

## Chapter 101

### LANDMARKS AND HISTORIC DISTRICTS

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**[HISTORY: Adopted by the Town Board of the Town of Patterson 9-10-86 as L.L. No. 6-1986; amended in its entirety 9-13-1995 by L.L. No 4-1995. (readopted 4-13-2005 by L.L. No. 9-2005) Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

**Building construction - See Ch. 64.**  
**Unsafe buildings - See Ch. 67.**  
**Zoning - See Ch. 154.**

**§ 101-1. Purpose.**

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts is necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as the identity of a people is founded on its past, and inasmuch as Patterson has many significant historic, architectural and cultural resources which constitute its heritage, this chapter is intended to:

- A. Protect and enhance the landmarks and historic districts which represent distinctive elements of Patterson's historic, architectural and cultural heritage.
- B. Foster civic pride in the accomplishments of the past.
- C. Protect and enhance Patterson's attractiveness to visitors and the support and stimulus to the economy thereby provided.
- D. Ensure the harmonious, orderly and efficient growth and development of the town.

**§ 101-2. Historic Preservation Commission.**

There is hereby created a Commission to be known as the "Patterson Historic Preservation Commission."

- A. The Commission shall consist of seven (7) members to be appointed to the extent available in the community by the Town Board as follows:
  - (1) At least one shall be an architect.
  - (2) At least one shall be an historian.
  - (3) At least one shall be a licensed real estate broker.
  - (4) At least one shall be an attorney.
  - (5) At least one shall be a resident of an historic district.
  - (6) At least one shall have a demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation or other serious interest in the field.
  - (7) All members shall have a known interest in historic preservation and architectural development within the Town of Patterson.

B. Commission members shall serve for terms of seven (7) years, with the exception of the initial term of one (1) of the seven (7) members, which shall be one (1) year, one (1) which shall be two (2) years and one (1) which shall be three (3) years, one (1) which shall be four (4), One (1) which shall be five (5) and one (1) which shall be six (6) years.

C. The Chairman and Vice Chairman of the Commission shall be elected by and from among the members of the Commission.

D. The powers of the Commission shall include:

(1) Employment of staff and professional consultants as necessary to carry out the duties of the Commission.

(2) Promulgation of rules and regulations as necessary for the conduct of its business.

(3) Adoption of criteria for the identification of significant historic, architectural and cultural landmarks and for the delineation of historic districts.

(4) Conduct of surveys of significant historic, architectural and cultural landmarks and historic districts within the town.

(5) Designation of identified structures or resources as landmarks and historic districts.

(6) Acceptance on behalf of the town government of the donation of facade easements and development rights; the making of recommendations to the town government concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this chapter.

(7) Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.

(8) Making recommendations to the Town Government and to the property owners within the district concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the town.

(9) Assisting the owners of historic houses and/or properties within the historic district to curtail any encroachment to the character of the historic property within the district.

(10) Recommending acquisition of a landmark structure by the town government where its preservation is essential to the purposes of this chapter and where private preservation is not feasible.

(11) Ruling on certificates of appropriateness pursuant to this chapter; provided, however, that within a historic district the commission shall consider the opinions and recommendations of an Advisory Committee.

E. Advisory Committee. In matters having to do with a historic district, the district shall be represented by an advisory committee consisting of a representative of each owner of a contributing property or structure within the district.

F. The commission shall meet as necessary to conduct the business before it, but no less than once a quarter. Meetings may be held at any time on written request of any two (2) of the Commission's members or on call of the Chair.

G. A quorum for the transaction of business shall consist of four (4) of the commission's members.

H. Notice of all Historic Preservation Commission public meetings shall be published in the official town newspaper and posted in the town bulletin board on ten (10) days notice and announced by the Town Board.

I. Minutes shall be taken at all Historic Preservation Commission public meetings and shall be provided to the Town Clerk within two (2) weeks of the meeting date.

### **§ 101-3. Designation of properties.**

A. The Commission may designate an individual property as a landmark if it obtains the consent of the property owner and if the property:

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

B. Historic districts.

(1) The Commission may designate a group of properties as an historic district if it obtains the consent of the property owners and if the properties:

- (a) Contains properties which meet one (1) or more of the criteria for designation of a landmark.
- (b) By reason of possessing such qualities, constitute a district section of the town.

(2) The boundaries of each historic district designated henceforth shall be specified in detail and shall be filed, in writing, in the Town Clerk's office for public inspection.

C. Notice, of a proposed designation shall be sent by registered mail to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing by the Commission to consider the designation. Where the proposed designation involves so many owners that individual notice is infeasible, notice may instead be published at least once in a newspaper of general circulation at least ten (10) days prior to the date of the public hearing. Once the Commission has issued notice of a proposed designation, no building permits shall be issued by the Code Enforcement Officer until the Commission has made its decision.

D. The Commission shall hold a public hearing prior to designation of any landmark or historic district. The Commission, owners and any interested parties may present testimony or documentary evidence at the hearing, which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments or other evidence offered outside of the hearing.

E. The Commission shall forward notice of each property designated as a landmark and of the boundaries of each designated historic district to the office of the Putnam County Clerk for recordation.

#### **§ 101-4. Certificate of appropriateness.**

A. Certificate required. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within an historic district, nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district, without first obtaining a certificate of appropriateness from the Historic Preservation Commission.

B. Criteria for approval.

(1) In passing upon an application for a certificate of appropriateness, the Historic Preservation Commission shall not consider changes to interior spaces, unless they are open to the public, or to architectural features that are not visible from a public street or alley. The Commission's decision shall be based upon 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 its historic character, as well as with the surrounding district.

(c) New construction shall be compatible with the district in which it is located.

(2) In applying the principle of compatibility, the Commission shall consider the following factors:

- (a) The general design, character and appropriateness to the property of the proposed alteration or new construction.
- (b) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood.
- (c) Texture, materials and color and their relation to similar features of other properties in the neighborhood.
- (d) Visual compatibility with surrounding properties, including a proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape and the rhythm of spacing of properties on streets, including setback.
- (e) The importance of historic, architectural or other features to the significance of the property.

C. Application procedures.

(1) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Historic Preservation Commission. The application shall contain:

- (a) The name, address and telephone number of the applicant.
- (b) The location and photographs of the property.
- (c) Elevation drawings of proposed changes, if available.
- (d) Perspective drawings, including relationship to adjacent properties, if available.
- (e) Samples of color or materials to be used.
- (f) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, the method of illumination and a plan showing the sign's location on the property.
- (g) Any other information which the Commission may deem necessary in order to visualize the proposed work.

(2) No building permit shall be issued for such proposed work until a certificate of

appropriateness has first been issued by the Historic Preservation Commission. The certificate of appropriateness required by this chapter shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the Town of Patterson.

(3) The Commission shall approve, deny or approve with modifications the certificate of appropriateness within ninety (90) days from receipt of the completed application. The Commission may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Applications for certificates of appropriateness for work to be done within a historic district shall be reviewed by the Commission meeting together with the Advisory Committee for that district (as described in § 101-2E, above).

(4) All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Town Clerk's office for public inspection. The Commission's decision shall state the reasons for denying or modifying any application.

#### **§ 101-5. Hardship criteria; application.**

A. An applicant whose certificate of appropriateness has been denied may apply for relief from landmark designation on the grounds that designation is working a hardship upon him. In order to prove the existence of hardship, the applicant shall establish that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

(2) There is no reasonable way, within the criteria established in § 101-4B(2) above, that the property can be sufficiently altered, modified or added to permit its continuing beneficial use.

(3) The property cannot be adopted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.

(4) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

B. Application procedure.

(1) After receiving written notification from the Commission of denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.

(2) The Commission may hold a public hearing on the hardship application, at which an opportunity will be provided for proponents and opponents of the application to present their

views.

(3) The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

(4) All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Town Clerk's office for public inspection. The Commission's decision shall state the reasons for granting or denying the hardship application.

#### **§ 101-6. Inspection of work; stop-work order.**

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

#### **§ 101-7. Maintenance and repair required.**

A. It shall be the duty of the Commission to assist the property owner in obtaining information on sources of grants and funding for exterior repairs/renovations and the Commission shall act to the best of its ability as a consulting agency for individuals and buildings and contributing buildings within historic districts. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, color or outward appearance.

B. No owner or person with an interest in real property designated as a landmark or included within an historic district shall willfully permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include:

- (1) Deterioration of exterior walls or other vertical supports.
- (2) Deterioration of roofs or other horizontal members.
- (3) Deterioration of exterior chimneys.
- (4) Deterioration or crumbling of exterior stucco or mortar.

(5) Ineffective waterproofing of exterior walls, roofs or foundations. including broken windows or doors.

(6) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

**§ 101-8. Penalties for offenses.**

A. Willful failure to comply with any of the provisions of this chapter shall be deemed a violation, and the violator shall be liable to a fine of not less than one hundred dollars (\$100.) nor more than one thousand dollars (\$1,000.) for each day the violation continues.

B. Any person who willfully demolishes, alters, constructs or permits a designated property to fall into a serious state of disrepair in violation of this chapter shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the Town Attorney. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

**§ 101-9. Appeals.**

Any person aggrieved by a decision of the Historic Preservation Commission relating to hardship or a certificate of appropriateness may, within fifteen (15) days of the decision, file a written application with the Town Board of the Town of Patterson for review of the decision.