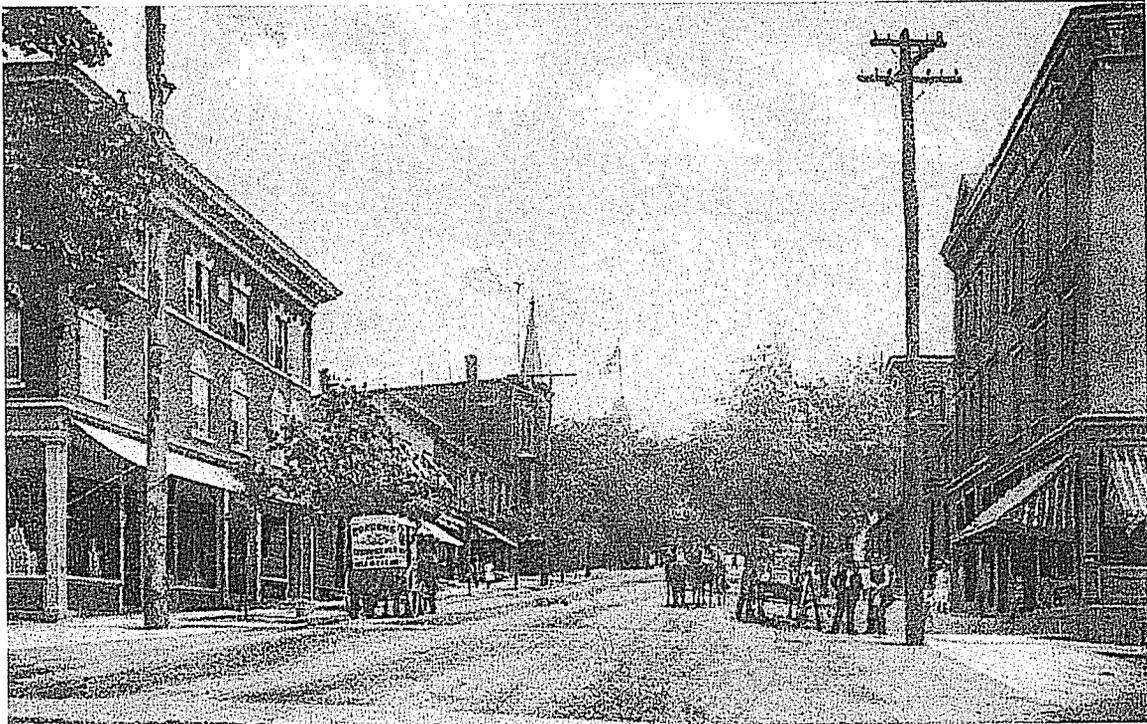


**IRVINGTON-ON-HUDSON
NEW YORK**

MAIN STREET HISTORIC DISTRICT



**HISTORIC DISTRICT LEGISLATION
AND DESIGN GUIDELINES**

Irvington Historic District Committee

2004

DRAFT

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DRAFT

PROPOSED HISTORIC DISTRICT LEGISLATION AND GUIDELINES

PREPARED FOR THE VILLAGE OF IRVINGTON BOARD OF TRUSTEES BY:

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24 Main Street

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Former Chair for Historic District Sub Committee
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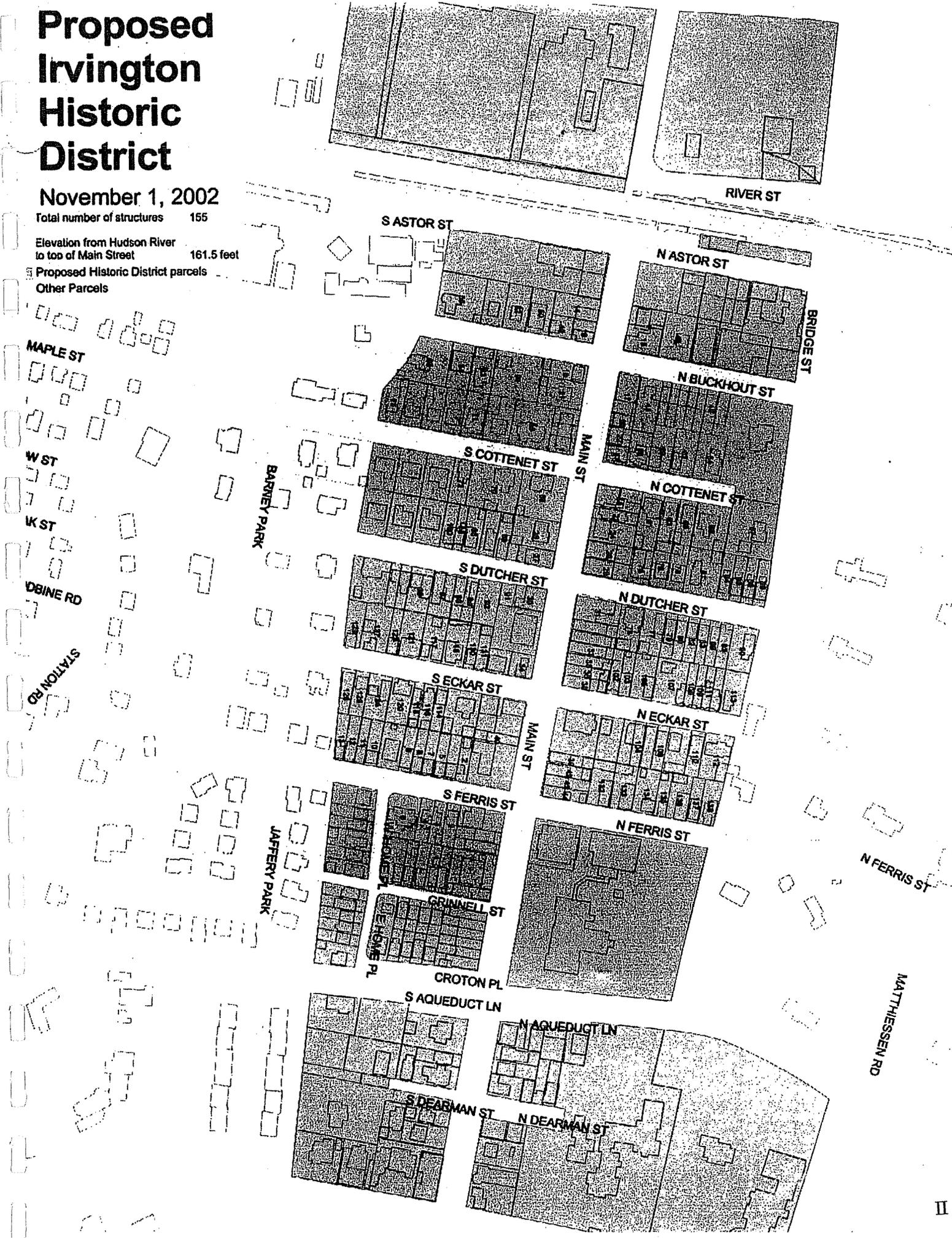
Proposed Irvington Historic District

November 1, 2002

Total number of structures 155

Elevation from Hudson River
to top of Main Street 161.5 feet

Proposed Historic District parcels
Other Parcels



**CHARGE TO THE IRVINGTON AD HOC
HISTORIC DISTRICT COMMITTEE**

Whereas, the Historic District Sub-Committee (the Sub-Committee) of the Irvington Land use Committee (LUC) was organized to assist the LUC in the development of the Irvington 2003 Comprehensive Plan specifically to enable preservation of the existing character of the Village, particularly with respect to the Main Street downtown area and,

Whereas, the Sub-Committee worked on its mission for over two years involving numerous meetings of the Sub-Committee, numerous public informational meetings, and widespread publicity including direct mailings to potential district residents, thereby creating many opportunities for broad public input regarding the consideration and,

Whereas, the survey conducted by the Sub-Committee indicated that almost all of the survey respondents indicated support for the implementation of guidelines to ensure that the character of this neighborhood remains harmonious and generally consistent with the way it looks now, which broad guidelines are enumerated in the "Irvington Historic District Survey Analysis" of the Committee's application for Historic District designation to the New York State Office of Park, Recreation and Historic Preservation, a copy of which is annexed hereto;

Now therefore, be it resolved, that the Board of Trustees (BOT) of the Village of Irvington, New York, having appointed the Ad Hoc Historic District Sub-Committee of the Land Use Committee by addressing and making recommendations to the BOT regarding the contours of legislation relative to the establishment of an historic district. Specifically, the Board charges the Ad Hoc Committee to outline in descriptive layman's terms potential local laws intended to implement guidelines to preserve the character of this neighborhood as enumerated in the afore-referenced "Irvington Historic District Survey Analysis". The Committee is directed to proceed directly to the development of such outlines without the need for further public airings of such considerations which was so thoroughly, comprehensively and admirably accomplished by the Land Use Historic District Sub-Committee.

INTRODUCTION

The physical appearance of any community is a reflection of the attitudes and values of its citizens. Well-maintained neighborhoods suggest a high degree of community pride. A Village's appreciation of itself is reflected by its policy toward preservation of its historic character. The passage of a historic preservation ordinance constitutes an assertion that the community shares such preservation goals.

The historic character of a Village can be lost through inappropriate alterations, demolition, insensitive new development, the erosive effect of slow change and a lack of maintenance. Losing each small historic detail can have a devastating effect over time. However, historic district regulations can prevent unregulated change and encourage preservation of the original architectural styles and details of historic buildings in downtown Irvington.

Generally historic preservation will likely succeed in a neighborhood that is economically stable and culturally vibrant, and especially when preservation regulations promoting a valid purpose are balanced with the rights of the property owners. Legislation must not be so restrictive as to deprive owners of all reasonable beneficial use of their property. Regulations must honor a citizen's constitutional rights to due process. Rational procedures must be followed in administering an ordinance.

Much of the small town character and attraction of downtown Irvington is due to the variety of intact historic architecture. Dating from the mid nineteenth century through much of the twentieth century, the built environment represents many styles popular during more than a century. If the character of Irvington's historic Main Street district is to be preserved, it is important for property owners and governing officials to recognize good preservation treatments for older buildings and that choosing the wrong treatment can cause irreversible damage to historic properties. The *Design Guidelines* herein provide an introduction to historic preservation and offer recommendations to assist with good practice and judgment regarding the maintenance or alteration of buildings within the proposed district.

Design guidelines can help avoid damaging or incongruent alteration of historic architecture by offering options for dealing with alterations or repair of significant architectural features and by suggesting treatments for solving common maintenance issues. Most importantly, owners of properties within the proposed Historic District can benefit from Standards and Guidelines for Rehabilitation when making physical changes to the exterior of their properties.

A preservation ordinance protects historic properties by officially recognizing historic areas, buildings and sites as local historic districts and landmarks. Owners of these locally designated areas get approval from a locally appointed board for exterior changes, additions, new construction, relocation and demolition, so that changes complement the historic appearance of the building and its surroundings. This approval process is called design review. By encouraging appropriate alterations and new construction that fits in with the existing buildings, design review in local historic districts helps protect and enhance property values. It helps preserve the historic appeal of the neighborhood and protects owners from out-of-place intrusions.

The proposed legislation and design guidelines herein reflect the recommendations of the Land Use Committee and the desires of the majority of property owners in the Historic District based on extensive public meetings and the results of a survey conducted by the Historic District Sub-committee in 2002.

This outline addressed criteria for establishing a Historic District, components of a preservation ordinance, how the review and approvals process works, standards and guidelines for treatment of historic properties, sample applications, submission requirements and results of the survey analysis.

The proposed legislation and guidelines were drafted by the Ad Hoc Historic District Committee appointed by the Village of Irvington Board of Trustees. The Committee is made up of property owners living in the Historic District. The Committee was assisted by a member of the former Land Use Committee, a resident volunteer legal advisor, and the Village Attorney.

HISTORY

The proposed Main Street Historic District satisfies National Register preservation criteria in that the very purchase of the land can be traced back to the America's earliest settlers, 18th century prosperous merchants who participated in the shaping of the New York City area economy, and tenant farmers and soldiers who supported and fought in the Revolutionary War.

The Main Street area of Irvington has maintained its historical small-town American atmosphere in spite of the rapid tempo of modern life. Irvington was originally well-known because America's first international author, Washington Irving (for whom the Village is named), was a resident of the community. After the Civil War, the area was increasingly the favored summer locale (preceding Newport and Southampton) for many of the most prominent and wealthy families of New York City.

Today, the Main Street area offers a rare example of a compact, former working-class neighborhood, with rows of small, closely sited houses lining the block-long streets that radiate north and south from the Main Street corridor. The workers who served the wealthy families residing in the area lived in some of the houses and/or owned and worked in the commercial buildings. Most of the buildings were constructed between 1880 and 1930, with the close spacing of residential and commercial structures reflecting the shopping patterns of that era.

Main Street runs east and west along a hill leading to the Hudson River, approximately 25 miles north of New York City. It originates at the old Albany Post Road, now called Broadway. Two blocks from the top of the hill it crosses the Croton Aqueduct, built in the 1840s to carry water to New York City. Its entire length of 10 blocks is graced with views of the Hudson River.

In the prehistory period, Delaware and Mohican Indians lived along the lower Hudson River. For these societies, the river was both heartland and highway. Beginning with Henry Hudson's explorations in 1609, the eastern bank of the Hudson was settled first by the Dutch and then by the English, with a number of large manors subsequently being carved out or acquired for the gentry. During the 19th-century's Gilded Age, other large estates were built in Irvington by significant families who shaped the development of the Main Street area, such as Charles L. Tiffany (founder of Tiffany & Co. and father of Louis Comfort Tiffany), Amzi Barber (the "Asphalt King"), John Jacob Astor, III, George Morgan (uncle of J.P. Morgan and co-founder of the famous banking house), and James Hamilton (son of Alexander Hamilton), among others. The Main Street area provided housing and shopping for the workers serving these country seats. In the 20th century, Irvington became a suburban community, as commuters who earned their livings in New York City settled among the inhabitants engaged in local business, long time residents, and service enterprises.

The Proposed Historic District

The area that was to become Irvington was deeded to Frederick Philipse in 1693 by the King of England as part of the Manor of Philipsburgh. Because Philipse's descendants remained loyal to the Crown during the American Revolution, the land was confiscated, and many tenant farmers who had sided with the Americans took ownership of the lands they previously had leased from Philipse.

In 1812, Justus Dearman bought land from William Dutcher, one of these farmers. Dearman sold this estate in 1849 to Franklin Field, who promptly "had the old farm surveyed and laid out into streets and 266 building lots."¹ It is this land that defines the boundaries of the proposed Historic District and for listing on the New York State and National Registers of Historic Places. In addition, three historic structures that are contiguous to the original Dearman farm also have been include in the proposed Historic District: St. Barnabas (1853), the Presbyterian Church (1869), and the Bridge Street industrial complex, part of the Lord and Burnham factory complex which lies on the other side of the railroad between Matthiessen Park and Scenic Hudson Park.

The proposed Main Street Historic District lies in the center of the Village. Its boundaries are the shores of the Hudson River to the west; Broadway (New York State Route 9) to the east; and on the north and south sides, the respective extremities of the block-long cross streets that emanate from Irvington's Main Street and which extend one block in length and terminate in distinctively separate residential neighborhoods (Barney Park to the south and Matthiessen Park to the north).²

The boundaries of the proposed Historic District have also been determined with consideration to the extent of its principal features – residential and commercial, as well as geographic and economic – which helped shape the development of the Village from approximately 1850 to 1930,³ and locations of the extant structures illustrative of that period. Main Street, the heart of the proposed Historic District, extends nearly 1/2 mile, rising 161.5 feet from its base at the Hudson River to an intersection with Broadway (the former Albany Post Road or King's Highway) eastern head. These extremities of Main Street are keyed to three modes of transportation – water, rail and vehicular – that have shaped the Village's history.

Historically, the streets perpendicular to Main Street were known as "A Street," "B Street," etc. until they were named later for local individuals.

"A Street" became Astor Street, after John Jacob Astor, III, one of the richest men in America who lived nearby at "Nuits";

"B Street" became Buckhout Street, after Captain John Buckhout, an early settler who fought in the Revolutionary War and was a tenant farmer who bought land after the Revolution;

¹ See attached 1848 map showing boundaries of the Dearman property/Appendix 'C'.

² See attached 2002 map showing proposed Main Street Historic District/Appendix 'B'

³ See attached 1901 map illustrating early development of the proposed Village district/Appendix 'D'

"C Street" became Cottenet Street, after Francis Cottenet, a prosperous textile importer, who lived at Nuits, an Italianate villa just south on the Hudson River;

"D Street" became Dutcher Street, after Barent Dutcher, whose father came to this country in 1635 and moved to the area around 1700 to become a tenant farmer for Frederick Philipse;

"E Street" became Ecker Street, after the Ecker family, one of the earliest European families to settle in the area, who were tenant farmers and later owners of the Acker Inn, (demolished circa 1899); formerly located on Broadway opposite today's Circle Drive;

"F Street" became Ferris Street, after Benson Ferris, a prosperous merchant who lived at the northwest corner of Sunnyside and Broadway in the early 1800's;

"G Street" became Grinnell Street, after Moses Grinnell, a merchant whose firm, Grinnell and Minturn, was one of the largest suppliers of produce and staples in the New York City area. He was also married to Julia Irving, Washington Irving's niece and a representative to Congress who worked to have the Village name changed from Dearman to Irvington.

Architectural Overview – Main Street on the Hudson

There are a total of 155 structures in the proposed District, many of which illustrate the ways in which Irvington evolved from the mid-19th century through the present. The Italianate style predominates, many structures having cornices, brackets and arched windows. Other romantic architectural influences include fine examples of Queen Anne style, as well as various Revival styles: Colonial, Gothic, and Greek. Romanesque, Tudor style half-timber, and many Folk Victorian Carpenter houses can also be found. The facades on the buildings vary to include clapboard, brick, stucco, and modern siding. The overall integrity, proportion, and scale of most buildings have been maintained, despite some alterations and development of non-contributing structures.

The Village is very clearly a late 19th century development, reflecting transportation, shopping patterns and architectural styles of the times. Structures in the area included domestic dwellings, grocery stores, dry goods shops, grain and feed dealers, hardware, carpentry, paint and plumbing shops, stables, pharmacies, laundries, tailoring establishments, wheelwright and blacksmith shops, as well as hotels and saloons. A number of such domestic and commercial structures continue intact, substantially unmodified, and as a whole provide a distinctive and unified historic character to the proposed Historic District.

Chronology

Among the significant events in the evolution of the Village and its Main Street are:

1812 Justus Dearman, New York City merchant, buys 144 acres in present day Irvington at \$50 an acre.

- 1848 The sale by Justus Dearman of his farm property that comprises the proposed District to Franklin C. Field, who arranged for the property to be laid out in 266 lots (as the Village of Dearman), which were sold at public auction in New York City in 1850.⁴ Two structures, portions of farmhouses built during the farming era, still exist near the head of Main Street, numbered 130 and 131 Main Street. Currently, the latter is being preserved and converted into the home of the Irvington Historical Society and office of the Village Historian.
- 1849 The New York Central Railroad tracks extended to Peekskill, New York and a rail depot is established in the Village.
- 1854 The Village's name is changed from Dearman to Irvington to honor of its distinguished resident, author Washington Irving.
- 1870 Lord's Horticultural Works come to the Village; in 1881 as Lord & Burnham it rebuilds a former shoe factory into a plant for manufacturing greenhouses and conservatories.
- 1872 Irvington is incorporated under New York law as a village, having previously been administered as a section of the Town of Greenburgh.
- 1890 The population of Irvington reaches 2,000, having grown from about 600 in 1860.

Distinguished Structures

Situated within the proposed Historic District are the following structures of architectural interest:

- Town Hall (1902), which includes the Irvington Town Hall Theater (a copy of the Ford Theater in Washington, D.C.) and the headquarters of the Police Department. Listed on State and National Registers 1988;
- Main Street School (1913) which, until 1956, housed all grades through high school, and currently houses grades 4 and 5;
- The McVickar House (1853), the second oldest house on Main Street, recently placed on the State and National Register of Historic Places. The house is being preserved by the Irvington Historical Society;
- Presbyterian Church (1869) Romanesque Revival church designed by James Renwick, Jr., architect of Saint Patrick's Cathedral and Grace Church in Manhattan, which houses Tiffany glass windows;

⁴ The rest of the 144 acres owned by Dearman was sold in 1848 to John Jay, nephew of the chief justice.

- The Episcopal Church of St. Barnabas, dedicated in 1853 and listed on the National Register, with stained glass windows by Tiffany, John La Fase and others ;
- The Lord and Burnham Building (1881), recently converted into the Irvington Public Library, as well as affordable housing in 1999, a Gothic Revival masonry industrial building, also listed on the National Register;
- Irvington Recreation Center, located in the former St. Paul's Methodist Church (1908);
- The historic Old Croton Aqueduct which runs through the Village from its north to south boundaries and was listed on the National Register in 1974;
- Bridge Street Properties, the former Lord & Burnham factory buildings west of the railroad tracks along the Hudson River waterfront;
- Irvington Railroad Station (1889), a Romanesque style granite and limestone structure designed by noted successors of Henry Hobson Richardson. Eligible for listing on the State and National Register of Historic Places;
- Many other structures housing retail; residential; and business uses along Main Street.

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- "Our Neighbors," The Irvington Gazette, , July 7, 1938
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**PRESERVATION
LEGISLATION**

HISTORIC DISTRICTS

ARTICLE I

Irvington Historic District

§ 1-1. Title and Authority.

- A. This Article shall be known as the "Irvington Historic District Preservation Law."
- B. In accordance with § 96-a of the General Municipal Law of the State of New York, entitled "Protection of Historical Places, Buildings and Works of Art," and Article 5-K of the General Municipal Law of the State of New York, entitled "Historic Preservation," the Village Board of Trustees for the Village of Irvington has authority to provide by local law, certain regulations, special conditions and restrictions for the protection, enhancement; perpetuation and the use of buildings having special character or special historical or other aesthetic interest or value. Pursuant to such authority the Village Board of Trustees has adopted this article.

§ 1-2. Purpose; findings.

- A. The Village of Irvington determines that the general purpose of the following regulations is to help protect and perpetuate places and buildings having a special historic, architectural, cultural or aesthetic interest or value in the Village of Irvington. Such special regulations are adopted to promote the historic value and the educational, cultural, economic and general welfare. Specific objectives are to:
 - (1) Provide for the protection, enhancement, perpetuation and use of districts, sites, buildings, structures and objects which are illustrative of the growth and development of our nation, our state and our village in the 19th and 20th century and which are of particular historic and aesthetic value.
 - (2) Help preserve the historic character of the area as a whole, and to retain and enhance those properties which contribute to its character.
 - (3) Recognize and help ensure the preservation of those elements of Irvington's past which represents many and varied architectural, artistic and cultural achievements which cannot be duplicated or otherwise replaced.
 - (4) Promote the areas association with historic and/or famed persons, including Washington Irving.
 - (5) Stabilize and protect property values within the area.

- (6) Foster civic pride in those elements of Irvington's past which give it unique character and set it apart from other communities.
- (7) Provide an educative role in the community with regard to historic structures and landmarks preservation.
- (8) Protect and enhance businesses with the Village of Irvington.
- (9) Preserve and protect the area's relationship to and view of the Hudson River.
- (10) Promote the use and preservation of landmark buildings, historic districts, structures, sites and objects as a means of providing enjoyment and unique educational benefit by perpetuating the physical evidence of Irvington's past.

B. It is hereby further declared that demolition or decay of historic landmarks and inappropriate or poor quality of design in the exterior appearance of landmarks or buildings erected in historic districts adversely affect the desirability of the immediate area and neighboring areas for residential, commercial or other uses. By so doing, such actions impair the benefits of occupancy of existing property, impair the stability and value of both improved and unimproved real property, and reduce the taxable value of real property in relation to the cost of municipal services provided for the benefit of such real property.

§ 1-3. Definitions.

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

ALTERATION – Any act or process which changes either the visual impressions or external features of a structure, building or site or object designated as a landmark or any structure, building, site or object in a historic district.

BUILDING – Any combination of materials forming any construction, except where entirely underground so as to permit the use of the ground above the same as if no building was present. The term "building" shall include the term "structure," as well as the following:

- A. Signs other than those regulated pursuant to Village Code § 224-35B.
- B. Fences.
- C. Walls, other than retaining walls, projecting above the ground not more than three feet at the higher ground level and not more than 6 1/2 feet at the lower ground level.
- D. Radio and television antennas, except for such antennas installed on the roof of a "building" and extending not more than 15 feet above the highest level of the roof of such "building."
- E. Public swimming pools, including those operated by clubs.
- F. Pergolas, porches, outdoor blinds and other similar structures.
- G. Swimming pools, whether installed in the ground or above ground and regardless of the material or type of construction.

- H. Satellite receiving antennas, including any parabolic or spherical dish-type antenna, the purpose of which is to receive, but not transmit, microwave or other electronic signals from satellites or other sources for television or radio reception, data transmission, teleconferencing or other types of telecommunication.

CERTIFICATE OF APPROPRIATENESS – A certificate issued by the Irvington Historic District Review Board to indicate that the applicant has met the review requirements of this Article and may proceed in accordance with this and other controlling laws.

CONSTRUCTION – Any act of altering the external appearance of an existing structure, building, site or object or the erection of a new principal or accessory structure on a lot or property.

DEMOLITION – Any act or process that contributes to the neglect or decay of and/or destroys, tears down in part or in whole, a structure, building, site or object within a historic district or designated as a landmark.

DEMOLITION PERMIT – A permit issued by the Building Inspector pertaining to the demolition of buildings or structures and the use of land within the Village of Irvington.

EXTERIOR ARCHITECTURAL FEATURES – The visual impression, architectural style, design, general arrangement and components of all of the outer surfaces of any building, structure, site or object, including but not limited to the kind, color and texture of the building material and the type, size, and style of all windows, doors, lights, signs and other fixtures appurtenant to said building or structure and trees, sidewalks, steps, driveways, paving and fences to the extent they are integral part of the architectural, environmental or historical nature of the building, structure, site or object.

HISTORIC DISTRICT – A geographical area of the Village of Irvington designated pursuant to the criteria set forth within.

HDRB – The Irvington Historic District Review Board.

LANDMARK – A building, structure, site, object or parcel of land, designated pursuant to this article.

MAJOR CHANGE TO EXTERIOR ARCHITECTURAL FEATURES – Any change in appearance which will affect the exterior historical, architectural or environmental features of a landmark or building or structure, site or object in a historic district. The following actions may constitute a major change:

- A. An application for a special use permit, use or area variance, or site plan review.
- B. Demolition of a principal or accessory structure or portion thereof.
- C. Alteration or additions to a principal or accessory structure.

- D. Construction or removal of a deck, porch, or pergolas to an existing structure; or
- E. Construction or demolition by a government agency or public utility which affects the appearance of a scenic landmark.

REMOVAL – Any relocation of a building, structure or object on its site or to another site.

REPAIR – Any mechanical or physical alteration to a building, structure or object that does not involve a change in design, material, texture, color, or outward appearance.

RESTORATION – Recovery of the form and details of a building, structure or improvement and its site during a particular time

SCENIC LANDMARK – Any designated landscape feature or aggregate of landscape features, any part of which is fifty (50) years or older, which has or have special character or historical, architectural or aesthetic interest or value as part of the development, heritage or cultural characteristics of this historic district.

SITE -- Adjoining tax lots, designated on the Official Assessment Map of the Village of Irvington, owned by one property owner. If any part of the adjoining lots is designated a landmark or is in an historic district, then the entire assemblage of adjoining lots is subject to the regulations governing the landmark or historic district.

§ 1-4. Establishment of Irvington Historic District Review Board

The Village Board of Trustees shall appoint an Irvington Historic District Review Board (the "HDRB") to administer this Article.

- A. The HDRB shall consist of a minimum of five (5) residents of the Village of Irvington appointed by the Mayor and approved by the Board of Trustees. Each of the members of the HDRB shall serve a three (3) year term, except that initially one (1) member shall be appointed for five (5) years and one (1) member shall be appointed for four (4) years.
- B. Each of the members of the HDRB should have a demonstrated interest, competence or knowledge of historic preservation.
- C. Three (3) of the members shall be a member of the Architectural Review Board of Irvington and two (2) members shall be residents of and/or owners of property within a historic district.
- D. If the Village of Irvington designates three or more historic districts pursuant to these regulations, the Board of Trustees may increase the number of members of the

HDRB, up to a total of seven (7) members, so that the HDRB has members who are a resident of and/or a property owner of the additional historic districts.

- E. The HDRB shall select one (1) of its members to serve as chairperson. The chairperson shall be confirmed by the Mayor with the approval of the Board of Trustees.
- F. The HDRB shall adopt procedural rules for conducting business in accordance with the provisions of this Article.
- G. Members shall serve on the HDRB without compensation.
- H. All resignations from the HDRB shall be submitted in writing to the Chairperson of the HDRB and forwarded to the Mayor. Persons shall be appointed by the Mayor and approved by the Board of Trustees to fill unexpired terms.
- I. One member of the Board of Trustees shall be designated by the Mayor to serve as an ex officio non-voting member of the HDRB. The staff of the Building Department shall assist the HDRB for the purpose of conducting and coordinating studies and research and providing other material and information necessary for the HDRB to exercise its powers and duties.
- J. A quorum shall consist of a majority of the HDRB members, but not less than a majority of the full authorized membership may grant or deny an application for a Certificate of Appropriateness.

§ 1-5. Powers and Duties of the Irvington Historic District Review Board

- A. The HDRB shall be responsible for helping to maintain the historic character of any and all Historic Districts. Unless otherwise specified herein, the duties of the HDRB shall be as follows:
 - (1) Assist owners of buildings within a historic district with preservation plans and activities relating to the property, and provide advice as to recommended restoration methods or choice of appropriate materials.
 - (2) Review and comment upon proposed actions by other public agencies affecting physical development and land use patterns in the Historic District(s).
 - (3) Issue or deny Certificates of Appropriateness.
 - (4) Prepare reports for and recommendations to the Board of Trustees on proposed Landmark(s) or Historic District(s), as described in this Article.

- (5) Inform owners of property within an Historic District of the provisions of this Article on a periodic basis.
- (6) Compile, maintain and revise no less often than every five years, a photographic inventory and data about the historic sites, buildings, structures or objects and scenic Landmark(s) within each and every Historic District.
- (7) Cooperate and coordinate with the Irvington Historical Society regarding their common goal of promoting and preserving Irvington's cultural heritage.
- (8) File an annual report regarding its activities with the Board of Trustees.
- (9) Cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, the New York State Office of Parks, Recreation and Historic Preservation and other state, national or local public or private agencies or groups concerned with historic buildings, structures, sites, objects or districts.

B. Additionally, the HDRB may undertake the following:

- (1) Increase public awareness of the value of historic, architectural and cultural preservation by developing and participating in public information programs in conjunction with other public and private organizations.
- (2) Cooperate with the Board of Trustees, the Architectural Review Board, and other Village boards or departments, agencies or commissions by requesting and providing appropriate information, cooperation, assistance or studies.
- (3) Recommend to the Board of Trustees appropriate utilization of grants from federal, state and county agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of the district.

C. Within the limits of their funds, and subject to budgetary appropriation by the Board of Trustees, the HDRB may obtain the services of qualified persons to direct, advise and assist the HDRB and may obtain the equipment, supplies and other material necessary to its effective operation.

D. The HDRB shall meet at least monthly if any business is pending. Meetings may be held at any time on the written request of any HDRB member. Efforts should be made to conduct HDRB meetings on the same day as ARB meetings.

§ 1-6. Establishment of Historic Districts and Landmarks

- A. In order to promote the general welfare through the preservation and protection of buildings, structures, sites, objects and areas of historical or architectural interest, Historic Districts and Landmarks shall be designated as provided herein.
- B. The HDRB may recommend to the Board of Trustees that an area of the Village be designated as an Historic District or that a building, site or object be designated as a Landmark if it meets one or more of the following criteria:
1. Has special character and special historic value by virtue of its inclusion of properties that meet one or more of the following criteria:
 - (a) is associated with persons or events of historic significance to the Village, region, state or nation;
 - (b) is illustrative of historic growth and development of the Village, region, state or nation;
 - (c) embodies distinctive characteristics of an architectural type, period or method of construction;
 - (d) is the work of an architect who has significantly influenced an age; or
 - (e) contains unique architectural, archaeological or artistic qualities.
 2. Has been duly included on the National Register of Historic Places maintained by the United States Secretary of the Interior; or
 3. Has been duly included on the New York state Register of Historic Places maintained by the New York Office of Parks, Recreation and Historic Preservation.
- C. A proposal for any such designation may be submitted by any person, organization, public entity or committee to the HDRB as long as it is in writing and includes the following:
- (1) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure, site or object, including a consideration of design, scale, material, workmanship and spatial qualities, as relevant.
 - (2) Exterior photographs of the building, structure, site or object in the proposed Historic District or Landmark.

- (3) A GIS map showing the boundaries of the proposed Historic District or location of the Landmark.
 - (4) The location and description of all buildings, structures, sites or objects within the proposed Historic District.
 - (5) A justification of the boundaries of the proposed Historic District;
 - (6) The name and address of the property owners, including section, block and lot numbers as designated on the Official Map of the Village of Irvington.
 - (7) The name, address and telephone number of the person, agency, organization or entity which submitted the proposal and who it represents.
- D. Six copies of the proposal shall be submitted to the Village Clerk's Office, who will then forward copies to the HDRB, within two business days.
- E. Within ten (10) business days of receipt of the proposal, the Village Clerk shall forward a copy of the proposal to the Mayor and Board of Trustees for their review.
- F. Within 30 days of receipt of the proposal, the HDRB shall convene to review and discuss the proposal.
- G. The HDRB shall issue a written report of its findings within 30 days of the meeting as to whether such historic or landmark designation should be considered. Any such report shall include a statement of how the building, structure, site, object or Historic District complies with or fails to comply with the above criteria. A copy of the report shall be submitted to the Village Clerk's Office.
- H. In connection with its review of a proposed designation of a landmark or historic district, the HDRB may obtain professional expertise, subject to the limitations of a budget established by the Board of Trustees, before submitting its recommendations to the Board of Trustees.
- I. If the HDRB recommends designation of a proposed Landmark or Historic District, then the report shall be submitted to the Board of Trustees for review. The review by the Board of Trustees shall be based on the record that was before the HDRB and the designation criteria contained in this law.
- J. Should the Board of Trustees find the HDRB's recommended designation warrants further consideration, the Board of Trustees will hold a public hearing on the proposed designation:

- (a) In addition to the publication of notice of a public hearing, the publication shall contain the name of the owner of record, contact person or agent, and the address, including section, block and lot numbers, of any building, structure, or site or object of the proposed landmark. Notice of the public hearing shall be sent by registered mail, return receipt requested to the owner of record.
 - (b) The publication shall contain a GIS map clearly delineating the boundaries of the proposed historic district and shall contain a listing of all the tax section, block and lot numbers (such information is contained with the Village Clerk's office) with the proposed historic district. Notice of the time and place of the hearing along with a map showing the boundaries of same, shall be sent by registered mail, return receipt requested, to the president of any civic, homeowners', business or other such similar organization(s) known to exist and represent the area in which the proposed district is located and to all property owners within the proposed district. A list of names and addresses, including section, block and lot numbers shall be on file in the Office of the Village Clerk/Treasurer.
- K. After holding a duly noticed public hearing the Board of Trustees may: 1) accept the recommendation of the HDRB and designate one or more landmarks or historic districts; 2) remand the report to the HDRB for additional information with written findings of the Board of Trustees as to its reasons for the remand; and 3) reject the report of the HDRB and refuse to designate one or more landmarks or historic districts.
- L. Public hearing shall be noticed in accordance with section 224-98(A) and (B) of the Village Code.

§1-7. Certificates of Appropriateness.

Notwithstanding any inconsistent ordinance, local law, code, rule or regulation concerning the issuance of building, demolition, subdivision, or other permits or approvals, no Major Change to an Exterior Architectural Feature within an Historic District shall be commenced without a Certificate of Appropriateness from the HDRB.

- A. A Certificate of Appropriateness ("Certificate") shall be required before any Major Change to Exterior Appearance within an Historic District is commenced, and before any building permit or approvals of the Village are issued. This Certificate shall be issued in addition to, and not in lieu of any other required permit or approval.
- B. Application by the owner of any property within an Historic District for a Certificate shall be made to the HDRB. A completed application shall be made in writing, accompanied by a site plan application, if required, in accordance with § 224-69 of the Village Zoning Code. When a site plan application is not required, the application must

be in sufficient enough detail for the HDRB to have full knowledge of the proposed changes. Modified applications may be treated as new applications. The HDRB shall determine whether an application is deemed complete.

- C. Once the application is deemed complete by the HDRB, it shall hold a public hearing on each application for a Major Change to Exterior Appearance. Notice shall be given in the same manner as for hearings before the Zoning Board of Appeals pursuant to § 224-98(A) and (B) of the Village Zoning Code.
- D. The HDRB may seek technical advice and expertise from consultants. All consultant fees shall be reimbursed by the applicant to the Village prior to the issuance of a building permit or other permit, subject to the economic hardship demonstrated by the applicant in accordance with section 1-11 herein.
- E. The HDRB may make recommendations regarding the preservation of architectural and landscaping detail in order to maintain and enhance the historical character of the Historic District. In all cases, the HDRB shall advise and work with the applicant to achieve change(s) compatible with the historic nature of the Historic District and the intent of this Article. If suitable, the HDRB may also advise the owner in developing an economically feasible plan to overcome the HDRB's possible objections and shall indicate to the applicant economical ways of replacing historical materials.
- F. A written recommendation of the HDRB shall be filed with the Village Clerk and Building Department and provided to the applicant within thirty (30) calendar days from the receipt of a completed application.
 - (1) If the HDRB determines that the proposal conforms with the intent of this Article, its report shall so state, and a Certificate shall be issued with the report.
 - (2) If the HDRB is concerned that the proposed changes are not compatible with the intent of this Article, it shall so state in its written report. In arriving at its position, the HDRB shall consider, in addition to any other pertinent factor, the historical and architectural value, significance, architectural style, general design, arrangement, texture and materials of the exterior architectural features and related landscaping involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood.
- G. Review by Zoning Board of Appeals.
 - (1) The Zoning Board of Appeals shall review all appeals with respect to the issuance or non-issuance of Certificates. Based on its findings, the Zoning Board of Appeals may direct the HDRB issue a Certificate without further delay; or the Zoning Board of Appeals may find the concerns raised by the HDRB are substantially overriding and shall determine that no Certificate shall be issued.

- (2) The findings of the Zoning Board shall be forwarded to the applicant, the Building Inspector, and the Village Clerk within forty-five (45) days of its receipt of a review application. Such time period may be extended upon consent of the applicant and the Zoning Board of Appeals.

§1-8. Appeals.

Any person or persons jointly or severally aggrieved by any action occurring as a result of this Article may apply to the New York State Supreme Court for review of a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of a decision in the office of the Village Clerk.

§1-9. Enforcement; penalties for offenses.

- A. In case any building or structure is erected, constructed, demolished or moved or otherwise affected as set forth pursuant to this Article, either by proceeding without a Certificate or contrary to approved plans and specifications for which a Certificate is issued, the Building Inspector shall issue a stop-work order and serve same upon the owner of record, a tenant in possession and any contractor or subcontractor working at a subject premises.
- B. Failure to comply with any of the provisions of this Article shall be deemed a violation, and the violator shall be liable to a fine of not more than five hundred dollars (\$500). Each day that such violation continues shall constitute a separate violation.
- C. In addition to the foregoing, the Village shall have such other remedies for any violation or threatened violation of this Article as now or hereafter may be provided by law, including but not limited to prosecution in the Court of the Village of Irvington and proceeding in the New York Supreme Court in an action for an injunction to restrain any violation of this Article and further in an action in New York Supreme Court for an injunction to order removal in whole or in part of any Exterior Architectural Feature permitted to exist in violation of this Article and for reconstruction or restoration as may be necessary to restore the building or structure to its appearance prior to the violation.

§1-10. Effect on other provisions; copy to be mailed to owner.

- A. Insofar as all buildings in the Village of Irvington must be maintained to meet minimum safety and building codes, this Article does not seek to impose additional requirements regarding maintenance of properties within the Historic District.
- B. Nothing contained herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner of complying with the requirements of any other state statutes or municipal ordinances or regulations. Within thirty (30)

days of passage of this Article, the Village Clerk shall mail to the owner of record of each property within the Historic District, a copy of this Article.

§ 1-11 Economic Hardship

- A. After receiving written notification that a Certificate of Appropriateness has been denied or approved, an applicant may apply for appropriate relief for the requirements of this Article on the grounds that such requirements of conditions will result in a economic hardship.
- B. In order to prove the existence of economic hardship, the applicant shall consult in good faith with the HDRB, village boards, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. An applicant shall establish that it has in good faith attempted to meet the criteria of this Article but is unable to make any economically viable use of the property, whether for income-producing purposes or for private use.
- C. In order to prove the existence of hardship, an applicant whose Certificate of Appropriateness has been accepted or denied shall establish that: (1) the property is incapable of earning a reasonable return, regardless of whether the return represents the most profitable return; (2) the property cannot be adapted for any other use, whether by the current owner or a purchaser, which would result in a reasonable return; AND (3) efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- D. No building permit, demolition permit or other related permit shall be issued unless the HDRB makes a finding that a hardship exists.
- E. The HDRB shall hold a public meeting on the hardship application, at which an opportunity will be provided for proponents and opponents of the application to present their views.
- F. The applicant must submit an estimate of the cost of the proposed construction, alteration, demotion, or removal and an estimate of any additional cost that would be incurred to comply with the decision of the HDRB.
- G. After the public hearing, the HDRB shall issue a decision in writing, granting or denying the hardship application.

§ 1-12 Maintenance: Removing Dangerous Conditions

- A. Every owner or other person in charge of a Landmark building or structure or a building or structure in an Historic District shall keep in good repair all of the exterior portions of such improvements and prevent such improvements to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair.

B. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any Exterior Architectural Feature of any structure or building within an Historic District.

**STANDARDS
AND
GUIDELINES**

DESIGN GUIDELINES FOR THE MAIN STREET HISTORIC DISTRICT:

**VILLAGE OF IRVINGTON
IRVINGTON HISTORIC DISTRICT REVIEW BOARD
2004**

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The Village of Irvington Historic District

Proposed Standards and Guidelines for Treatment of Historic Properties:

Introduction

The Secretary of the US Department of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving and Rehabilitating, Historic Buildings have been used as a reference and modified for the purpose of drafting these local Standards and Guidelines.

The Secretary of the Interior's Standards for the Treatment of Historic Properties may be applied to one or more historic resource types when buildings, sites, structures, objects, or districts are listed on the National Register of Historic Places.

Historic Resource Types & Examples:

Building: houses, barns, stables, shed, garages, government and public buildings, commercial buildings, libraries, factories, mills, train depots, hotels, theaters, schools, stores, and churches.

Site: habitation sites, funerary sites, rock shelters, village sites, recreational sites, ceremonial sites, petroglyphs, rock carvings, ruins, and surrounding grounds, trails, areas of land associated with memorials and monuments, shipwrecks, cemeteries, historically designed landscapes, and natural features, such as springs and rock formations, or other land areas having cultural significance.

Structure: bridges, tunnels, stone walls, systems of and paths, bandstands, gazebos.

Object: sculpture, monuments, boundary markers, statuary, and fountains.

District: central business districts, residential areas, commercial areas, industrial complexes, civic centers, villages, collections of habitation and limited activity sites, farms, estates, and landscaped parks.

Choosing an Appropriate Treatment for Historic Buildings

The Standards are neither technical nor prescriptive, but are intended to promote responsible preservation practices that help protect our Local irreplaceable cultural resources. For example, they cannot, in and of themselves, be used to make essential decisions about which features of the historic building should

be saved and which can be changed. But once a treatment is selected, the Standards provide philosophical consistency to the work. Choosing the most appropriate treatment for a building requires careful decision-making about a building's historical significance, as well as taking into account a number of other considerations:

Relative importance in history. Is the building a nationally significant resource—a rare survivor or the work of a master architect or craftsman? Did an important event take place in it? National Historic Landmarks, designated for their “exceptional significance in American history,” or many buildings individually listed in the National Register often warrant Preservation or Restoration. Buildings that contribute to the significance of a historic district but are not individually listed in the National Register frequently undergo Rehabilitation for a compatible new use, or alterations with a continued existing use.

Physical condition. What is the existing condition—or degree of material integrity—of the building prior to work? Has the original form survived largely intact an important part of the building's history? Preservation may be appropriate if distinctive materials, features, and spaces are essentially intact and convey the building's historical significance. If the building requires more extensive repair and replacement, or if alterations or additions are necessary for a new use, then Rehabilitation is probably the most appropriate treatment. These key questions play major roles in determining what treatment is selected.

Proposed use. An essential, practical question to ask is: Will the building be used as it was historically or will it be given a new use? Many historic buildings can be adapted for new uses without seriously damaging their historic character; special-use properties may be extremely difficult to adapt to new uses without major intervention and a resulting loss of historic character and even integrity.

Mandated code requirements. Regardless of the treatment, code requirements will need to be taken into consideration. Code-required actions may jeopardize a building's materials as well as its historic character. Thus, if a building needs to be upgraded to code compliance, modifications to the historic appearance should be minimal. Alterations to historic buildings requires particular care if important historic finishes and details are not to be adversely affected. Finally, alterations and new construction needed to meet accessibility requirements under the Americans with Disabilities Act of 1990 should be designed to minimize material loss and visual change to a historic building.

Using the Standards and Guidelines for a Preservation, Rehabilitation, or Restoration Project

The Guidelines are intended to provide guidance to historic building owners and managers, preservation consultants, architects, contractors, and project reviewers prior to treatment. As noted, while the treatment Standards are designed to be applied to all historic resources, the Guidelines apply to *specific* resource types; in this case, buildings, sites, structures, objects, and districts. The Guidelines have been prepared to assist in applying the Standards to all project work; consequently, they are not meant to give case-specific advice or address exceptions or rare instances. For buildings listed in the National Register of Historic Places, The Secretary of the Interior Standards will take precedence over the Local Guidelines. It is recommended that the advice of qualified historic preservation professionals be obtained early in the planning stage of a National Landmark project. Such professionals may include architects, historians, engineers, archeologists, and others who have

experience in working with historic buildings. The Local Guidelines pertain to exterior work on historic buildings of all sizes, materials, and types within the proposed Historic District. Those approaches to treatments and techniques that are consistent with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* are "Recommended" treatments which are inconsistent with the Standards are listed as "Not Recommended". The Standards for the first treatment, Preservation, require retention of the greatest amount of historic fabric, along with the building's historic form, features, and detailing as they have evolved over time. The Rehabilitation Standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character. The Secretary of the Interiors Restoration Standards and Reconstruction Standards are not applicable to the proposed historic district in general, but can be referenced for treatment of buildings or resource types listed in the National Register of Historic Places.

The Guidelines are preceded by a brief historical overview of the primary historic building materials (masonry, wood, and architectural metals) and their diverse uses over time. Exterior building features comprised of these materials are discussed. Special requirements or work that must be done to meet accessibility requirements, health and safety code requirements, or retrofitting to improve energy efficiency are also addressed here. Although not part of the overall process of protecting historic buildings, any such work must be assessed for its potential impact on a historic building.

A. INTRODUCTION

The design guidelines outlined herein are intended to help preserve and protect architectural materials and features of structures in the Main Street Historic District that are important in defining an overall historic character of the neighborhood.

The character of an historic building may be defined by the form and detailing of exterior materials, such as masonry, wood, and metal; exterior features, such as roofs, porches, and windows; and spatial relationships, as well as the building's site and setting.

Through historic preservation, existing materials and features are retained while employing as little new materials as possible. If new materials are necessary, the replacement materials need to match the old both physically and visually – in composition, design, color, and texture. The removal of distinctive historic materials or alteration of historic features shall be avoided wherever possible. Deteriorated historic features will be repaired rather than replaced where possible. Where severity of deterioration requires replacement of a distinctive feature, efforts will be made to match the old in design, color, texture and materials.

As set forth below in further detail, materials and features that are important in defining the overall historic character of the building should be identified, retained and preserved, where possible.

Pursuant to Article 1 of the Irvington Historic District Legislation, a Historic District Review Board ("HDRB"), will be established. The "HDRB" advises property owners on issues relating to identifying and preserving materials and features of their historic building.

If a property owner or tenant plans to undertake any alterations or additions to the exterior of a property located in the Historic District, plans must be submitted to the HDRB before the work begins, pursuant to the Legislation.

B. GENERAL REHABILITATION

1. SITE AND LANDSCAPE

The historic land use patterns and landscape features are an important part of the makeup of the Main Street Historic District.

The existing building's setback from the street should be maintained, where appropriate. Additions to buildings should not be built in front yards.

Fences that detract from the historic character of the neighborhood should be avoided. If fences are necessary, use hedges, iron fences or fences of traditional materials (such as wood or stone). Chain link fences or fences that are more modern in design and material should not be used.

2. PROPORTIONS

Excepting a few cases where modern structures have been built, the houses and commercial buildings are in proportion and scale to each other in the Main Street Historic District. The individual structures comprise a coherent whole neighborhood.

The original scale and shape of buildings and structures should be maintained, where possible. Additions should not overwhelm original structures and neighboring buildings. Avoid putting additions on top of roofs that will be out of harmony with the original roof and neighboring structures. Maintain the original roof shape where possible.

If additions to the house or garage are permissible by zoning code, place them on the side or back of the house, where possible, so they cannot be seen from the street. On facades which are visible from the street, maintain the original door and window to wall ratio.

3. DOORS AND WINDOWS

The doors and windows are a very important part of the historical design and character of a building. Original doors and windows should be retained when it is possible to repair them. If no reasonable repair of the window is possible (or the window is severely deficient in energy conservation), replacement may be considered.

Avoid replacing original wooden doors or windows if they can be repaired.

If it is necessary to replace, use doors and windows that are similar in style, size, materials and construction to the originals. The proposed replacement should match the original in aesthetic appearance: including style, dimensions, profiles, components and configuration.

The shape of the openings on existing windows and doors should be retained and should not be made smaller or larger.

Storm doors or windows should be compatible with the originals, and should not overshadow them with a different design. Their finish should be painted to match trim on the building.

a. Doors

The original doors in the Historic District are made of wood and usually are paneled. The actual style of the door depends on the style of the building. The door enframements often have trim that should be kept, as well as transoms, sidelights and windows that might exist.

b. Windows

The windows on buildings in the Historic District vary in size, shape and construction. The majority of windows are of wood construction, with double-hung sashes. Some windows include hoodmolds, decorative trim, architraves and bracketed sills.

Features of a window can include frames, sash, jambs and moldings, and interior and exterior shutters. Changing features of a window can alter or obscure the historic appearance of the building.

New work to a window should match the old in material, design, color and texture.

4. MATERIALS

The cladding material on the exterior gives a building its style and texture. It is most important, where practical, to retain the (original) construction materials of the building, such as wood clapboards, shingles, brick, or stone. Regular maintenance is the best and most important way to preserve the original material.

Avoid removing original materials in order to match later additions. For example, do not remove or cover the original wood clapboards on a side façade because the front has been covered in aluminum siding.

The removal of non-historic stucco or modern siding from wood buildings is encouraged.

a. Exterior Cladding

The most frequently used original materials in the Historic District are wood clapboards, wood shingles, brick and stone.

1. Wood Clapboards and Shingles

The wood clapboards originally used in the district are mostly in a narrow to medium width, not wide (except in very rare cases). The original shingles used are also a narrow to medium width, with even or very slightly uneven edges. The wide, irregular shingles called shakes were not used on those structures contributing to the historic character of the Village.

Avoid covering original clapboard and shingles with metal, vinyl siding or stucco. These modern coverings are not necessarily better than wood. The coverings can hide problems such as rot and insect infestation. They can tear, dent or crack. Artificial siding tends to fade and the stucco must be renewed on a regular basis.

2. Stucco

The stucco in the Historic District is not original to the wood framed structures and should be removed when possible. However, the earlier stucco applications were made over original wood clapboard and if not removed, will need repair in part or whole. If stucco is to remain, it should be maintained or repaired to match the original smoother texture, not the modern rough texture.

3. Masonry: brick and stone

Maintain the original masonry by repointing when necessary with the same type of mortar that was used originally. The mortar should be softer than the brick or stone, unlike cement, which is much harder. The joints should look like the original joints.

Avoid covering the masonry with stucco or painting it if it is unpainted.

Do not clean by sandblasting to prevent deterioration of the brick and mortar joints.

Historic masonry surfaces should not be covered with modern materials (i.e., vinyl, stucco or aluminum siding).

5. TRIM

The decorative trim on buildings - including moldings around the windows, columns holding up the porches, brackets and dentils at the cornices – gives the building its style and its place in history. Retain the decorative trim on the buildings wherever possible. When replacing trim, use the same material in the same style as the original.

6. PAINT

a. Colors

Paint colors shall not be specifically regulated. Paint colors in the district vary with the styles of the building. Almost all of the colors we use today were available in the mid-to-late 19th and early 20th centuries, the period when most of the buildings in the Historic District were constructed. The color used was based on the prevailing fashion and the individual taste of the builder and homeowner.

When the property owner desires to change the color of the doors, windows, exterior cladding, or trim of their building, the character of the historic building and district should be taken into consideration. The color change should be harmonious to the surrounding area and not radically out of context to the historic integrity of the district.

A paint analysis can help determine the original colors, if so desired by the property owner. HDRB will provide suggested exterior colors to property owners upon request at no cost.

Paint to maintain surfaces. Avoid painting any wood, stucco, brick or stone that already is not painted. When painting a new addition or new construction in the Historic District or when repainting a designated Landmark listed on the State or National Registers of Historic Places funded with government grants, paint colors will be reviewed by the HDRB.

7. PORCHES, STEPS, BALCONIES AND OTHER EXTERIOR PROJECTIONS

Many of the buildings in the Historic District have porches and other projections, such as entrance porticos. These projections are an important part

of the design of the houses and commercial buildings and the look of the Historic District.

The porches should be retained. They should not be enclosed but may be screened pursuant to the Zoning Code. Deteriorated or damaged entrances should be repaired and maintained as originally designed.

The wooden or masonry columns or posts and rails should be retained and restored or repaired when they deteriorate. They should not be replaced with modern supports, such as wrought iron or slim wooden posts and railings, which do not match the originals in size, material and ornament.

Original wooden, brick and stone steps should be retained wherever possible and not replaced with concrete steps.

Metal awnings should not be used, but canvas awnings on stores along the Main Street Business District may be permitted if they are in keeping with the historical period of the district. (See awning codes and storefront guidelines.)

8. ROOF

The pitched roofs of the houses in the Historic District stand out as a major element in the overall historic character of the Village. Views of the Hudson River are a critical preservation characteristic of the many buildings in the Village.

The roof's shape, including the pitch on the house and/or garage, should be retained, wherever possible. Likewise, decorative features of the roof, such as cupolas, cresting, chimneys, and weathervanes, should be preserved.

When replacing roofing materials, use wood shingles, asphalt shingles, slate or tiles with a similar texture and color to the original materials. Metal roofing was used on earlier structures and thus, should be retained if replacing. Retain the original roofing material wherever possible.

Protect and maintain the roof by cleaning the gutters and downspouts and replacing deteriorated flashing. Maintain drainage properly so that water and debris does not collect and cause damage to the roof and the underlying structure or the foundation.

9. ANTENNAS, AIR CONDITIONING UNITS AND OTHER MODERN EQUIPMENT

Permanent installation of modern equipment such as television antennas, satellite dishes, or air conditioning units should be placed where they cannot be easily seen. They should not interfere with the historical design of the building nor be attached in a manner that harms any historic material.

10. NEW ADDITIONS

Unless a proposed alteration pursuant to zoning is applicable to a non-contributing building, a new addition should not alter the original proportions and style of an historic building. Efforts should be made so that new additions should not be easily seen from the street and should be placed on the side or at the back of the existing structure. It should match the original building's materials and style. New decks should be located at the back of the house, depending on the siting of the structure and the lot configuration.

a. Proportions

The new addition should be no higher or larger than the original structure, and should be considerably smaller to avoid overpowering the main building. The floor-to-floor heights should be the same as those on the original building. The ratio of door and window openings to the façade should be the same as that of the existing building.

b. Doors and Windows

Doors and windows should match those on the original structure. If the main structure has wooden double-hung sash, the addition should have wooden, double-hung sash. Large picture windows or sliding glass doors should be avoided where they can be seen from the street.

c. Materials

Materials of the exterior should match those of the existing structure (if the existing structure survived largely intact). If the structure has wood shingles and a brick basement, the addition should have the same type of wood shingles and a similar type of brick for the basement. In some cases, it might be considered appropriate to have an addition with clapboard on a masonry building, or no siding, such as with a porch. Two materials may be mixed and found to be compatible and in keeping with the historic fabric of the building and neighborhood.

d. Trim and Construction Details

Decorative trim and construction details should match or be compatible to the trim of the original building.

e. Paint

The paint colors on an addition should be compatible to those of the original structure, and or harmonious to the historic character of the community. Paint colors for additions and new structures will be reviewed by the HDRB.

f. Roof

The addition should not change the roof shape of the original building. The roof style of the addition should be compatible with the roof on the original building, with the same or a similar pitch. It should be covered in the same material as the existing building, unless new materials are to be applied to new and original structures.

B. COMMERCIAL BUILDINGS

All issues set forth in Section A (1-10) are applicable to commercial buildings. The following specialized information applies to buildings erected for commercial uses.

The facades of the historic commercial buildings on Main Street consist of three major components: (1) the storefront (the first story); (2) the upper façade (the second and third story); and (3) the cornice (the decorative feature at the top). Each of these elements is important and should be maintained accordingly.

1. STOREFRONT

The storefront is an important element in the Historic District. The storefront area should remain as transparent as possible. Display windows should not be reduced in size. If the retail space is converted to a different use, privacy can be assured by using blinds or curtains. If display windows must be replaced, the dimensions should be retained.

If transom windows are found above the display windows, they should be retained, particularly if they are of art glass. In new storefront construction, transoms may or may not be included within the design.

Bulkheads below the display windows should be retained. If new bulkheads are to be installed, they should be of wood, and may have recessed panels. Significant surviving historic elements, such as storefront cornices and cast iron features, should be retained and re-used in any rehab project.

If storefronts have to be replaced, the scale and proportions of the existing building in any new storefront design should be respected. Select construction materials that are appropriate to the storefront, such as wood, glass and masonry. Generally, the storefront should be transparent. – Use glass in doors, transoms, and display areas for visibility into and out of the store.

The separation between the storefront and the upper façade is important. Likewise, the historic relationship of the storefront to the façade of the building and the streetscape should be maintained. Differentiate the primary retail entrance from any secondary access to upper floors. Place entrances where there were entrances historically, particularly when suggested by architectural detailing on the upper stories.

2. UPPER FAÇADE

Within the upper façade, windows should be retained without alteration to their openings. Likewise, original exterior surfaces should be retained or restored if they have been covered or otherwise altered.

3. CORNICES

Cornices, hood mouldings, bracket sills and other original ornamental details on buildings should be retained and repaired as needed. Brick cornices should be repointed and wood cornices should be repaired, primed and painted, as needed. Metal cornices should be preserved and repaired as appropriate.

4. SIGNAGE

Existing and proposed signage (including window signs affixed or painted on glass) should enhance the unique historic character of the Village. Signage should not be installed in such a manner that it obscures or destroys significant features on a building. Consistent with the Village legislation, lettering and graphics on signs should not be so small that they cannot be read or so large that they overpower the storefront. Signs should be compatible with the character of the historic district and the building with relation to their size, color, and placement.

As to illumination, signage should not be internally illuminated. Illuminated signs should be unobtrusive, sensitive to the surroundings, and should not interfere with the historic features of

the buildings. The use of incandescent light sources is encouraged over fluorescent or high intensity discharge lamps.

5. AWNINGS

Awnings can be a highly effective means of providing visual interest to an historic building or area. They should be attached with minimal effect on architectural features and materials. Installation of retractable awnings is encouraged. The fabric color of the awning should be coordinated with the color of the building, storefront, signage, or other building component. Graphics may only be applied to the valance or sideflap of the awning.

**CERTIFICATE
OF
APPROPRIATENESS**

THE REVIEW PROCESS

If a property owner in the historic district wishes to undertake alterations or additions to the exterior of their buildings (including rehabilitation, new construction, the installation of signs, awnings, fences, ect), plans and an application for a COA must be submitted to the Village for review by the HDRB. No review is required for interior alterations unless they affect the exterior appearance of the property. A sample Certificate of Appropriateness application is included within this document, listing the information for review (See Appendix 'E'). Incomplete forms and missing information will delay the timely review of the project by the HDRB.

Applications for a Certificate of Appropriateness must be filed with the Department of Buildings at least three weeks prior to the scheduled HDRB meeting. The HDRB's review will be based upon the *Design Guidelines*. Applications will be notified of the dates of HDRB meetings.

If the HDRB finds that the proposed work meets the *Guidelines*, a Certificate of Appropriateness will be issued and the project can proceed.

Similar to the function of the Architectural Review Board, a Certificate of Appropriateness (COA) is the HDRB's official approval of an application and enables the Building Inspector to issue a Building Permit if all other approvals are confirmed. The Building Inspector will verify that construction conforms to approved plans. Work must be performed as proposed by the applicant and as approved by the HDRB. Any deviations from approved plans must be resubmitted for review. Property owners may be required to remove unapproved work.

WHEN IS A CERTIFICATE OF APPROPRIATENESS REQUIRED?

Any treatment which affects the exterior of the building or property (including new construction) requires the approval of the HDRB, (except as noted) *before the work begins*. This includes the modification of nearly every aspect of the building exterior including window and door changes, modifications to roofs, and porches, installation of siding, storefront remodeling, fences, signage, and awnings. The HDRB will review only those changes which affect the exterior of a property. If an owner is repairing with the same material which is present on a building or is repainting (*), then no review is required. However, if an architectural feature is being replaced in its entirety, a COA is required. If property owners are not sure of the requirements, the safest solution is to call the Village and inquire.

See Appendix 'E'

*When painting a new addition or new construction in the Historic District or when repainting a designated Landmark listed on the State or National Registers of Historic Places funded with government grants, the paint colors will be reviewed by the HDRB.

The HDRB recognizes that twenty-first century needs differ from those of the nineteenth, when many buildings in the district were built. The HDRB is committed to assisting property owners to find cost-effective ways to meet modern requirements without negatively affecting the property's architectural integrity. The HDRB recommends replacement of missing documented features whenever possible. Owners within the Main Street Historic District are encouraged to consult the HDRB so that all results might be harmonious with the general historic character of the district.

REQUIREMENTS FOR CERTIFICATE OF APPROPRIATENESS

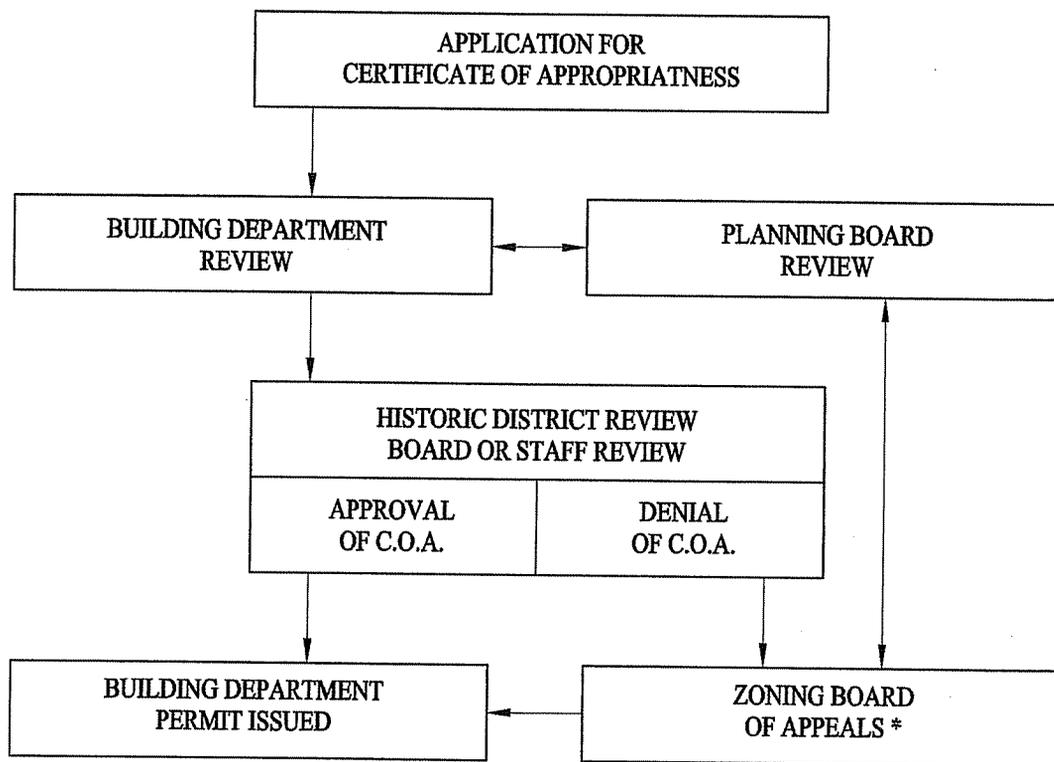
FOR:	Contributing Structures	Vacant Property	Non-Contributing Structures
<p>Maintenance</p> <p><i>Repair which does not involve a change in design, material, texture, or outward appearance</i></p>	<p>No Certificate Of Appropriateness Required</p>		<p>No Certificate Of Appropriateness Required</p>
<p>Landscaping</p> <p><i>Installation or removal of landscape elements</i></p>	<p>Certificate Required for Fencing, Removal of Large Landscape Items Specified as Historic Landscape Elements</p>		
<p>Painting A New Color</p> <p><i>(Excepting new Structures)</i></p>	<p>No Certificate Of Appropriateness Required</p>		<p>No Certificate Of Appropriateness Required</p>
<p>Improvements Not Requiring Building Permits</p> <p><i>New Windows, Doors Siding, roof, etc.</i></p>	<p>Limited Changes / Staff Review Major Improvements / Board Review</p>		<p>Limited Changes / Staff Review Major Improvements / Board Review</p>
<p>New Structures Additions Improvements Requiring Building Permits</p>	<p>Board Review</p>	<p>Board Review</p>	<p>Board Review</p>

Flow chart illustrating the Application, Review and Approval process for a Certificate of Appropriateness:

The flow chart illustrates the process associated with securing approvals to undertake exterior repairs, alteration or rehabilitation of properties within the Main Street Historic District. All steps are typically involved in the current review process, except that the HDRB will review applications for Certificate of Appropriateness in the Historic District in coordination with the Board of Architectural Review and concurrent with the regular B.A.R. meeting schedule. Applications for a C.O.A. will be in lieu of application for Architectural Review Board. No additional steps beyond those already regulated will be required of applicants.

In addition to the steps illustrated in the graph below, some projects will require additional applications for variances, site plan approval, special permits, ect. Owners, tenants, architects and builders are urged to contact the Village of Irvington Building Department prior to commencement of planning or construction work.

HISTORIC DISTRICT PERMIT PROCESS



* If the Z.B.A. approves the Application of Grants Code Variances upon appeal of H.D.R.B. denial of Certificate of Appropriateness, the Building Department may issue a Permit. If an appeal is the subject of a Planning Board Decision, the Z.B.A. will refer the results of any rulings back to the Planning Board.

STAFF ISSUED CERTIFICATE OF APPROPRIATENESS

The Historic District Review Board has adopted the following list of lesser impact modifications which may be performed under a Staff Issued Certificate of Appropriateness granted by the Historic District Review Board Staff.

FOR INDIVIDUALLY LANDMARKED PROPERTIES OR PROPERTIES CLASSIFIED AS CONTRIBUTING WITHIN A HISTORIC DISTRICT:

- Changes to no more than ten percent (10%) of the total square footage of any building or structure's façade elements
- Changes to no more than ten percent (10%) of a building or structure's total number of windows
- Changes to no more than ten percent (10%) of the total square footage of any building or structure's roof surface area
- Changes to no more than ten percent (10%) of the total square footage of a site's existing paved areas
- Expansion of a site's paved area, if allowed by zoning codes, by no more than ten (10%) of its existing amount using materials to match composition, finish, pattern and tone of the original elements
- Changes to no more than twenty percent (20%) of the total lineal footage of a building's fascia, soffit, gutters and leaders.
- Changes to no more than twenty five percent (25%) of the total number of the landscape elements to be placed and/or modified as approved by a Certificate of Appropriateness issued by the Historic District Review Board
- Changes to not more than fifty (50%) of a building or structure's total number of exterior doors or vents

FOR PROPERTIES CLASSIFIED AS "NON-CONTRIBUTING" WITHIN AN HISTORIC DISTRICT:

The Historic District Review Board Staff can issue Certificate of Appropriateness for work on the exterior of structures or grounds of a site classifies as "non-contributing" **EXCEPT:**

- Construction of a new building or structure
- Exterior alterations of existing buildings or structures changing the configuration of the amount of the site's land area coverage, floor area ratio (FAR), or interior cubic area.

NOTE:

- *Permission to modify landmarked property beyond those types of work listed above can only be obtained by applying for a Certificate of Appropriateness with the Historic District Review Board. Please refer to the document "Application for Certificate of Appropriateness" for submission requirements*
- *It is the property owner's responsibility to contact the Village of Irvington Department of Buildings to see if any building or other permits are required to perform any modifications to a building or site.*

LANDSCAPE ELEMENT REVIEW POLICY

The Historic District Review Board has adopted the following policy for the purpose of reviewing landscape elements on individually landmarked properties or individual sites within an historic district designated by the Village of Irvington:

THE FOLLOWING SHALL BE CONSIDERED LANDSCAPE ELEMENTS:

- hedges
- trees
- curbing
- fencing
- free standing walls
- retaining walls
- lighting
- statuary

LANDSCAPE ELEMENTS SHALL BE SUBJECT TO REVIEW WHEN THE FOLLOWING IS PROPOSED:

- Modification of a landscape element which contributes to making a building, structure, site or district historic, and is mentioned specifically in the documentation resulting in landmark or historic district status from the Historic District Review Board
- Construction of a new building
- Alteration of any existing building or structure changing the configuration of its footprint
- Construction, alteration or installation of any fencing
- Construction, alteration or installation of any new landscape element (such as retaining and free-standing walls, lighting requiring electrical permits) requiring any permit to be issued by the Department of Buildings
- Removal of any tree greater than eight (8) feet average feet above grade

Permission to modify landmarked property for those types of work listed above can only be obtained by applying for a Certificate of Appropriateness with the Historic District Review Board. Please refer to the document "Application for Certificate of Appropriateness" for submission requirements. It is the property owner's responsibility to contact the Village of Irvington Building Department to see if any building or other permits are required to perform any modification to a building or site.

SUBMITTAL REQUIREMENTS:

Please call or meet with staff from the Building Department of the Village of Irvington prior to submitting applications to verify submittal requirements. Twelve(12) copies of the application and all supporting materials (except samples) are required.

1. A survey or sketch giving dimensions of property; location of building showing distances from property lines; names of streets (front and sides); and north/south orientation.
2. Scaled drawings, elevations and specifications for the project. All new materials must be clearly identified.
3. Samples of proposed materials and/or manufacturer's catalog/brochure. Samples of existing materials, if available.
4. Photographs of existing building (all facades and elevations of structure). Detailed photos of proposed changes clearly showing the appearance and condition of structure. For new construction, additions and façade renovations, include photos of adjacent buildings and streetscape. Print name of applicant and property address on back of photos.
5. Specific items as requested are, such as: a landscape plan, a site plan indicating improvements such as fences, walls, walks, driveways, accessory buildings, signs, lights, and other elements. In case of demolition, and explanation of the future use of the site.
6. Additional information for signage: Number of signs, location, size, materials, colors, lettering details, and lighting.
7. If applicant is not the property owner, please submit a completed "Letter of Joiner" indicating owner's consent.

SUBMISSION DATES:

The Historic District review Board generally holds its regular meetings on the second and fourth Monday of the month at 8:00 p.m. in the Village Hall. Applications and related materials should be submitted to the Building Department according to the available schedule. Applicants should attend meetings to present their application for public review.

FEE SCHEDULE:

A fifty dollar (\$50.00) fee is due at the time the application is submitted.

Signature of Applicant/Agent

Date

APPENDICES

RESOLUTION
VILLAGE OF IRVINGTON

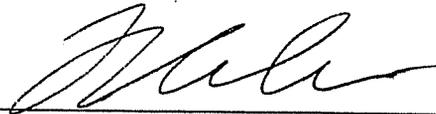
At the meeting of the Board of Trustees of October 7, 2002, Trustee Milano made a motion, seconded by Trustee Derby, to adopt the following resolution:

RESOLVED that the Board of Trustees of the Village of Irvington, New York authorize the submission of an application to the New York State Office of Parks, Recreation, and Historic Preservation for designation as a State and Federal historic district, that area of Irvington bounded by the Hudson River to the West, and Broadway to the East (to include Saint Barnabus and the Presbyterian Churches), by the gates of Barney Park to the South, and by the gates of Matthiessen Park to the North. This boundary being consistent with the original 1850's layout of Dearman, later re-named Irvington-On-Hudson.

Voting (Present):

<u>Mayor Flood</u>	<u>Aye</u>
<u>Trustee Derby</u>	<u>Aye</u>
<u>Trustee Livingston</u>	<u>Aye</u>
<u>Trustee Milano</u>	<u>Aye</u>

I certify that the above resolution is a true and accurate copy of the Minutes of the meeting of the Board of Trustees of the Village of Irvington.



Lawrence S. Schopfer
Clerk-Treasurer

(seal)

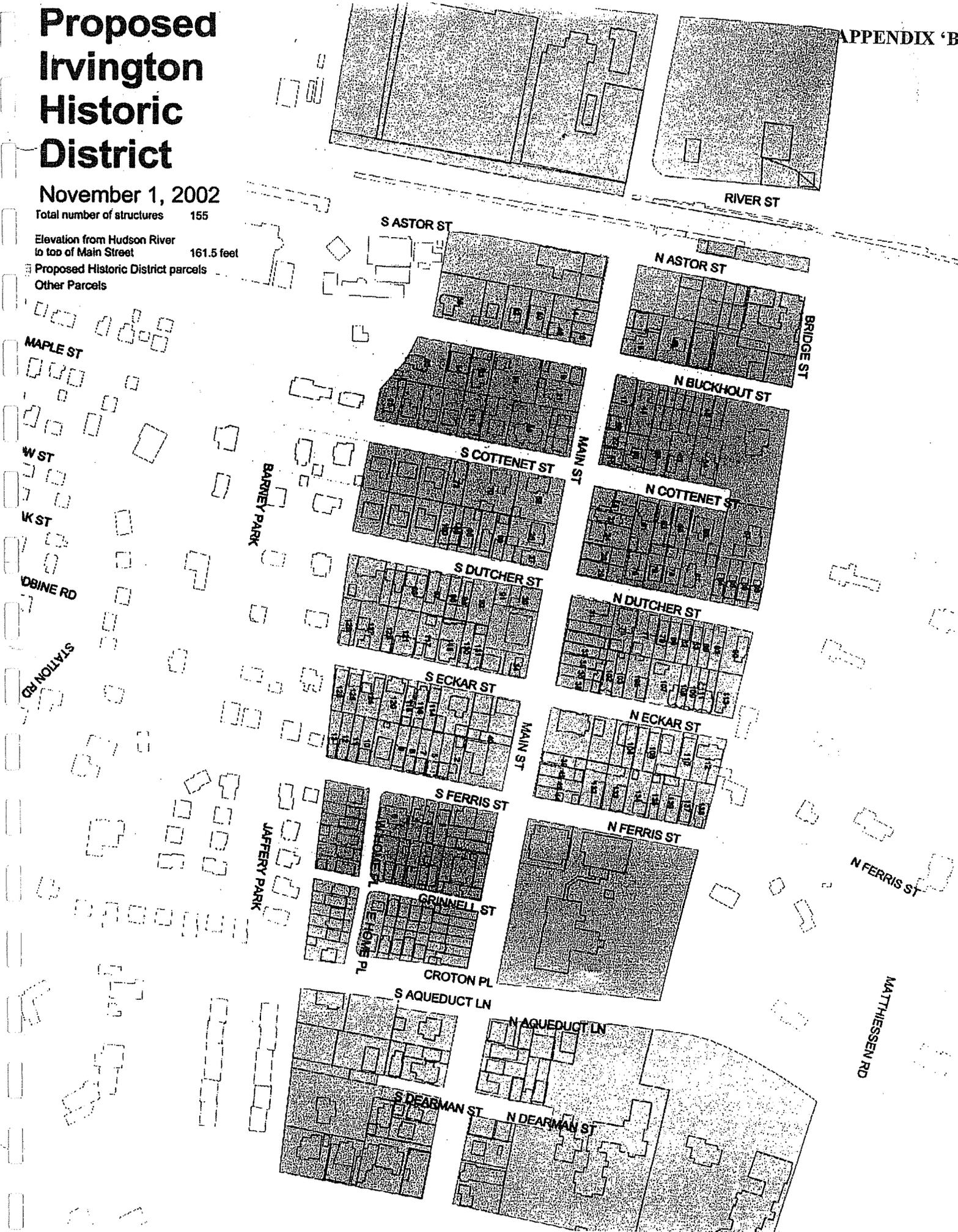
Proposed Irvington Historic District

November 1, 2002

Total number of structures 155

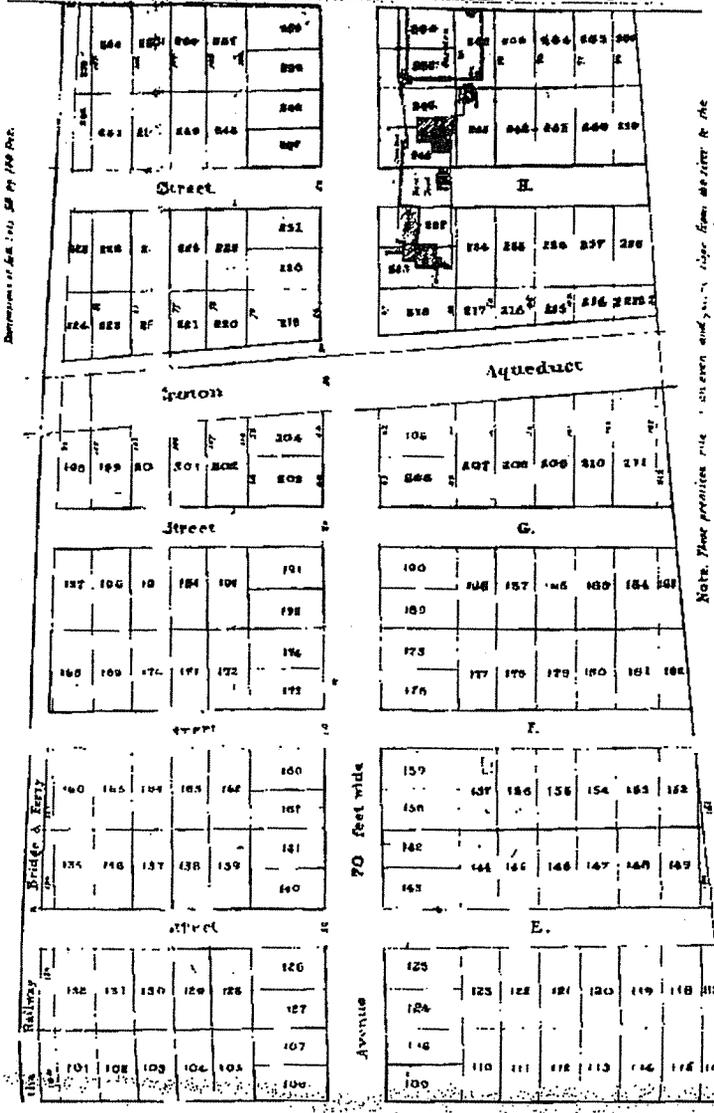
Elevation from Hudson River
to top of Main Street 161.5 feet

Proposed Historic District parcels
Other Parcels



to be sold at auction by
Cole & Chilton
 on Thursday 25th April 1850 at 12 o'clock, at the
 Merchants' Exchange N.Y.

Scale 100 feet per inch

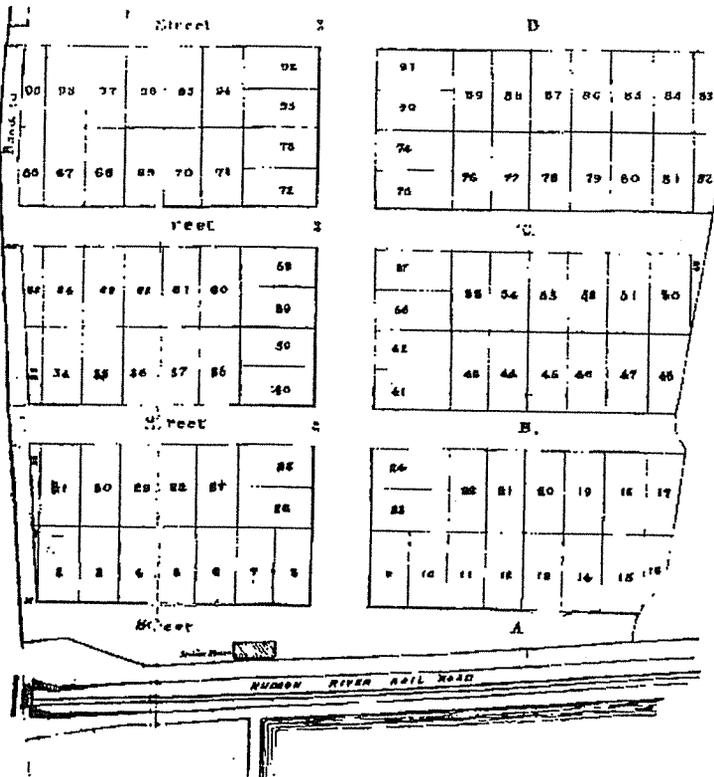


Note: These premises rise on even and odd sides from the center to the
 Triangle Point, commencing at the center and running N. 75° W. 1/2 mi. to the
 the Hudson River for above Fifty Days to the Island and the River.

1848 map
 of Original
 Dearman
 Farm at
 auction of
 1850.

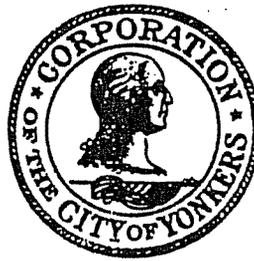
APPENDIX 'C'

Village Lots and Cottage Sites at
DEARMAN, WELSTCHESTER CO.
 adjacent to the
 Hudson River Station & Piermont Ferry Depot



JOHN D. SPENCER
MAYOR

LEE J. ELLMAN, AICP
PLANNING DIRECTOR



87 NEPPERHAN AVE., ROOM 311
YONKERS, NEW YORK 10701-3892
(914) 377-6557
FAX (914) 377-6552

PLANNING BUREAU
CITY OF YONKERS

Landmarks Preservation Board - Certificate of Appropriateness Application

1. PROPERTY INFORMATION

ADDRESS :

SECTION : BLOCK : LOT : LOT2 :

LANDMARK DISTRICT NAME :

HISTORIC and/or COMMON NAME :

2. OWNERSHIP INFORMATION

OWNER'S NAME(S) :

OWNER(S) ADDRESS :

CITY : STATE : ZIP CODE :

PHONE # : WORK # : OWNER'S SIGNATURE

3. APPLICANT INFORMATION

(IF DIFFERENT THAN OWNER)

RELATIONSHIP TO OWNER : IF OTHER THAN "SAME" FILL IN THE FOLLOWING INFORMATION

APPLICANT'S NAME :

APPLICANT'S ADDRESS :

CITY : STATE : ZIP CODE :

PHONE # : FAX # : APPLICANT'S SIGNATURE

* **NOTE: PROPERTY OWNER(S) OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC MEETINGS OF THE LANDMARKS PRESERVATION BOARD REGARDING THIS MATTER.**

Landmarks Preservation Board - Certificate of Appropriateness Application

4. APPLICATION CONSULTANTS

(PROVIDE INFORMATION WHERE APPLICABLE)

ARCHITECT/ENGINEER :

COMPANY :

ADDRESS :

PHONE :

ATTORNEY :

FIRM :

ADDRESS :

PHONE :

CONTRACTOR :

COMPANY :

ADDRESS :

PHONE :

5. MODIFICATION DESCRIPTION

(LIST SEPERATELY EACH ELEMENT)

1:

6:

2:

7:

3:

8:

4:

9:

5:

10:

DO THE PROPOSED MODIFICATIONS
REQUIRE A BUILDING PERMIT? (CHECK ONE) YES NO

If a building permit is required for the proposed modifications, the fee for the certificate of appropriateness as set forth under the Yonkers Landmarks Preservation Ordinance (Chapter 45 of the City Code) is ten percent (10%) of the fee for the building permit.

BUILDING PERMIT APPLICATION NUMBER :

BUILDING PERMIT FEE :

6. APPLICATION PACKAGE CONTENTS

(DO NOT WRITE BELOW THIS LINE)

PROJECT STATEMENT:

BUILDING APPLICATION REVIEW :

BUILDING PLANS :

SITE PLAN :

LANDSCAPE PLANS :

SURVEY/ MODIFIED:

ENVIRONMENTAL
ASSESSMENT FORM:

MATERIAL
SPECIFICATIONS :

PHOTOGRAPHIC
DOCUMENTATION:

OTHER :

APPLICATION NUMBER :

APPLICATION DATE :

APPLICATION FEE :

Certificate of Appropriateness Application - Photographic Documentation

ADDRESS:

(PLEASE PRINT OR TYPE)

SECTION:

BLOCK:

LOT:

LOT2:

PHOTO NUMBER:

LOCATION:

DESCRIPTION:

ATTACH PHOTOGRAPH HERE

PHOTO NUMBER:

LOCATION:

DESCRIPTION:

ATTACH PHOTOGRAPH HERE

General Requirements

Permission to Apply

A Certificate of Appropriateness can only be requested by the owner(s) of a property designated as a landmark or within an historic district designated by the City of Yonkers Landmarks Preservation Board. The signature of the property owner(s) on a Certificate of Appropriate Application, or a duly executed affidavit, are the only acceptable proofs of permission.

Application Requirements

Anyone seeking a Certificate of Appropriateness must submit a completed application package. An application package will be considered incomplete if, at the time the Landmarks Preservation Board reviews the item at their meeting, the applicant or their representative is not present. Incomplete packages will be put over by the Landmarks Preservation Board without discussion and the applicant will be informed of the next meeting date.

Please Note: Pursuant to Section 45-8 subsection (O) of the Code of the City of Yonkers, the Landmarks Preservation Board has adopted a list of types of work for which the Planning Director may grant Certificates of Appropriateness. Please refer to the document "Application for Staff Issued Certificate of Appropriateness" for eligible types of work and submission requirements.

Application Definitions, Documents and Forms

Building Application Review

Any applicant proposing alterations or repairs that require a Building Permit must submit a current Building Application Review sheet from the Department of Housing and Buildings. The following outlines examples of the type of work requiring building permits as it relates to applying for a Certificate of Appropriateness:

New Principal Structures: Construction of a new residential or commercial building.

New Accessory Structures: Construction of a garage, shed, swimming pool, deck, ~~dish antenna~~, sign, or similar structure on a property with existing principal structures.

Additions, Expansions and Enclosures: Such as adding rooms by changing the size and/or shape of an existing structure, or enclosing an open porch or deck.

Structural Changes: Making any change to one square foot or more of a structure's exterior wall(s) or roof area by cutting away a section, making a new opening to install a window, door or vent, or enlarging or reducing an existing opening.

Site Changes: Construction or expansion of a retaining wall, driveway, parking area, or fencing over six feet high, excavation of over one hundred cubic yards of earth, or regrading a site which would result in a change to the natural or existing run-off patterns.

Please Note: It is the property owner's responsibility to see that all required permits have been obtained. If you have any questions regarding permits or code requirements, contact the City of Yonkers Department of Housing and Buildings at (914) 377-6500.

Building Plans (Floor Plans and Elevations)

All building plans, floor plans, elevations, and details of these plans are to be drawn at a legible and standard architectural scale.

All plans must be signed and sealed by a licensed architect or engineer.

Certificate of Appropriateness Application Form

All applicants must submit a typed or printed Certificate of Appropriateness Application form, signed by the property owner.

An applicant other than the property owner must also sign the form.

Environmental Assessment Form

Based upon the type of work to be done, applicants may have to fill out a Short Environmental Assessment Form as required under New York State Environmental Quality Review Legislation.

Landscape Plans

All landscape plans are to be of a scale no smaller than one inch equals thirty feet (1" = 30').

All landscape plans must show the quantity and placement of existing trees and vegetation on the site.

The landscape plan for building expansions and enclosures need only show the location of all existing trees and landscaping to be retained or removed from the site as a result of the proposed modifications.

In some cases, plans for planting or removing landscaping may be drawn on a copy of a property's survey.

A schedule of all items being planted must be provided indicating plant species, plant dimensions at time of planting, full growth height/width ranges, maturation time and other dimensional details.

Material Specifications

Any applicant proposing a new building, structure, or not using the same exact type and color of material(s) in the modification of any existing exterior object must submit samples and/or catalogues of all proposed exterior materials including but not limited to: windows, doors, fencing, lighting, siding, roofing, shutters, stairs, and walkways.

Samples and/or catalogues submitted must show the size, color, composition, and texture of all proposed exterior materials to be used.

If any item proposed is to match an element on the same building, specifications and photographs of the element must be submitted.

Photographic Documentation Form

Photographs must be submitted to document all work areas and show an overall view of the structure or object being modified.

Photographs shall be no smaller than three (3) inches by five (5) inches and no larger than four (4) inches by six (6) inches and must be attached to a Photographic Documentation form.

Each photograph must be labeled with the location being shown and description of the proposed work area(s).

Site Plans

Site plans and parking/driveway plans are to be of a scale no smaller than one inch equals thirty feet (1" = 30').

Site plans must be signed and sealed by a licensed architect, landscape architect, engineer, or surveyor.

Site grading, topography, or geological features shall be drawn with clearly marked contour lines extending ten (10) feet beyond the boundary of the site at intervals of no greater than five (5) feet.

All site plans for new or expanded structures shall include a zoning compliance chart showing dimensional requirements of the Zoning Ordinance and the corresponding provision of that requirement.

Survey (Modified)

In some cases, applicants may use a copy of the property's survey filed with the Westchester County Clerk's Office instead of preparing a scaled site plan, landscape plan, or parking/driveway plan.

Any proposed work shall be shown by outlining the area(s) where the proposed work is to take place, indicating the length and width of the ground area covered by any proposed site element(s), indicating the distance of any new site element(s) from any existing structures and the property boundaries.

Additional Application Information

Applicants may submit a typed or printed statement describing the modifications for which they are seeking approval. The Landmarks Preservation Board may also request additional information of applicants based upon its review of the basic submission documents and forms required for review.

Application Fees

- Only applicants needing a building permit must pay an application fee.
- The application fee is ten percent (10%) of the fee for the building permit.
- Payment must be either a certified check or money order made out to the City of Yonkers.
- Fees are due at the time of application.

Number of Copies

The applicant shall provide twelve (12) complete Certificate of Appropriateness application packages (two (2) originals and ten (10) copies) for use by the Yonkers Landmarks Preservation Board. Incomplete packages shall be returned to the applicant for completion prior to acceptance.

Time of Submission

Applicants shall provide the Landmarks Preservation Board with a completed Certificate of Appropriateness application package no later than *fourteen (14)* days prior to any scheduled Landmarks Preservation Board meeting. The ten day submittal requirement may be waived by the chairperson for extenuating circumstances or in the case of a referral from the City Council, Planning Board or Zoning Board of Appeals. The Planning Director or his/her designee shall determine that the completed application package has been provided and shall notify the applicant of the scheduling of their proposal before the Landmarks Preservation Board.

Format of Submission

Applications that do not comply with the following will be returned:

- All items must be folded to fit into a ten inch by thirteen inch (10" x 13") envelope, ready for mail.
- All items must be collated and bound with rubber bands, paper clips, etc.
- The Certificate of Appropriateness application and building application review (if required) should appear on top of each packet
- All items to be submitted must be delivered together, unless any additional item(s) is/are requested by the Board

Submission Requirements Checklist

The items required for a complete application package are based upon the type of work for which the applicant is seeking approval. The list below categorizes various types of work for which applicants are seeking approval and the documents and forms to be submitted:

Major Construction

New Structures / New Accessory Structures / Additions and Expansions of Structures:

- Certificate of Appropriateness Application
- Building Application Review
- Building Plans
- Site Plan
- Landscape Plan
- Material Specifications
- Photographic Documentation of property from street and showing any existing structures on the site
- Environmental Assessment Form
- Application Fee

Enclosure of Structures:

- Certificate of Appropriateness Application
- Building Application Review
- Building Plans
- Survey/ Modified to indicate perimeter area of structure to be enclosed
- Material Specifications (required unless matching materials on existing structure)
- Photographic Documentation of existing structure
- Environmental Assessment Form
- Application Fee

Facade Work

Same Size Window / Door / Vent Installation:

- Certificate of Appropriateness Application
- Material Specifications (required unless matching materials on existing structure)
- Photographic Documentation of existing item(s) to be modified

Larger Size Window / Door / Vent Installation:

- Certificate of Appropriateness Application
- Building Application Review
- Building Plans
- Material Specifications (required unless matching materials on existing structure)
- Photographic Documentation of existing item(s) to be modified
- Application Fee

Exterior Painting (If Changing Color) / Exterior Siding:

- Certificate of Appropriateness Application
- Material Specifications
- Photographic Documentation of all siding to be changed or repainted

Roof Work

Structural Changes:

- Certificate of Appropriateness Application
- Building Application Review
- Building Plans
- Material Specification
- Photographic Documentation of roof areas of the entire structure

Roofing Material / Gutters and Leaders:

- Certificate of Appropriateness Application
- Material Specification (required unless matching materials on existing structure)
- Photographic Documentation of existing roof/ gutters and leaders

Site Work

Retaining Walls / Fencing (over 6'-0" in height) / Regrading:

- Certificate of Appropriateness Application
- Building Application Review
- Building Plans
- Landscape Plan
- Material Specification (required unless matching materials on existing structure)
- Photographic Documentation of location of new and/or existing structure(s) to be modified
- Application Fee

Landscaping:

- Certificate of Appropriateness Application
- Landscape Plan
- Photographic Documentation of location where landscaping is to be planted or removed

Fencing / Site Elements (under 6'-0" high):

- Certificate of Appropriateness Application
- Material Specification (if new or alternate materials are being used)
- Photographic Documentation of any existing fencing on the property
- Survey/ Modified to indicate location of new and/or existing fencing to be modified

Please Note: If the proposed work covers more than one type, applicants must provide the required documents and forms for every type of modification. If any applicant is unsure of how to classify the work for which approval is being sought, they should consult the Landmarks Preservation Board staff prior to submission of the application.

IRVINGTON HISTORIC DISTRICT SURVEY ANALYSIS

Overview

In general, the results of the Main Street Historic District survey indicate that the area's property owners favor the implementation of some kind of guidelines to ensure that the character of this neighborhood remains harmonious and generally consistent with the way it looks now, in 2002. Examine the response percentages to questions # 4D , 9I & 10J.

Questions were framed to come at questions from different angles (e.g. #17Q & #9I). It is important, therefore, to analyze the percentage breakdowns carefully of such questions in order to get an accurate reading of the community's opinion.

There seems to be a **favorable consensus** for the following issues:

- "adopt local legislation to ensure the **preservation of the view of the Hudson River along Main Street**" (#6F)
- use of **financial incentives** (# 11K & 12L)
- **restricting new buildings** to ensure that they would be in harmony with existing character (#17Q)
 - **establishing guidelines** for renovation, demolition and new construction (#9I) is also generally favored
- **burying utility lines** along Main Street for a one-time cost of \$100 (#27AA)
 - responses were more equivocal for a one-time cost of \$200 (#28AB) or for the cost spread out over several years (#29AC)
- **ensuring that the roof lines of Main Street "step down"** (#30AD)

Specific Issues

However, the responses to questions regarding the following issues were more nuanced, probably reflecting a prudent caution on the part of respondents. Until Main Street owners and residents know how these issues will be worked out in concrete terms, they are generally not ready to have a definite opinion. It is these areas that should be addressed in the public hearings:

- **establishment of historic district guidelines requiring approval of certain alterations (#5E)**
 - **Mandatory v. voluntary compliance** with historic district guidelines (#13M & 14N)
- **Boundaries of proposed district**
 - **Matthiessen Park; Hudson River; Broadway; Barney Park (#7G)**
 - **Only Main Street: (#8H)**
- **Review of building applications from an historical perspective (#15Q.)**

Building Elements Subject to Regulation

- Respondents were ~~in~~ generally in favor of regulations covering:
 - **Building height (#18R)**
 - **Set-back from street (#19S)**
- Respondents were not as in favor of regulations covering replacement/removal of:
 - **Windows (#20T)**
 - **Doors (#21U)**
 - **Shutters (#22V)**
 - **Siding (#23W)**
 - **Landscaping (#26Z)**
- Respondents were fairly evenly divided (roughly 50% in favor, with 20-23% undecided) regarding regulation covering:
 - **Porches (#24X)**
 - **Existing cornices and other architectural detail (#25Y)**

**PROPOSED HISTORIC DISTRICT PHONE SURVEY,
December, 2002**

	1	2	3	4		
1A. 1. Do you own residential or business property in Irvington?	Business (CONT)	Residential	Don't Own (Term)	DK Refused (Term)	Totals	
	Cumulative	39	123	4	0	166
	Statistical	23.49%	74.10%	2.41%	0.00%	100%

	1	2	Totals	
2B. Do you own property in the Main Street Area?	Yes	No		
	Cumulative	152	13	165
	Statistical	92.12%	7.88%	100%

	1	2	3	4	Totals	
3C. How aware are you that a committee in Irvington is examining whether to designate the Main Street area as an historic district?	Very aware	Somewhat aware	Not at all aware	Undecided		
	Cumulative	69	78	17	1	165
	Statistical	41.82%	47.27%	10.30%	0.61%	100%

	1	2	3	Totals	
4D. Do you favor establishing an historic district as a way to preserve the historic character of Main Street?	Favor	Oppose	Undecided		
	Cumulative	104	21	39	164
	Statistical	63.41%	12.80%	23.78%	100%

IF YES, ASK:

	1	2	3	Totals	
5E. Would you favor the establishment of historic district guidelines requiring approval of certain alterations to the architectural aspects of your house, such as siding, cornices, etc.?	Favor	Oppose	Undecided		
	Cumulative	69	18	42	129
	Statistical	53.49%	13.95%	32.56%	100%

CONTINUE TO ASK ALL RESPONDENTS:

	1	2	3	Totals	
6F. Would you favor adopting local legislation to ensure the preservation of the view of the Hudson River along Main St.?	Favor	Oppose	Undecided		
	Cumulative	136	10	18	164
	Statistical	82.93%	6.10%	10.98%	100%

	1	2	3	4	Totals	
7G. If an historic district were established, would you want it to extend to Matthiessen Park to the north, Barney Park to the south, the Hudson River to the west and Broadway to the east?	Yes	No	Undecided	Other(specify)		
	Cumulative	89	23	50	2	164
	Statistical	54.27%	14.02%	30.49%	1.22%	100%

IF NO, ASK:

	1	2	3	Totals	
8H. If an historic district were established, would you want it to be limited to Main Street?	Yes	No	Undecided		
	Cumulative	23	20	19	62
	Statistical	37.10%	32.26%	30.65%	100%

	1	2	3	Totals	
9I. In order to preserve Main Street's historic character, would you favor establishing guidelines for renovation, demolition, and new construction in this area?	Yes	No	Undecided		
	Cumulative	119	22	24	165
	Statistical	72.12%	13.33%	14.55%	100%

10J. Would you be in favor of a historic district if you knew that it included mandatory regulations such as prohibiting new construction out of character with the style of the surrounding area? If it would make no difference in your support, just say so.		1	2	3	4	
		Yes	No	Undecided	No difference	Totals
	Cumulative	98	28	9	30	165
	Statistical	59.39%	16.97%	5.45%	18.18%	100%
11K. Would you be in favor of a historic district if there were state and local tax abatements to offset the cost?		1	2	3	4	
		Yes	No	Undecided	No difference	Totals
	Cumulative	92	18	24	31	165
	Statistical	55.76%	10.91%	14.55%	18.79%	100%
12L. Would you be in favor of a historic district if you knew that there were financial incentives available to the homeowners in the historic district, such as tax credits and low interest loans?		1	2	3		
		Yes	No	Undecided	Totals	
	Cumulative	106	19	40	165	
	Statistical	64.24%	11.52%	24.24%	100%	
13M. Do you believe that voluntary compliance with historic district guidelines for the external renovation, demolition or construction of houses in the Main Street area would be effective in preserving the historic character of the area?		1	2	3		
		Yes, would be effective	No, would not be effective	Undecided	Totals	
	Cumulative	64	53	47	164	
	Statistical	39.02%	32.32%	28.66%	100%	
14N. Do you think that some guidelines should be mandatory?		1	2	3		
		Yes	No	Undecided	Totals	
	Cumulative	109	21	35	165	
	Statistical	66.06%	12.73%	21.21%	100%	
15O. If an historic district were established, would you favor the review of building applications from an historical perspective?		1	2	3		
		Yes	No	Undecided	Totals	
	Cumulative	105	19	39	163	
	Statistical	64.42%	11.66%	23.93%	100%	
16P. How concerned are you about the appearance of your neighbors' buildings?		1	2	3	4	
		Very Concerned	Only Somewhat	Not at all Concerned	Undecided	Totals
	Cumulative	90	61	10	4	165
	Statistical	54.55%	36.97%	6.06%	2.42%	100%
17Q. Would you favor restricting new buildings to ensure that they would be in harmony with, or consistent with, the existing character of the neighborhood?		1	2	3		
		Yes	No	Undecided	Totals	
	Cumulative	133	11	21	165	
	Statistical	80.61%	6.67%	12.73%	100%	

If there were regulations established to preserve the historic character of the Main St. area, which of the following should those regulations cover?

		1	2	3	
		Yes	No	Undecided	Totals
18R. Building height	Cumulative	134	11	16	161
	Statistical	83.23%	6.83%	9.94%	100%

		1	2	3	
		Yes	No	Undecided	Totals
19S. Set back from the street	Cumulative	118	18	23	159
	Statistical	74.21%	11.32%	14.47%	100%

		1	2	3	
		Yes	No	Undecided	Totals
20T. Replacement/Removal of Windows	Cumulative	72	43	46	161
	Statistical	44.72%	26.71%	28.57%	100%

		1	2	3	
		Yes	No	Undecided	Totals
21U. Replacement/Removal of Doors	Cumulative	77	36	49	162
	Statistical	47.53%	22.22%	30.25%	100%

		1	2	3	
		Yes	No	Undecided	Totals
22V. Replacement/Removal of Shutters	Cumulative	74	44	44	162
	Statistical	45.68%	27.16%	27.16%	100%

		1	2	3	
		Yes	No	Undecided	Totals
23W. Replacement/Removal of Siding	Cumulative	79	35	48	162
	Statistical	48.77%	21.60%	29.63%	100%

		1	2	3	
		Yes	No	Undecided	Totals
24X. Replacement/Removal of Porches	Cumulative	98	24	39	161
	Statistical	60.87%	14.91%	24.22%	100%

		1	2	3	
		Yes	No	Undecided	Totals
25Y. Replacement/Removal of Existing Cornices and architectural detail	Cumulative	99	29	33	161
	Statistical	61.49%	18.01%	20.50%	100%

		1	2	3	
		Yes	No	Undecided	Totals
26Z. Replacement/Removal of Landscaping	Cumulative	68	55	55	178
	Statistical	38.20%	30.90%	30.90%	100%

		1	2	3	
		Yes	No	Undecided	Totals
27AA. Would you be in favor of burying the utility lines on Main Street if it cost each household of the Village of Irvington \$100 as a 1 time cost?	Cumulative	116	28	21	165
	Statistical	70.30%	16.97%	12.73%	100%

		1	2	3	
		Yes	No	Undecided	Totals
IF YES ASK 28AB. Would you be in favor of burying the utility lines on Main Street if it cost each household of the Village of Irvington \$200 as a 1 time cost?	Cumulative	87	35	23	145
	Statistical	60.00%	24.14%	15.86%	100%

		1	2	3	
		Yes	No	Undecided	Totals
IF NO ASK 29AC. Would you favor burying lines on Main Street if the cost to residents was spread out over several years?	Cumulative	28	32	34	94
	Statistical	29.79%	34.04%	36.17%	100%

CONTINUE TO ASK ALL RESPONDENTS				0	1	1	
30AD. Would you favor ensuring that the roof lines of the buildings on Main Street "step down" with the line of the hill on Main Street?				Yes	No	Undecided	Totals
		Cumulative	116	17	30	163	
		Statistical	71.17%	10.43%	18.40%	100%	
31AE. Gender				1	2		
		Cumulative	Male	Female	Totals		
		Statistical	87	73	160		
			54.38%	45.63%	100%		
32AF. Area				1	2		
		Cumulative	Main Street	Off Main Street	Totals		
		Statistical	47	106	153		
			30.72%	69.28%	100%		

Basic Path of Approval Within Proposed Historic District

Exterior Improvements	or	
Building Department ↓	→	Building Department ↓
HDLC Application ↓		Zoning Board of Appeals ↓
Building Department ↓		Building Department HDLC Application ↓
Permit		Historic District + Landmarks Commission ↓
		Building Department ↓
		Permit

Additions and Alterations			
Building Department ↓	or		or
Planning Board Application ↓	→	Site Plan Approval (by who?) ↓	→
Building Department ↓		Public Hearing ↓	Zoning Board ↓
Planning Board ↓		Building Department HDLC Application ↓	Building Department ↓
Waiver???		Historic District + Landmarks Commission ↓	Planning Board ↓
Building Department HDLC Application ↓		Building Department ↓	Building Department ↓
Historic District + Landmarks Comm. ↓		Permit ↓	HDLC Application ↓
Building Department ↓			Building Department ↓
Permit			Historic District and Landmarks Commission ↓
			Building Department ↓
			Permit

Sign or Awning	or	
Building Department ↓	→	Building Department ↓
Historic District/Landmarks Application ↓		Zoning Board of Appeals ↓
Historic District/Landmarks Commission ↓		Building Department ↓
Building Department ↓		Historic District/Landmarks Commission ↓
Permit		Building Department ↓
		Permit

Fences and Structural Landscaping	or	
Building Department ↓	→	Building Department ↓
Historic District/Landmarks Commission Application ↓		Zoning Board ↓
Historic District/Landmarks Commission ↓		Building Department ↓
Building Department ↓		Historic District/Landmarks Commission ↓
Permit		Building Department
		Permit

Non-Structural Repairs Window/Door Replacement		
Building Department ↓		
Historic District/Landmarks Commission Application ↓		
Historic District/Landmarks Commission ↓		
Building Department ↓		
Permit		

DRAFT
(May 26, 2001)

Proposed
Village of Irvington
Historic District Ordinance (Regulations)

Article I: Statement of Intent:

1. The Trustees of the Village of Irvington hereby find and declare that the Main St. area be designated an historic district. This area is bounded by Broadway, Rte 9, the Pre-Revolutionary Kings Highway, and the Hudson River Shore line to the point of its expansion as of the year 2001. This proposed historic district encompasses parts of Pre-Revolutionary tenant farms which date back to the 1600's and which make up most of our village as a whole.

2. This area has a special historic value by virtue of the presence of one Pre-Revolutionary farmhouse and several pre-Civil war buildings. In addition, two sites in this area are listed on the National Register of Historic Places. Since the Civil War, the architectural evolution of Main Street has included structures from all periods to date.

3. The Trustees have established regulations to:

- a. preserve the character of the district herein designated.
- b. promote awareness of village history through the physical evidence of Irvington's past.
- c. preserve and perpetuate its historic significance.
- d. maintain the special character of our village.
- e. support local business.
- f. conserve and improve the property values therein.
- g. promote the general welfare of the village.
- h. Foster civic pride in the unique character of our community.

g
4. It is the judgement of the Trustees of the Village of Irvington that demolition or decay of historic landmarks and inappropriateness or

poor quality of design in the exterior appearance of buildings in this historic district adversely affect the desirability of the immediate area and neighboring areas for residential, commercial or other uses and compromise and desecrate the historic quality of the village.

Article II: District Designation

(The designated area could be the area defined by the recent Main St. study. This should be discussed and agreed upon by the Committee. However, that study did not include the waterfront, which now warrants preservation. The next paragraph is an example of how it might be defined.)

The Irvington Historic District is hereby designated from Broadway as the eastern boundary to the Hudson River, as the western boundary. The full length of each side street, from north to south, is included with the exception of South Buckhout St. which would end at the junction of Station Road.

Article III: Historic District Commission:

A. Establishment/Membership:

1. To carry out regulations, the Village Trustees shall appoint an Irvington Historic District Commission consisting of seven members who shall be residents of the Village of Irvington, as follows:

- a. One member from the Planning Board
- b. The Village Historian
- c. An architect recommended by the other members of the commission
- d. A member of the Board of The Irvington Historical Society recommended by that Board
- e. A member of the Irvington Chamber of Commerce, recommended by the Chamber
- f. A resident of the Historic District designated area
- g. A licensed Real Estate professional

2. In addition, the Mayor shall appoint a Village Trustee as an ex-officio, non-voting member of the Commission.

3. A Chairperson and a Vice-Chairperson will be elected by the majority of the Commission members. The Vice-Chairperson shall act as head of the Commission in the absence of the Chairperson.

Each member shall serve a term of three (3) consecutive years except for the first appointment to the Commission, of whom two (2) members shall serve three (3) years, two (2) members shall serve two (2) years and three (3) members shall serve one (1) year. Members shall serve on the Commission without compensation. Resignations from the Commission shall be submitted in writing to the Chairperson of the Commission and forwarded to the Village Board.

B. Duties and Responsibilities:

1. It shall be the duty of this Commission to maintain, nurture and have stewardship over the character and atmosphere of the Irvington Historic District.

2. It shall review and determine the appropriateness of the construction of new buildings and the reconstruction, alteration, and demolition of existing buildings including outbuildings, walls, fences, steps, and signs, to insure that such construction or alteration is compatible with that character. Architectural style, materials, color and detail will be considered to fulfill these responsibilities. *(The group should look at the above paragraph very closely and decide what level of power the commission should have. For instance the above paragraph states, ... "determine the appropriateness...". Perhaps it should go further by using words like regulate and/or adjudicate?)*

3. In addition to the aforementioned, and subject to budgetary appropriation and approval by the Village Board, the Commission shall have the following powers exercisable within the Irvington Historic District:

a. To retain or employ professional consultants, secretaries, clerks or other such personnel as may be necessary to assist the Commission in carrying out its duties.

- b. To conduct surveys of buildings for the purpose of determining their historic or architectural significance and pertinent facts about them.
- c. To prepare maps of the district designating historic architectural sites and buildings selected in Item 2.
- d. To cooperate with and advise the Village Board, the Planning Board, The Architectural Review Board and other municipal organizations and personnel in matters involving the historic and architectural sites and buildings in the district, including land uses, parking facilities and signs.
- e. To provide advise and guidance to property owners and the Village Board concerning issues of historic preservation and restoration.
- f. To review and make recommendation on signage efficiency and appropriateness in the District.
- g. To encourage and promote education about the Historic District and historic landmarks within the Village of Irvington.
- h. To formulate recommendations for the establishment of an appropriate system of markers for selected historic and/or architecturally significant buildings, structures, sites, including proposals for the installation and care of such historic markers.
- i. To cooperate with and enlist assistance from the National Parks Service, The National Trust for Historic Preservation, and other State, National, or local public or private agencies or groups concerned with historic buildings, structures, sites, objects, or districts.
- j. To assist and advise the Village Board on the acquisition of gifts and grants available to the Village that would

contribute to the preservation and maintenance of historic artifacts and landmarks.

- k. To file an annual report regarding its activities with the Village Board.
- l. To adopt rules and regulations and make amendments, with the sanction of the Village Board, as necessary for the conduct of the Commission's business.
- m. To entertain suggestions and make proposals with the cooperation, and subject to the review and sanction of the Village Board, for other areas of Irvington which may qualify for historic district designation.

4. With respect to activities including construction, reconstruction, alteration, demolition, or use of such improvements, the Commission may make a determination or impose conditions that are more restrictive than those prescribed by other provisions of law.

(It is assumed that this means there are additional criteria beyond Village and State building code when dealing with historic structures.)

Article IV: Applicability:

- 1. These regulations will apply to all buildings, structures, out buildings, walls, fences, steps, topographical features, earthworks, paving and signs.
- 2. No changes in any exterior architectural features will be made except as herein after provided. The structure and the appearance of the façade as it exists at the time of establishment of this Commission will be considered the basic standard of appropriateness relative to reconstruction, alteration or maintenance. Alterations requested by the owner may be permitted provided the appearance relates to the history of the building.
- 3. Exceptions: Nothing in this Article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural

feature and its related landscaping in the district which does not involve a change in design, material, color or the outward appearance thereof. Nothing in this Article shall be construed to prevent the construction, reconstruction, alteration or demolition of any exterior architectural feature which the Building Inspector shall determine is required by public safety because of dangerous or unsafe conditions, but the plans for such changes shall be subject to approval by the Commission.

Article V: Certificate of Appropriateness:

1. A Certificate of Appropriateness from the Irvington Historic District Commission shall be required and must be issued for any change in existing exterior architectural feature or any new building in the District before work begins on such projects. Refer to Article IV,1.
2. The Certificate of Appropriateness for work subject to Paragraph 1. must be issued prior to the issuance of any building permit.
3. The Certificate of Appropriateness required by this rule shall be in addition to and not in lieu of any building permit that may be required by any ordinance, local law, code, rule, or regulation of the Village of Irvington.
3. If the Commission makes use of outside consultants, reports from such consultants will be provided to the Commission and to the applicant.
5. Application for a Certificate of Appropriateness shall be made to the Irvington Historic District Commission in such form and provide such information as may be required by the Commission.

Article VI: Approval or Disapproval of Certificate:

1. Within forty-five (45) days after application is filed, the Irvington Historic District Commission shall determine whether the proposed

construction, reconstruction or alteration of the exterior architectural feature will be appropriate to the preservation of the district for the purposes of this Article. In the event that such determination has not been made within the time prescribed and shall not have been disapproved during such time, such application shall be deemed to have been approved. The grounds for refusal of any application by the Commission shall be stated in the records of such Commission.

2. In passing upon appropriateness, the Irvington Historic District Commission will consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural feature and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood.

3. A copy of the approval or disapproval of such application shall be filed in the Building Inspector's office.

Article VII: Penalties for Offenses:

Failure to comply with any of the provisions of these Articles shall be deemed a violation, and the violator shall be liable to a fine of not more than \$250. Each day that such violation continues shall constitute a separate violation.

It is understood by all parties that non-compliance after the Certificate of Appropriateness and the Building Permit have been issued may result in a stop-work order imposed by the Village Building Inspector.

Appeals relating to penalties or permit withholdings may be addressed to the Zoning Board of Appeals.

(We feel that a list of permissible actions, for instance, repainting your house the same color or blacktopping your driveway should be included in these rules and regulations, especially to give the public a sense of some flexibility and freedom.)

Post notes: There may be a concern that more specific standards and criteria for historic architectural maintenance and preservation would need

to be established. The afore-mentioned standards establish the criteria as how the building looks at the time of the establishment of the Commission or prior historic recognition.

We are concerned about the dynamics of this Commission with regard to the Architectural Review Board. It would appear that jurisdiction of the ARB should be removed from the Historic District area or the ARB should become the Irvington Historic District Commission as well.

It is highly recommended that we consult a lawyer who has expertise in historic district law (formation) to review our proposal. That lawyer would also be able to advise us as to whether our regulations conform to New York State's historic district policies.

Secretary of the Interior's Standards for the Treatment of Historic Properties

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Rehabilitation as a Treatment. When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continuing use; and when its depiction at a particular time is not appropriate, Rehabilitation may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed.

Standards for Rehabilitation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new material will match the old in composition, design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Excerpted from The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, 1995.)

WMPF Presentation – Design Review and Historic Preservation Boards

Secretary of the Interior's Standards for the Treatment of Historic Properties

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Preservation as a Treatment. When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment. Prior to undertaking work, a documentation plan for Preservation should be developed.

Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(Excerpted from The Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, 1995.)

WMPF Presentation – Design Review and Historic Preservation Boards

Secretary of the Interior's Standards for the Treatment of Historic Properties

Restoration is defined as 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.

Restoration as a Treatment. When a property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.

Standards for Restoration

1. A property will be used as it was historically, or be given a new use that reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate, and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new material will match the old in design, color, texture, and where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

(Excerpted from *The Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, 1995.)

WMPF Presentation – Design Review and Historic Preservation Boards

Secretary of the Interior's Standards for the Treatment of Historic Properties

Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Reconstruction as a Treatment. When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction. Reconstruction may be considered as a treatment. Prior to undertaking work, a documentation plan for Reconstruction should be developed.

Standards for Reconstruction

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will recreate the appearance of a non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

(Excerpted from The Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, 1995.)

WMPF Presentation – Design Review and Historic Preservation Boards

Chapter 45

HISTORIC AND LANDMARKS PRESERVATION

ARTICLE I General Provisions

- § 45-1. Purpose.
- § 45-2. Definitions.
- § 45-3. Landmarks Preservation Board.
- § 45-4. Duties of Board.
- § 45-5. Establishment of historic districts and landmarks.
- § 45-6. Rescission of landmark or historic district designation.
- § 45-7. Limitation on activities regarding property proposed for

landmark or historic district designation.

- § 45-8. Certificate of appropriateness.
- § 45-9. Unsafe buildings.
- § 45-10. Economic hardship.
- § 45-11. Maintenance; removing dangerous conditions.
- §§ 45-12 through 45-15. (Reserved)

ARTICLE II Enforcement

- § 45-16. Enforcement.

[HISTORY: Adopted by the City Council of the City of Yonkers 8-27-1991 as G.O. No. 17-1991. Amendments noted where applicable.]
