

VILLAGE OF SKANEATELES  
LOCAL LAW #1 OF 2013

A LOCAL LAW TO AMEND SECTION 225-25 (“HISTORICAL LANDMARKS”)  
OF THE CODE OF THE VILLAGE OF SKANEATELES

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF SKANEATELES:

**Statement of Intent and Findings.**

The Board of Trustees has determined that it is necessary and appropriate to modify several provisions of the Village Code relating to Section 225-25 (“Historical Landmarks”) in order to revise the makeup and function of the Historic Landmarks Preservation Commission.

**Authority.**

This Local Law is enacted pursuant to the authority granted by the New York State Municipal Home Rule Law, Section 10, and General Municipal Law Section 96-a.

**Text of Proposed Local Law.**

Section 225-25 is deleted in its entirety and replaced with the following: (deletions are lined out and new additions are shaded).

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**“§ 225-25. Historical landmarks.**

*Editor's Note: See also Ch. 127, Historic District.*

- A. Authorization. Section 96-a of the General Municipal Law authorizes the Board of Trustees to provide by regulations, special conditions and restrictions for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, works of art and other objects having special character or special historical or aesthetic interest or value and provides that such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both.
- B. Definition. As used in this section, the following terms shall have the meanings indicated:

## **HISTORICAL LANDMARK**

Includes places, districts, sites, buildings, structures, works of art and other objects determined, as provided in this section, to be of or possess special character or special historical or aesthetic interest or value deserving protection, enhancement, perpetuation and use, if so designated as an historical landmark by the Board of Trustees as provide herein.

- C. Purpose. The Board of Trustees hereby declares that the protection, enhancement, perpetuation and preservation of historical landmarks is a public purpose necessary to promote the education, pleasure and general welfare of the citizens of the Village.
- D. Historical Landmarks Preservation Commission created. The Mayor of the Village may appoint a Historical Landmarks Preservation Commission composed of ~~at least seven and not more than 11~~ five members. To the extent practicable, the members of said Commission shall include persons representative of the architectural and planning profession, ~~and of the local historical society,~~ and the construction and building trades. At least three of the five members shall be owners of property in the Village's Historic District.

**[Amended 1-22-2007 by L.L. No. 1-2007]**

E. Designation of historical landmarks.

- (1) Survey. It shall be the duty of the Historical Landmarks Preservation Commission to conduct a survey of all places, districts, sites, buildings, structures, works of art and other objects which, in the opinion of the Historical Landmarks Preservation Commission, should be designated as historical landmarks.
- (2) Report of Commission. Upon the completion of the survey described in Subsection **E(1)**, the Historical Landmarks Preservation Commission shall deliver a written report to the Board of Trustees recommending the designation of certain places, districts, sites, buildings, structures, works of art and other objects as historical landmarks.
- (3) Public hearing. Upon receipt of the written report of the Historical Landmarks Preservation Commission, the Board of Trustees shall schedule a public hearing thereon.
- (4) Designation by local law. If after the aforesaid public hearing the Board of Trustees desires to designate a particular place, district, site, building, structure, work of art or other object as an historical landmark, the Board of Trustees shall designate the same as an historical landmark by enacting a local law to accomplish such purpose. Upon the effective date of such local law, the Village Clerk/Treasurer shall make appropriate notations and references to the location of the designated historical landmark on the Zoning Map.

F. Additional powers of Historical Landmarks Preservation Commission.

- (1) Nothing contained in this section shall be construed as authorizing the Historical Landmarks Preservation Commission, when acting with respect to any historical landmark ~~or in adopting regulations in relation thereto~~, to ~~regulate or~~ limit the height and bulk of buildings, to ~~regulate and~~ determine the area of yards, courts and other open spaces, to ~~regulate~~ limit density of population or to ~~regulate and~~ restrict the locations of specific uses or location of buildings designed for specific uses or to create districts for any such purpose which is in excess of or in derogation of this chapter.
- (2) ~~Except as provided in Subsection F(1), the Historical Landmarks Preservation Commission may, in exercising or performing its powers, duties or functions under this section with respect to any improvement to a historical landmark, apply or impose, with respect to the construction, reconstruction, alteration, demolition or use of such improvement, determinations or conditions which are more restrictive than those prescribed or made by or pursuant to other provisions of law applicable to such activities, work or use.~~

The role of the Historic Landmarks Preservation Commission shall be advisory only. Upon referral to it of any matter referred by the Code Enforcement Officer, the Planning Board or the Zoning Board of Appeals, the Historic Landmarks Preservation Commission shall consider such matter and shall make such recommendation as it deems appropriate to the referring Board or Officer.

#### G. Regulations with respect to historical landmarks.

- (1) General. No changes in any exterior architectural feature of an historical landmark, including but not limited to construction, reconstruction, alteration, restoration, removal, demolition, or painting, shall be made except as hereinafter provided.
- (2) Exception. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of an historical landmark which does not involve a change in the design, material, color or outward appearance thereof. Nothing in this section shall be construed to prevent the construction, reconstruction, alteration or demolition of any exterior architectural feature of an historical landmark which the Code Enforcement Officer shall certify is required by public safety because of dangerous or unsafe conditions.
- (3) Certificate of approval.
  - (a) General. Notwithstanding any inconsistent ordinance, local law, code, rule or regulation concerning the issuance of building permits, no change in any exterior architectural feature of an historical landmark shall be commenced without a certificate of approval from the ~~Historical Landmarks Preservation Commission~~ Code Enforcement Officer or Planning Board, nor shall any permits for such change be issued without such a certificate of approval having first been issued. The certificate of approval required by this section shall be in addition to, and not in lieu

of, any other permit that may be required by any provision of this chapter or any other ordinance, local law, code, rule or regulation of the Village.

- (b) Procedure and fee to accompany application. Each application for a certificate of approval which also requires an application for a ~~building permit~~ site plan review or variance pursuant to the provisions of Chapter ~~76, Building Construction, Article II,~~ 225 (Zoning) of the Code of the Village of Skaneateles, as amended, and a public hearing as provided by the following Subsection ~~G(3)(c)~~ shall be accompanied by a nonrefundable fee which shall be promulgated periodically by the Board of Trustees. All applications to the Historical Landmarks Preservation Commission for a certificate of approval shall be made in writing upon forms prescribed by ~~said Commission~~ the Code Enforcement Officer and shall contain the following information:

[1] Name, address and telephone number of applicant.

[2] Location of building, structure or land the architectural features of which are proposed to be changed.

[3] Elevations of proposed change.

[4] Perspective drawing of proposed change.

[5] Samples of color or materials to be used in proposed change.

[6] Where proposed change includes signs or lettering, a scale drawing showing type of lettering; all dimensions and colors; a description of materials to be used and method of illumination, if any; and a plan showing location on the building, structure or land, made by or pursuant to other provisions of law applicable to such activities, work or use.

Upon receipt of a completed application the Code Enforcement Officer shall refer said application to the Historic Landmark's Preservation Commission, which shall then review said application and make a recommendation. Such review may take place concurrently with Planning Board or Zoning Board review.

- (c) Public hearing. If the purpose for an application for a certificate of approval also requires an application for a ~~building permit pursuant to said Chapter 76, Building Construction, Article II,~~ site plan review or variance, the ~~Historical Landmarks Preservation Commission~~ Planning Board or Zoning Board of Appeals shall hold a public hearing prior to taking any final action on such application. Said hearing shall be held not less than ~~15~~ 5 days after publication of the notice for such hearing in the official newspaper for the Village.

- (d) Issuance of certificate. Within a reasonable time after application is filed, or within such further time as the applicant may in writing allow, the ~~Historical Landmarks~~

~~Preservation Commission~~ Code Enforcement Officer or Planning Board shall take final action to approve or deny the application for a certificate of approval. Such application for a certificate of approval shall not be approved unless the proposed construction, reconstruction or alteration of the exterior architectural feature involved will be appropriate to the preservation of the historical landmark for the purposes of this article or unless, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved, failure to issue a certificate of approval will involve a substantial hardship to the applicant and such certificate may be issued without substantial detriment to the public welfare and without substantial deviation from the intent and purposes of this article. In passing upon appropriateness, the ~~Commission~~ Planning Board shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior architectural feature involved and the relationship thereof to the exterior architectural features of other structures in the immediate neighborhood.

~~(e) Appeal to Board of Trustees. In any case where an application for a certificate of approval with respect to an historical landmark is filed with the Historical Landmarks Preservation Commission and is denied, the applicant may appeal such denial to the Board of Trustees. If the applicant establishes to the satisfaction of the Board of Trustees that the site which includes such historical landmark may not be put to a reasonable use without such certificate of approval being issued, the Board of Trustees may either order that the certificate of approval be granted or order other appropriate relief. If an application for a certificate of approval does not require site plan review by the Planning Board, or a variance by the Zoning Board of Appeals, the Code Enforcement Officer may issue such certificate following receipt of a recommendation from the Historical Landmarks Preservation Commission.~~

H. Restriction of property in vicinity of historical landmark: For the purposes of this section, the development or redevelopment of any lot or the structures or improvements thereon located within 500 feet of an historical landmark designated on the Zoning Map as provided herein is hereby defined as a critical impact use subject to the provisions of Article XI of this chapter.

I. Old Stone Mill.

**[Added 3-10-2003 by L.L. No. 2-2003]**

(1) Legislative findings, intent and purpose.

(a) Local Law No. 2-1975, subsequently codified as this § **225-25** of the Zoning Law of the Village of Skaneateles, regulated and restricted the use of places, districts, sites and buildings of special historical or aesthetic interest or value to the community. The purpose was to promote the education, pleasure and general welfare of the citizens of the Village.

- (b) Under the local law, the Historical Landmarks Preservation Commission was created with the power to identify and oversee improvements and alterations to an historical landmark, applying or imposing determinations or conditions necessary to protect, enhance, perpetuate and preserve historical identity.
  - (c) The Board of Trustees enacted Local Law No. 2-1985 designating a portion of the Village as an historical landmark district. *Editor's Note: See Ch. 127, Historic District.*
  - (d) The Board of Trustees recognizes that within an historic district there are specific buildings, structures or sites which possess a unique characteristic or aesthetic interest or value as part of the cultural, political, economic or social history of the community, and due to the unique location or singular physical characteristic said building, structure or site represents an established and familiar visual feature of the neighborhood and requires the specific designation as an historic landmark even though existing within the boundaries of an historic district.
  - (e) On December 11, 2002, the Historical Landmarks Preservation Commission recommended to this Board that the Old Stone Mill located at 3 Fennel Street be designated a specific historic landmark within the historical landmark district due to the unique and special character, quality and aesthetic interest intrinsically related to the cultural, economic and social history of our community and because due to its unique location and singular physical characteristic the building represents an established and familiar visual feature of the neighborhood.
  - (f) The Commission found that the Old Stone Mill building is the only original mill within the Village, is constructed of 1845 native stone and is one of the oldest commercial buildings in the Village. It is a dominate architectural feature anchoring the historical district and represents a historic tie to our architectural roots and as such has an historical, social, cultural, architectural and aesthetic significance to the Village.
  - (g) *The Old Stone Mill is presently in a state of disrepair and on the precipice of irreparable damage. Restoration will require extensive rehabilitation.*
  - (h) It is the intent of the Board of Trustees to designate the Old Stone Mill building as an historical landmark and recommend to the Historic Landmarks Preservation Commission that the following specific guidelines be followed prior to the issuance of a certificate of approval as provided in § 225-25G(3) of this chapter.
- (2) Historic landmark. The building known as the Old Stone Mill at 3 Fennel Street in the Village of Skaneateles is designated as an historic landmark.
- (3) Criteria for certificate of approval. The Historical Landmarks Preservation Commission will continue to follow the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, United States Department of the Interior, National Park Service, Preservation Assistance Division, in reviewing applications for certificates of approval

with specific consideration of the following for the Old Stone Mill as a designated historic landmark building:

- (a) The distinguishing original qualities or character of the building and its environment shall not be destroyed.
- (b) Removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
- (c) Changes to the building which may have taken place in the course of time and are not evidence of any history and development of the building and its environment should be removed so to preserve the original structure within the confines of the stone facades and footprint. If said removal, in part or whole, is economically unfeasible for the use of said building, it is the burden of the developer to provide the Historical Landmarks Preservation Committee with the economic evidence.”

Effective Date: This Local Law shall take effect immediately upon its adoption.

Adopted: \_\_\_\_\_

Motion by: Trustee \_\_\_\_\_

Seconded by: Trustee \_\_\_\_\_

Voting in Favor: Trustees \_\_\_\_\_

Voting in Opposition: \_\_\_\_\_