

CHAPTER 198 LANDMARK PRESERVATION

[HISTORY: Adopted by the Town Board of the Town of Yorktown 4-29-1975 as Ch. 60 of the 1975 Code; amended in its entirety 3-16-2004 by L.L. No. 5-2004. Subsequent amendments noted where applicable.]

§ 198-1 Declaration of policy and purpose.**§ 198-2 Definitions.****§ 198-3 Landmark Preservation Commission.**

There is hereby redesignated a Commission to be known as the "Landmarks Preservation Commission of the Town of Yorktown."

A.

The Commission shall consist of a minimum of five 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 experienced in working with historic buildings;

(2)

At least one shall be a historian;

(3)

At least one shall have demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field; and

(4)

All members shall have a known interest in historic preservation and architectural development within the Town of Yorktown.

B.

Commission members shall serve for a term of three years with staggered terms and may serve consecutive terms upon approval of the Town Board. The terms of the first appointments to the Board will be as follows: two members shall serve three years, two members shall serve two years, and one member shall serve one year. The Town Board may appoint a liaison member from the Town staff without a vote.

[Amended 6-15-2004 by Ord No. 19-2004]

C.

The powers of the Commission shall include:

(1)

Employment of staff and professional consultants as necessary to carry out the duties of the Commission with budget approval from the Town Board;

(2)

Promulgation of rules and regulations as necessary to carry out the duties of the Commission;

(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)

Recommend to the Town Board that identified structures or resources be designated as landmarks and historic districts, respectively;

(6)

Acceptance on behalf of the Town of the donation of facade easements, and development rights and the making of recommendations to the Town 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 historical, cultural and architectural preservation by developing and participating in public education programs;

(8)

Making recommendations to Town concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Town;

(9)

Recommending acquisition of a landmark structure by the Town where its preservation is essential to the purposes of this chapter and where private preservation is not feasible;

(10)

Approval or disapproval of applications for certificates of appropriateness pursuant to this chapter; and

(11)

Commenting upon nominations and approvals of state and national landmarks.

D.

The Commission will be authorized to spend money in furtherance of the listed purposes within the allocation set forth in the adopted Town budget or within an appropriation approved by the Town Board.

E.

The Commission shall meet monthly, but meetings may be held at any time on the written request of any two of the Commission members or on the call of the Chairman or the Town Board.

F.

A quorum for the transaction of business shall consist of three of the Commission members, but not less than a majority of the full-authorized membership may grant or deny a certificate of appropriateness.

G.

The Town Board shall designate a Chairman and a Vice Chairman, whose terms of office shall be fixed by the Town Board. The Chairman shall preside over the meetings of the Commission and shall have the right to vote and speak on all matters as other Commission members. The Vice Chairman shall, in the absence or disability of the Chairman, perform the duties of the Chairman. In the case of the absence or disability of both the Chairman and Vice Chairman, the Commission shall, by majority vote of those present, choose one of their number to perform the duties of the Chairman.

§ 198-4 Designation of landmarks or historic districts.

A.

The Commission may recommend to the Town Board an individual property for designation as a landmark if it:

(1)

Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or

(2)

Is identified with historic personages; or

(3)

Embodies the distinguishing characteristics of an architectural style; or

(4)

Is the work of a designer whose work has significantly influenced an age; or

(5)

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

B.

The Commission may recommend a group of properties for designation as an historic district if it:

(1)

Contains properties which meet one or more of the criteria for designation of a landmark; and

(2)

By reason of possessing such qualities, it constitutes a distinct section of the Town.

C.

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

D.

Before issuing a notice of proposed designation pursuant to Subsection E below, the Commission shall notify and discuss with affected property owners, and refer to appropriate interested agencies for comment, the designation proposal.

E.

Prior to forwarding a designation recommendation to the Town Board, the Commission shall send a notice of proposed designation to the owner(s) of the property proposed for designation. The notice shall identify the affected property by street address and Tax Map designation and shall include a location map (such as a copy of the Tax Map or its equivalent) sufficient to show the property included in the proposed designation as well as the properties immediately adjacent thereto and directly opposite therefrom, without regard to any intervening alleys, easements, highways, rights-of-way, roads, or streets. A copy of the notice shall be given to the Building Department. Once the Commission has issued notice of a proposed designation, no building permits or demolition permits shall be issued by the Building Department with respect to the affected property until the Town Board has made its decision.

F.

Following receipt of a designation recommendation from the Commission, the Town Board shall schedule a public hearing to consider whether the Town Board should accept the designation recommendation and adopt a resolution effecting the designation. The public hearing shall be convened within 45 days from the receipt of the Commission's recommendation report. Not less than 10 days in advance of the date of the public hearing, notice of the public hearing shall be published in a newspaper having general circulation in the Town and written notice of the hearing shall be sent by certified mail to the owner of the affected property. The latest tax assessment roll on file in the office of the Town Assessor shall be conclusive as to the name and mailing address of the owner or owners of the property.

G.

Within 15 days after closing the public hearing, the Town Board shall adopt a resolution rendering its decision with respect to the Commission's recommendation. The Town Board may either approve the recommendation (with or without modifications), reject the recommendation, or remand the matter to the Commission with instructions for further review and consideration.

H.

Following adoption of a resolution approving designation of a landmark or historic district, the affected site or area

shall be so indicated on the Official Map of the Town and the resolution or other appropriate certificate of designation shall be filed for recording in the office of the Westchester County Clerk, Land Records Division.

L.

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

§ 198-5 Certificate of appropriateness for alteration, demolition or new construction affecting landmarks or historic districts.

§ 198-6 Criteria for approval of certificate of appropriateness.

§ 198-7 Certificate of appropriateness application procedure.

§ 198-8 Hardship criteria for demolition.

§ 198-9 Hardship criteria for alterations.

§ 198-10 Hardship application procedure.

§ 198-11 Enforcement.

§ 198-12 Maintenance and repair required.

§ 198-13 Violations; penalties for offenses.

A.

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 \$20 nor more than \$250 for each day the violation continues.

B.

Any person who 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. Any person who 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.

§ 198-14 Appeals.

§ 198-15 Real property tax exemption.