

Historic Preservation Ordinance Town of Northampton, NY

Section I - TITLE

Town of Northampton, NY Historic Preservation Ordinance

Section II - PURPOSE

The Town of Northampton recognizes that certain significant **Historic Resources** located within its boundaries contribute to the unique character of the community and are irreplaceable, and as such, merit preservation. The Town therefore creates This ordinance: (a) to provide protection and enhancement of these historic resources which represent distinctive elements of the Town of Northampton's historic, architectural and cultural heritage; (b) to foster civic pride in the accomplishments of the past; (c) to protect and enhance the Town of Northampton's attractiveness to visitors and the support and stimulus to the economy thereby provided; (d) to ensure the harmonious, orderly, and efficient growth and development of the Town. This ordinance establishes a Historic Landmark Commission (the **Commission**); a program for the identification, evaluation, and designation of historic resources as landmarks (the **Landmarks Register**); **public incentives** for the preservation of Designated Landmarks; and **land use regulations** regarding the alteration, moving or demolition of Designated Landmarks and Historic Resources of Statewide Significance.

Section III - DEFINITIONS

The following definitions apply to terms used in this ordinance. Terms not defined have their commonly construed meaning.

Alteration - An addition, removal, or re-configuration that significantly changes the character of a historic resource; this includes new construction in historic districts.

Demolition - The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.

Designated Landmark - A property officially recognized by The Town of Northampton as important in its history and designated as such pursuant to this ordinance.

Designated Landmarks Register - The list of, and record of information about, properties officially recognized by The Town of Northampton as Designated Landmarks.

Extraordinary Historic Importance - The quality of historic significance achieved outside the usual norms of age, association, or rarity.

Historic Integrity - The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a resource, as opposed to its physical condition.

Historic Resource - A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

Building - A construction made for purposes of shelter or habitation, e. g. house, barn, store, theater, train station, garage, school, etc.

Structure - A construction made for functions other than shelter or habitation, e.g. bridge, windmill, dam, highway, boat, kiln, etc.

Object - A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e. g. statue, fountain, milepost, monument, sign, etc

Site - The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e. g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.

District - A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development, e. g. downtown, residential neighborhood, military reservation, ranch complex, etc.

Historic Resources of Statewide Significance - Buildings, structures, objects, sites, and districts that are listed on the National Register of Historic Places.

Inventory of Historic Resources – The record of information about resources potentially significant in the history of The Town of Northampton.

Relocation - The removal of a resource from its historic context.

Section IV – HISTORIC LANDMARK COMMISSION

1. The Town Board shall appoint a Historic Landmark Commission, hereinafter the Commission, of seven (7) members with a demonstrated positive interest, knowledge, or competence in historic preservation to carry out the provisions of this ordinance. A majority of the members shall reside within the corporate boundaries of The Town of Northampton to the extent available. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.
2. Initial appointments to the Commission shall be for terms of one, two, and three years. Subsequent terms of appointment shall be for three years, or in the case of a

replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.

3. A simple majority of the seated members shall constitute a quorum to conduct official business.
4. A Chair and Vice-Chair shall be elected annually by and from the seated membership. Officers are eligible for reelection.
5. The Commission shall meet at least twice a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Minutes, applications, staff reports, findings, and decisions of the Commission shall be maintained as public records in accordance with applicable state law.

Section V - POWERS AND DUTIES OF THE HISTORIC LANDMARK COMMISSION

1. The Commission may adopt and amend by-laws, subject to approval by the Town Board, to regulate its internal operations.
2. For purposes consistent with this ordinance and subject to the approval of the Town Board, the Commission may seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; seek and accept the donation of façade easements and development rights; make recommendations to the Town government concerning the acquisition of façade easements or other interests in real property; cooperate with public and private entities; and employ clerical and expert assistance.
3. The Commission may undertake to inform the citizens of, and visitors to The Town of Northampton, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources; provide information on state and federal preservation programs; document historic resources prior to their alteration, demolition, or relocation and archive that documentation; assist the owners of historic resources in securing funding for the preservation of their properties; and recommend public incentives and code amendments to the Town and Planning Boards.
4. The Commission may develop and publish, or adopt, written and graphic guideline and example materials to clarify the criteria in this ordinance and to assist applicants in developing complete and viable applications.
5. The Commission shall determine and periodically revise the criteria for the identification and evaluation of historic resources.
6. Employing the procedures and criteria in Section VI of this ordinance, the Commission shall periodically identify and evaluate the historic resources of The Town of Northampton and maintain an Inventory of Historic Resources. At such time as surveys are being

conducted, owners of the subject properties shall be notified and invited to provide comment and input.

7. Employing the procedures and criteria in Section VII of this ordinance, the Commission shall periodically revise the Designated Landmarks Register of The Town of Northampton, by adding or deleting properties.
8. Employing the procedures and criteria in Section VIII of this ordinance, the Commission shall review and act upon applications for the alteration, relocation, or demolition of Designated Landmarks, or the major exterior alteration, relocation, or demolition of Historic Resources of Statewide Significance.
9. The Commission shall advise and make policy recommendations to the Town Board and the Planning Board on matters relating to historic preservation; and shall make an annual report, in writing, to the Town Board on its activities and expenditures during the preceding twelve months, and its projected activities and expenditures for the following twelve months.

Section VI - THE INVENTORY OF HISTORIC RESOURCES

1. Unless the Commission finds extraordinary historic importance, only properties over fifty years of age shall be considered for inclusion in the Inventory of Historic Resources.
2. The Commission shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as eligible, potentially eligible, or ineligible for listing on the Designated Landmarks Register. Owners of surveyed properties will be notified of these findings.
3. Documentation of properties in the Inventory of Historic Resources shall be on forms compatible with the Statewide Inventory of Historic Properties, and upon completion, copies of the forms shall be supplied to the State Historic Preservation Office.
4. Records concerning archaeological sites shall not be made available to the public except as provided under the New York Freedom of Information Law.

Section VII - THE DESIGNATED LANDMARKS REGISTER

1. Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries, are eligible for automatic listing on the Designated Landmarks Register. As Historic Resources of Statewide Significance, all such properties are subject to the regulations in Section VIII of this ordinance regardless of their listing on the Designated Landmarks Register. However, only properties listed

on the Designated Landmarks Register shall be eligible for public incentives and code considerations pursuant to this ordinance.

2. Any individual or group (including the Commission) may nominate a historic resource for inclusion on or removal from the Designated Landmarks Register by submitting a complete application to the Commission. The burden of proof lies with the applicant. **No property shall be included without the written consent of the owner or, in the case of multiple ownership, a majority of the owners.**
3. The Commission shall establish standards for a complete application. Upon acceptance of a complete application the Commission shall schedule a public hearing pursuant to applicable state laws.
4. In order to be included or maintained on the Designated Landmarks Register the Commission must find that the historic resource is over fifty years of age or of extraordinary historic importance, and possesses sufficient historic integrity, and:
 - a. is associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or
 - b. is associated with the lives of persons, or groups of people, significant in local, state, or national history; or
 - c. embodies the distinctive characteristics of an architectural type, style, period, or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. has yielded or is likely to yield information which is important in local, state, or national history.
5. The Commission shall develop findings to support its decisions. These findings shall indicate those elements of a property, including interior, landscape, and archaeological features, that are included in the designation and subject to regulation under the provisions of this ordinance.

Section VIII - ALTERATIONS, RELOCATIONS, AND DEMOLITIONS

1. No exterior, interior, landscape, or archaeological element of a Designated Landmark **which is specified as significant in its designation** shall be altered, removed, or demolished without a permit issued pursuant to this ordinance. No permission is required for interior changes unless: (a) these same interior elements are specifically stated as significant in the Landmark Register; and (b) the public has a legitimate right and regular access to the interior space where the element resides. No permission is required for exterior or landscape elements unless these are publicly accessible and/or visible.

2. No major exterior alteration, relocation, or demolition of a Historic Resource of Statewide Significance shall be allowed without a permit issued pursuant to this ordinance.
3. Prior to submitting an application for a permit pursuant to this section, proponents are encouraged to request a pre-application conference to review concepts and proposals. The Commission may form ad-hoc committees for this purpose. Commission members participating in pre-application conferences shall disclose their ex-parte contact at the time of a public hearing on the proposal.
4. The Commission shall establish standards for a complete application. Upon acceptance of a complete application the Commission shall schedule a public hearing pursuant to applicable state laws.
5. In cases requiring a public hearing, the Commission shall review and act upon applications for the alteration, relocation, or demolition of a Designated Landmark, or the major exterior alteration, relocation, or demolition of a Historic Resource of Statewide Significance. The burden of proof lies with the applicant. Applications may be approved, approved with conditions, or denied. The Town of Northampton shall include any conditions imposed by the Commission in permits issued pursuant to this section.
6. In order to approve an application for the alteration of a Designated Landmark or the major alteration of a Historic Resource of Statewide Significance, the Commission must find that the proposal meets the following standards:
 - a. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
 - b. The historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - c. A property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding incompatible conjectural features or elements from other historic properties, shall not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a

distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

g. Chemical and physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.

h. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

7. In order to approve an application for the relocation or demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission must find that:
 - a. No prudent and feasible alternative exists, or
 - b. The designated property is deteriorated beyond repair, or
 - c. The value to the community of the proposed use of the property outweighs the value of retaining the Designated Landmark or Historic Resource of Statewide Significance.
8. At the hearing of an application to relocate or demolish a Designated Landmark or Historic Resource of Statewide Significance the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 30 days following the date of the hearing. If, ten days prior to the expiration of the delay period the Commission finds that there are still reasonable alternatives to explore, it may apply to the Town Board for permission to continue the delay for an additional period of up to 30 days.
9. In approving an application for the demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission may impose the following conditions:
 - a. Photographic, video, or drawn recordation of the property to be demolished, and/or

- b. Salvage and curation of significant elements, and/or
 - c. Other reasonable mitigation measures.
10. No provision of this ordinance shall be construed to prevent the ordinary repair or maintenance of a Designated Landmark or Historic Resource of Statewide Significance, when such action does not involve a change in design, materials, or appearance.
11. No provision in this ordinance shall be construed to prevent the alteration, demolition, or relocation of a Designated Landmark or Historic Resource of Statewide Significance, when the Building Official certifies that such action is required for the public safety.

Section IX - PUBLIC INCENTIVES

I. Temporary exemption from ad valorem tax increases due to historic property **restoration**

1. A property listed on the Designated Landmark Register shall be exempt from taxation **to the extent of any increase in value attributable to such alteration or rehabilitation** pursuant to the following schedule:

Year 1 ... 100% exemption
Year 2 ... 100% exemption
Year 3 ... 100% exemption
Year 4 ... 100% exemption
Year 5 ... 100% exemption
Year 6 ... 80% exemption
Year 7 ... 60% exemption
Year 8 ... 40% exemption
Year 9 ... 20% exemption
Year 10 ... 0% exemption

2. No such exemption shall be granted for such alterations or rehabilitations unless
- (i) Such property has been designated as a landmark or is a property that contributes to the character of an historic district created by a local law.
 - (ii) Alteration or rehabilitation must be for the purpose of historic preservation. For purposes of qualifying for a real property tax exemption pursuant to this ordinance, alterations and rehabilitation shall be deemed to be for the purpose of historic preservation if
 - (aa) only exterior work is involved, or

(bb) interior work involves the portion of the building that has been designated as a public interior under the local preservation law, or

(cc) at least five percent (5%) of the total cost of the project is directly attributable to exterior work and/or work that enhances the structural stability or structural integrity of the property or

(dd) the project returns to use a building which has not been used for a permissible purpose under the Zoning Law for a continuous period of at least five (5) years

3. Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed and signed off by the Commission. The application shall be filed with the Town Assessor on or before the appropriate taxable status date.

4. Such exemption shall be granted where the Town Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The Town Assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered on the assessment roll with the amount of the exemption shown in a separate column.

5. Such exemption shall be applicable only to those alterations or rehabilitation which would otherwise result in an increase in the assessed valuation of the real property but which consist of a historic preservation to an existing building structure.

6. This section shall take effect immediately and shall apply to assessment rolls completed on or after such effective date.

II. Partial tax exemption based on public benefit of historic property **preservation**

1. A property listed on the Designated Landmark Register shall be exempted from taxation to the extent that a direct and demonstrable public benefit is derived from it and the owner of the property is not otherwise compensated for the cost of preserving the historic property.

2. This partial exemption can be approved for a term of up to three (3) years. The exemption is renewable from term to term and without limit on the number of terms.

3. Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed and signed off by the Commission. The burden of proof is on the applicant. The application shall be filed with the Town Assessor on or before the appropriate taxable status date.

4. Such exemption shall be granted where the Town Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section. The Town Assessor shall approve such application, and such property shall thereafter be exempt from taxation as herein provided commencing with the assessment roll prepared on the basis of the taxable status date.

Section X - APPEALS

1. Decisions of the Commission are appealable to the Town Board at the next regular scheduled meeting. The Board, by majority vote, may affirm, modify or reverse a decision of the Commission. A failure to take action shall be an affirmation of the Commission's decision. Modification or reversal shall be based on an explicit finding of unreasonable economic hardship or upon other legal precedent or established law. The following criteria will serve as guidance in defining economic hardship:

Demolition Hardship Criteria

(i) the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;

(ii) 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

(iii) efforts to find a purchaser interested in acquiring the property and preserving it have failed.

Alteration Hardship Criteria

In order to prove the existence of hardship, the applicant shall establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

2. Appeal to judicial authorities shall be in accordance with state law procedure established for appeal in zoning cases.

Section XI - OTHER PROVISIONS

1. There is no fee for designation of a historic resource as a Designated Landmark. Fees for other applications shall be determined by the Town Board based on the cost of processing the application.

2. The provisions of this ordinance shall not effect any citation, complaint, prosecution, or other proceeding pending at the time this ordinance is passed.
3. Should any section, paragraph, sentence, or word of this ordinance be declared for any reason to be invalid, it is the intent of the Town Board that it would have passed all other portions of this ordinance independent of the elimination of any portion as may be declared invalid.