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State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of North Salem
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Community Type - applicable to:	Suburban; Rural
Title:	Town of North Salem Historic Road Preservation Ordinance
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Abstract

This law designed to protect and preserve historical roads in the Town of North Salem, NY. The law is designed to accomplish this by: (1) designating, protecting, preserving and maintaining certain roads within North Salem which shall qualify, under the definition stated in this chapter, as historic roads, (2) setting forth criteria for designation of roads within the Town, which may be found to qualify, (3) prescribing guidelines for maintenance of these historic roads, and (4) providing for the educational, cultural, recreational, environmental, aesthetic, economic and general welfare benefits, which are derived from such historic road preservation.

Resource

Town of North Salem NY Historic Road Preservation
Code of the Town of North Salem NY
Chapter 131: Historic Road Preservation
General Code
http://gcp.esub.net/cgi-bin/om_isapi.dll?clientID=61841&infobase=no1178.nfo&softpage=Browse_Frame_Pg42
[HISTORY: Adopted by the Town Board of the Town of North Salem 12-12-2000 by L.L. No. 5-2000. Amendments noted where applicable.]

§ 131-1. Title.

This chapter shall be known as the "Historic Road Preservation Law of the Town of North Salem, New York."

§ 131-2. Findings and purposes.

A. The Town Board of the Town of North Salem finds and declares a matter of public policy that it is desirable and necessary to provide for the protection, enhancement, preservation and maintenance of certain historic roads, by reason of their historical significance to the Town, county, state or nation, and their contribution to the character and physical appearance of the community. The continuing presence of these roads is an important and essential element of the identity of North Salem.

B. It is the legislative intent of this chapter to:

(1) Designate, protect, preserve and maintain certain roads within North Salem which shall qualify, under the definition stated in this chapter, as historic roads.

(2) Set criteria for designation of roads within the Town, which may be found to qualify.

(3) Prescribe guidelines for maintenance of these historic roads.

(4) Provide for the educational, cultural, recreational, environmental, aesthetic, economic and general welfare benefits, which are derived from such historic road preservation.

§ 131-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HISTORIC ROAD -- Any road of historical value or aesthetic interest by reason of its antiquity as a cultural or heritage resource to the Town, county, state or country may be classified as an historical road. Historic roads may be any specific highways, arterials, collectors, local roads or other transportation routes located within the Town which are found to contain historic qualities, as determined by one or more of the following categories:

A. **AESTHETIC ROUTES** -- These represent historic roads for which the primary rationale for development was the design and provision of a specific visitor experience. Aesthetic routes, such as parkways and park roads, have historically been intensively designed and developed for the purpose of leisure, recreation and commemoration. They typically follow the natural topography of the region. They are roads for which the alignment and details are key to the experience. Special materials, planting, lighting, well-preserved stone walls, rock outcrops, historic buildings and even building facades contribute to the character of these roads. Alterations to any component of these roads will significantly impact the historic integrity of the resource.

B. **ENGINEERED ROUTES** -- Roads designed for a specific transportation goal, such as the movement of people, goods and services, represent the largest category of roads. They will have a documented origin or authorization and construction date. These

are roads that may have been developed to open isolated areas to commerce, link the nation or simply serve our communities - roads for which the aesthetic experience was often secondary. Their alignment and detail are important in their representation of technology and culture. Many city grid patterns and our first transcontinental highways are typical of this category.

C. CULTURAL ROUTES -- These routes evolved through necessity or tradition. While these roads may have a documented date of origin, they were developed without the intensive engineering and design practices associated with aesthetic and engineered routes. These may be routes that have evolved from Native American trails, colonial post roads or simply from convenient connections between villages.

DESIGNATION BOUNDARY -- The designation boundary for any historic road shall include the entire length and width of each designated road or section thereof, including any rights-of-way held by the Town of North Salem unless otherwise specified at the time of designation.

STONE WALLS -- All fences made of stone to delineate boundaries, such as stone walls, rock walls, rock fences or stone rows. These stone walls shall include, but not be limited to, the following:

A. To delineate cow runs and pastures and to establish animal pounds. Found in New York and New England on 18th, 19th and 20th century farms.

B. As ruins of earlier inhabitants, i.e. Celts, Irish monks.

C. As boundaries of the New York reservoir system built by Irish and Italian immigrant stone masons at the end of the 19th century and early 20th century.

D. As boundaries and features of homes and estates built by Italian immigrants in the early part of the 20th century.

§ 131-4. Designation criteria.

A. Context. The Historic Preservation Commission shall review and consider for designation as "historic" any additional roads which substantially conform to the following criteria:

(1) Roads on which events occurred that have made a significant contribution to, are identified prominently with or which represent the broad cultural, political, economic, military or social history of the Town, and from which an understanding and appreciation of the larger patterns of our American heritage may be gained.

(2) Roads associated with the lives of persons nationally or locally significant in the history of the United States, or that figured prominently in nationally significant events.

(3) Roads significantly associated with an important historical event that represent some great idea or ideal of the American people.

(4) Roads that embody the distinguishing characteristics of a specific type of construction, or a notable design representing the work of a master builder or engineer, or the travel routes of a specific civilization.

(5) Roads that have produced information by shedding light upon historical periods over large areas of the Town of North Salem.

B. Integrity. To possess historic significance, a road must possess integrity.

(1) For an historic road designation, "integrity" means original location, including direction, curves, angles and intangible elements of feeling and association.

(2) It is desirable that each historic road contain sufficient land on either side of its corridor to preserve all the significant historical or cultural features associated with the road, and to be able to preserve such additional lands as may be needed to protect the historic scene of the road and provide unobtrusive buffers.

(3) The road and its authentic historically related environment should lend themselves to effective preservation and interpretation.

C. All interested parties have the right to confer with and present testimony to the Town Board throughout the designation process.

§ 131-5. Procedures for designation.

A. Filing procedures.

(1) The Historic Preservation Commission appointed pursuant and acting under the authority of Chapter 130 of this Code, on its own initiative may consider a highway or portion thereof for historic road designation. Property owners may petition the Preservation Commission for a designation of a highway or portion thereof as an historic road. The petition shall state what road or portion of road is requested to be designated as an historic road and describe those characteristics of the road which qualify it for historic road status, as well as other characteristics which enhance the historic character of the road. The petition shall be signed by the owners of a majority, i.e., greater than 50%, of lot frontage abutting the road or portion of the road in question (such ownership shall be verified by the Town Assessor), stating that they approve of designating the road or portion of road an historic road and indicating, to the best of their knowledge, their lot frontage along the road or portion of the road in question. Each signer of the petition shall indicate his or her address. The petition should also include the names and addresses of owners of lot frontage abutting the road or portion of road in question who did not sign the petition. The petition must contain the name, address and signature of the circulator of the petition, who must be a resident of North Salem. Said petition shall also have a signed

statement by the circulator that the circulator either knows each individual who signed the petition or that the signer satisfactorily identified himself or herself to the circulator.

(2) An original and one copy of the petition shall be filed with the Town Clerk, who shall retain the copy and forward the original to the Historic Preservation Commission.

(3) In order to designate a highway or portion thereof an historic road, the Preservation Commission shall first hold a public hearing regarding the designation of such road as an historic road. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town of North Salem at least twice in intervals of not less than two days, the first not more than 15 days, nor less than 10 days, and the last not less than two days prior to the date of such hearing and by sending a copy thereof by registered or certified mail to the owners of lots fronting the highway or the portion of the highway to be designated as an historic road. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town of North Salem and addressed by certified mail to the owners of lots fronting on that highway or portion thereof designated as an historic road, by its secretary or clerk under his signature in any written, printed, typewritten or stamped form, within 15 days after such decision has been rendered. Such notice shall be a simple statement that the highway or a portion thereof was or was not recommended as an historic road to the Town Board by the Preservation Commission, together with the date of such recommendation. The grounds for the recommendation of designation or nondesignation shall be stated in the records of the Commission and shall include in as much detail as possible the special features that make the highway so designated historic, or the reasons for not recommending the designation.

B. Recording of boundaries. Upon notification that the Town Board has approved the recommendation of the Preservation Commission and designated an historic road, the Town Board shall immediately cause such property to be so designated on the Zoning Map of the Town of North Salem. A copy of the revised Zoning Map, this chapter and a designated analysis encompassing all its noteworthy features shall be promptly delivered to:

- (1) Town Clerk.
- (2) Zoning Board of Appeals.
- (3) Planning Board.
- (4) Architectural Review Board.
- (5) Historic Preservation Commission.
- (6) Superintendent of Highways.
- (7) The Building Inspector.

(8) New York State Department of Transportation (regional office).

(9) Westchester County Commissioner of Planning.

§ 131-6. Maintenance standards.

A. Routine maintenance.

(1) Routine maintenance, such as, for example, filling potholes and ruts, cleaning catch basins and the removal of invasive nuisance plant species, is permitted and shall be carried out so as to preserve to the highest degree possible the historic features of all such designated roads while ensuring the general safety of the travelling public. Routine maintenance shall not include any or all of the following activities:

(a) Widening of the travel portions of historic roads, except at the intersections of paved roadways for safety reasons.

(b) Changes of grade.

(c) Straightening or realignment.

(d) Removal of all, or a portion of, stone walls and bridges, other than is necessary to make reasonable openings for access.

(e) Removal of branches of mature trees, except where dead, diseased or damaged or presenting a risk to electric lines, homes or other structures.

(f) Trimming of branches of mature trees, except where dead, diseased or damaged or presenting a risk to electric line, homes or other structures.

(g) Paving existing unpaved historic road.

(h) Excessive use of salt or other chemicals to prevent damage to trees.

(2) On historic roads, or portions thereof, that are dirt, gravel or unpaved, maintenance on the traveled portion of the road shall be done in a manner to minimize root damage to bordering trees.

B. Natural disasters. In the event of a natural disaster in which an historic road, or portion thereof, becomes impassable or unsafe for public travel, any and all emergency repairs may be undertaken to restore the road to its predisaster condition.

C. Alterations and improvements.

(1) Neither the Town Board nor the Superintendent of Highways shall alter, improve or otherwise authorize an alteration or improvement to an historic road, or

portion thereof, without reviewing and conforming, to the maximum extent practicable, to the review guidelines below. Alteration of historic roads shall be discouraged except for reasons of the health, safety and welfare of the travelling public.

(2) As some historic roads, or portions thereof, within the Town of North Salem may be county or state roads, the Westchester County Superintendent of Highways and the New York State Department of Transportation shall follow the guidelines in this section to the maximum extent possible.

§ 131-7. Certificate of appropriateness.

A. A certificate of appropriateness as defined in Chapter 130 of this Code, shall be required before work can commence on any designated historic road, or portion thereof, and such a certificate shall be granted by the Town Board based upon the advisory recommendation of the North Salem Superintendent of Highways and the Historic Preservation Commission. Such certificate shall be required for any of the following, the application and processing for which shall conform to Chapter 130, § 130-6 of this Code:

(1) Demolition of an historic road, or replacement of same.

(2) Relocation, realignment, widening, reducing of width or any other physical change or alteration.

(3) Material change of the type of wearing surface, by addition, reconstruction, alteration or maintenance, including significant surface color change.

(4) Changes in existing environment along either or both sides of the road corridor, including any additional or new construction of physical structure, change to the natural resource base, including significant removal of flora, change in topography, or installation, or installation of signage which would have a negative impact on the historic road.

(5) The construction of new transportation routes adjacent to the designated historic road, including primary roads, secondary roads and nonpublic service roads.

(6) Changes in the road design, including width, slope, drainage, clearance (overhead and lateral obstruction) and pitch.

(7) Changes in the type of zoning and/or construction regulations for the land area adjacent to either or both sides of the historic road corridor.

(8) Changes in or the addition of new signs, street lighting, sidewalks, sewer systems, curbs, barriers, medians, tirestops, utility poles and various types of public parking lots.

(9) Changes in the type of designation in terms of type of transportation route (secondary route, primary road, etc.).

B. In formulating such recommendations with respect to any application for a certificate of appropriateness, the Town Board shall consider:

(1) The effect of the proposed work in altering, destroying or affecting the historic features and qualities of the road, tempered with the particular management needs of each individual road and of the region, in light of the general safety and welfare of the travelling public.

(2) The relationship between the results of such proposed work and the preservation of North Salem's rich historical, aesthetic and architectural resources.

§ 131-8. Special exception.

Public utilities and governmental agencies may be granted an exception to the provisions of this chapter only by approval of the Town Board upon written request by the public utility or governmental agency for such special exception setting forth the reasons for such request.

§ 131-9. Enforcement; penalties for offenses.

The enforcement of this chapter and penalties for offenses shall be undertaken in accordance with § 130-10 of this Code pertaining to same. In addition, the Town Board may institute any appropriate action or proceeding necessary to prevent an unlawful demolition, alteration, improvement or repair to any historic road or portion thereof so designated under this chapter.