 - ix. any fault or defect in the building or structure which renders it not properly watertight or otherwise compromises the life and character of the building or structure.

F.

Time for decision.

(1)

Binding review. Within 45 days of the close of the public review of an application for a Certificate of Appropriateness, a certificate of hardship, or demolition or relocation of a historic property, the Architectural and Historic Review Board shall approve, deny or approve the application subject to conditions in accordance with the law. This time period is subject to such extensions of time as may be required by the Architectural and Historic Review Board to obtain further information, to complete the environmental quality review process, or for the applicant to submit amendments to the application. The time frame shall be extended to the next scheduled meeting if a regularly scheduled

meeting has been cancelled for any reason. The failure to render a decision on an application within 45 days of the close of the public review of the application does not result in an automatic approval, but rather, an applicant's sole remedy is a mandamus proceeding to compel the Board to act. Written findings shall be filed with the Village Clerk within 30 days of any decision denying the application. In instances where filing of a written decision is not required under this section and a written request for the issuance of a written decision has been made within 30 days of such decision, written findings will be filed with the Village Clerk within 60 days of such request.

(2)

Nonbinding review. The Architectural and Historic Review Board shall make recommendations with regard to an application in accordance with applicable law. Said recommendations shall not be binding, but a subsequent reviewing agency may include the recommendations as conditions of approval or may utilize the recommendations as a basis for disapproval of the application.

G.

Post-approval procedure. If the application requires additional approvals pursuant to this chapter, the Architectural and Historic Review Board shall refer the application, together with a resolution detailing its findings and the conditions of approval, to the appropriate administrative body. If the application does not require additional approvals, the Architectural and Historic Review Board shall refer the application, together with a resolution detailing its findings and the conditions of approval, to the Land Use Officer.

§ 300-29. Enforcement.

A.

Violations. All buildings and land used, and all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, must comply with all applicable provisions of this chapter. Failure to comply with applicable provisions constitutes a violation of this chapter. Express violations include, but are not limited to, the following:

(1)

Using land or buildings in any way not consistent with the requirements of this chapter;

(2)

Erecting a building or other structure in any way not consistent with the requirements of this chapter;

(3)

Engaging in the development of land in any way not consistent with the requirements of this chapter;

(4)

Installation or use of a sign in any way not consistent with the requirements of this chapter;

(5)

Engaging in the use of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this chapter without obtaining all such permits or approvals;

(6)

Failure to comply with any permit or approval granted under this chapter;

(7)

Failure to comply with any condition imposed on a permit or approval;

(8)

Obscuring, obstructing, removing or destroying any notice required to be posted or otherwise given under this chapter; or

(9)

Disobeying, omitting, neglecting or refusing to comply with or resist the enforcement of any of the provisions of this chapter.

B. Enforcement for violations on Historic Properties.

(1) All work performed pursuant to a Certificate of Appropriateness issued under this local law shall conform to the requirements expressly stated in the certificate or reasonably implied therefrom. It shall be the duty of the Building Inspector to periodically inspect any such work to assure compliance with the certificate and all applicable law. In the event any requirement included in the Certificate of Appropriateness has not been met, or upon notification of that fact by the AHRB, the Building Inspector 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.

(2) Any owner or person in charge of a property who demolishes, alters, constructs, or permits an individual landmark, Scenic Landmark, or Contributing Property within an Historic District to fall into a serious state of disrepair in violation of this local law in the absence of a Certificate of Appropriateness or demolition permit or other approval by the AHRB, may be required by the Board of Trustees to restore the property and its site to its appearance prior to the violation.

(3) If, in the judgment of the AHRB, a violation of this local law exists that will result in a detrimental effect upon the life and character of an individual landmark, Scenic Landmark, property within an Historic District or on the character of an Historic District as a whole, the AHRB shall notify the Building Inspector. If, upon investigation, the Building Inspector finds non-compliance with the requirements of the Property Maintenance Code of the New York State Fire Prevention and Building Code, or the Affirmative Maintenance and Repair Requirement (300-19E), or any other applicable law or regulation, the building inspector shall order such remedies as are necessary and consistent with this local law and shall provide written notice thereof to the AHRB. Upon such notification, the AHRB may establish a reasonable time not less than 30 days within which the owner must begin repairs. If the owner has not begun repairs within the allowed time, the AHRB shall hold a hearing at which the owner may appear and state his or her reasons for not commencing repairs. If the owner does not appear at the hearing or does not comply with the AHRB's orders, the AHRB may recommend to the Board of Trustees that the required repairs be made at the expense of the Village, with

the cost of labor and materials, as well as all other costs, including court costs and attorney's fees, to be placed as a lien against the property.

(4) Nothing in this Article shall prevent the Building Inspector to commence proceedings in local court for violation of the Village Code, and/or the Village from commencing any action in State Court to remedy any and all violations on the property.

C. **Liability.** The property owner, tenant or occupant of any land or structure, or part thereof, or any design professional, builder, contractor, vendor or authorized agent who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter is jointly and severally liable for the violation and subject to all available penalties and remedies.

D.

Remedies and enforcement powers. The Village may use any lawful remedy or enforcement power, expressly including those described in this section.

(1)

Withhold permit. Village officials may deny or withhold all permits or other forms of authorization for any land or structure for which there is an uncorrected violation of a provision of this chapter or of a condition or qualification of a permit or other authorization previously granted by the Village. This provision applies regardless of whether the current property owner or the applicant is responsible for the violation in question.

(2)

Permits with conditions. Instead of withholding or denying a permit or other authorization, Village officials may grant such authorization subject to the condition that the violation be corrected by a specified time. Village officials are also authorized to require adequate financial assurances that such correction will be made.

(3)

Revoke permit.

(a)

Any permit or other form of authorization required and issued under this chapter may be revoked when the Building Inspector determines that:

[1]

There is departure from the plans, specifications or conditions required under terms of the permit;

[2]

The development permit was procured by false representation or was issued by mistake; or

[3]

Any of the provisions of this chapter and/or the Village Code are being violated.

(b)

Written notice of revocation shall be served upon the property owner by certified mail and posted in a prominent location. Once notice of revocation is provided, all construction must stop.

(4)

Stop work. Whenever development is occurring in violation of this chapter, the **Building Inspector** may order the work to be immediately stopped, in accordance with the following standards:

(a)

The stop-work order must be in writing and directed to the person doing the work and/or the property owner; and

(b)

The stop-work order must state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

(5)

Injunctive relief. The Village may seek an injunction or other equitable relief in court to stop any violation of this chapter.

(6)

Abatement. The Village may seek a court order in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which it existed before the violation.

(7)

Remedial action. Any person who violates this chapter by alteration or modification of a structure to increase the number of dwelling units or living spaces within the structure, or by allowing any such alteration or modification to continue or to be used, or by altering or modifying an office or commercial building to accommodate one or more uses not permitted by this chapter is required to remove those fixtures, electrical and plumbing connections, furnishings, partitions and non-load-bearing walls determined by the **Building Inspector** to constitute the violation. Failure to remove any of the foregoing constitutes a separate violation.

(8)

Penalties.

(a)

Unless otherwise indicated, any violation of this chapter is punishable by a penalty of not more than \$350 for the first offense, \$750 for the second offense, and \$1,000 for the third and subsequent offenses. In addition to any penalties, all costs and expenses incurred by the Village in determining such violation may be collected.

(b)

In addition, every violation of this chapter shall constitute disorderly conduct and every person violating the Zoning Ordinance shall be a disorderly person, subject to both a fine and imprisonment not in excess of the maximum fine and imprisonment prescribed by the Penal Law for such disorderly conduct.

(c)

Each week such violation or failure to comply exists after notice constitutes a separate and distinct offense.

E.

Nothing in this chapter will be construed as depriving the Village of the right to apply for an injunction to prevent any violation or of employing any other remedies as allowed by law.

F.

Continuation of previous enforcement actions. Nothing in this chapter will be interpreted to prohibit the continuation of previous enforcement actions undertaken by the Village under previous valid ordinances and laws.

Article XI. Supplementary Regulations

§ 300-43. Landmark and Historic District designation.

A.

Purpose.

(1)

The Board of Trustees finds that there exist within the Village places, sites and structures that have a special character or special historical or aesthetic interest or value in American, New York State and local history, architecture and culture; that it is feasible to preserve and continue the use of such places, sites and structures; and that such places, sites and structures face the danger of being demolished and destroyed without adequate consideration of the irreplaceable loss to the people of the Village of the aesthetic, cultural and historical values represented by such improvements.

(2)

The purpose of this local law is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of buildings, structures, signs, features, improvements, sites, and areas within the Village that reflect special elements of the Village's historical, architectural, cultural, economic or aesthetic heritage for the following reasons:

- (a) To foster public knowledge, understanding, and appreciation in the beauty and character of the Village and in the accomplishments of its past;
- (b) To ensure the harmonious, orderly, and efficient growth and development of the Village;
- (c) To enhance the visual character of the city by encouraging new design and construction that complements the Village's historic buildings;
- (d) To protect and promote the economic benefits of historic preservation to the Village, its inhabitants and visitors;
- (e) To protect property values in the Village;
- (f) To promote and encourage continued private ownership and stewardship of historic structures;
- (g) To identify as early as possible and resolve conflicts between the preservation of Historic Landmarks/Districts and alternative land uses; and

(h) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

(3)

Enabling Authority. Pursuant to Article 5, § 96- a; Article 5- G, Article 5- J and Article 5- K, § 119- dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historic Preservation Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and Historic Districts are necessary to promote the cultural, economic and general welfare of the public.

B.

The Village Board may designate Historic Landmarks and Historic Districts.

(1)

Pursuant to the procedures in this subsection, the Board of Trustees may by resolution:

(a)

Designate as a Historic Landmark an individual building or other feature or an integrated group of structures or features on a single lot or site having a special character and historical, architectural or aesthetic interest or value;

(b)

Designate as a Historic District a contiguous area containing a number of sites, buildings, structures or features having a special character and historical, architectural or aesthetic interest or value, and constituting a distinct section of the Village; and

(c)

Amend designations to add features or property to or from the Historic Landmark or Historic District.

(2)

Upon designation, Historic Landmarks, Scenic Landmarks, and Contributing Properties within Historic Districts included in any such designation are subject to all the requirements of this chapter.

C.

Initiation of designation for Historic Landmarks, Scenic Landmarks, and Historic Districts.

(1)

The designation of a Historic Landmark, Scenic Landmark, or Historic District is legislative in nature, with the designation being by resolution adopted by the Board of Trustees, based on a determination and recommendation made by the Architectural and Historic Review Board. Designations or amendments to a Historic Landmark, Scenic Landmark, or Historic District may be initiated by:

(a)

Resolution of the Planning Board or the Architectural and Historic Review Board;

(b)

The application of an owner of an individual property proposed for designation as a Historic Landmark
(or their authorized agents); or

(c)

The application of a group of property owners, with the consent of a minimum of 50% of the owners of properties within the proposed historic district.

(2)

Pre-submission process:

Applicants should submit a letter of intent to the Building Inspector. The Building Inspector will then hold a meeting with applicants to explain the application process.

(3)

Application process:

Applicants for Historic District status shall complete and submit a Historic District Application, as well as Individual Property Forms for each property within the district. Applicants for Historic Landmark or Scenic Landmark status shall submit an Individual Property Form. The Individual Property Form will set forth a scoring system as part of an evaluation of whether a property or properties should be designated as a Historic Landmark, a Contributing Property within a Historic District, or a Non-Contributing Property within a Historic District. The scoring system in the Individual Property Form is a non-binding guideline to be taken under advisement by the AHRB and the Board of Trustees.

(a)

Appendix K: Historic District Application and Individual Property Form.^[1]

[1]

Editor's Note: Appendix K is included at the end of this chapter.

(4)

Upon receipt of a complete application, the Architectural and Historic Review Board shall call for a public hearing. Such hearing shall be advertised at least once in a newspaper of general circulation in the Village not less than five days prior to such hearing, and notice thereof shall be served by the applicant by certified mail postmarked at least five days prior to the day of the public hearing upon the owner or owners of the proposed landmark or the owners of the properties within the proposed historic district as shown by the current tax rolls of the Village. In the event the designation process has been initiated by one of the Village boards and not an individual applicant, the Village shall be responsible for serving the foregoing notice. If the designation process has been initiated by a property owner or owners, then the expense is to be borne by the property owner or owners.

(5)

Criteria for recommendation.

(a) Historic Landmark: The AHRB may recommend, and the Board of Trustees may so designate, an individual property as a Historic Landmark if it meets the definition set forth in § 300-14.

(b) Historic District: The AHRB may recommend, and the Board of Trustees may so designate, a group of properties within the Village as an Historic District if a majority of properties therein:

- i. meet one or more of the criteria for designation as a Historic Landmark, regardless of having within its boundaries other properties or structures that are not of such historic and/or architectural significance to be designated as landmarks, and are therefore designated as “Non-Contributing Properties”; and
- ii. constitute a unique section of the Village by reason of possessing those qualities that would satisfy such criteria.

(c) Scenic Landmark: The AHRB may recommend, and the Board of Trustees may so designate, a structure, feature or resource that is not a building, such as bridges, piers, parks, gateways, cemeteries, sidewalks, clocks, or trees, which meet the definition of an Historic Resource, as a Scenic Landmark. Recommendations for designation must be accompanied by such historical and architectural information as is required by the AHRB to make an informed recommendation concerning the application.

(d) Properties that have achieved significance within the past fifty (50) years are not considered eligible for designation under this chapter unless they are:

- i. Integral parts of Historic Districts that meet the criteria for designation; or
- ii. If they are properties of exceptional importance.

(6)

The AHRB shall adopt specific written findings and conclusions recommending that the property be deemed historic and shall forward said recommendation to the Board of Trustees. The recommendation shall include a description of characteristics of the landmark or district justifying its designation, a description of the particular features that should be preserved, and a list of Contributing and Non-Contributing properties and structures. The AHRB may also indicate alterations that would have a significant impact upon or be potentially detrimental to the landmark site or the district. The boundaries of each individual landmark, Scenic Landmark, or Historic District shall be specified in detail with reference to the tax map identification number. The recommendation shall be filed, in writing, in the Village clerk's office and there made available for review by the public.

(7)

When the recommendation is forwarded to the Board of Trustees, applicant(s) for Historic District status must submit a Consent Petition signed by a minimum of 50% of property owners within the proposed district. The signed Consent Petition shall be submitted to the Board of Trustees along with the AHRB recommendation.

(a)

Appendix L: Consent Petition.^[1]

[1]

Editor's Note: Appendix L is included at the end of this chapter.

(8)

[Board of Trustees resolution designating](#) Historic Landmark, Scenic Landmark, [or Historic District.](#)

(a)

After receipt of a recommendation from the Architectural and Historic Review Board recommending approval of a proposed designation, amendment or revocation of an Historic Landmark, Scenic Landmark, or Historic District, the Board of Trustees shall consider the recommendation at a public hearing.

(b)

After the public hearing date prescribed by Subsection C(4)(a) above, unless otherwise mutually agreed upon by the Board of Trustees, the applicant and the owner, if other than the applicant, the Board of Trustees shall adopt specific written findings and conclusions. The findings and conclusions will address whether the designation meets the purposes and standards set forth in this chapter in balance with the goals and policies of the Dobbs Ferry Vision Plan. The Board of Trustees shall approve (with or without modifications) or disapprove the proposed designation.

(c)

In each resolution designating an Historic Landmark, Scenic Landmark, or Historic District, the Board of Trustees shall include a description of characteristics of the landmark or district justifying its designation, a description of the particular features that should be preserved, the location and boundaries of the landmark site or district, and a list of Contributing and Non-Contributing Properties and structures. The Board may also indicate alterations that would have a significant impact upon or be potentially detrimental to the landmark site or the district.

(d)

When the Board of Trustees has designated a landmark or Historic District, the Village Clerk shall promptly notify the owners of the property included therein, and a copy of the designating ordinance shall be recorded in the Village Board minutes, with a copy forwarded to the Village Clerk and Land Use Officer. Designated Historic Districts shall be noted on the Village Zoning Map, and an indication of landmark designation shall be added to the property card for each property.

300j Appendix J Historic Design Requirements

[TBD]

HISTORIC DISTRICT NOMINATION FORM

Form Prepared by:

Name/Title:

Organization:

Email address:

Telephone:

Date Submitted:

For the proposed district, please attach the following:

- A map that clearly shows the boundaries of the proposed district; all buildings and structures (with their addresses); and all streets within the proposed boundaries.
- A written justification for the proposed boundaries of the district.
- A narrative description of the proposed district, and its history.
- A statement of significance explaining the district's cultural, architectural, and/or historical significance in Dobbs Ferry.
- A bibliography that cites any books, articles, maps or other sources used in preparing this form.
- Individual property forms for each house or site within the proposed district.

INDIVIDUAL PROPERTY FORM

Form Prepared by:

Name:

Email:

Telephone:

COMPLETE THE FOLLOWING FOR EACH PROPERTY WITHIN THE PROPOSED DISTRICT:

Address:

Current Owner:

Original Owner:

Historic Functions or Uses:

Current Functions or Uses:

Name of original architect (if known):

Evaluation score: (from page 11):

Architectural style or styles:

Please attach current photographs of the property, as well as historic photographs, if any.

Narrative architectural description:

Begin with a brief summary paragraph that describes the property and its surroundings. The basic information should describe the type of foundation, construction materials, roof type and materials. Then describe the present condition of the building(s), the basic architectural design features, including windows, doors, and decorative details. Describe alterations that have changed the original appearance of the building(s), when they were made, and why. Describe any ancillary resources, such as outbuildings, walls and fences, and landscape features that were a part of and contribute to the historic significance of the property.

Statement of Significance:

For each property, indicate which of these Statements of Significance apply, and include a written explanation of your selection. Keep in mind that historical significance is not limited to properties associated with the most important figures in our village's history or the finest examples of high style architecture. A wide variety of properties, ranging from the simple to the complex, can serve as tangible evidence of a community's cultural heritage and historic identity.

Choose as many as apply.

☐ The property 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

☐ The property is identified with historic personages; or

☐ The property embodies the distinguishing characteristics of an architectural style; or

☐ The property is the work of a designer whose work has significantly influenced an age; or

☐ Because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

☐ The property, while not aesthetically or historically valuable on its own, is part of a collection of structures which together serve as tangible evidence of a community's cultural heritage and historic identity.

☐ Is listed in the National Register of Historic Places or the New York Register.

COMPLETE THIS EVALUATION WORKSHEET FOR EACH PROPERTY WITHIN THE
PROPOSED DISTRICT:

Include written explanations to justify ratings. For example, a rating of "E" on No. 9, Age, would be justified by "Built in 1850".

A. VISUAL QUALITY/DESIGN

1. EXTERIOR

Quality of form, composition, detailing, and ornament in part on originality, artistic merit, craftsmanship, sensitivity to surroundings and overall visual quality.

- E Excellent
- VG Very Good
- G Good
- FP Undistinguished

Applies to natural features as well as to man-made features. A "G" rating is appropriate for features which have any clearly identifiable visual or design value. An "E" rating is appropriate for features which, based on exterior visual quality alone, appear eligible for the National Register of Historic Places.

2. STYLE

Significance as an example of a particular architectural style, type, or convention.

- E Especially fine or extremely early example if many survive; excellent example if few survive.
- VG Good or early example if many survive; very good example if few survive.
- G Good example
- FP Of no particular interest.

3. DESIGNER

a. Designed or built by an architect, engineer, builder, artist, or other designer who has made significant contribution to the community, state, or nation.

- E Designer of primary importance.
- VG Designer of secondary importance.
- G Designer of tertiary importance.
- FP Designer unknown or of no particular importance.

The significance of the designer must itself be established before this criterion is applied. Normally, an especially active designer will be rated at least "G".

OR

b. Significance as an example of vernacular architecture.

- E Especially fine or early example if many survive (within the village); excellent example if few survive (within the village).
- VG Very good or early example if many survive (within the Village); good example if few survive (within the Village).
- G Good example (within the Village).
- FP Of no particular interest.

4. CONSTRUCTION

Significance as an example of a particular structural material, surface material, craft tradition, or method of construction.

- E Especially fine or very early example if few survive (within the Village).
- VG Especially fine or very early example if many survive; good example if few survive (within the Village).

- G Good example of any material or method not generally in current use.
- FP Of no particular interest.
- Examples of “especially fine” construction methods or structural materials include those which successfully address challenging structural problems, or which are treated as visible design elements that contribute significantly to the resource’s overall design quality, or which exhibit fine craftsmanship.*
- Examples of “especially fine” surface materials include stone (granite, marble) and terra cotta. Surface materials should be treated under this criterion only according to their type and according to the level of craftsmanship which they represent.*

5. SUPPORTIVE ELEMENTS

Fences, walls, out-buildings, trees, landscaping, and other secondary elements which are accessory to the feature being evaluated and are supportive of, or enhance the features’ notable qualities.

- E Many especially fine or unusual supportive elements.
- VG One or several especially fine or unusual supportive elements.
- G Supportive elements, but none are especially fine or unusual.
- FP No supportive elements.
- A supportive element considered “especially fine or unusual” is notable enough to warrant separate evaluation.*

B. HISTORY/ASSOCIATION

6. PERSON/ORGANIZATION

Associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the community, state, or nation.

- E Person/organization of primary importance intimately connected with the property.
- VG Person/organization of primary importance loosely connected, or person/organization of secondary importance intimately connected.
- G Person/organization of secondary importance loosely connected, or event of tertiary importance intimately connected.
- FP No connection with person/organization of importance.
- The significance of the person, group, organization, or institution must itself be established before this criterion is applied. A person/organization of primary importance at the local level will have played a decisive and far reaching role in the development of Dobbs Ferry as a community. Such significance may be at the local level. “Intimately connected” will often mean that the resource was intimately associated with an important period in the life or activities of the person, group, organization, or institution.*
- A person/organization of secondary importance at the local level will have played a major or leading (but not decisive) role in the development of Dobbs Ferry as a community or a decisive role in the development of a particular neighborhood or of a particular ethnic group or segment of the community. The state and national/international levels are treated similarly.*
- If the feature has been significantly altered since the time of its association with the person/organization and if such alteration is not treated in Criteria Section “D”, then the person/organization will be considered to be only “loosely connected” with the feature.*

7. EVENT

Associated with an event that has made a significant contribution to the community, state, or nation.

- E Event of primary importance intimately connected with the property.

- VG Event of primary importance loosely connected, or event of secondary importance intimately connected.
- G Event of secondary importance loosely connected, or event of tertiary importance intimately connected.
- FP No connections with event of importance.

8. PATTERNS

Associated with and effectively illustrative of broad patterns of cultural, social, political economic, or industrial history, or of the development of the Village, or of distinct geographic regions, or ethnic groups of particular well defined era.

- E Patterns of primary importance intimately connected with property.
- VG Patterns of primary importance loosely connected, or patterns of secondary importance intimately connected.
- G Patterns of secondary importance loosely connected, or patterns of tertiary importance intimately connected.
- FP No connection with patterns of importance.

A helpful measure of this criterion is to consider how useful the feature would be for the teaching of cultural history.

A feature is normally "intimately connected" with a pattern if the feature exhibits the essence of the pattern. A feature is normally "loosely connected" with a pattern if the feature only exhibits the influence of the pattern. A pattern will normally be considered "intimately connected" (secondary or tertiary importance) with the feature if only a few associated with the pattern survive.

"Intimate" and "loose" connections for significantly altered features are treated the same way as for Criterion 6 (PERSON/ORGANIZATION).

9. AGE

Of particular age in relationship of the periods of development of buildings in the area.

- E Established prior to 1860
- VG Built between 1860 and 1906
- G Built between 1907 and 1945
- FP Built since 1945

C. ENVIRONMENTAL/CONTEXT

10. CONTINUITY

Contributes to the visual, historic or other environmental continuity or character of the street area.

- E Helps establish the character of an area of primary importance or constitutes a district.
- VG Maintains the character of an area of primary importance or helps establish the character of an area of secondary importance or constitutes a feature group.
- G Compatible with the character of an area of primary importance or maintains the character of an area of secondary importance.
- FP Incompatible with an area of primary importance or not located in an area of primary or secondary importance.

"Area of primary or secondary importance" generally means a feature group, streetscape, district, or other area notable enough to warrant a separate evaluation.

If the feature has been removed (i.e., given an "F" or "P" rating under Criterion 15 -STRUCTURAL REMOVALS), and the property has, therefore, become only a "site", continuity should be evaluated by imagining the feature restored to its site, but in the existing surroundings.

11. SETTING

- Setting and/or landscaping contributes to the continuity or character of the street, neighborhood, or area.
- E Of particular importance establishing the character of the area.
 - VG Of importance in establishing or maintaining dominant character of the area.
 - G Compatible with dominant character of the area.
 - FP Incompatible with dominant character of the area, or unimportant.

12. FAMILIARITY

- Prominence or familiarity within the neighborhood, village or region.
- E A structure which may be taken as a symbol for the village or region as a whole.
 - VG A conspicuous and familiar feature in the context of the village or region.
 - G A conspicuous and familiar structure in the context of the neighborhood.
 - FP Not particularly conspicuous or familiar.
- A helpful measure of this criterion is to consider whether a typical resident of the neighborhood, village, or region would notice the feature and remember it.*
- If the feature has been removed, this criterion should be evaluated by considering the feature's role (if any) as a "landmark" prior to its removal.*

D. INTEGRITY

13. CONDITION

- Extent to which the feature has experienced deterioration.
- E No apparent surface wear or structural problems.
 - VG Exhibits only minor surface wear.
 - G Exhibits considerable surface wear or significant structural problems.
 - FP Exhibits considerable surface wear and significant structural problems.
- "Minor surface wear" generally means that no replacement of design elements due to deterioration is required.*
- "Considerable surface wear" generally means that some design elements have deteriorated to such an extent that they must be replaced.*
- "Significant structural problems" will generally be associated with sagging floor lines, out-of plumb walls and fire damage.*

14. EXTERIOR ALTERATIONS

- Degree of alteration done to important exterior materials and design features.
- E No changes or very minor changes.
 - VG Minor alterations which do not change the overall character (e.g., ground floor remodeled, secondary cornice removed, large numbers of windows replaced, etc.).
 - G Overall character changed, but recognizable (e.g., removal of major cornice/parapet, alteration of upper floors, or gross alteration of any major element).
 - FP Altered beyond recognition.
- Sometimes alterations which change the character of the feature have sufficient merit by themselves to warrant separate evaluations. An example might be a well-designed art deco remodeled storefront on a Victorian commercial building.*

15. STRUCTURAL REMOVALS

- Extent to which wings, stories, roofs, and other important large scale structural components have been removed.
- E No important structural removals.
 - VG Important portions of feature removed, but with other portions remaining.

- G Majority of building removed or entire feature removed, but with surviving traces (entry steps, trees, fences, etc.)
- FP Entire feature removed with no surviving traces.
The consideration given to "traces" in distinguishing a "G" from a "FP" rating will often "double count" supportive elements evaluated under Criterion 6 (PERSON/ORGANIZATION). This reflects the increased associative importance of these supportive elements when the main feature has been removed.

16. SITE

Relation of feature to its original site and neighborhood

- E Has not been moved.
- VG Has been moved within the boundaries of its original site.
- G Has been relocated to a new site in the same neighborhood as the original site.
- FP Has been relocated to a new site in a different neighborhood.
"Original site" means the site occupied by the feature at the time the feature achieved significance, which in some cases may have been after the feature was constructed or established.
This criterion is less important if the feature is significant primarily for its visual quality or design (Criteria Section "A") or is the surviving structure most importantly associated with a significant person, organization or event.

E. REVERSIBILITY

17. EXTERIOR

Extent to which integrity losses (see Criteria 13-16) can be reversed, and ease or difficulty of making such corrections.

- E Highly reversible. Almost all of original appears to exist, though covered.
- VG Reversible. Some original missing or badly damaged, but 2/3 or more appears to exist.
- G Not easily reversible. Only 1/3 to 2/3 of original appears to exist.
- FP Very difficult to reverse. Less than 1/3 of original appears to exist, or impossible to judge reversibility.
Materials easier to replicate - like shingles or rustic siding - rate higher than material difficult or expensive to replicate, such as terra cotta.
Process easy to undo - like shingles over rustic siding - rate higher than permanent processes like sandblasting.

F. ADDITIONAL CONSIDERATIONS/BONUS POINTS

18. NATIONAL REGISTER OF HISTORIC PLACES OR NEW YORK REGISTER

Status for listing in either the National Register of Historic Places or the New York Register.

- E Listed or formally determined eligible for listing in either the National or New York Register by the State Historic Preservation Officer, Keeper of the National Register, or a unit of the National Park Service.
- VG Appears eligible for listing in either the National or New York Register based on a historic survey and evaluation prepared by a historian or architectural historian.
- G May become eligible in the future for listing in either the National or New York Register when
 - (1) the property meets the Register's 50 year age requirement,
 - (2) additional historical or architectural research is performed on the property, or
 - (3) the architectural integrity of the property is restored
- FP Does not appear to be eligible for listing in either the National or New York Register.

SCORE SHEET: COMPLETE FOR EACH PROPERTY WITHIN THE PROPOSED DISTRICT

A. VISUAL QUALITY/DESIGN	E	VG	G	FP	
1. Exterior	16	12	6	0	
2. Style	10	8	4	0	
3. Designer	6	4	2	0	
4. Construction	10	8	4	0	
5. Supportive elements	8	6	3	0	
				SUBTOTAL:	
B. HISTORY/ASSOCIATION	E	VG	G	FP	
6. Person/organization	20	15	7	0	
7. Event	20	15	7	0	
8. Patterns	12	9	5	0	
9. Age	8	6	3	0	
				SUBTOTAL:	
C. ENVIRONMENTAL/CONTEXT	E	VG	G	FP	
10. Continuity	8	6	3	0	
11. Setting	6	4	2	0	
12. Familiarity	10	8	4	0	
				SUBTOTAL:	
D. INTEGRITY	E	VG	G	FP	
13. Condition	20	15	7	0	
14. Exterior Alterations	10	8	4	0	
15. Structural Removals	10	8	4	0	
16. Site	8	6	3	0	
				SUBTOTAL:	
E. REVERSIBILITY	E	VG	G	FP	
17. Exterior	20	15	7	0	
				SUBTOTAL:	
F. ADDITIONAL CONSIDERATIONS	E	VG	G	FP	
18. National or New York Register	20	15	7	0	
				SUBTOTAL:	
				TOTAL POINTS:	

EVALUATION RESULTS: INCLUDE RESULT FOR EACH PROPERTY WITHIN THE
PROPOSED DISTRICT

83 – 222

Candidate Historic Landmark (CHL)

A significant historic resource having the potential for designation as a Historic Landmark.
Preservation of this resource is essential.

41 – 82

Contributing Structure (CS)

A special historic resource that contributes to the historic fabric of the community, or to a particular neighborhood, or to a more important structure. The relationship of this structure to other Historic Landmarks/Historic Districts may make its preservation important to other structures or to a definable geographic area. This resource has the potential to be considered for inclusion in a Village Historic District.

0 – 40

Non-Contributing Structure (NCS)

A structure in a recognized or potential Historic District that does not make a significant contribution to that district. Although preservation of this building is not essential, it is important to recognize the relationship of its existence and/or changes in land use to other buildings in the district.

300I Appendix L: Consent Petition

OWNER CONSENT PETITION

We, the undersigned, as owner(s) of the properties to be included in the proposed historic district, concur in the nomination of the district to the Dobbs Ferry Register of Historic Places and agree to be recognized as applicants for the designation of this district. By signing below, each of the undersigned hereby certifies that he or she is consenting to this application following full and careful review of (i) the contents of this application and (ii) the requirements, obligations and potential liabilities that will apply to the district and to his or her specific property if the proposed district is added to the Dobbs Ferry Register of Historic Places:

NAME	ADDRESS	PHONE NUMBER	SIGNATURE	DATE