

[HISTORY: Adopted by the Town Board of the Town of Yorktown 4-29-1975 as Ch. 60 of the 1975 Code. Amendments noted where applicable.]

ARTICLE I, Policy; Terminology; Committee

§ 198-1. Declaration of policy and purpose.

It is hereby declared as a matter of public policy that the protection, perpetuation and use of parcels of land of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- A. Effect and accomplish the protection and perpetuation of such improvements and districts which represent or reflect elements of the town's cultural, social, economic, political and architectural history.
- B. Safeguard the town's historic, aesthetic and cultural heritage, as embodied and reflected in such parcels and districts.
- C. Foster civic pride in the beauty and memorable accomplishments of the past.
- D. Promote the use of historic districts and landmark sites for the education, pleasure and welfare of the people of the town.

§ 198-2. Definitions.

For the purpose of this chapter, the following definitions shall apply:

ALTERATION -- Any act or process which changes the architectural features of:

- A. A structure designated for preservation.
- B. Any structure in a district designated for preservation.

ARCHITECTURAL FEATURE -- The architectural style, design, general arrangement and/or components of all of the surfaces of an improvement, including but not limited to the kind, color and texture of the building material and the type and style of windows, doors, lights, signs and other fixtures appurtenant to such improvement.

COMMITTEE -- The Landmarks Preservation Committee of the Town of Yorktown.

DESIGNATED LANDMARK -- Any landmark which has been designated as a landmark

pursuant to the provisions of this chapter.

IMPROVEMENT -- Any building, structure, place, work of art or other object constituting a physical change in real property.

LANDMARK -- Any natural area, a building, a group of structures in an area, an historical highway, path or monument, a tree or trees, natural or man-made objects, including waterways, lakes, ponds, dams, rock formations, caves and hills, or places where identifiable historic events occurred, each of which has a special character or special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the Town of Yorktown, the State of New York or of the United States.

LANDMARK SITE -- A parcel or part thereof on which is situated a landmark and any abutting parcel or part thereof used as and constituting part of the premises on which the landmark is situated and which has been designated as a landmark site pursuant to the provisions of this chapter.

PRESERVATION DISTRICT -- Any area which:

A. Contains improvements which:

- (1) Have a special character or special historical or aesthetic interest or value; and/or
- (2) Represent one or more periods or styles of architecture typical of one or more areas in the history of the town; and/or
- (3) Cause such area, by reason of such improvements, to constitute a distinct section of the town; and

B. Has been designated as a preservation district pursuant to the provisions of this chapter.

§ 198-3. Creation of Landmarks Preservation Committee. [Amended 8-2-1977 by L.L. No. 9-1977]

There is hereby created a Landmarks Preservation Committee which shall consist of nine members to be appointed by the Town Board for terms of three years, provided that, of those members first taking office, three shall be appointed for one year, three for two years and three for three years. The Town Board shall appoint a liaison member without vote from the town staff.

§ 198-4. Powers and duties of Committee.

The Committee shall have the powers and duties granted to it by Article III of this chapter and such other powers and duties as shall be designated by the Town Board from time to time.

§ 198-5. Officers. [Amended 8-7-1977 by L.L. No. 9-1977]

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

§ 198-6. Quorum.

At least the majority of the Committee shall constitute a quorum for the transaction of its business or the performance of its functions, and the concurring vote of a majority of the committee shall be necessary for the adoption of any recommendations, motions or other acts of the Committee.

§ 198-7. Voting.

Each of the nine members shall be allowed one vote, which vote shall be cast in person at a meeting or on a form of proxy supplied by the Secretary.

§ 198-8. Authorization to spend money.

The Committee will be authorized to spend money in the furtherance of the purpose of this chapter within the allocation set forth in the adopted town budget or within an appropriation approved by the Town Board.

§ 198-9. Secretary.

The Committee shall elect from its membership a Secretary whose term of office shall be fixed by the Committee and who shall keep a record of all resolutions and actions of the Committee. The records of the Committee shall set forth every determination made by the Committee.

§ 198-10. Treasurer.

The Committee may elect from its membership a Treasurer whose term of office shall be fixed by the Committee and who shall keep a record of all expenditures of the Committee.

ARTICLE II, Designation of Landmarks

§ 198-11. Investigation by Committee; report.

The Committee shall investigate, pursuant to request or on its own motion, possible areas to be designated as a landmark, landmark site or preservation district. The Committee shall render a written report to the Town Board on any such possible landmark, landmark site or preservation district, which report shall contain the findings of fact of the Committee and shall identify such landmarks by description setting forth the general characteristics and location thereof.

§ 198-12. Public hearing.

Upon receipt of a report of the Committee, the Town Board shall call a public hearing to consider whether or not the Town Board should, by resolution, designate any area or site as a landmark, landmark site or preservation district. Such public hearing shall be held within 60 days from the receipt of the Committee report, which hearing shall be advertised in a newspaper having general circulation in the town at least 10 days prior to the date of such hearing. Written notice of such hearing shall be sent by certified mail to the owner of the property affected by such hearing. The latest assessment roll on file in the office of the Assessor shall be conclusive as to the name of the owner or owners of the property.

§ 198-13. Establishment or rejection of designation.

Within 45 days following such hearing, the Town Board shall adopt a resolution establishing or rejecting a landmark, landmark site or preservation district either in whole or in part.

§ 198-14. Indication on Official Map.

Within 10 days following the adoption of a resolution establishing a landmark site or preservation district, such site or area shall be so indicated on the Official Map of the town.

§ 198-15. When landmark designation effective.

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

ARTICLE III, Regulation of Construction, Alteration or Demolition

§ 198-16. Certificate of appropriateness required.

Regardless of the necessity for a building permit, no building, structure or site, including stone

walls, fences, signs, light fixtures, steps and paving or other appurtenant fixtures, shall be erected, altered, restored, moved or demolished within a preservation district or with a landmark site until after an application for a certificate of appropriateness has been submitted to and approved by the Committee. No building permit shall be issued until such certificate has been issued.

§ 198-17. Ordinary maintenance or repair excepted.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any feature in any preservation district or landmark site which does not involve a change of design, material or the appearance thereof.

§ 198-18. Variances.

Where the strict application of any provision of this chapter would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the Committee in passing upon application under appropriate conditions shall have the power to vary or modify strict adherence to this chapter or to interpret the meaning of this chapter so as to relieve such difficulty or hardship, provided that such variance, modification or interpretation shall remain in harmony with the general purpose and intent of this chapter so that the general character of the district shall be conserved.

ARTICLE IV, Appeals

§ 198-19. Appeal to Town Board.

Any person or persons jointly or severally aggrieved by any decision of the Landmarks Preservation Committee, within 20 days from the date when such grievance takes place or decision was rendered to produce such grievance, may appeal to the Town Board for a review of such decision. Notice of such appeal shall be in writing and shall include a certified copy of the decision appealed from. The Town Board, upon receipt of such appeal, shall schedule a hearing within 30 days. Such hearing shall be upon written notice to the appellant and the Landmarks Preservation Committee. Upon such hearing the Town Board shall have the power to affirm, modify or reverse the decision appealed from.

ARTICLE V, Administration and Enforcement

§ 198-20. Maintenance of landmark areas.

Every owner of property in a preservation district or a designated landmark shall keep it in good repair.

§ 198-21. Order to maintain or repair.

The Building Official, upon the request of the Landmarks Preservation Committee, shall have the power to issue an order consistent with this section relative to maintenance and repair. Any order of the Building Official may be appealed from in the same methods as herein contained.

§ 198-22. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by imprisonment for a term not exceeding 15 days or by a fine not exceeding \$250, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each week the offense is continued, a separate and distinct violation hereunder.

§ 198-23. Compensation to owners.

Under the provisions of § 64, Subdivision 17-a, of the Town Law, the Town Board shall, in the furtherance of the purposes of this chapter, provide for due compensation when the implementation of this chapter constitutes the taking of private property.