

**VILLAGE OF PULASKI
PROPOSED LOCAL LAW NO. 1 OF 2020**

**A LOCAL LAW TO REPEAL AND REPLACE EXISTING CHAPTER 71 OF THE
VILLAGE CODE REGARDING CREATION OF A HISTORIC PRESERVATION
OVERLAY DISTRICT**

Be it enacted by the Village Board of the Village of Pulaski as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and the New York Municipal Home Rule Law §10.

SECTION 2.

Chapter 71 of the Village Code of the Village of Pulaski is repealed in its entirety, and is replaced to read in its entirety as follows:

§ 71-1 Historic Preservation Overlay District purpose; applicability.

A. It is hereby declared as a matter of public policy that the protection, enhancement, and perpetuation of landmarks and historic areas are necessary to promote the economic, cultural, educational, and general welfare of the public. Inasmuch as the identity of a people is founded on its past, and inasmuch as the Village of Pulaski has many significant historic, architectural, and cultural resources which constitute its heritage, the Historic Preservation Overlay District and these regulations are intended to:

- (1) Protect and enhance the landmarks and historic areas which represent distinctive elements of Pulaski's historic, architectural, and cultural heritage;
- (2) Foster civic pride in the accomplishments of the past;
- (3) Protect and enhance Pulaski's attractiveness to visitors and to support and stimulate the economy thereby provided; and
- (4) Ensure the harmonious, orderly, and efficient growth and development of the Village.

B. These regulations shall apply within the Historic Preservation Overlay District delineated on the Zoning Map of the Village of Pulaski and to any local landmarks, new historic districts and expansion of the existing Historic Preservation Overlay District established pursuant to the provisions of these regulations.

§ 71-2 Historic Preservation Overlay District definitions.

When used in §§ 71-1 through 71-14, the term "compatibility" shall mean a finding that the action or project proposed is in accordance with the purposes of the historic district and these regulations.

§ 71-3 Historic Preservation/Architectural Advisory Review Committee.

A Committee of five, composed of three (3) Village residents and two (2) other interested and qualified people, shall serve as the Village of Pulaski Historic Preservation/Architectural Review Committee (the "Committee"). If at any time there are not volunteers for the "Committee", the Planning Board will serve as the "Committee". Committee members will be appointed by the Village Board of Trustees.

- A. The duties of the Committee shall include:
- (1) Promulgation of internal rules and regulations as necessary for the conduct of its business;
 - (2) Recommendation to the Village Board of additional criteria for the identification of significant historic, architectural, landscape, and cultural landmarks and for the delineation of historic districts;
 - (3) Conduct of research of significant historic, architectural, landscape, and cultural landmarks and historic areas within the Village;
 - (4) Recommendation for designation of identified structures or resources as landmarks and/or historic districts;
 - (5) Recommendation of acceptance by the Village government of the donation of facade easements and development rights, and the making of recommendations to the Planning Board and Village Board concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of §§ 71-1 through 71-14;
 - (6) Increasing public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs;
 - (7) Making recommendations to the Planning Board and Village Board concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the Village;
 - (8) Recommending acquisition of landmark properties by the Village Board where its preservation is essential to the purposes of §§ 71-1 through 71-14 and where private preservation is not feasible;
 - (9) Approving or disapproving applications for certificates of appropriateness and hardship relief pursuant to this article; and

(10) Maintain an inventory of locally designated historic resources or districts within the Village and publicize the inventory. (11). The following organizations shall be used as a reference for information on the the following, but not limited to Style of Architecture and/or Historical Significance.

- (a) The National Register of Historic Places
- (b) Historic America Buildings Survey
- (c) The Historic America Engineering Record, United States Department of the Interior, National Park Service.
- (d) The Division for Historic Preservation New York State Office of Parks and Recreation.
- (e) The National Trust for Historic Preservation
- (g) The Society of Architectural Historians.
- (h) The Oswego County or Village of Pulaski Historical Society
- (i) The Halfshire Historical Society
- (j) Oswego County Heritage Foundation
- (k) Central New York Regional Planning and Development Board

B. The Committee shall meet on as needed basis, with a minimum of 4 meetings a year, but meetings may be held at any time on the written request of any two of the Committee members or on the call of the Committee Chairman or the Mayor or the Planning Board Chairman.

C. A quorum for the transaction of business shall consist of three of the five Committee members, and not less than a majority of the full authorized membership is required to make any recommendation to the Village Planning Board or Village Board.

D. Terms of Office: The terms for all members of the Committee shall be staggered and fixed so that the term of one member shall expire at the end of the calendar year in which all such Committee members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the Committee. Vacancies shall be appointed by the Mayor with Board approval for the unexpired portion of the term of the replaced member. The Chairperson and the Secretary shall be appointed by a majority of the members of the Committee on a yearly basis. The Committee shall be subject to the provisions of the Public Officers Law, including Article 7 related to the Open Meetings Law.

§ 71-4 Designation of landmarks or historic districts.

A. The Committee may recommend to the Village Board the

designation of individual properties as landmarks if they:

- (1) Possess special character or historic or aesthetic interest or value as part of the cultural, political, economic, or social history of the locality, region, state, or nation; or
- (2) Are identified with historic personages; or
- (3) Embody the distinguishing characteristics of an architectural style or method of construction; or
- (4) Are the work of a designer whose work has significantly influenced an age; or
- (5) Because of unique location or singular physical characteristic, represent an established and familiar visual feature of a neighborhood or the community as a whole.
- (6) In the case of interior landmarks, the Committee may designate the interior of a property as an interior landmark if such interior has special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the Village, town, county, state or nation and:
 - (a) It is customarily open or accessible to the public; or
 - (b) It is an interior into which the public is customarily invited.

B. The Committee may recommend to the Village Board a group of properties for designation as an historic district if the properties:

- (1) Contain properties which meet one or more of the criteria for designation as a landmark; and
- (2) By reason of possessing such qualities, they constitute a distinct section of the Village.

C. The boundaries of each historic district designated henceforth shall be specified in detail and shall be filed, in writing, in the Village Clerk's office for public inspection, and said boundaries shall be indicated on the Zoning Map of the Village of Pulaski as an amendment thereto.^[1]

[1]

Editor's Note: The Zoning Map is included as an attachment to this chapter.

D. Notice of a proposed designation shall be sent by regular mail to the owner of the property/properties proposed for designation, describing the property/properties.

An Open Enrollment period will be held each year, during the months of October and November, for any property owner to request their property be included in the Historical District.

E. The Committee shall discuss the proposed designation of the landmark or historic district at its next regularly scheduled meeting. The Committee, owners of properties

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

F. The Committee will hold a public hearing upon five days prior notice published in the Village's official newspaper, and potentially affected property owners will be notified by first-class United States mail addressed to the owner listed in the current tax roll, unless the Village has actual notice of a different owner or address. The Committee shall forward notice of each property proposed for designation as a landmark and the boundaries of each proposed historic district for review to the Village Board. The ultimate decision on designation shall be made by the Village Board.

§71-5 Certificate of Appropriateness

No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or moving of a landmark or property within a historic district, including buildings and exterior building features and site features such as sidewalks and fences, or portions thereof, without first obtaining a certificate of appropriateness or hardship relief from the Pulaski Historic Preservation/Architectural Review Committee. Painting or repainting and ordinary maintenance and repair of existing buildings, building features, building elements and site features are exempt from the requirements of this section, as are changes involving only replacement in kind of a portion of a building element (including, but not necessarily limited to, porch or stair walking surfaces and stair risers), building-mounted mailboxes and flagpoles and any modifications or changes involving only living vegetation and/or seasonal changes such as window air conditioners, fans and/or seasonal decorations. As an example, but not by way of limitation, caulking or puttying an existing window pane, or replacement of a portion of a window sash with like-kind material would constitute maintenance or repair, whereas replacement of an entire sash, an entire window, or an entire porch would constitute an activity subject to the requirements of this section. Replacement of any building element with a different material or design shall constitute an activity subject to review under this section.

§71-6 Criteria for approval of certificate of appropriateness

A. In passing upon an application for a certificate of appropriateness, the Committee shall not consider changes to interior spaces, unless the interior is both open to the public and designated as an interior landmark, or to property site features that are not visible from a public street or alley or other public way. The Committee's decision shall be guided by the following principles:

- (1) The "US Secretary of the Interior's Standards for the Treatment of Historic

Properties" and the various accompanying "Guidelines" documents;

- (2) Properties which contribute to the character of an historic district shall be retained, with their historic features altered as little as possible;
- (3) Any alteration of a landmark and/or a property within an historic district shall be compatible with its individual historic character, as well as with its context or the surrounding historic district; and
- (4) New construction at a landmark shall be compatible with the property's historic character, and new construction in an historic district also shall be compatible with the district in which it is located.

B. In applying the principle of appropriateness, the Committee shall consider the following factors:

- (1) The general design, character, and compatibility of the proposed alteration or new construction to a landmark or historic district;
- (2) The scale of the proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood;
- (3) Texture and materials of the proposed alteration or new construction and their relation to similar features of the property itself, surrounding properties and the neighborhood;
- (4) Visual compatibility with surrounding properties, including proportion of building front facade, proportion and arrangement of windows and other openings and roof shape, and the rhythm or spacing of buildings and structures in relation to the street and adjacent properties, site features such as drives, walks, walls, fences, hedge rows, terraces and stairs, and major landforms or topographic features;
- (5) The importance of individual features to the significance of the property itself, surrounding properties and the neighborhood.

§71-7 Certificate of appropriateness application procedure.

A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Committee. The application shall contain:

- (1) Name, address, and telephone number of applicant;
- (2) Location and photographs of property;
- (3) Scaled plans and/or elevation drawings of proposed changes, including relationship to adjacent properties if available;
- (4) Perspective drawings, including relationship to adjacent properties if available;

- (5) Samples of color and/or materials to be used;
- (6) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property; and
- (7) Any other information which the Committee may deem necessary or that the applicant may consider helpful in order to visualize the proposed work.

B. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Committee. The certificate of appropriateness required by this article shall be in addition to and not in lieu of any building permit or other approvals that may be required by any other regulation of the Village of Pulaski. Exceptions would be made if there is an imminent danger to public safety as determined by the code official. The Committee shall make its decision on the application within 30 days from the first meeting of the Committee following receipt of a complete application, unless an extension is mutually agreed upon by the applicant and the Board or due to extenuating circumstances.

C. The Committee shall make its decision on the application within 30 days from the first meeting of the Committee following receipt of a complete application. The Committee will provide an opportunity for proponents and opponents of the application to present their views during the meeting(s) at which the application is discussed.

D. All decisions of the Committee shall be in writing. Copies shall be sent to the applicant by mail or e-mail and a copy filed with the Village Clerk's office for public inspection. The final decision shall state the reasons for denying or modifying any application. The decision on the application will be made within 30 days from the first meeting of the Committee following receipt of completed application. Extensions are allowed if there is a mutual agreement between the applicant and the board or if there are extenuating circumstances.

E. Certificates of appropriateness shall be valid for 12 months, after which time the owner must reapply if he/she still wishes to undertake work on the property.

§ 71-8 Demolition hardship criteria.

An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall provide financial and/or expert testimony or evidence.

A. The property is incapable of earning a reasonable return, regardless of whether

that return represents the most profitable return possible;

B. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

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

D. Relocation is to be considered as favorable to demolition.

§ 71-9 Alteration hardship criteria.

An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship. In order to establish hardship, the applicant shall prove that installation, lifespan, maintenance and operating costs associated with a more appropriate preservation solution are substantially greater than such costs associated with the proposed alteration.

§ 71-10 Hardship application procedure.

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

B. The Committee shall review any application for hardship and make its decision. The Committee may hold a public hearing on the hardship application at which an opportunity will be provided for the applicant and interested parties to offer comment.

C. The applicant should consult in good faith with the Committee, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

D. All decisions of the Committee shall be in writing and shall be made within 30 days from the first meeting of the Committee following receipt of a complete application. A copy shall be sent to the applicant by mail or e-mail and a copy filed with the Village Clerk's office for public inspection. The Committee's decision shall state the reasons for its decision on the hardship application. If the application is granted, the Committee shall approve only such work as is necessary to alleviate the hardship.

§ 71-11 Enforcement; inspection; stop-work order.

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

§ 71-12 Maintenance and repair required.

Nothing in this regulation shall be construed to prevent the ordinary maintenance and repair of any exterior feature of a landmark and/or property within an historic district that does not involve a material change in design, material, or outward appearance. No owner or person with an interest in real property designated as a landmark and/or included within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any feature which would, in the judgment of the Committee or the Planning Board, produce a detrimental effect upon the character of the landmark, property within an historic district, and/or an historic district as a whole. Examples of such deterioration include:

- A. Deterioration of exterior walls or other vertical supports of buildings or structures, or site retaining walls and/or stairs;
- B. Deterioration of roofs or other horizontal members of buildings or structures;
- C. Deterioration of architectural features such as towers, chimneys or parapets or site features such as stairs or terraces;
- D. Deterioration or crumbling of materials, such as masonry and wood;
- E. Deterioration of weather-protective materials and measures for buildings, structures and general site conditions;
- F. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition of all or a portion of a property is necessary for the public

safety.

§ 71-13 Penalties for offenses.

A. Failure to comply with any of the provisions of this regulation shall be a violation punishable in accordance with the provisions of §§ 1-6 and 160-1 through 160-13 of this chapter.

B. Failure to comply with any of the provisions of this regulation, shall result in fines of \$250.00 to \$1,000.00.

§ 71-14 Appeals.

Any person aggrieved by a decision of the Committee relating to the provisions of §§ 71-1 through 71-13 of this chapter may file a complaint with the Zoning Board of Appeals.

§71-15 Severability

If any part of the law is deemed invalid or unconstitutional, that it shall be stricken, the remainder of the law shall remain.

SECTION 3. SEVERABILITY.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 3. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.

