

Village of Williamsville - Landmarks Preservation Local Law

A LOCAL LAW relating to the establishment of landmarks, historic districts, interior landmarks and scenic landmarks in the Village of Williamsville (the “Village”).

Section 1. Title.

This local law shall be known and may be cited as the Village of Williamsville Historic Preservation Local Law.

Section 2. Purpose.

The Village of Williamsville Board of Trustees (the “Village Board”) finds that there exist within the Village places, sites, structures and buildings of historic or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected and preserved to maintain the architectural character of the Village, to contribute to the aesthetic value of the Village and to promote the general good, welfare, health and safety of the Village and its residents.

The purpose of this local law is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of buildings, structures, signs, features, improvements, sites, and areas within the Village that reflect special elements of the Village's historical, architectural, cultural, economic or aesthetic heritage for the following reasons:

- (a) To foster public knowledge, understanding, and appreciation in the beauty and character of the Village and in the accomplishments of its past;
- (b) To ensure the harmonious, orderly, and efficient growth and development of the Village;
- (c) To enhance the visual character of the Village by encouraging new design and construction that complements the Village's historic buildings;
- (d) To protect and promote the economic benefits of historic preservation to the Village, its inhabitants and visitors;
- (e) To protect property values in the Village;
- (f) To promote and encourage continued private ownership and stewardship of historic structures;
- (g) To identify as early as possible and resolve conflicts between the preservation of historic landmarks and/or districts and alternative land uses; and

- (h) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

Section 3: Enabling Authority.

Pursuant to Article 5, § 96-a; and Article 5-K, § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historic Preservation Law; and § 10 of the Municipal Home Rule Law; it is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the cultural, economic and general welfare of the public.

Section 4. Historic Preservation Commission.

There is hereby created a commission to be known as the Village of Williamsville Historic Preservation Commission (the “Commission”).

- (a) Membership: The Commission shall consist of seven (7) members and two (2) alternate members.
- (b) Appointments: Members of the commission shall be appointed by the Mayor subject to approval by the Village Board. No person appointed to the Commission can also serve as a member of the Village Board.
- (c) Term of Office: The terms for all members of the Commission shall be for a period of four (4) years. The terms shall be staggered and fixed so that the term of one member shall expire at the end of the Village official year in which all such Commission members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each Village official year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a four (4) year term. Unless removed, each member shall serve until the appointment of a successor, notwithstanding the expiration of said member's term.
- (d) Qualifications: To the extent practicable, Commission members shall be required to have the following expertise:
 - i. at least one member shall be a historian;
 - ii. at least one member shall be an architect;
 - iii. at least one member shall be an archeologist;
 - iv. at least one member shall be a member of the Village Planning and Architectural Review Board;

- v. at least one member shall be a member of the Village Zoning Board of Appeals;
 - vi. at least one member shall be a state-licensed real estate professional;
 - vii. at least one member shall have demonstrated significant interest in and commitment to the field of preservation planning as evidenced either by involvement in a local or regional historic preservation group, employment or volunteer activity in the field of preservation planning, or other serious interest in the field;
 - viii. all members shall have a known interest in historic preservation and planning within the Village; and
 - ix. In the event that the Village Board determines that any of the positions described in subsections (i) - (vii) cannot be filled by persons so qualified, the Village Board may fill any such position by appointing persons qualified under subsection (viii).
- (e) Vacancies: Vacancies occurring on the Commission other than by expiration of term of office shall be filled by appointment of the Mayor, subject to approval of the Village Board. Any such appointment shall be for the unexpired portion of the term of the replaced member, and the appointment must be made in accordance with the criteria established above for original appointments.
 - (f) Removal: The Mayor, subject to the approval of the Village Board, shall have the power to remove, after public hearing, any member of the Commission for cause. Cause for removal shall include, but shall not be limited to, non-compliance with the minimum requirements relating to meeting attendance and training as established herein.
 - (g) Compensation: Members of the Commission shall serve without compensation.
 - (h) Training and attendance requirements:
 - i. Each member of the Commission shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four (4) hours in any one year may be carried over by the member into succeeding years in order to meet this requirement. Such training shall be approved by the Village Board and may include, but is not be limited to, training provided by a municipality, regional or county planning office or commission,

zoning board of appeals, planning board, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

- ii. To be eligible for reappointment to the Commission, a member shall have completed the training approved by the Village Board. However, the training requirement may be waived or modified by resolution of the Village Board when, in the judgment of the Village Board, it is in the best interest to do so
- iii. Each member of the Commission shall regularly attend meetings of the Commission. Failure of any member to attend a regularly scheduled meeting of the Commission on more than three (3) occasions within one (1) calendar year shall constitute sufficient cause for removal of such member.
- iv. No decision of a Commission shall be voided or declared invalid because of a failure of any member to comply with this subdivision (h).

Section 5. Organization.

- (a) Chairperson; designation and duties.
 - i. The Commission shall designate the chairperson of the Commission by majority vote of the members of the Commission.
 - ii. The chairperson shall have the right to vote in all matters before the Commission.
 - iii. All meetings of the Commission shall be held at the call of the chairperson and at such other times as the Commission may determine by affirmative vote.
 - iv. The chairperson, or in his or her absence, the vice chairperson or acting chairperson, as the case may be, may administer oaths and compel the attendance of witnesses.
- (b) Vice Chairperson; Acting Chairperson.
 - i. The Commission may designate a vice chairperson of the Commission by a majority vote of the Commission membership, who shall exercise all of the duties of the chairperson in the event the

chairperson is unavailable or unable to exercise such duties for any reason.

- ii. In the event the chairperson and vice chairperson, if any, are absent from any Commission meeting, the members of the Commission shall, by a majority vote of such members in attendance at said meeting, designate an acting chairperson, who shall exercise all duties of chairperson for the duration of said meeting.
- (c) **Secretary:** The Village Board shall appoint a secretary to the Commission, which person shall not simultaneously serve as a member of the Commission. The secretary shall keep a record of all resolutions, proceedings and actions of the Commission, including the attendance of Commission members.
- (d) **Quorum:** A simple majority of the Commission members shall constitute a quorum for the transaction of business. An affirmative majority vote of the full Commission is required to approve any resolution, motion or other matter before the Commission.

Section 6. Records and Annual Report.

- (a) **Records:** The Commission is subject to the provisions of the Public Officers Law, including Article 6 (the Freedom of Information Law). The Commission records shall be readily available to the public for review and copying unless exempt from public disclosure as required or authorized by law.
- (b) **Annual Reports:** The Commission shall submit an annual report of its activities to the Village Board and shall make such recommendations to the Village Board as the Commission deems necessary to carry out the purposes of this Chapter.

Section 7. Promulgation of Regulations; Meetings.

- (a) **Regulations:** The Commission may recommend to the Village Board regulations relating to any subject matter over which the Commission has jurisdiction under this Chapter. Any such recommendation may be adopted by the Village Board by local law or resolution, as appropriate.
- (b) **By-Laws:** The Commission may approve by-laws that are consistent with the regulations adopted by the Village Board. Such by-laws shall provide for the time and place of holding regular meetings; and may provide for the calling of special meetings by the chairperson or by written request of at least two (2) members of the Commission.

- (c) Meetings: Regular meetings shall be held at least once a month. All regular or special meetings of the Commission shall be noticed and conducted consistent with all applicable provisions of the New York Open Meetings Law (Article 7 of the Public Officers Law).
- (d) Voting: The vote or failure to vote of each Commission member shall be recorded. If any Commission member abstains from voting based on a conflict of interest or otherwise, the member must also state his or her reason(s) or ground(s) for doing so on the record.

Section 8. Committees.

The Commission may establish permanent or ad hoc committees consisting of not less than three (3) current members of the Commission for assignments assigned to it by the full Commission.

Section 9. Powers and Duties of the Historic Preservation Commission.

- (a) General and Advisory Powers. The Commission shall, from time to time:
 - i. Review any local laws or regulations, including existing landmarks or historic preservation laws or regulations in the Village, and recommend to the Village Board any changes and amendments thereto;
 - ii. Recommend to the Village Board additional regulations to be adopted by local law or resolution that may be necessary for the Commission to conduct its business, consistent with the scope and intent of this Chapter;
 - iii. Recommend to the Village Board specific criteria for regulations to be adopted by local law or resolution that identify and catalogue significant historic landmarks, and from time to time advise it on suggested changes thereto;
 - iv. Recommend to the Village Board the designation of landmarks and historic districts to be adopted pursuant to this Chapter, and from time to time changes thereto;
 - v. Maintain an inventory of locally-designated landmarks, historic resources or districts within the Village and publicize the inventory;
 - vi. Recommend to the Village Board additional criteria to be adopted by local law or resolution to be used when evaluating applications for a Certificate of Appropriateness;
 - vii. Recommend to the Village Board proposals for the acquisition of

preservation easements or other interests in real property that the Commission deems appropriate consistent with the purposes of this Chapter;

- viii. Conduct investigations, prepare maps, reports and recommendations in connection with its advisory authority relating to the planning, development and administration of the Village historic preservation policies, regulations and local law(s) as needed, provided the total expenditures of said Commission shall not exceed the appropriation provided by the Village Board together with any public or private grant funding received by the Village for the Commission to undertake its historic preservation powers and duties; and
 - ix. Report on matters referred to it by the Village Board. The Village Board may by resolution provide for the referral to the Commission for a report on any matter or class of matters that impact the Village's historic preservation local law, policies, regulations or administrative processes before final action is taken thereon by the Village Board or other office of the Village having final authority over said matter. The Village Board may further stipulate that final action thereon shall not be taken until the Commission has submitted its report thereon, or has had a reasonable time, to be fixed by the Village Board in said resolution, to submit the report.
- (b) Administrative Reviews. In accordance with this Chapter and any regulations adopted by the Village Board for landmarks, historic districts and historic preservation purposes, the Commission shall:
- i. Evaluate an application for a Certificate of Appropriateness; approve, approve with modifications, or deny any such application;
 - ii. Evaluate an application for a Certificate of Economic Hardship; approve, approve with modifications, or deny any such application;
 - iii. Evaluate and determine whether a proposal to make exterior changes to a designated individual landmark or property within a designated historic district constitutes ordinary maintenance and repair;
 - iv. Evaluate applications for demolition referred to it pursuant to Chapter 12-3 and determine whether to nominate such building(s) or structure(s) proposed to be demolished as a landmark pursuant to Sections 11-12 herein.
 - v. Perform other functions that the Village Board may delegate to the Commission by local law or resolution.

- (c) The designation of a historic district under this Chapter shall not be construed as a zoning district under Chapter 112 of the Village Code. Nothing contained in this Chapter shall be construed as authorizing the Commission to adopt a law, by-law or regulation that (i) regulates the use or uses to which any property in such historic district may be put, (ii) regulates density of population within such historic district, or (iii) regulates or limits the height and bulk of buildings, or the area of yards, courts and other open spaces, applicable to all properties within such historic district.

Section 10. Cooperation of Village/ Departments.

All Village departments, officers and personnel shall, upon request of the Commission, assist and furnish available permits, plans, reports, maps and statistical and other information which the Commission may require for its work.

Section 11. Criteria and Designation of Landmarks or Historic Districts.

The Commission shall delineate Landmarks or Historic Districts and recommend them to the Village Board for designation, pursuant to the procedures and criteria provided herein.

- (a) Individual Landmark: The Commission may recommend an individual property be designated as an individual landmark if it:
 - i. exemplifies or possesses special character, or historic or aesthetic interest of value as part of the political, economic, or social history of the Village;
 - ii. is identified with persons or events significant in local, state, or national history;
 - iii. embodies the distinguishing characteristics of a type, period or method of construction or design style, or is a valuable example of the use of indigenous materials or craftsmanship; or is representative of the work of a designer, architect or builder;
 - iv. represents an established and familiar visual feature of the community by virtue of its unique location or singular physical characteristic, represents an established and familiar visual feature of the community; and/or
 - v. has yielded or may be likely to yield information important in prehistory or history.
- (b) Historic District: The Commission may recommend a group of properties

within the Village for designation as an historic district if a majority of properties therein:

- i. contain properties which meet one or more of the criteria for designation as a landmark and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and
 - ii. constitute a unique section of the Village by reason of possessing those qualities that would satisfy such criteria.
- (c) Interior Landmark: The Commission may recommend 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, and:
- i. It is customarily open or accessible to the public; or
 - ii. It is an interior into which the public is customarily invited.
- (d) Scenic Landmark: The Commission may recommend a landscape feature or group of features for designation as a scenic landmark. Recommendations for designation must be accompanied by such historical and architectural information as is required by the Commission to make an informed recommendation concerning the application.
- (e) Ordinarily, properties that have achieved significance within the past fifty (50) years are not considered eligible for designation under this Chapter. However, such properties will qualify if they are:
- i. Integral parts of historic districts that meet the criteria for designation; or
 - ii. If they are properties of exceptional importance.

Section 12. Notice and Hearing Requirements for Proposed Designation.

The Commission shall recommend for designation as individual landmarks or historic districts in the following manner:

- (a) Initiation of Proposed Designation. Designation of a Landmark or Historic District may be proposed in writing, in a manner proscribed by the Commission, by the Commission, the owner of the property, or by

any resident of the Village.

- (b) Notice of Proposed Designation. Except in the case of a proposed designation of a Landmark initiated by the owner thereof, within ten (10) days of the receipt of a written application as provided in subsection (a) above or the proposed designation adopted by a majority vote of the members of the Commission at a regular or special meeting of the Commission, the Village Clerk will transmit notice of the proposed designation to the record owner(s) of the proposed Landmark or any property located in the proposed Historic District. Such notice shall advise said owner(s) of the date of the public hearing, if any has yet been scheduled, and of the prohibition against making any Alteration to the proposed Landmark or property located in the proposed Historic District, except as otherwise authorized herein, pending the final determination on proposed designation.
- (c) Public Hearing by Commission; Notice.
 - i. Within a reasonable time after receipt of a full application or other matter referred to it, but not more than sixty (60) days after such date, the Commission shall schedule a public hearing on any proposed Landmark or Historic District designation.
 - ii. Notice of such hearing shall be given by publication in a newspaper of general circulation within the Village at least ten (10) days prior to the public hearing date. Such notice shall include a description of the properties proposed for designation and state the time and place where any public hearing to consider such designation will be held by the Commission.
 - iii. Unless the notice described in subsection (b) above included notice of such public hearing, notice of the public hearing shall also be mailed to the record owner(s) of the proposed Landmark or any property within a proposed Historic District at least ten (10) days prior to the date of the public hearing.
 - iv. The Commission, property owners, 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 proposed Landmark or Historic District.
- (d) Work Moratorium: The Commission shall promptly provide a copy of any notice of proposed designation to the Code Enforcement Officer. Once the Commission has issued notice of a proposed designation, no building permits shall be issued by the Code Enforcement Officer, except for emergency repairs, until a final determination on the proposed designation

has been made.

- (e) **Commission Record:** The commission shall compile a public record in support of its designation of a resource, landmark or historic district. In addition to testimony or documentary evidence received at any public hearing, the record may also contain reports, public comments, expert testimony, or other evidence offered outside of the hearing, but submitted for the commission's consideration by the date of the hearing. At a minimum, the record of the designation shall contain the application, commission and/or staff reports, any comments made on the application at the public hearing, and the commission's determination regarding the proposed designation.
- (f) **Commission Recommendation:** Within thirty-two (32) days after the Commission public hearing, which time period may be extended by mutual agreement of the Commission and the property owner(s), the Commission shall make a determination regarding the proposed designation. If the Commission, by a majority vote of its members, determines to recommend the proposed Landmark or Historic District to the Village Board, the Commission shall set forth its recommendation in written form, identifying the relevant criteria satisfied by the Landmark or Historic District and the evidence relied upon in making this determination. In the case of a proposed Historic District, the Commission shall identify which properties of structures constitute Contributing Structures as defined in this Chapter.
- (g) Within ten (10) days of the Commission making its determination, the Village Clerk shall cause such determination, along with a complete record of the matter as provided in subsection (e) herein, to be filed in the Office of the Village Clerk and transmit a copy of the same to the Village Board. A copy of such determination shall also be transmitted to the applicant, if any, and record owner(s) of the property at issue within the time-frame specified herein.
- (h) **Public Hearing by Village Board; general notice.**
 - (i) At its discretion, the Village Board may, or, at the request of the owner(s) of any property that is the subject of such recommendation, the Village Board shall schedule a public hearing on proposed Landmark or Historic District designations. Public notice of any such hearing shall be given by publication in a newspaper of general circulation within the Village at least ten (10) days prior to the public hearing date in the same manner as provided in Section 12(c), above.
 - (ii) The Commission, property owners, and any interested parties may present testimony or documentary evidence at any such public

hearing which will become part of a record regarding the historic, architectural, or cultural importance of the proposed resource, individual, landmark or historic district.

- (i) Village Board Decision: Within thirty-two (32) days after receipt of the Commission's recommendation and record or, if a public hearing is conducted, after the close of the Village Board public hearing, which time period may be extended by mutual agreement of the Commission and the property owner(s), the Village Board shall by resolution designate in whole or in part, or shall disapprove such designation, setting forth in writing the reasons for the decision.
- (i) The boundaries of each Landmark or Historic District designated shall be specified in detail with reference to the tax map identification number and shall be filed, in writing, in the office of the Village Clerk and there made available for review by the public. The Village Clerk shall forward notice of each property designated as a Landmark and the boundaries of each designated Historic District to the Village Building Department, Town of Amherst Assessor and Erie County Clerk for recordation.
- (j) Within ten (10) days of any designation made hereunder, the Village Clerk shall transmit notice of the designation to the applicant(s) and owner(s) of a designated property by certified mail return receipt requested or such other means as he or she determines is appropriate, or in the case of an approved Historic District, the Village Board shall send notice by certified mail return receipt requested to the applicants and owners of all properties within the approved district.
- (j) Failure to Send Notice. Failure to send any notice by mail to any property owner(s) where the address of such owner(s) is not a matter of property tax records shall not invalidate any proceedings in connection with the proposed designation.
- (k) Amendment or Rescission. In the same manner and using the same procedures as followed for designation, the Commission, by a majority vote of its members, may recommend to the Village Board to amend or rescind the designation of an individual Landmark or Historic District. Upon receipt of the public record in support of such amendment or rescission request, the Village Board may amend or rescind any designation of an individual Landmark or Historic District in the same manner and using the same procedures as followed for designation.

Section 13. Certificate of Appropriateness for Alteration or New Construction Affecting Individual Landmarks or Historic Districts.

- (a) The Commission is responsible for the approval or disapproval of proposals

for exterior changes to a Landmark or property located in a Historic District. Except as expressly authorized herein, no person shall carry out any Exterior Alteration, Restoration, Rehabilitation, or Construction activity of a designated Landmark or property within a designated Historic District without first obtaining a Certificate of Appropriateness that authorizes such work from the Commission.

- (b) All changes to Village owned property affecting Landmark or within a Historic District shall be subject to the provisions of this Chapter.
- (c) The Building Department shall receive and file all applications received for the alteration of any Landmark or property within a Historic District to which this Chapter applies and shall transmit a copy of any such application to the Commission.
- (d) The Commission may require that the application for Certificate of Appropriateness be supplemented by such additional information or materials as may be necessary for a complete review by the Commission. The Commission may impose such reasonable conditions or restrictions as it deems necessary or appropriate on a case-by-case basis to promote or achieve the purpose of this Chapter.

Section 14. Certificate of Appropriateness Application Procedure.

- (a) Prior to the commencement of any work requiring a Certificate of Appropriateness, the property owner(s) or other person authorized by said owner(s) shall file an application for a building permit and an application for such Certificate, on a form proscribed by the Commission, with the Code Enforcement Officer. Except as otherwise provided in Subsection (e), a Certificate of Appropriateness required by this Chapter shall be in addition to and not in lieu of any building permit or other land use approval that may be required by any other applicable law or regulation. The Application for Certificate of Appropriateness form may be obtained from the Village's website as part of Appendix B of the "Historic Landmarks Design Standards" materials.
- (b) An application for Certificate of Appropriateness shall contain:
 - i. name, address, and telephone number of applicant;
 - ii. building permit application number as assigned by the building department;
 - iii. location and photographs of property and adjacent properties (as applicable);

- iv. elevation drawings of proposed changes, if available;
 - v. site plan drawings of proposed changes, including relationship to adjacent properties, if available;
 - vi. landscaping plan, as applicable;
 - vii. samples of building materials to be used, including their proposed color; and
 - viii. where the application includes sign(s) 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 any other information which the Commission may deem necessary in order to visualize the proposed work.
- (c) Upon receipt of all the information required herein, the Commission shall deem the application complete and shall place the application on the agenda of the next meeting of the Commission.
- (d) Upon submission of a complete application, the Commission shall have the authority, by resolution specifying the basis therefore, to:
- i. grant, grant with conditions or modifications, or deny the Certificate of Appropriateness based on the criteria set forth in Section 15;
 - ii. determine whether the proposed work constitutes ordinary maintenance and repair or replacement in kind for which a Certificate of Appropriateness is not required; or
 - iii. approve work that is of any other type that has been previously approved by the Commission to be appropriate for delegation to the Code Enforcement Officer.
- (e) Notwithstanding any provision of the Code to the contrary, review by the Commission of any proposed work to a landmark or property/structure within a historic district pursuant to this Chapter that would otherwise be subject to site plan and/or architectural review by the Planning/Architectural Review Board pursuant to § 112-23 shall satisfy the requirements of site plan and/or architectural review, as applicable, and such project shall not be subject to further architectural review by the Planning/Architectural Review Board with respect to that work.

Section 15. Criteria for Issuing a Certificate of Appropriateness.

- (a) Certificate of Appropriateness; general criteria: The Commission shall approve the issuance of a Certificate of Appropriateness only if it determines that the proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the individual landmark or, if the proposed work is within a historic district, that such proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance of the property itself, the district or neighboring properties in such district.
- (b) In making this determination, the Commission's decision to approve, approve with modification(s) or deny an application for a Certificate of Appropriateness shall be guided by the Secretary of the Interior's Standards for Rehabilitation, as applicable, and by the following principles:
 - i. features which contribute to the character of the individual landmark or historic district shall be retained, with their historic features altered as little as possible;
 - ii. any alteration of existing properties shall be compatible with the historic character of the property itself and, with respect to a property within a historic district, with the surrounding historic district; and
 - iii. new construction shall be compatible with the property on which it is located and, with respect to a property within a historic district, the historic district in which it is located;
- (c) In applying the principle of compatibility set forth in paragraph (b) of this Section, the Commission shall consider the following factors:
 - i. the general design and character of the proposed alteration or new construction relative to existing features of the property or improvement;
 - ii. the scale and visual compatibility of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
 - iii. texture and materials, and their relation to similar features of the property and other properties in the neighborhood;
 - iv. visual compatibility with surrounding properties, including proportion of the property's facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on streets, including setback;

- v. the importance of historic physical and visual features to the significance of the property; and
 - vi. consistency with Village of Williamsville Historic Landmarks Design Standards, adopted September 30, 2014, as the same may be amended from time to time, or any subsequently adopted design standards or guidelines.
- (d) Where the Commission grants a Certificate of Appropriateness under circumstances where the permitted activity is likely to uncover or affect archaeological resources, the Commission shall require reasonable efforts to protect and preserve such resources. Where such protection and preservation is not feasible, the Commission shall nonetheless impose appropriate and reasonable conditions to insure that the archaeological resource is made accessible for a reasonable period to qualified persons.
- (e) A Certificate of Appropriateness granted hereunder shall expire six (6) months after the date of approval if a building permit has not been obtained and the approved work commenced, unless at least two (2) weeks prior to expiration of the six (6) month period the owner has applied, in writing, for an extension and shall explain the reasons for the extension request, which request shall not be considered an application for a new Certificate of Appropriateness. The Commission may grant up to one (1) extension of six (6) months during which time the applicant must complete the approved work.

Section 16. Certificate of Appropriateness Hardship Process and Criteria

- (a) An applicant whose Certificate of Appropriateness has been denied may apply for a Certificate of Economic Hardship. No building permit or other land use approvals shall be issued unless the Commission grants the hardship application. In order to prove the existence of economic hardship related to a proposed Alteration, the applicant must establish that the denial of a Certificate of Appropriateness will prevent the property owner from earning a reasonable return on investment, regardless of whether that return represents the most profitable return possible.
- (b) Consultation; plan development. Prior to submitting an application for and Economic Hardship Certificate, the applicant shall consult in good faith with the Commission and, if requested by the Commission, local preservation groups and other interested parties in a diligent effort to seek an alternative that will result in appropriate preservation of the property. The consulting parties may include interested purchasers, preservation and other interested organizations, public agencies, developers, real

estate agents and individuals who may be instrumental in developing an economically feasible solution.

- (c) Economic Hardship; criteria. Following the denial of a Certificate of Appropriateness, the applicant may request a Certificate of Economic Hardship by demonstrating to the Commission that:
 - i. the applicant cannot realize a reasonable return if compliance with the Commission's decision is required, provided, however, that the lack of reasonable return is proven by the applicant to be substantial as demonstrated by competent financial evidence;
 - ii. the alleged hardship relating to the property in question is unique, and does not apply to a significant number of similarly situated properties;
 - iii. the requested relief, if granted, will not significantly impair the historical integrity of Landmark or Historic District, as applicable; and
 - iv. the alleged hardship has not been self-created.
- (d) Public hearing. Following the submission of a complete application, the Commission may, at its discretion, hold a public hearing on the hardship application at which an opportunity will be provided for the applicant and public to present their views on the hardship application. Public notice of any such hearing shall be given by publication in a newspaper of general circulation with the Village, and by mailing such notice to the applicant, at least ten (10) days prior to the public hearing date.
- (e) Commission decision.
 - i. The Commission shall render a decision on the hardship application within thirty two (32) days following its receipt of a complete application or, if a public hearing is held on such application, within thirty two (32) days following the close of such public hearing.
 - ii. A decision of the Commission on the hardship application shall be in writing and shall state the reasons therefor. The Commission, in the granting of a Certificate of Economic Hardship, shall grant the minimum terms deemed necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserving and protecting the character and integrity of the Landmark or the Historic District, as applicable.
 - iii. Within ten (10) days of the Commission rendering its determination, a copy

of such determination shall be transmitted to the applicant with proof of delivery and a copy filed with the Village Clerk's office for public inspection.

Section 18. Demolition or Relocation of Landmark Buildings or Contributing Structures Within A Historic District.

- (a) No Landmark or Contributing Structure located in a Historic District shall be Demolished or Relocated unless:
- i. the Commission grants an applicant a Certificate of Economic Hardship as set forth herein; or
 - ii. the building or structure is declared dangerous and unsafe and an order of demolition issued by the Village Board pursuant to Chapter 15 of the Village Code. Prior to issuance such declaration, the Code Enforcement Officer shall notify the Commission of his or her intent to do so.
- (b) Any person desiring to Demolish or Relocate a Landmark or Contributing Structure located in an Historic District shall file an application for a Certificate of Economic Hardship. An applicant must submit the following items:
- i. Current level of economic return;
 - ii. Amount paid for the property, date of purchase, party from whom purchased, and relationship between owner of record, the applicant and person from whom property was purchased;
 - iii. Annual gross and net income from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - iv. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the prior three (3) years;
 - v. Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations;
 - vi. All appraisals obtained within the last two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
 - vii. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, limited liability company, joint venture or other entity type;

- viii. Any state or federal income tax returns relating to the property for the last two (2) years;
- ix. Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents regarding: (a) any real estate broker or firm engaged to sell or lease the property, (b) reasonableness of price or rent sought by the applicant or (c) any advertisements placed for the sale or renting of the property;
- x. Feasibility of alternative uses for the property that could earn a reasonable economic return;
- xi. Report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings on the property and their suitability for rehabilitation;
- xii. Cost estimates for the proposed demolition or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a Certificate of Appropriateness;
- xiii. Estimated market value of the property: (a) in its current condition; (b) after completion of the proposed alteration or demolition; and (c) after renovation of the existing property for continued use;
- xiv. Expert testimony or opinion on the feasibility of rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and rehabilitation;
- xv. Documentation of other evidence of all maintenance performed on the property by the applicant; and
- xvi. Economic incentives and/or funding available to the applicant through federal, state, or private programs; and
- xvii. A plan, providing such detail as the Commission requires, for the replacement of the structure proposed to be demolished, if any.

(c) Retention of Consultants or Experts.

- i. With respect to any application to demolish or relocate a Landmark or Contributing Structure in a Historic District, the Commission may, upon a finding of necessity, hire such consultant(s) or expert(s) as it deems appropriate to evaluate any information submitted by the applicant pursuant to subsection (b)

above and charge the applicant for the cost of such services as set forth herein.

- ii. For the purposes of this provision, consultant and expert shall include, but shall not necessarily be limited to, attorneys, engineers, accountants, financial advisors, architects, surveyors, retained by the Village for any purpose authorized herein.
- iii. In the event the Commission determines it is necessary to retain an expert or experts pursuant to this provision, the applicant shall deposit with the Village funds in an amount determined by the Village to be sufficient to reimburse the Village for the reasonable costs of consultation and/or evaluation in connection with review of the application. The Village will maintain a separate escrow account for such funds.
- iv. Upon receipt of such funds, the Village Clerk shall cause the money to be placed in an account in the name of the Village and shall keep a separate record of all money so deposited and the name of the applicant and the project for which the sums were deposited.
- v. The Commission's consultant(s) and expert(s) shall invoice the Village for services rendered in reviewing the application. The Village shall furnish a copy of each invoice received to the applicant upon receipt of the invoice by the Village.
- vi. The Village shall review and audit all invoices received and shall approve payment only of such fees as are reasonable in amount and necessarily incurred by the Village in connection with a review of a land use application. For purposes of this chapter, a fee is reasonable in amount if it bears a reasonable relationship to the average charge by such an expert to the Village or others for services performed in connection with the review of a project similar to that involved in the land use application. In this regard, the Village may take into consideration the size and type of project involved in the land use application and any special conditions or considerations as the Village may deem relevant in connection with review of the particular land use application.
- vii. Contracts for the retention of experts shall be let pursuant to the purchasing policy of the Village of Williamsville unless the contract is one that must be competitively bid.
- viii. After payment of all outstanding invoices, any funds held by the Village upon completion of a review of a land use application shall be returned to the applicant.

(d) Public hearing.

- i. Following the submission of a complete application, the Commission shall hold a public hearing on the demolition application at which an opportunity will be provided for the applicant and public to present their views on the application for a Certificate of Economic Hardship.

- ii. Public notice of any such hearing shall be given by publication in a newspaper of general circulation with the Village, and by mailing such notice to the applicant, at least ten (10) days prior to the public hearing date.
- (e) Within sixty-two (62) days of the close of the public hearing, the Commission shall, based on the criteria set forth in subsection (e) below:
 - i. Grant a Certificate of Economic Hardship and Approve the application;
 - ii. Approve the application subject to conditions to minimize the loss of historic resources; or
 - iii. Deny the Certificate of Economic Hardship and the application.
- (e) The Commission shall only grant of Certificate of Economic Hardship and approve Demolition, Removal or Relocation if the applicant establishes, through competent financial evidence, that it cannot earn a reasonable return on investment, regardless of whether that return represents the most profitable return possible. An applicant for an income- producing property shall establish that:
 - i. 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
 - ii. efforts to find a purchaser interested in acquiring the property and preserving it have failed.
 - iii. In deciding upon such application for Demolition, Removal, or Relocation, the Commission may consider whether the owner has created his/her/its own hardship through waste and/or neglect, thereby permitting the property to fall into a serious state of repair.
- (f) Notwithstanding any provision herein to the contrary, before approving the removal, relocation or demolition of Landmark or Contributing Structure within a Historic District, the Commission may suspend the application for up to one hundred and eighty (180) days to allow the applicant to consult in good faith with the Commission, local preservation groups, and the public in a diligent effort to seek a less intrusive alternative to demolition, removal or relocation.
- (g) With respect to an application to Demolish a Landmark or Contributing Structure within a Historic District, the Commission may during the continuance period described in Section 18(e) above investigate relocation of the building (on site) or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.

- (h) Except as expressly provided herein, no application to Demolish a Landmark or Contributing Structure within a Historic District shall be granted except in connection an approved re-development plan for the property in question which the Commission determines is consistent with the intent of this Chapter and, with respect to a Historic District, the integrity of the Historic District. An application for a re-development plan shall include all information and materials required for an application for Certificate of Appropriateness and, if applicable, such information and materials as required for site plan and architectural review set forth in Chapter 112-23(E)(1) and (F)(1).
- (i) Any approval granted hereunder shall be valid for six (6) months from the date of issuance, after which time the owner shall apply for a new application to demolish, remove or relocate the structure in question, unless the applicant, least four (4) weeks prior to expiration of the six (6) month period, requests in writing an extension, explaining the reasons for the extension request. At its discretion, the Commission may grant up to one (1) extension of six (6) months. If such extension is granted, the Demolition, Removal or Relocation must be completed within the time period authorized by the extension, or the original approval shall be null and void, and the applicant may not undertake any work related to Demolition, Removal or Relocation of the subject property without obtaining a new Certificate of Economic Hardship through the procedures outlined above.
- (j) In the case of an approved Demolition, any approved redevelopment must be completed within the time specified by the Commission in granting the Demolition Permit, unless the applicant, least four (4) weeks prior to expiration of the applicable period, requests in writing an extension, explaining the reasons for the extension request, which the Commission may grant or deny at its discretion. The failure of the applicant to complete such approved redevelopment within the time period specified by the Commission shall constitute a violation of Section 20(b), and the owner may be ordered to restore the property and its site to its appearance prior to the violation.

Section 19. Affirmative Maintenance and Repair Requirement

- (a) Ordinary maintenance; repair.
 - i. Nothing in this Chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a Landmark or property within an Historic District that does not involve a change in design, building materials, color or outward appearance.
 - ii. The Commission, upon the recommendation of the Code Enforcement Officer, may evaluate and decide whether or not

proposed work constitutes ordinary maintenance and repair or requires a Certificate of Appropriateness.

- (b) No owner or person with an interest in real property designated as a Landmark or located within a Historic District shall permit the property to fall into a serious state of disrepair. Maintenance shall be required, consistent with Chapter 72 of the Village Code, the Property Maintenance Code of New York State and the New York State Uniform Fire Prevention and Building Code Act and all other applicable regulations.
- (c) Every owner or person in charge of an improvement on a Landmark site or property in a Historic District shall keep in good repair:
 - i. all of the exterior portions of such improvements; and
 - ii. all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a serious state of disrepair. Examples of types of prohibited disrepair include, but are not limited to:
 - 1. deteriorated or crumbling exterior plasters, mortar or facades;
 - 2. deteriorated or inadequate foundation;
 - 3. defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
 - 4. deteriorated walls or other vertical structural supports that split, lean, list or buckle due to defective material or deterioration;
 - 5. members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
 - 6. ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
 - 7. defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint

or weathering due to lack of paint or other protective covering, which may cause or tend to cause deterioration, decay or damage;

8. fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety; and/or
 9. any fault or defect in the building or structure which renders it not properly watertight or otherwise compromises the life and character of the building or structure.
- (d) Interiors: Every owner or person in charge of an improvement to an Interior Landmark shall keep in good repair:
- i. All portions of such Interior Landmark; and
 - ii. All other portions of the improvement which, if not so maintained, may cause or tend to cause the Interior Landmark to deteriorate, decay, or become damaged or otherwise fall into a serious state of disrepair.
- (e) Scenic Landmarks: Every owner or person in charge of a Scenic Landmark shall keep in good repair all portions thereof.

Section 20. Enforcement and Violations; Penalties

- (a) All work performed pursuant to a Certificate of Appropriateness or Redevelopment Plan approved under this Chapter shall conform to the requirements expressly stated in the certificate or approval, or reasonably implied therefrom. It shall be the duty of the Code Enforcement Officer to periodically inspect any such work to assure compliance with the Certificate of Appropriateness, Redevelopment Plan approval, and all applicable law. In the event any requirement included in the Certificate of Appropriateness or Redevelopment Plan approval has not been met, or upon notification of that fact by the Commission, the Code Enforcement Officer shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the property as long as a stop work order is in effect.
- (b) Any owner or person in charge of a property subject to this Chapter who demolishes, alters, constructs, or permits a Landmark or property located in a Historic District to fall into a serious state of disrepair in violation of this Chapter in the absence of a Certificate of Appropriateness, a Certificate of Economic Hardship, or other approval by the Commission, may be required by the Code Enforcement Officer, or a

court of competent jurisdiction, to restore the property and its site to its appearance prior to the violation.

- (c) If, in the judgment of the Commission, a violation of this Chapter exists that will result in a detrimental effect upon the historical integrity and character of a designated Landmark or property located in a Historic District as a whole, the Commission shall notify the Code Enforcement Officer. If, upon investigation, the Code Enforcement Officer finds non-compliance with the requirements of the Property Maintenance Code of New York State and/or the New York State Uniform Fire Prevention and Building Code Act, or any other applicable law or regulation, the Code Enforcement Officer shall order such remedies as are necessary and consistent with this Chapter, or, with the approval of the Village Board, seek any remedies available from any court of competent jurisdiction, and shall provide written notice thereof to the secretary of the Commission.
- (d) Penalties. In addition to any other penalty authorized by this Chapter or other applicable law, a violation of this Chapter is deemed an offense punishable by a fine, imprisonment or both, as follows:
 - i. First Offense: A first conviction for violation of this local law may result in a fine not exceeding \$350 or imprisonment for a period not to exceed six (6) months, or both;
 - ii. Second Offense: A second conviction for violation of this local law, if the occurrence that leads to conviction began within a period of five (5) years from the date of first conviction, may result in a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six (6) months, or both;
 - iii. Third Offense: A conviction for a third or subsequent offense all of which were committed within a period of five (5) years from when the occurrence leading to the first conviction began, shall include a fine of not less than \$700 nor more than \$1000 or imprisonment for a period not to exceed six (6) months, or both.
 - iv. In addition to any penalties imposed under this local law, continued violations of this local law shall be punishable in any other manner provided under other local regulations, and state and federal law.
- (e) The Commission shall notify the Village Board of an enforcement matter arising under this Chapter and shall refer it to the Village Prosecutor. An action to enforce this Chapter shall be brought by the Village Prosecutor, Village Attorney or other person designated by the Village Board. Civil

remedies authorized by this Chapter shall be in addition to and not in lieu of any criminal prosecution and penalty.

Section 21. Judicial Review.

Any person or persons, jointly or severally aggrieved by any final decision of the Commission or any officer, department, board or bureau of the Village exercised under this Chapter, may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules.

Section 25. Definitions [Requires Significant Cleanup]

As used in this local law, the following words and phrases have the following meaning:

Acquisition: The act or process of acquiring fee title or other interest in real property, including acquisition of development rights or remainder interest.

Adaptive Reuse: Conversion of a building originally designed for a certain purpose to a different purpose.

Addition: Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.

Alteration: Any act or process, other than demolition or preventative maintenance, that removes or changes the exterior appearance of significant historical or architectural features, or the historic context of a designated landmark, including, but not limited to, exterior changes, additions, new construction, erection, reconstruction or grading.

Appropriate: Especially suitable or compatible.

Architectural Significance: The quality of a building or structure based on its date of erection, style and scarcity of same, quality of design, present condition and appearance or other characteristics that embody the distinctive characteristics of a type, period or method of construction.

Building: Any construction created to shelter any form of human use, such as a house, garage or barn, and which is permanently affixed to the land. Building may also refer to a historically related complex, such as a house and a barn.

Certificate of Appropriateness: An official form issued by the Commission stating that the proposed alteration to a designated historic landmark is compatible with the historic character of the property and thus in accordance with the provisions of this local law and therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the Village and/or Town of Amherst's departments, as applicable, may issue any permits needed to do the work specified in the certificate.

Certificate of Economic Hardship: An official form issued by the Commission when the denial of a Certificate of Appropriateness has deprived, or will deprive, the owner of the property of all reasonable use of, or economic return on the property.

Change: Any alteration, demolition, removal or construction involving any property subject to the provisions of this local law.

Character: Defined by form, proportion, structure, plan, style or material. General character refers to ideas of design and construction such as basic plan or form. Specific character refers to precise ways of combining particular kinds of materials.

Code Enforcement Officer: The person, or his or her designee, authorized to grant permits for construction, alteration, and demolition pursuant to the codes adopted by the Village.

Compatible: In harmony with location, context, setting, and historic character.

Commission: The historic preservation commission established pursuant to section 4 of this article and appointed by the Village Board.

Construction: The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Contributing Structure: A structure located in an Historic District that has been determined by the Commission to substantially possess characteristics forming the basis for the designation of the Historic District.

Demolish: Any act or process that removes or destroys in whole or in part a building, structure, or resource.

Demolition Permit: A permit issued by the appropriate Village official or body authorizing the applicant to demolish a building or structure.

Evaluation: The process by which the significance and integrity of a building, structure, object, or site is judged by an individual who meets the professional qualification standards published by the National Park Service at 36 CFR Part 61 as determined by the State Historic Preservation Office, using the designation criteria outlined in Article 11 of this local law.

Exterior: Architectural style, design, general arrangement and components of the outer surfaces of an improvement, building or structure as distinguished from the interior surfaces, including, but not limited to the kind and texture of building material and the type and style of windows, doors, signs and other such exterior fixtures.

Façade: The exterior of a building or structure that can be viewed.

Feature: Elements embodying the historical significance or architectural style, design, general arrangement and components of all of the exterior surfaces of any landmark or historic resource, including, but not limited to, the type of building materials, and type and style of windows, doors, or other elements related to such landmark or historic resource.

Historic Context: A unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period and geographical area.

Historic District: A geographically definable area so designated pursuant to this Chapter.

Historic Fabric: Original or old building materials (masonry, wood, metals, marble) or construction.

Historic Integrity: The retention of sufficient aspects of location, design, setting, workmanship, materials, feeling or association for a property to convey its historic significance.

Historic Resource: Any evaluated building, structure, object, or site that potentially meets the designation criteria outlined in Section 11.

Historic Resources Survey: a) the process of systematically identifying, researching, photographing, and documenting historic resources within a defined geographic area, and b) the resulting list of evaluated properties that may be consulted for future designation. For the purpose of this local law, all surveys shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation, as may be amended.

Historic Significance: The quality of a place, site, building, district or structure based upon its identification with historic persons or events in the Village.

Integrity: The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

Inventory: A list of historic properties determined to meet specified criteria of significance.

Landmark: Property, object, structure or natural feature or any part thereof so designated pursuant to this Chapter.

Listing: The formal entry or registration of a property.

Maintain: To keep in an existing state of preservation or repair.

Minor work: Any repair that does not materially change the appearance of the Landmark in any way.

National Register Criteria: The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

National Register of Historic Places: The official inventory of the nation's historic properties, districts, sites, districts, structures, objects and landmarks which are significant in American history, architecture, archaeology, and culture, maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 USC. 470 et seq., 36 CFR Sections 60, 63, as may be amended).

Non-contributing: A feature, addition or building, structure, object or site which does not add to the sense of historical authenticity or evolution of an historic resource or landmark or where the location, design, setting, materials, workmanship, history, and/or association of the feature, addition or building, structure, object or site has been so altered or deteriorated that the overall integrity of that historic resource or landmark has been irretrievably lost.

Object: Constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be moveable by nature or design, an object is associated with a specific setting or environment. Examples include boundary markers, mileposts, fountains, monuments, and sculpture. This term may include landscape features.

Owner: Those individuals, partnerships, corporations, or public agencies holding fee simple title to property, as shown on the records of the (Property Records Section) of the Village, Town of Amherst or County of Erie.

Period of Significance: The length of time when a property was associated with important events, activities, or persons, or attained characteristics which qualify it for landmark status. Period of significance usually begins with a date when significant activities or events began giving the property its historic significance; this is often a date of construction.

Preservation: Retention of essential character of an improvement, object, building natural feature or structure as embodied in its existing form, integrity and material. This term includes the retention of trees, landscaping and vegetative cover of a site. This term may include temporary stabilization work as well as on-going maintenance of historic building materials.

Preventative maintenance: Any work to prevent deterioration or damage to the structural integrity or any exterior feature of a landmark or historic resource that does not involve a change in design, material or exterior appearance. Such work includes, but is not limited to, painting, roof repair, foundation or chimney work, or landscape maintenance.

Property: Land and improvements thereon.

Property Type: A grouping of individual properties based on a set of shared physical or

associative characteristics.

Reconstruction: Reproduction of the exact form and detail of a vanished building, structure, improvement, or part thereof as it appeared at a specific time.

Redevelopment Plan: A plan for the redevelopment of a property on which a Landmark or Contributing Structure within an Historic District is located that has been approved by the Commission as a condition for granting approval for Demolition or Relocation.

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

Relocate: Any relocation of a building or structure on its site or to another site.

Repair: Acts of ordinary maintenance that do not include a change in the design, material, form, or outer appearance of a resource, such as repainting. This includes methods of stabilizing and preventing further decay, and may incorporate replacement-in-kind material or character or refurbishment of materials on a building or structure.

Restoration: 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.

Retain: The act of keeping an element, detail or structure and continuing the same level of repair to aid in the preservation of elements, sites, and structures.

Reversible: An addition which is made without damage to the project's original condition.

Scenic Landmark: Scenic landmarks encompass structures that are not buildings, such as bridges, piers, parks, cemeteries, sidewalks, clocks, and trees.

Secretary of the Interior's Standards for the Treatment of Historic Properties: Principles developed by the National Park Service (36 CFR 68.3, as may be amended) to help protect historic properties by promoting consistent preservation practices and providing guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers on how to approach the treatment of historic properties. The Secretary of the Interior Standards for the Treatment of Historic Properties may also be referred to in this local law as "Secretary of the Interior's Standards".

Significant: Having particularly important associations with the contexts of architecture, history and culture.

Site: A plot or parcel of land.

Stabilization: The act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property.

Structure: Anything constructed or erected which requires permanent or temporary location on the ground. This term shall include but not be limited to buildings, walls, fences, signs, billboards, lighting fixtures, screen enclosures and works of art.

Style: A type of architecture distinguished by special characteristics of structure or ornament and often related in time; also a general quality of distinctive character.

Undertaking: Any project or other action involving the expansion, modification, development or disposition of the physical plant or any site or building.

Section 22. Severability

If any section, subsection, subdivision, paragraph, clause or phrase in this local law, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this local law, or any part thereof. The Village Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this local law, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.