

## **Village of Athens Zoning Review Committee**

Minutes from meeting on December 18, 2008; Committee members in attendance: Margaret Moree, Chris Pfister, Tim O'Leary, and Chairman Mark Levanway.

Chairman Levanway opened the meeting with Chris Pfister reviewing the email he received from Joe Catalano dated Thursday, December 18, 2008 regarding the Arthur & Joanne Rasmussen Charitable Remainder Trust, owner of a parcel of real property located on the southeastern corner of Washington Street and Brick Row (hand-outs of the email were given to each Committee member in attendance).

### Recommended Changes to the Proposed Zoning Code:

## **92-16. HISTORIC DISTRICTS**

### **SECTION 1: PURPOSE**

The intent of this Section is to promote the educational, cultural, economic and general welfare of the public through the protection, enhancement, perpetuation and preservation of the Historic Districts and other Designated Landmarks.

The Village of Athens possesses many buildings, structures and areas of historic, architectural and aesthetic value, all of which contribute to its physical well being and cultural heritage. These assets provide a sense of identity and place that should be perpetuated, conserved, protected and enhanced as part of the promotion of the general welfare of the community. This historical architecture of Athens includes a wide variety of styles including early Dutch, Colonial, Federal, Greek revival, Queen Anne, Second Empire and Arts & Crafts. However these assets also tell the valuable story of how a community evolved over two hundred years.

It is hereby declared as a matter of public policy that the protections, enhancement and perpetuation of these Historic Districts and Designated Landmarks are intended to:

**(A) Change to:** To promote recognition of the unique identity of the Village of Athens;

**(B) Change to:** To foster civic pride;

**(C) Change to:** To protect and enhance the distinctive elements of Athens' historic, architectural and cultural heritage;

**(D) Change to:** To provide stimulus for economic development in the area;

**(E) Add:** To attract visitors to the area and support Main Street and Waterfront Revitalization Programs;

**(F) Add:** To insure the harmonious, orderly and efficient growth and development of the Village;

**(G) Add:** To provide future generations an understanding of the history of the Village of Athens;

**(H) Add:** To preserve the craftsmanship of our ancestors;

**(I) Add:** To educate the general public on historic preservation, its techniques and its role in our community.

**ADD: AUTHORITY**

In accordance with §96-A of the General Municipal Law of the State of New York, entitled "Protection of historical places, buildings and works of art," Article 5-K of the General Municipal Law of the State of New York, entitled "Historic Preservation," the State Historic Preservation Act (L.1980, c.354) and the Municipal Home Rule Law of the State of New York, the Village Board of Athens has authority to provide by local law, regulations special conditions and restrictions intended for the protection, enhancement, perpetuation and the use of places, districts, sites, buildings, structures, works of art and other objects having special character or special historical or other aesthetic interest or value. Pursuant to that authority, the Village Board prepared and adopted this article.

**SECTION 2: HISTORIC PRESERVATION COMMISSION**

**THERE IS HEREBY CREATED A COMMISSION TO BE KNOWN AS THE VILLAGE OF ATHENS HISTORIC PRESERVATION COMMISSION.**

**(A) CHANGES TO BE MADE:** The commission shall consist of five (from seven) members to be appointed by the Mayor and ratified by the Board of Trustees and composed, to the extent available in the community as follows:

- 1). All members shall have an interest in historic preservation and the economic and architectural development of the Village of Athens **OR**
- 2). At least one member shall be a resident of a Historic District **OR**
- 3). At least one member shall be a member of the Planning Board.
- 4). At least one member shall demonstrate knowledge of historic preservation techniques either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, **OR** have a background in historic preservation construction.

## **SECTION 2: HISTORIC PRESERVATION COMMISSION**

**(B) CHANGE TO READ:** Commission members shall serve for a term of four years with the exception of the initial term of one of the five members, one of which shall be one year, one, which shall be two years and one, which shall be three years.

**(C) CHANGE TO READ:** The chairperson of the Commission shall be selected by the Mayor from the Commission members, ratified by the Board of Trustees and shall serve for a term of two years.

### **(D) THE POWERS OF THE COMMISSION SHALL INCLUDE:**

- (i) **Change to:** Employment of staff to maintain records of meetings and all decisions;
- (ii) **Remains the same.**
- (iii) **Addition to:** Adoption of criteria for the identification of significant historic, architectural, cultural landmarks.
- (iv & v) **Combine to read:** Recommend to the Village Board the designation of identified structures or resources and landmarks by conducting within the Village significant surveys of historical, cultural and architectural landmarks;
- (vi) **Delete entire paragraph.**
- (vii) **To remain as is.**

**(viii) Replace with:** Assisting the Village in development of grant applications for State, Federal and private funding to promote the preservation of landmarks and historic districts within the Village;

**(ix) Delete entire paragraph.**

**(x) To remain as is.**

## **SECTION 2: HISTORIC PRESERVATION COMMISSION**

**(E) Remains the same.**

**(F) Change to:** A quorum for the transaction of business shall consist of three of the Commission's members, but not less than a majority of the full-authorized membership may grant or deny a Certificate of Appropriateness.

## **SECTION 3: DESIGNATION OF LANDMARKS**

**(A) Change to:** The Commission may recommend an individual property as a landmark if it:

**(i) Remains the same.**

**(ii) Delete entirely.**

**(iii) Remains the same.**

**(iv) Remains the same.**

**(v) Remains the same**

**(B) Change to:** The Commission may recommend a property for a landmark designation outside the historic preservation boundaries.

**(i) Remains the same.**

**(ii) Remains the same.**

**Delete:** The boundaries of each historic district designated henceforth shall be specified in detail and shall be filed, in writing, in the Village Clerk's Office for public inspection.

### **SECTION 3: DESIGNATION OF LANDMARKS**

**(C) Change to:** Notice of a proposed designation shall be sent by registered mail to the owner of the property proposed for describing the property and announcing a public hearing by The Commission for consideration. Notice shall be published at least once in a newspaper of general circulation at least ten days prior to the date of public hearing. Once the Board of Trustees has issued notice of a proposed designation, no building permits shall be issued by the Code Enforcement office until the Board of Trustees has made its decision.

**(D) Change to:** The Commission shall hold a public hearing prior to any recommendation of any landmarks. The Commission, 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. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing.

**(E) Delete.**

### **SECTION 4: CERTIFICATE OF APPROPRIATENESS FOR ALTERATION, DEMOLITION OR NEW CONSTRUCTION AFFECTING LANDMARKS FOR HISTORIC DISTRICTS**

**CHANGE TO READ:** No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within a historic district, nor shall any person make any material change in the appearance of such property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements (excluding vegetation) which affect the appearance and cohesiveness of the landmark for historic district, without first obtaining a certificate of appropriateness from the Historic Preservation Commission.

## **SECTION 5: CRITERIA FOR APPROVAL OF A CERTIFICATE OF APPROPRIATENESS**

**(A) CHANGE TO:** In passing upon an application for a certificate of appropriateness, the Historic Preservation Committee shall not consider changes to interior spaces.

**(i), (ii), (iii) – Delete.**

**(B) CHANGE TO:** It shall consider the following factors:

**(i), (ii), (iii), (iv), (v) – Remains the same.**

**\*(NOTE) – THE ZRC WILL CONTINUE TO REVIEW THIS SECTION. CHANGES MAY OR MAY NOT BE MADE AT A LATER DATE.**

Chairman Levanway asked the Committee members to get ready for the next meeting by reviewing 92-16, sections 6, 7, 8 & 9.

Meeting adjourned by Chairman Levanway at 9:15 pm. Next meeting January 15, 2009 at 6:30 pm

RMH/me

CC: Andrea Smallwood, Mayor