

VILLAGE OF WHITEHALL HISTORIC PRESERVATION LOCAL
LAW LOCAL LAW #2 FOR THE YEAR 1985

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ARTICLE 1. PURPOSE AND INTENT

The purpose of this local law is to promote the economic and general welfare of the people of the Village of Whitehall and of the public generally by preserving historic and architecturally worthy structures, sites, districts and neighborhoods that serve as visible reminders of the role played by the Village of Whitehall during the 18th, 19th and 20th centuries in the development of the historical and cultural heritage of the Village, the state and the nation. Major periods of Whitehall's history include the Revolutionary War when Whitehall became the birthplace of the US Navy, the War of 1812, the Lake Boat Era of Lake Champlain and the Railroad era that contributed to the prosperity of New York and the entire Northeast region.

The Village Board of Trustees finds that qualities relating to the history of the Village of Whitehall that provide a harmonious appearance of structures and sites, preserve property values for residents, attract tourists, provide for educational and cultural benefits for the public and give the Village a unique character, must be protected.

It is further declared that the intent of this local law is as follows with respect to

Historic Districts:

- (a) To retain and enhance those properties that contribute to the character of the historic district and to encourage their adaptation for current use, retaining the historic quality of their exterior appearance;
- (b) To assure that exterior alterations of existing structures are compatible with the character of the historic district; and
- (c) To assure that exterior appearance of new construction in an historic district is compatible with the character of the historic district;

Historic Landmarks:

- (a) To retain and enhance historic landmarks in the Village of Whitehall and to encourage their adaptation for current use while retaining the historic quality of their exterior appearance.
- (b) to encourage the restoration of historic landmarks.

ARTICLE 2. ENABLING LEGISLATION

This local law is adopted in accordance with the legislative authority granted to the Village of Whitehall by New York State General Municipal Law, Article 5-K.

ARTICLE 3. DEFINITIONS

As used in this Local Law, the following words and terms shall have the following meanings Abutting
property:

Properties which share a common boundary or any portion of a common boundary with the subject property ; or properties across a public thoroughfare are right-of-way which have directly facing frontages (including parcels diagonally facing the subject property when located on a corner lot).

Altered:

The word altered includes "rebuilt", "reconstructed", "rehabilitated", "restored", "removed", and "demolished".

Auxiliary Building or Structures:

A building or structure which is not a primary building or structure and therefore, does not contribute to the determination of the dominant use of the parcel on which said building or structure is located.

Board of Trustees: The Village of Whitehall Board of Trustees.

Building: A combination of materials forming a shelter that may be used for persons, animals or property.

Commission: The commission acting as the Historic District Commission established in Article 4. Conflict of

Interest:

Shall be construed to mean: direct or indirect pecuniary benefit to any person or member of the person's immediate family, or to his employer, or the employer of any member of the person's immediate family; or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interest of those for whom the law authorized and required him to act.

Constructed: The word constructed includes the words "built", "erected", "enlarged", "installed" and "moved"

Demolition: The razing of any exterior architectural feature or structure District:

See "Historic District".

Erected The word erected includes the words "built", "constructed", "reconstructed", "rehabilitated", "restored", "altered", "enlarged", and "moved".

Exterior Architectural Feature The architectural style and general arrangement of the exterior of a building or structure, including, but not limited to, (a) the kind, color, and texture of the building materials, (b) the type and style of all windows, doors, lights, dormers, gable cornices, porches, decorative trim, etc., and (v) the location and treatment of any vehicular access or parking space.

Historic: (adj) Important in or contributing to history.

History: (n): a record of events, as of the life or development of a people, country, institution, etc.

Historic District The district(s) established in Article 7 or amended in accordance with the procedures detailed in Article 7 and meeting one or more of the qualifications outlined in Article 5.

Historic Landmark: Any improvement, building or structure of unique historic or architectural significance to the Village of Whitehall, relating to its heritage, cultural, social, economic, or political history, or which exemplify historic personages or important events in local, state, or national history as may be designated in accordance with the provisions of Article 6 and 7 of this Local Law.

Improvement: Any place, structure, building, fixture, object, landscape, or topographic feature, which in the whole or part constitutes and exterior betterment, adornment, or enhancement of any real property.

Landmark: See Historic Landmark

Local Law: The Village of Whitehall Historic Preservation Law, also known as Local Law \$2 of 1985

Material A substance or substances out of which a building or structure is constructed.

Person: The word person includes an individual, a corporate or unincorporated organization or association, and the Village of Whitehall.

Primary Building or Structure: The building or structure that establishes the dominant use of the parcel on which said building or structure is located.

Structure: A combination of materials other than a building, including, but not limited to walls, fences, walks, parking lots or driveways.

ARTICLE 4. ORGANIZATION AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION

Members:

There is hereby established a Whitehall Historic Preservation commission with the following members:

(a) The Commission shall consist of seven (7) regular members. The members shall be residents of the Village of Whitehall or the Town of Whitehall. Appointments shall be made by the Board of Trustees. Members shall be selected on the basis of demonstrated interest, ability, experience, and the desire to promote historic preservation in the Village. As far as [possible, the membership shall include a member with architectural design skills and a representative of the Historical Society of Whitehall.

(b) Two members of the Commission shall be initially appointed to serve terms of three (3) years; there shall initially be appointed to serve a term of two (2), and two members shall be appointed to serve a term of one (1) year. All appointments thereafter shall be for a term of three (3) years; except in those instances in which the appointment is made to fill a vacancy in an unexpired term, in which case the appointment shall be for the remainder of the unexpired term. The Board of Trustees shall act within sixty (60) days to fill a vacancy, including unexpired terms. Members shall continue in office after the expiration of their terms until their successors are duly appointed and qualified.

(c) The members shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties.

(d) Any member may be removed for cause by the Board of Trustees upon written charges and after a public hearing.

Election of Officers:

The Commission shall annually elect a chairman, vice-chairman, and secretary from its membership. The annual organizational meeting shall be the first regular meeting of the calendar year, except for the first organizational meeting, which shall be held within one (1) month after the adoption of this local law. Any officer may succeed himself.

Officers:

(a) The Chairman shall preside at all meetings and hearings of the Commission, and has the authority to appoint committees, to call work sessions, and to preside over executive sessions.

(b) The Vice-Chairman shall act for the Chairman in his/her absence.

(c) The Secretary shall: Keep complete and accurate minutes and records of Commission meetings; prepare agendas of regular and special meetings with the Chairman; provide agendas of regular and special meetings with the Chairman; provide notice of meetings to Commission Members; arrange proper and legal notice of hearings; attend to all correspondence of the Commission and to other duties normally carried out by the Secretary. The Secretary shall keep a complete and accurate record of all resolutions, transactions, correspondence, findings and determinations of the Commission and shall maintain attendance records, resumes of Commission Members, and appointments of Commission Members. All records shall be deemed public and may be inspected at reasonable times.

Duties, Functions, and Powers of the Commission:

The Commission shall have the following duties, functions and powers:

(a) to review and approve or disapprove all applications for Certificates of Appropriateness pursuant to Articles 11 – 16 of this Local Law

- (b) To assist, advise and educate the public, owners of historic properties, various departments of the Village of Whitehall and other interested community-based organizations on physical and financial aspects of preservation, renovation, rehabilitation and reuse of structures.
- (c) To assist, advise, and educate owners of historic properties and organizations connected with historic preservation in complying with the requirements of this Local Law to the extent possible under funding available to the Commission.
- (d) To make recommendations for establishing and/or revising historic districts or historic landmarks to the Board of Trustees in accordance with the procedures detailed in Articles 5-9 of this Local Law.
- (e) To make recommendations for establishing to the Board of Trustees concerning the acquisition of historic structures, development rights, facade easements, and the imposition of other restrictions and the negotiations of historical property contracts for the purposes of historic preservation.
- (f) To make recommendations to the Board of Trustees concerning the utilization of grants from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic or architecturally significant structures within any historic district in the Village of Whitehall.
- (g) To evaluate and comment upon plans and decisions by other public agencies or quasi- public organizations affecting the physical development and land use patterns within any historic district in the Village of Whitehall.
- (h) To review and comment upon all proposed National Register nominations for properties within the Village of Whitehall.
- (i) To conduct a continuing survey of local agencies and organizations involved in historic and cultural resources in accordance with applicable guidelines of national, state and local historic preservation.
- G) To establish a schedule of reasonable fees based on notification costs, reviewing costs, and costs of construction.
- (k) To receive fees; to accept grants, appropriations and gifts of money and service; and to use its financial resources to employ clerical and technical assistance, publish educational material, conduct surveys of properties, or carry out any of its duties.
- (l) To request reports and recommendations from the Town and Village departments and agencies and from other organizations and sources, that may have information or can advise on any application or its impact on the district.

- (m) To appoint committees both from within and without its membership , and testify before other Town and Village boards whenever appropriate.
- (n) To adopt bylaws, standards or additional operating procedures and policy statements consistent with the intention of this Local Law and State enabling legislation.
- (o) To waive any procedural rule adopted by the Commission by majority vote upon good cause shown.
- (p) To take any action necessary or appropriate to implement the purpose and intent of this Local Law.
- (q) To, within the limits of funds appropriated generally for the performance of its work, obtain the services of qualified persons to direct, advise and assist the Commission and obtain the equipment, supplies and other materials necessary to its effective operation.

ARTICLE 5. DESIGNATION REQUIREMENTS FOR HISTORIC DISTRICTS

Qualifications:

A group of structures, site or district may be designated for preservation as a district if it meets any of the following criteria:

- (a) Has significant character, interest or value, as part of the development heritage; or
- (b) Is the site of an historic event, with a significant effect upon society; or
- (c) Exemplifies the cultural, political, economic, social or historic heritage of the Village of Whitehall ;or
- (d) Portrays the environment in an era of history characterized by a distinctive architectural style; or
- (e) Embodies those distinguishing characteristics of an architectural type or engineering specimen; or
- (f) Contains elements of design, detail, materials or craftsmanship that represent a significant innovation; or
- (g) By being a part of or related to a park or other distinctive area, should be developed or presented according to a plan based on a historic, cultural or architectural motif; or
- (h) Has yielded or may be likely to yield, information in pre-history or history.

Proposal Requirements:

Any proposal for the designation of an historic district by the Commission or other persons shall consider the following:

- (a) The physical elements that make the proposed area an historic district: building types, architectural styles, and the periods represented.
- (b) How the proposed historic district meets the qualifications in Section 5.1 of this Article.
- (c) The proposed boundaries, and a written justification of the boundaries.
- (d) All structures within the proposed historic district with identification of structures contributing to the significance of the historic district, and identification of non-contributing structures within the proposed district.

ARTICLE 6. DESIGNATION REQUIREMENTS FOR HISTORIC LANDMARKS

Qualifications

Any structure or site may be designated as a landmark for preservation if it meets any of the following criteria:

- (a) Qualifies for inclusion in the National Register of Historic Places as provided in the National Preservation Act of 1966; or
- (b) Is the site of an historic event with a significant effect upon society; or
- (c) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the Village of Whitehall; or
- (d) Is a structure or structural remain embodying examples of architectural types or specimens valuable for study of a period, style, or method of building construction, of community organization and living, or of landscaping, or a notable structure or site representing the work of a master builder, designer, architect or landscape architect.

6.2 Proposal Requirement:

Any proposal for the designation of an historic landmark by the Commission or other persons shall consider the following:

- (a) The physical elements, qualities, architectural style, period and historical significance represented by the proposed landmark or site, including a consideration of scale, materials, workmanship and spatial qualities as relevant.
- (b) How the proposed landmark or site meets the qualifications in Section 6.1 of this Article.
- (c) The proposed boundaries, and a written justification of the boundaries.
- (d) Photographs of the proposed landmark or site illustrating the significant detail(s) as described in 6.2 (a)

ARTICLE 7. PROCEDURES FOR ESTABLISHMENT OF HISTORIC DISTRICTS AND LANDMARKS

7.1 Review of Proposal for the Designation of Historic Districts, or Historic Landmarks:

The Commission shall consider proposals for the designation of Historic District(s) or historic landmarks. Before making the Commission's recommendations to the Board of Trustees, the Commission shall conduct studies and research on the proposal. The Commission may appoint individuals or organizations to assist in the studies.

7.2 Notification

Notice of the date of review shall be included in a newspaper or general circulation at least ten (10) days prior to the review date, in accordance with the Open Meetings Law of the State of New York.

7.3 Final Report:

Within sixty (60) days after review, the Commission shall report its findings on the proposal, including the views of affected and interested parties, and make recommendations to the Board of Trustees.

7.4 Enactment by Board of Trustees

Recommendation from the Historic Preservation Commission for Historic Districts and landmarks shall be acted upon by the Board of Trustees in accordance with state and municipal laws. Historic districts and landmarks shall be established and enlarged by amendment to Article 9 of this Local Law.

ARTICLE 8. RECISION OF DESIGNATION

Recision of any historic district or landmark designation of an area, place, building or structure may occur in the same manner and procedure as followed in the designation procedure outlined in Article 7.

ARTICLE 9. HISTORIC DISTRICTS AND LANDMARKS DESIGNATEDED.

The following described lands, buildings, structures, or areas of the Village of Whitehall are hereby designated historic districts or landmarks as follows:

9.1 Historic Districts:

The entire area encompassed within the boundaries of the Whitehall Urban Cultural Park (now Heritage Area) as defined in the Whitehall Urban Cultural Park Management Plan, dated July 1985.

9.2 Landmarks

None.

9.3 Effect of Designation:

The terms of this Local Law shall apply to all lands, buildings, structures, or areas designated as Historic Districts and Historic Landmarks.

ARTICLE 10 MAINTENANCE AND IMPROVEMENT ACTIVITIES NOT REQUIRING COMMISSION REVIEW

10.1 Nothing in this Local Law shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any building or structure where such repair does not involve a change in design, material, or appearance.

10.2 Only exterior changes proposed by the property owner or lessee are subject to review. Passage of this Local Law does not require exterior alterations.

10.3 Nothing in this Local Law shall prevent the construction, reconstruction, alteration, or demolition of any building or structure where construction is in accordance with a valid building permit issued prior to the adoption of this Local Law and districts or landmarks designated by amendment.

ARTICLE 11. GENERAL GUIDELINES FOR THE REVIEW OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS

In reviewing all applications for Certificates of Appropriateness, the Commission shall use the following as general guidelines.

- (a) The Commission shall be aware of finding a way to help meet the current needs of the property owner making the application, taking into consideration the question of economic hardship.

- (b) The Commission shall recognize the importance of approving plans that will be reasonable for the property owner to carry out.

ARTICLE 12. CERTIFICATES OF APPROPRIATENESS FOR MINOR ALTERATIONS

12.1 Minor Alteration Activities:

- (a) Application or use of exterior materials of a different kind, type, color or texture than those already in use, but involving no structural changes, no change in window size, style or location, and no change in building detailing.
- (b) The construction or placement of auxiliary structures on the premises including, but not limited to small detached storage sheds, detached garages, walls, fences or landscaping.

Guidelines

- (a) The Commission shall review all requests with regards to the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Building Exterior).
- (b) Minor alterations should be harmonious with both the primary structure(s) on the premises and with the character of the surrounding neighborhood in terms of the appropriateness of materials, color, scale, proportions, size, height and placement.

12.3 Application Contents:

Applications for minor improvements shall contain:

- (a) The applicant's name, mailing address, and interest in the subject property.
- (b) The owner's name and mailing address, if different from the applicant's.
- (c) The address or location of the subject property.
- (d) A location or vicinity map clearly showing the location of the project.
- (e) A description of the improvement requiring the issuance of a Certificate of Appropriateness.

- (f) Current photographs of the property showing the property's current condition, that accurately represents the existing materials, textures and colors.
- (g) Current photographs of adjacent sites, buildings, structures, and other improvement clearly showing the style and character of the area.
- (h) The Commission may request a drawing or drawings of the exterior elevations, drawn to scale, showing complete architectural details, including all exterior equipment and appurtenances located on the roof, in the walls, and on the grounds. All existing and proposed materials and finishes shall be identified and noted on the elevation. Professional drawings are not required.
- (i) Names and addresses of all abutting property owners.

The payment of fees in accordance with Section 17.3 of this Local Law.

12.4 Procedures and Findings:

The Commission shall review and act upon the application in accordance with the provisions of Section 17.1 of this Local Law not requiring public hearing proceedings. By majority vote, the Commission may approve, approve with revisions, deny the request, or find that the application is subject to public hearing proceedings as defined in Section 17.2, if there is evidence that the proposed action is of greater consequence than is the intent for this level of review.

ARTICLE 13. CERTIFICATES OF APPROPRIATENESS FOR MAJOR ALTERATIONS

Major Alteration Activities:

- (a) Any addition to or alteration of any existing building or structure that increases the square footage in that building or otherwise alters its size, height, contour, outline or architectural detailing.
- (b) Alteration of a roof line.
- (c) Changes to window size, style or location.
- (d) Construction of auxiliary structures other than fences, walls, small storage sheds or detached garages.

Guidelines

- (a) The Commission shall review all requests with regards to the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Building Exterior).
- (b) The Commission shall also utilize the following design standards in their review.

Generally all structures should be compatible with surrounding structures and should be evaluated in terms of the following visual compatibility factors:

- (1) Height: The height of proposed buildings should be compatible with adjacent buildings. The height of new construction should be no lower than the average height of adjacent buildings. Measurements should be made from street level to the highest point of the roofs.
- (2) Width: The width of proposed buildings or additions should be compatible with adjacent buildings and reflect the characteristic rhythm of facades along the street.
- (3) Window Proportions, size and Placement: The window proportions (height versus width) should be visually compatible with those of other windows in the same building and in other adjacent historic buildings. Also, the ration of window area to solid wall should be similar to those on surrounding facades.
- (4) Rhythm The relationship of the building to the open space between it and adjoining buildings should be visually compatible to others prevailing in the area. Rhythms which carry throughout the block should be incorporated into new facades.
- (5) Directional Emphasis: Alterations shall respect the directional emphasis of the original building, and new construction shall be related harmoniously to its immediate neighbor. "Directional emphasis" refers to the basic vertical, horizontal or non-directional design of a building .
- (6) Materials: Materials and textures visually compatible with the existing building or adjacent buildings should be used. Many different materials on a single structure or closely related group of structures can lead to visual confusion and a chaotic appearance. Alterations and new buildings

should not stand out if the harmony of a street scape is to be maintained. Materials that imitate natural materials should be avoided. Imitative materials such as asphalt siding, wood-textured metal or vinyl siding or artificial stone should not be used. Diagonal and vertical siding is generally unacceptable.

- (7) Roof Forms: The roof pitch employed on a new building or addition should be similar to those found on adjacent buildings. If a gable-roof, its orientation to the street should be the same as in neighboring buildings. Roofing materials should be harmonious with existing roofing materials in the district, and roof colors should not dominate (dark neutral colors and materials are preferred).
- (8) Fences Traditional fencing materials such as wrought iron fences, low hedges, or stone walls are preferred. Chain link fences and high opaque fences should be avoided in front yards and side yards visible from a public right-of-way. Tall foundation plantings that obscure a building's features should also be avoided.

13.3 Application Requirement:

Applications for improvements considered major shall contain:

- (a) The applicant's name, mailing address, and interest in the subject property.
- (b) The owner's name, mailing address, if different from applicant's.
- (c) The address or location of the subject property.
- (d) A location or vicinity map clearly showing the location of the property.
- (e) A description of the project.
- (f) Current photographs of the property showing its condition, and accurately representing the existing materials, textures, and colors.
- (g) Current photographs of adjacent sites, buildings, structures, and other improvements clearly showing the style and character of the area.
- (h) A site plan indicating improvements affecting the appearance including, but not limited to, walls, terraces, planting, accessory buildings and lights. The Commission may waive the requirement for a site plan if the change involved would not affect the improvements shown on such a plan.

- (i) Elevations drawn to scale of all sides, showing complete architectural details, and including exterior equipment, and appurtenances located on the roof, in the walls, and on the ground . All existing and proposed materials and finishes shall be identified and noted on the elevations. The elevations shall accurately show the placement of landscaping elements (showing their size and shape) where they are in close proximity to any building or structure .
- G) The names and addresses of all abutting property owners.
- (k) The payment of fees in accordance with Section 17.3 of this Local Law.

13.4 Procedures and Findings

- (a) Applications shall be reviewed by the Commission according to the procedures outlined in Section 17.2 of this Local Law. By majority vote, the Commission may approve, approve with revisions or deny the request.

ARTICLE 14. CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION OR MOVING OF STRUCTURES

14.1 Demolition and Moving Activities:

A certificate of appropriateness shall be required for:

- (a) Demolition of any building or structure within a designated historic district or an historic landmark.
- (b) The moving of any building or structure within a designated historic district or an historic landmark.

14.2 Guidelines

- (a) The Commission shall find that the building or structure or portion thereof is in such condition that it is not feasible to preserve or restore it, taking into consideration the economic feasibility of alternatives to the proposal, and balancing the interest of the public in preserving the building or structure or portion thereof and the interest of and the interest of the owner of the site in its utilization.
- (b) If demolition or moving is approved, the property shall be left in a manner that will be compatible with the existing character of the neighborhood and will have no adverse impact on any adjacent properties within a designated historic district.

Application Requirements:

- 14.3 Application for the demolition or moving of any primary building or structure shall include:
- (a) The applicant's name, mailing address and interest in the subject property.
 - (b) The owner's name, mailing address, if different from the applicant's.
 - (c) The address, or location of the subject property.
 - (d) A location or vicinity map clearly showing the location of the project.
 - (e) A description of the project that shall include a statement as to why demolition or moving is proposed and why the structure or building to be demolished or moved does not contribute to the district, site or landmark.
 - (f) Current photographs of the property, showing its condition, and accurately representing the existing materials, textures, and colors.
 - (g) Current photographs of adjacent sites, buildings, structures, and other improvements clearly showing the style and character of the area.
 - (h) A completed application with required exhibits for a Certification of Appropriateness for any new construction proposed for the site, or alternatively if no new construction is proposed, a completed application with required exhibits for minor alterations showing site improvements and landscaping.
 - (i) The names and addresses of all abutting property owners.
 - (j) The payment of fees in accordance with Section 17.3 of this Local Law.

14.4 Procedures and Findings

- (a) Applications shall be reviewed by the Commission according to the procedures outlined in Section 17.2 of this Local Law. By majority vote, the Commission may approve, approve with revisions or deny the request.

ARTICLE 15 CERTIFICATE OF APPROPRIATENESS FOR NEW CONSTRUCTION

15.1 New Construction Activities:

Any construction of new buildings or structures other than walls, fences, small storage structures or detachable garages.

152 Guidelines:

- (a) The standards and design criteria outlined in Section 13.2 of this Local Law applicable to major alterations shall also be applicable to this Article.
- (b) It is not the intent to limit new construction to any one period or architectural style, but to preserve the integrity of historic buildings and to insure the compatibility of any new work constructed in the vicinity.

153 Application Requirements:

The application requirements outlined in Section 13.3 of the Local Law for Major Alterations shall also be applicable to this article.

154 Procedures and Findings:

- (a) All requests for new construction or major additions to existing buildings within any designated historic district shall be reviewed by the Commission according to the public hearing proceedings outlined in Section 17.2 of this Local Law. By majority vote, the Commission may approve, approve with revisions or deny request.

ARTICLE 16. CERTIFICATES OF APPROPRIATENESS FOR SIGNS

16.1 Signage Activities:

The attachment or placement of signs on any building or structure in any manner within any designated historic district or on an historic landmark shall be subject to review of the Commission

16.2 Guidelines:

Signage should reflect the historic feeling and respect the integrity of any facade to which it is attached. Signage format, style, size, scale, materials, type faces, colors, and placement should be in keeping with the following guidelines:

- (a) Signs should be legible, visible, and designed with simplicity.
- (b) Signs should harmonize with the building's style and not obscure architectural features or overpower the building.

- (c) Signage materials should compliment a building's design. Plastic signs and glass illuminated signs are usually not appropriate; wooden or metal signs or lettering on windows are generally more appropriate.
- (d) Use of few colors and light colored lettering on dark, non-glare background is encouraged.
- (e) In conjunction with signage, storefront awnings may be appropriate . However, they should be considered only where physical or historical evidence of previous use exists.

16.3 Application Requirements:

Applications for signage shall include:

- (a) The applicant's name, mailing address and interest in the subject property.
 - (b) The owner's name, mailing address, if different from the applicant's.
 - (c) The address or location of the subject property.
 - (d) A location or vicinity map clearly showing the location of the project.
 - (e) A description and drawing of the proposed sign providing size, materials, color, lettering style and illumination methods.
 - (f) Current photographs of the property showing its condition, and accurately representing the existing materials, textures, and colors.
 - (g) Current photographs of adjacent sites, buildings, structures, and other improvements clearly showing the style and character of the area.
 - (h) A site plan and/or elevations showing placement of the sign on the site or on a building or structure.
 - (i) The names and addresses of all abutting property owners.
- G) The payment of fees in accordance with Section 17.3 of this Local Law.

16.4 Procedures and Findings:

- (a) The Commission shall review and act upon the application according to the provisions of Section 17.1 of this Local Law. By majority vote, the Commission may approve, approve with revisions, deny the request, or find that the application should be subject to procedures outlined in Section 17.2 of this Local Law if there is evidence that the proposed action is of greater consequence than is the intent of review.

Upon satisfactory completion of public hearing procedures, when required, the Commission may by majority vote approve, approve with revisions or deny the request.

ARTICLE 17. APPLICATION REVIEW PROCEDURES AND FEES FOR CERTIFICATES OF APPROPRIATENESS

17.2 Reviews not Requiring Public Hearings:

- (a) Applicants shall submit their requests with required exhibits and fees to the Village Clerk's office.
- (b) The Village Clerk's office shall date the application and all exhibits and promptly submit the application to the Chairman of the Commission and transmit fees to the Village Treasurer.
- (c) A completed application, including fees received seven (7) days prior to the next regularly scheduled meeting of the Commission shall be placed on the next agenda. The applicant shall be notified of the meeting date.
- (d) The Commission shall act upon the application within fourteen (14) days of the date of review, unless the applicant shall agree in writing to an extension.
- (e) Failure of the Commission to render a decision within the specified time shall be deemed to constitute approval by the Commission.

17.2 Reviews Requiring Public Hearing:

- (a) Applicants shall submit their requests with required exhibits and fees to the Village Clerk's Office.

- (b) The Village Clerk's office shall date the application and all exhibits and promptly submit the application to the Chairman of the Commission and transmit fees to the Village Treasurer.
- (c) A completed application, including fees, received twenty-one (21) days prior to the next regularly scheduled meeting of the Commission shall be placed on the next agenda.
- (d) Notice of the hearing shall be mailed to the Building Inspector, the applicant, owners of abutting property, and any consultants and professional advisers of the Commission.
- (e) The time and place of the hearing shall be published in a newspaper of general circulation at least ten (10) days prior to the hearing.
- (f) The hearing shall be continued only for good cause shown.
- (g) The Commission shall act on the application within twenty-one (21) days of the hearing date, unless the applicant shall agree in writing to an extension.
- (h) Failure to render a decision within the specified time shall be deemed to constitute approval by the Commission.

17.3 Fees:

All applicants requesting a Certificate of Appropriateness shall pay a \$1.00 application fee for the processing of applications.

ARTICLE 18. ENFORCEMENT

18.1 Violations:

It shall be the duty of the Building Inspector and the Commission to enforce the provisions of this Local Law. If the Building Inspector shall find that any provision of this Local Law is being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it, including discontinuance of illegal work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. One copy of such notice shall be maintained as a permanent record and one copy shall be forwarded to the Commission.

18.2 Legal Action

When the above action does not result in the correction or abatement of the violation, the Board of Trustees, upon notice from the Building Inspector and recommendation of the Commission, are authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that shall be necessary to enforce the provisions of this Local Law in the name of the Village of Whitehall.

18.3 Fines:

Any person who violates any provision of this Local Law after receiving notice of such violation shall be guilty of a misdemeanor and subject to a fine of up to \$100.00 for each violation. Each day such a violation continues is a separate offense. All fines shall be paid to the Village of Whitehall.

ARTICLE 19. GENERAL PROCEEDINGS AND RULES OF CONDUCT

19.1 Meeting Schedule:

The Commission shall hold regular monthly meetings, and may hold special meetings at the call of the Chairman, provided that public notice shall be given. In the event of emergency meetings, local representatives of the media shall be notified. Notification shall include the time and location of the meeting.

19.2 Open Meeting Procedures:

All meetings of the Commission shall be open to the public, except executive sessions. The Commission shall not hold executive sessions except for consultation between the Commission and its legal counsel concerning litigation or other legal matters where premature general public knowledge would clearly place the Village or Commission at a substantial disadvantage.

19.3 Quorum:

There must be a quorum of the Commission to act on any application for a Certificate of Appropriateness or to make recommendations to the Board of Trustees regarding historic district and landmark designations. A quorum shall consist of four (4) members.

19.4 Votes of the Commission

Certificates must be approved by majority vote. A tie vote means an application is denied.

19.5 Viewing Subject Properties:

The Commission in its discretion, and with the owner's consent, shall view the premises and obtain additional facts concerning the application before arriving at a decision.

19.6 Validation of Certificates of Appropriateness:

A Certificate of Appropriateness shall become void unless the action is commenced within six (6) months of the date of issue. Certificates of appropriateness shall be issued for a period of eighteen months and are renewable.

19.7 Changes in Scope of Work:

Any change in scope of work subsequent to the issuance of a Certificate of Appropriateness shall require issuance of a new Certificate of Appropriateness for said changes.

19.8 Approval:

If an application is deemed appropriate by the Commission, it shall issue a certificate signed by the members which may include any changes, conditions, and/or stipulations necessary to fulfill the intent of the Local Law. The approval shall include sufficient written or graphic material to be strictly enforceable. The decision shall be dated and forwarded to the Building Inspector for issuance of any necessary permits.

19.9 Disapproval:

If the Commission determines that a Certificate of Appropriateness shall not be issued, it shall place upon its record the reason for denial. The Commission shall notify the applicant of such determination, furnishing him with an attested copy of the reason for denial, as appearing in the records of the Commission. A copy shall be sent to the Building Inspector.

19.10 Appeals:

- (a) Any person aggrieved by a decision of the Commission shall have the right for a hearing before the Board of Trustees within thirty (30) days of the Commission's decision.
- (b) Additional appeals may be taken by an aggrieved party or by any authorized officer of the Village, to the N.Y. Supreme Court, pursuant to Article 78 of the Civil Practice Laws and Rules.

ARTICLE 20. SEVERABILITY

The provisions of this Local Law are severable; if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court, such decision shall not impair or otherwise affect any other provisions of the Local Law.