

Local Law Number 1 of the year 1993

A local law Historic Preservation

Be it enacted by the Town Board of the Town of Sweden as follows:

- I. **PURPOSE:** It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks, landmark sites and historic districts and rural landscapes/viewsapes is necessary to promote the economic, cultural, educational and general welfare of the public. The Town is authorized to enact a local law pursuant to Municipal Home Rule Law §96-a to effect and accomplish the protection, enhancement and perpetuation of such improvements which represent or reflect elements of the town's cultural, social, economic, political and architectural and rural history; to safeguard the town's historic, aesthetic cultural and rural heritage, as embodied and reflected in such improvements and districts; to stabilize and improve property values, to ensure the harmonious, orderly and efficient growth in development of the town; to foster civic pride in the accomplishments of the past; and to protect and enhance the town's attractiveness to visitors and to provide an educational role in the community with regard to historic structures and landmarks preservation.

- II. **LANDMARKS ADVISORY COMMITTEE:**
 - A. **Jurisdiction and Purpose:** To effectuate the goals of this chapter, there is hereby created in and for the Town of Sweden the Landmarks Advisory Committee (hereinafter, the "Committee").
 - B. **Composition and Selection**
 1. The members of the Committee shall be appointed by the Town Board. The Committee shall consist of five (5) members, all of whom shall be town residents. One (1) member shall be a historian, and one member shall be an architect where possible. All members shall have a known interest in historic preservation and architectural development within the town of Sweden.
 2. The members of the Committee shall serve three-year terms except that initially two (2) members shall be appointed for a three-year term, two (2) for a two-year term and one (1) member for a one-year term.
 3. The Chairman and Vice Chairman of the Committee shall be appointed by the Town Board based on the recommendation of the Committee.
 4. Vacancies shall be filled by the Town Board.
 - C. **Powers and Duties**
 1. The Committee shall investigate, document and make recommendations, at its discretion, to the Town Board to designate landmarks, landmark sites, historic districts, and rural landscapes/viewsapes, pursuant to Section III herein.
 2. The Committee shall make recommendations for the maintenance of the historic character of the designated landmarks, landmark sites and historic districts and rural landscapes/viewsapes.

3. The committee, in carrying out the aforementioned duties, shall have the power to:
 - a) Promulgate rules and regulations as necessary for the conduct of its business as set forth in this chapter.
 - b) Adopt criteria for the identification of significant historic, architectural and cultural structures, sites and areas for the delineation of historic districts.
 - c) Conduct surveys, in consultation with public or primate agencies, if appropriate, of buildings for the purpose of determining those of historic, architectural or cultural significance and pertinent facts about them.
 - d) Identify structures or resources as landmarks, landmark sites and historic districts.
 - e) Increase public awareness of the value of historic, architectural and cultural preservation by developing and participating in public information programs.
 - f) Make recommendations to the Town Board of Sweden concerning the utilization of state, federal or private funds to promote the preservation of landmarks, historic districts and rural landscapes/viewsapes within the town.
 - g) Formulate and public recommendations concerning the preparation of maps, brochures and historical markers for designated historic, architectural and cultural landmarks, landmark sites and buildings and rural landscapes/viewsapes.
 - h) Advise owners of historic buildings on problems and benefits of preservation and restoration. Assist owners of historical buildings with preservation plans and activities, and provide advice as to recommended restoration or choice of appropriate materials, as compatible with the historic nature of the landmark, landmark site and/or historical district and rural landscapes/viewsapes and the intent of this chapter.

- D. The Committee shall meet at least semiannually, but meetings may be held at any time on the written request of any two (2) of the Committee members or on the call of the Chairman of the Town Board. Minutes of all meetings shall be required and shall become part of the public record.
- E. A majority of the Committee shall constitute a quorum for the transaction of its business or the performance of its functions and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendations or other acts of the Committee.

III. DESIGNATION OF LANDMARKS OR HISTORIC DISTRICTS

- A. Owners of properties wishing to be considered for landmark status should contact the Landmarks Advisory Committee.
- B. The Town Board, upon recommendation of the Committee and with the concurrence of the owner(s), and after consultation with the Town Planning Board, may designate an individual property, building, structure, place or work of art or other object constituting a physical betterment of real property,

or any part of such betterment, a landmark or landmark site or rural landscapes/viewsapes if it:

1. Possesses special character of historic or aesthetic interest or value as part of the cultural, political, economic, social or military heritage of the town, region, state or nation.
 2. Is identified with historic personages.
 3. Embodies distinctive characteristics of a type, period or method of construction, or possesses unique architectural and artistic qualities.
 4. Is the work of a designer, architect or master whose work has significantly influenced an age.
 5. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.
- C. The Town Board, upon recommendation of the Committee, and with the concurrence of the owners, may designate a group of properties as an historic district if it:
1. Contains properties which meet one (1) or more of the criteria for designation of a landmark or landmark site.
 2. Possesses a unique overall quality of architectural scale, texture, form and visual homogeneity, even though certain structures within the district may lack individual distinction or integrity.
 3. By reason of possessing such qualities, constitutes a distinct section of the town.
- D. Notice of a proposed designation shall be sent by registered mail to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing by the Town Board to consider the designation.
- E. The Town Board shall hold a public hearing prior to designation of any landmark, landmark site or historic district or rural landscapes/viewsapes. The Committee, 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, landmark site or historical district. The record may also contain staff reports, public comments or other evidence offered outside of the hearing.
- F. The town Board shall file notice of each property designated as a landmark or landmark site and of the boundaries of each designated historic district in the office of the Town Clerk.
- G. Within ten (10) days following the adoption of a resolution establishing a landmark, landmark site or historic district or rural landscapes/viewsapes, such property or area shall be so designated on the Official Map of the town, and will indicate the portions of the land embracing the landmark, landmark site historic district or rural landscapes/viewsapes.
- H. Any designation made under this chapter shall be in full force and effect from and after the date of filing the notice in the Town Clerk's office.

- IV. CERTIFICATE OF APPROPRIATENESS: REGULATION OF ANY ALTERATION, CONSTRUCTION, RECONSTRUCTION OR DEMOLITION
- A. No person shall alter, construct, remove, reconstruct, demolish, or otherwise significantly change the exterior of any property designated a landmark or within the historic district without first obtaining a certificate of appropriateness from the Landmarks Advisory Committee.
1. Exterior improvements which need the approval of the Committee include:
 - a) Erection of a new building
 - b) Demolition of a building, porch, garage or any part thereof.
 - c) Additions, alterations, enclosures of porches.
 - d) Replacement of windows or doors with different size, type or design.
 - e) Erection of a new fire escape, fence or new sign or replacement sign.
 - f) Sandblasting or other chemical treatment of brick or stone.
 - g) Any additions or substantial alterations to the exterior sidewalls or roofs.
 - h) Any major change in landscaping, and changes in the amount of paving in parking areas and their screening.
 2. Criteria for approval of a Certificate of Appropriateness In Determining Compatibility, The Committee Shall Consider The Following Factors:
 - a) the general design, character, and appropriateness to the property of the proposed alteration or new construction;
 - b) the scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
 - c) texture, materials, and color and their relation to similar features of other properties in the neighborhood;
 - d) visual compatibility with surrounding properties, including proportion of the property's front façade, proportion and arrangement of windows and other openings within the façade, roof shape, and the rhythm of spacing of properties on streets, including setback;
 - e) the importance of historic, architectural, or other features to the significance of the property.
- B. The following procedures shall apply in regard to such a change in any such property.
1. Any application to the Town of Sweden for a building permit for a change as described above shall also be deemed an application for a certificate of appropriateness and shall be forwarded to the Landmarks Advisory Committee with copies of all detailed plans, elevations, specifications and documents relating thereto. An application must be filed with the Landmarks Advisory Committee even if no permit is required by the town for a change. The Landmark Advisory Committee shall act on such applications within twenty (20) working days. No

- building permit shall be issued for the work until a certificate of appropriateness has been issued by the Landmarks Advisory Committee.
2. Any request for change which would require a variance would be handled as specified in the Zoning Code.
 3. If the Landmarks Advisory Committee finds that the change proposed by the applicant will not adversely affect any significance historic or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this ordinance or will remedy any conditions imminently dangerous to life, health or property, as determined by the Building or the Fire Department, then the Landmarks Advisory Committee shall issue a Certificate of Appropriateness. No building permit shall be issued until a Certificate of Appropriateness had been issued by the Landmarks Advisory Committee. This Certificate shall be in addition to, not in lieu of, any building permit or variances required by the town.
 4. If the Landmarks Advisory Committee finds that the change proposed by the applicant will adversely affect any significant property or is inappropriate or is inconsistent with the spirit and purpose of this ordinance, the Landmarks Advisory Committee shall disapprove the application and so advise the applicant in writing and a copy shall be filed with the Town Clerk's Office within thirty days after receiving the application.
 5. Hardship Criteria – An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the grounds of hardship. Hardship will be adjudged on the basis of the following criteria:
 - a) the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - b) the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 - c) efforts to find a purchaser interested in acquiring the property and preserving it have failed.
 6. Appeals – Any person aggrieved by the decision of the Landmarks Advisory Committee by reason of hardship or by disapproval of application for Certificate of Appropriateness may, within 30 days of the decision, file a written application with the Town Board for review of the decision.

V. MAINTENANCE AND REPAIR

- A. Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior feature of a landmark property or property within an historic district which does not involve a change in design, material or outward appearance thereof, nor prevent any change that the Building Inspector shall certify is required by public safety.

1. Every owner, lessee, or occupant of a designated historic property shall keep same in good repair:
 - a) All of the exterior portions of such properties.
 - b) All interior portions thereof which, if not maintained may cause exterior portions to deteriorate.
2. The provisions of this section shall be in addition to all other provisions of law requiring any such improvements.