

LOCAL LAW #1 OF 2018

AMENDING VILLAGE CODE TO ADD A CHAPTER
DESIGNATING AND PROTECTING LOCAL LANDMARKS

Be it enacted by the Board of Trustees of the Village of Irvington that the Village Code is hereby amended as follows:

Section 1: A new chapter, to be designated Chapter 144, LOCAL LANDMARKS, is hereby added to the Village Code, to provide as follows:

Chapter 144

LOCAL LANDMARKS

§ 144-1. Findings; purpose.

The Irvington Board of Trustees finds that there exist within the Village sites, structures, buildings, markers and other objects of historic or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected and preserved to maintain the architectural and historic character of Irvington.

The purpose of this local law is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of sites, buildings, structures, markers and other objects within the Village that reflect special elements of Irvington's historical, architectural, cultural, economic or aesthetic heritage in furtherance of the following public purposes:

- A. To provide for the protection and enhancement of sites, structures, buildings, markers and objects that are illustrative of the growth and development of our nation, our state and our Village and that are of particular historic or aesthetic value to Irvington;
- B. To recognize and ensure the preservation of those elements of the Village's past that represent many and varied architectural, artistic and cultural achievements that cannot be duplicated or otherwise replaced.
- C. To promote the use of landmark sites, structures, buildings, markers and other objects as a means of providing enjoyment and unique educational benefit by perpetuating the physical evidence of Irvington's past.
- D. To protect and promote the economic and cultural benefits of historic

preservation to Irvington, its inhabitants and visitors.

- E. To protect property values in the Village.
- F. To protect and enhance Irvington's attractions to tourists and visitors.
- G. To foster civic pride in those elements of Irvington's past that give the Village its unique character and set it apart from other communities.

§ 144-2. Definitions.

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

BOARD OF ARCHITECTURAL REVIEW – Board of Architectural Review of the Village of Irvington.

BOARD OF TRUSTEES – Board of Trustees of the Village of Irvington.

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, but not be limited to, the term "structure."

DEMOLISH – To pull down, raze, destroy, remove or relocate all or any portion of the exterior of a building or structure, marker, object or site.

LOCAL LANDMARK – Any site, building, structure, marker or object that has been designated as a "local landmark" by the Board of Trustees of the Village of Irvington, pursuant to the procedures and criteria set forth in this chapter.

VILLAGE – Village of Irvington.

§ 144-3. Procedure and criteria for designating local landmarks.

- A. Authority; request for designation. The Board of Trustees is authorized to designate sites, buildings, structures, markers or other objects as local landmarks and to rescind such designation pursuant to the procedures and criteria set forth in this section. The Board of Trustees may act on its own or may act in response to a request from any Village property owner, resident, committee or organization.
- B. Procedure.

- (1) Any request made to the Board of Trustees for local landmark designation shall be in writing and be accompanied by a statement of how the site, building, structure, marker or object meets the applicable qualification criteria set forth in subsection D.
- (2) The Village shall send a copy of the request for designation to the owner of the property on which the site, building, structure, marker or object proposed for designation is located, along with a request that the property owner advise the Village, within 30 days, of its consent or refusal to consent to consideration of the designation.
- (3) If the property owner consents to the Board of Trustees' consideration of the designation request, the Board of Trustees shall schedule a public hearing on the proposed designation. The property owner's failure to respond to the Board of Trustees' request shall be deemed to be an objection to the designation, and no public hearing shall be scheduled.
- (4) Notice of the public hearing shall be given by publication in the official newspaper(s) of the Village at least 10 days before the date of the hearing.
- (5) The person or committee requesting local landmark designation and any interested parties may present testimony or documentary evidence at the hearing, which will become part of a record regarding the historic, architectural or cultural importance of the site, building, structure, marker or object proposed for designation. The Board of Trustees may solicit expert testimony or opinion by an architect, historian and/or other qualified professional.
- (6) If the Board of Trustees decides to designate the site, building, structure, marker or object as a local landmark, it shall do so by resolution and state its reasons for the designation.
- (7) The Board of Trustees may not designate a site, building, structure, marker or object as a local landmark if the owner of the property on which the site, building, structure, marker or object is located objects to the designation.

C. Voluntary designation. If the owner of a site, building, structure, marker or object requests that it be designated as a landmark, a public hearing may be held, but is not required. If the Board of Trustees determines that the criteria set forth in subsection D are met, and decides to designate the site, building, structure, marker or object as a local landmark, it shall do so by resolution and state its reasons for the designation.

- D. Criteria for local landmark designation.
- (1) Local landmark. A site, building, structure, marker or object may be designated a local landmark if the Board of Trustees finds, on the basis of substantial evidence, that it possesses one or more of the following characteristics:
- (a) It is associated with persons or events of historic significance to the Village, region, state or nation.
 - (b) It is illustrative of historic growth and development of the Village, region, state or nation.
 - (c) It embodies distinctive characteristics of a type, period or method of construction or design style, or is representative of the work of a master, or possesses unique architectural and artistic qualities, or is a valuable example of the use of indigenous materials or craftsmanship.
 - (d) It is included on the National Register of Historic Places maintained by the United States Secretary of the Interior, the New York State Register of Historic Places maintained by the New York State Historic Preservation Office, or the Westchester County Inventory of Historic Places.
 - (e) It represents an established and familiar visual feature of the Village by virtue of its unique location or singular physical characteristic.
 - (f) It has yielded or may be likely to yield information important to prehistory or history.
- E. Moratorium. Whenever the Board of Trustees has, by resolution, scheduled a public hearing on the local landmark designation of a site, building, structure, marker or other object, then for a period of 90 days following the date of that resolution or until the designation is approved or rejected, whichever shall be sooner, the site, building, structure, marker or object proposed to be designated as a local landmark may not be demolished.
- F. Rescission. The Board of Trustees may rescind any designation of a local landmark, using the same procedure as for local landmark designation.

§ 144-4. Effect of local landmark designation.

- A. The Village Clerk shall maintain a list of sites, buildings, structures, markers and objects that the Board of Trustees has designated as local landmarks.
- B. In addition to any other requirements of the Zoning Code, no site, building, structure, marker or object designated as a local landmark may be demolished nor exteriorly altered, restored or reconstructed without the approval of the Board of Architectural Review. This requirement shall not apply to interior demolitions that do not affect the exterior appearance of the local landmark.
- C. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a local landmark that does not involve a change in design, building material, or outward appearance.

§ 144-5. Penalties for offenses.

- A. Any person violating any of the provisions of this chapter shall be subject to a penalty of not more than \$1000.
- B. In addition to any other penalties for violations of this chapter, the owner of any property on which a local landmark is located, or on which a moratorium pursuant to § 144-4.E is in effect, who violates any provision of this chapter shall be required to restore the local landmark and the property to its appearance prior to the demolition, alteration or reconstruction. Restoration would require site development plan approval, ARB approval, and any other approval and permit required by the Code.

Section 2: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 3: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.