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<b>Jurisdiction Type:</b>	Municipal
<b>Municipality:</b>	Village of Patchogue
<b>Year</b> ( <i>adopted, written, etc.</i> ):	1999-2005
<b>Community Type – applicable to:</b>	Suburban; Rural
<b>Title:</b>	Village of Patchogue Historical Preservation and Architectural Review Ordinance
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### ***Abstract***

It is the purpose of Chapter 93, § 70 of the Municipal Code for the Village of Patchogue to establish procedures and design criteria necessary to avoid buildings within the Village that lack uniformity or are inappropriately designed and located. The goal is to preserve and enhance the character, historical interest, beauty, and general welfare of the Village and to ensure that the location and design of buildings, signs, other structures, and open spaces in the Village aid in creating a balanced and harmonious composition of the whole as well as in the relationship of its several parts.

### ***Resource***

Village of Patchogue NY Historical Preservation and Architectural Review  
Code of the Village of Patchogue NY  
Chapter 93: Zoning

§ 93-70. Purpose.

The Board of Trustees find that the lack of uniformity, dissimilarity, inappropriateness or poor quality of design and location of buildings and appurtenant structures, including facades, exterior lighting and signs, adversely affect the desirability of the immediate and neighboring areas and, thereby, impair the benefits of occupancy of existing property and the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas and destroys the proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the intent of this article to establish procedures and design criteria necessary to avoid such results and to preserve and enhance the character, historical interest, beauty and general welfare of the Village and to ensure that the location and design of buildings, signs, other structures and open spaces in the Village shall aid in creating a balanced and harmonious composition of the whole as well as in the relationship of its several parts.

§ 93-71. Structure and responsibilities of Board.

A. A Board of Historic Preservation and Architectural Review (hereinafter the "Board") is hereby established, consisting of five members to be appointed by the Mayor with the approval of the Board of Trustees. The first appointments thereto shall be for terms so fixed so that one shall expire at the end of the current official year, two shall expire at the end of the next succeeding official year and the remaining two shall expire at the end of the following succeeding official year. Except as provided for, appointments shall be for a three-year term. The Village Historian shall be an ex-officio member of the Board. All members shall be residents of the Village. The Board shall appoint an Architectural Review Board alternate for a one-year term. [Amended 12-13-1999 by L.L. No. 9-1999]

B. The Board of Trustees may remove any member, for cause, after a duly noticed public hearing.

C. If a vacancy shall occur other than by expiration of a member's term, it shall be filled by an interim appointment for the remainder of the former member's unexpired term.

D. The Mayor shall designate a Chairperson of the Board, subject to the approval of the Board of Trustees. Such designation shall be for one official year of the Village and shall expire at the end of each official year. The Board shall designate a Vice Chairman and a Secretary.

E. The Board shall adopt rules of procedure as it may deem necessary to the proper exercise of its responsibilities with regard to architectural review and historic preservation.

F. All meetings of the Board shall be open to the public.

G. Every decision of the Board shall be by resolution and shall set forth findings upon which the Board based its determination. A quorum shall consist of three members and a vote by a majority of the members present shall be required for any determination.

H. The Board of Trustees may designate a licensed architect to advise the Board. The Board of Trustees may authorize other professional consultants, secretaries, clerks or such other personnel as may be necessary to assist the Board in carrying out its duties and powers. The Board of Trustees shall fix the compensation thereof and pay other expenses of the Board.

I. The Board is charged with the duty of maintaining the desirable character of the Village and shall review proposed construction, demolition, reconstruction and alterations of buildings, structures or signs.

J. The Board is charged with the duty of exercising sound judgment in the review of plans and designs to ensure the finished structure is in character with respect to the proposed style, materials, scale, form, proportion, line, color, detail and placement upon the property with existing structures and property.

K. In addition to the foregoing duties, the Board shall have the power to:

(1) Conduct surveys to determine the historic value and architectural significance to the community of structures over 75 years of age. [Amended 3-14-2005 by L.L. No. 6-2005]

(2) Formulate recommendations concerning the preparation of maps, brochures and historical markers for sites and structures with historic or architectural value.

(3) Advise the Board of Trustees, Planning Board and other municipal agencies in matters involving historic or architectural sites or structures.

(4) Make recommendations to the Board of Trustees for amendments to the Zoning Map with respect to the boundaries of the Historic District.

(5) Approve or disapprove the plans and/or specifications for any improvements, alterations and the selection of materials for any business, storefront or commercial building facade. [Added 3-14-2005 by L.L. No. 6-2005]

(6) Approve or disapprove the plans and/or specifications for any improvements, alterations and the selection of materials for the exterior of any dwellings that were built before 1930. [Added 3-14-2005 by L.L. No. 6-2005]

(7) Approve or disapprove the plans for any exterior signs, exterior illumination or lighting devices, for signs, facade improvements, alterations, or additions to facades, including the selection of materials and awnings, and any window sign placed within four feet of an exterior window. [Added 3-14-2005 by L.L. No. 6-2005]

(8) Approve or disapprove the design or concept for any mural to be painted upon a structure of any type if such mural is of a commercial nature or contains the name of a business entity. [Added 3-14-2005 by L.L. No. 6-2005]

L. The Board is charged with the duty of maintaining the desirable character of the Historic District and of designating historic and cultural landmarks. When reviewing plans relating to property in the Historic District and plans relating to a designated historic and cultural landmark, the Board shall utilize and be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as well as the provisions of Article XV of this Code.

§ 93-72. Review procedures.

A. Application for certificate of appropriateness.

(1) Prior to the commencement of activity requiring a certificate of appropriateness, the owner of the property or the owner's duly authorized agent shall file an application for such certificate with the Building Inspector, who shall make an initial determination as to whether the activity falls within § 93-77 of this article and, if the activity does not, the

Building Inspector shall forward the application to the Board of Historic Preservation and Architectural Review.

(2) An application for a certificate of appropriateness shall contain:

(a) The name, address and telephone number of the owner and the applicant and, if the applicant is not the owner of the property, the owner's written authorization to the applicant to make the application for a certificate of appropriateness.

(b) The location, tax map designation number and photographs not less than four inches by six inches of the property clearly indicating all public views.

(c) Upon request of the Board, elevation drawings showing existing conditions and proposed changes, including relationship to adjacent properties, if necessary in the Board's view.

(d) Upon request of the Board, perspective drawings, including relationship to adjacent properties, if necessary in the Board's view.

(e) Upon request of the Board, samples of color or materials to be used.

(f) Upon request of the Board, where the proposal includes signs or lettering, a drawing to scale showing the type of lettering, dimensions, colors, a description of materials, method of illumination, method of attachment to the property and a plan showing the sign's location on the property.

(g) Upon request of the Board, documentation of cultural remains and architectural details and features of the subject property.

(h) Any other information which the Board may deem necessary in order to determine the appropriateness of the proposed changes.

B. For projects requiring a certificate of appropriateness, a building permit shall not be issued for work until a certificate has been issued.

C. A person intending to engage in activity that does not require a building permit but is proscribed by § 93-73F shall not commence such activity without a certificate of appropriateness.

D. Meetings of the Board shall be held at such times as the Board may determine. When necessary, special meetings of the Board shall be held at the request of the Building Inspector or at the call of the Chairperson.

E. Within 62 days from the receipt of a completed application, the Board shall render a determination thereon. The Board may approve an application with conditions. The Board may hold a public hearing on an application to obtain information from the applicant and the

general public to aid in making its determination. The Board shall make its decision as to whether or not to hold a public hearing within 35 days of receipt of a completed application. Notice of such public hearing shall be published in a newspaper of general circulation in the village at least 10 days prior to the date of the public hearing. The public hearing shall take place no later than 60 days after receipt of a completed application. Upon consent of the applicant, the aforesaid time periods may be extended.

F. Determinations of the Board shall be in writing and shall state the findings upon which the determination is based. The Board's determination shall be filed with the Village Clerk and a copy shall be sent to the applicant by regular mail.

G. Except as provided in § 93-75A, where an application for a building permit involves only interior renovations, referral of such application to the Board shall not be required, and approval of such application by the Board shall not be required.

#### § 93-73. Designation of landmarks.

A. The Board shall make a study of the structures existing and situated in the village to identify, conserve, protect, enhance and perpetuate those structures within the village which, by reason of their particular or distinctive architectural style, general design, historic association or historic or architectural and historic heritage, shall recommend such structures to be designated as landmarks. Upon receipt by the Village Board of Trustees of any such recommendation from the Board of Historic Preservation and Architectural Review, the Board will schedule and conduct a public hearing in accordance with Article 21 of the Village Law, at which any interested party or citizens shall have an opportunity to be heard with respect to the proposed designation of any structures as a landmark.

B. A written notice of any proposed designation of a structure as a landmark under this section shall be given by first class mail by placing notice in the postage-paid envelope to the owner of record therefor at least 15 days prior to the date of the public hearing called for by this section.

C. In the event that the Village Board of Trustees shall adopt the proposed designation of a structure as a landmark, such designation shall be entered in the minutes of the Village Board of Trustees, and a copy thereof shall be published once in the official newspaper, and a copy of such designation shall be posted conspicuously at or near the entrance to the office of the Village Clerk. Affidavits of the publication and the posting thereof shall be filed with the Village Clerk. Such designation shall take effect 10 days after such publication and posting a copy or other notation of the designation shall be made in the Building Department file. Any subsequent certificate of zoning compliance, certificate of occupancy or the equivalent shall contain a notation of the designation and the statement pursuant to § 93-73F.

D. The following structures and properties are designated historic and cultural landmarks:

E. The Historic District is property located:

(1) Within the village except for property within those areas zoned A Residential.

F. No person shall carry out any exterior alteration, restoration, construction, reconstruction, demolition or moving of a structure or land of historic or historic trees or plantings upon property within a historic district, nor shall any person make any material change in appearance and cohesiveness of the historic district, without first obtaining a certificate of appropriateness from the Board of Historic Preservation and Architectural Review.

§ 93-74. Demolition or removal.

A. A permit pursuant to § 93-43 of the Code of the Village of Patchogue to demolish or remove a structure located within the Historic District shall not be issued without the applicant first obtaining a certificate of appropriateness.

B. In considering an application seeking demolition, the Board shall consider the historical and architectural value and significance of the building or structure and whether the demolition or removal will cause a substantial deviation from the purpose and intent of this chapter and the Board shall consider and be guided by the criteria and standards referred to herein.

§ 93-75. Criteria for approval of certificate of appropriateness.

A. In determining whether to approve or disapprove an application for a certificate of appropriateness, the Board shall not consider changes to interior spaces.

B. The Board's decision to approve or to disapprove shall be based upon the following principles:

(1) Features which make a significant contribution to the character of a landmark or the Historic District shall be altered as little as possible.

(2) Alterations of an existing feature or property shall be compatible with its historic character of the structure, as well as with the character of nearby properties so as to not diminish the value of any adjacent or nearby property.

(3) New construction shall be compatible with the character of nearby properties in and around the Historic District and shall not diminish the value of any adjacent or nearby property.

(4) Alterations and new construction shall not significantly diminish the value of any adjacent or nearby property.

C. In applying the principle of compatibility, the Board shall consider the following factors:

(1) The general design, character and appropriateness to the property of the proposed alterations or new construction.

(2) The scale of the proposed alteration or new construction to the property itself and the surrounding properties and neighborhood.

(3) Texture, materials and color and their relation to similar features of other properties in the neighborhood.

(4) Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape and the spacing of properties on streets, including setback.

(5) The importance of features or property to be changed to the historic, architectural, cultural or other significance of such feature or property.

#### § 93-76. Enforcement.

Work performed pursuant to a certificate of appropriateness shall conform to the requirements set forth therein. It shall be the duty of the Building Inspector to inspect periodically any such work to assure compliance.

#### § 93-77. Maintenance and repair required.

A. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any feature of a landmark or property within a Historic District which does not involve a change in design, material, color or outward appearance.

B. No owner or person with an interest in real property designated as a landmark or included within a Historic District shall permit the property to fall into a state of disrepair so as to cause, in the judgment of the Board, a detrimental effect upon the character of the landmark or Historic District.

C. Upon the Board's finding that a property either designated as a landmark or within the Historic District has fallen into a state of disrepair so as to cause, in the judgment of the Board, a detrimental effect upon the character of the landmark or Historic District. The Board may direct remedial steps be taken if after the twenty-day notice to the record owner of such direction by certified return receipt registered and regular mail, may take such steps including a request to the Board of Trustees to hire and direct the performance of such repairs or maintenance as may be immediately necessary. The cost of such material for repairs shall be a lien against the property and shall be payable accordingly. No hardship application or appeal to the Board of Appeals shall lie from any direction to maintain a cure or state of disrepair under this section.

#### § 93-78. Appeals.

Any person aggrieved by a determination of the Board may appeal therefrom to the Board of Zoning Appeals in the same manner as is provided for in the Article governing application of the Board of Zoning Appeals, and the Board of Zoning Appeals shall consider whether disapproval will cause unnecessary hardship and may reverse the denial of the application and grant the application with or without conditions.