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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Village of Amityville

Local Law No. 8 of the year 2023

A local law to establish an Historic Preservation Commission for the Village of Amityville

Be it enacted by the Board of Trustees of the Village of Amityville as follows:

Section 1. The Board of Trustees finds that the Village of Amityville has many buildings which have historical significance and that it is appropriate to establish an historic preservation commission to assist the Board of Trustees and the Planning Board in identifying, preserving and protecting such buildings within the Village.

Section 2. The Code of the Village of Amityville is hereby amended to add a new Chapter 15 as follows:

“Chapter 15

Historic Preservation Commission

§15-1 Historic Preservation Commission Established

There is hereby established a Village of Amityville Historic Preservation Commission whose duties and responsibilities shall include, but not be limited to:

(1) Researching, cataloging and preserving all artifacts and documents relating to what the Commission deems to be significant historical events, people and sites within the boundaries of the Village of Amityville.

(2) Advising the Planning Board and the Board of Trustees on policy matters regarding historic preservation and historic sites within the Village.

(3) Developing criteria for the identification of significant historic, architectural and cultural landmarks.

(4) Reviewing significant historic, architectural and cultural landmarks and making recommendations to the Planning Board and the Board of Trustees on the designation of properties, dwellings, buildings, landmarks and scenic views for inclusion as historic properties.

(5) Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs

(6) Making recommendations to the Board of Trustees concerning the utilization of federal, state, county and private sector funds to promote the preservation of landmarks within the Village of Amityville.

(7) Recommending acquisition of landmark structures by the Board of Trustees where their preservation is essential to the purposes of this chapter and where private preservation is not feasible.

(8) Recommending to the Planning Board approval or disapproval of applications to modify or demolish historically designated buildings or structures.

(9) Promulgating rules and regulations as necessary for the conduct of its business.

(10) Performing such other functions relating to historic preservation and historic sites as may be requested by the Board of Trustees or is deemed necessary by the Commission to carry out its responsibilities.

§ 15-2 Commission Membership

A. The Historic Preservation Commission shall consist of 5 members, all of whom shall be Village residents. The members shall be appointed by the Mayor subject to the approval of the Board of Trustees for a term of one year. They shall serve without compensation but shall be entitled to their actual and necessary expenses incurred in the performance of their duties. All members shall be qualified by education and experience in the fields of history, architecture and/or other related professional disciplines.

(1) The Mayor shall appoint the chairperson.

(2) The Commission may appoint from its membership such other officers as it deems appropriate.

B. The Commission shall meet monthly, but special meetings may be held at any time on the written request of any two of the Commission members or on the call of the Chairman or the Mayor.

C. A quorum for the transaction of business shall consist of three members, and no action shall be taken by the Commission without the affirmative vote of at least three (3) members.

D. The Commission is a public body and shall comply with the applicable provisions of the Public Officers Law.

§ 15-3 Designation of Landmarks

The Commission may recommend an historically significant property as a landmark if it:

A. Possesses special character or historic or aesthetic interest or value as part of the cultural,

political, economic or social history of the locality, region, state or nation;

B. Is identified with historic personages;

C. Embodies the distinguishing characteristics of an architectural style;

D. Is the work of a designer whose work has significantly influenced an age; or

E. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of a neighborhood.

§ 15-4 Procedure for establishment of landmarks

A. The Planning Board, upon the recommendation of the Historical Preservation Commission, shall serve as an advisory board to the Board of Trustees and shall investigate and hold a public hearing on any proposed establishment of a landmark in accordance with the procedure for applications to the Planning Board in Chapter 24 of this Code. Such investigation and public hearing shall incorporate as part of its recommendation a statement containing the following.

(1) A descriptive finding of significance of the area, building or scenic view to be designated as a landmark.

(2) A delineation of the boundaries of the proposed landmark either by metes and bounds or on a drawing of appropriate scale and detail.

(3) A description of the historic and/or unique aesthetic quality of structures, memorials or sites, landscape features, the existing land uses and such other factors and conditions as either strengthen or tend to blight the quality of the landmark.

(4) Such other findings as the Planning Board may consider significant guides in the implementation of the intent of this chapter as they pertain to the proposed landmark.

B. The Board of Trustees shall consider the recommendation of the Planning Board to establish such landmark at a public meeting with at least fifteen (15) days written notice to the property owner of such proposed landmark designation. The Board of Trustees may adopt or reject the recommendation to establish said landmark by resolution, provided that no such resolution to establish a landmark shall be adopted without the consent of the property owner of the proposed landmark.

C. The Historic Preservation Commission shall establish a registry of all historic landmarks approved by the Board of Trustees and a copy of such registry shall be filed with the Code Enforcement Officer and the Planning Board.

§ 15-5 Building Permit required.

No person shall undertake any exterior alteration, restoration, demolition, new construction or moving of a landmark, nor shall any person make any material change in trees or other

vegetation, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public roadway or highway which affect the appearance and cohesiveness of the landmark without a building permit from the Code Enforcement Officer after approval by the Planning Board.

§ 15-6 Criteria for approval of building permit.

A. In passing upon an application for a building permit for an historic landmark the Planning Board, shall not consider changes to the interior spaces, unless they are open to the public, or to architectural features that are not visible from a public highway or roadway.

B. The Planning Board decision shall be based upon the following principles:

(1) Changes which contribute to the character of the landmark shall be allowed, with its historic features altered as little as possible.

(2) Any alteration of a landmark shall be compatible with its historic character, as well as with the surrounding properties.

(3) New construction shall be compatible with the district in which it is located.

§ 15-7 Administration and enforcement.

A. Administration. The Code Enforcement Officer shall administer and enforce the provisions of this chapter. In connection with overseeing this responsibility, the Code Enforcement Officer shall provide a permit procedure coordinated with the established procedure for building permits and certificates of occupancy.

B. Enforcement. All work performed pursuant to this chapter shall conform to any requirements included herein. It shall be the duty of the Code Enforcement Officer to inspect periodically any such work to assure compliance. In the event that work is found that is not being performed in accordance with the building permit, the Code Enforcement Officer shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

§ 15-8 Maintenance and repair required.

Every owner of an historic landmark shall keep in good repair all exterior portions of such improvements and all interior portions thereof which, if not maintained, may cause or tend to cause the exterior portions of such improvements to deteriorate, decay or become damaged or otherwise fall into a state of disrepair. This provision shall be in addition to all other provisions of the Code of the Village of Amityville requiring any such improvement to be kept in good repair.

§ 15-9 Penalties for Offenses.

A. Any person, association, corporation, organization or member, officer, agent or

employee of any such entity who shall be found by a court of competent jurisdiction to be in violation of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed \$1,000 or a period of incarceration not to exceed one year, or both.

B. Any person, association, corporation, organization or member, officer, agent or employee of any such entity who shall demolish, alter, construct or permit a designated property to fall into a state of disrepair in violation of this chapter shall be required to restore said property and its site to its original appearance prior to the demolition, alteration, construction or other act which permitted the designated property to fall into a state of disrepair in violation of this chapter. The Village Attorney is hereby authorized to initiate an action in a court of competent jurisdiction to correct a violation of this chapter. Any civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.”

Section 3. This local law shall be effective immediately .