

VILLAGE OF BATH

Local Law Numbered 4 of the year 2008

A Local Law relating to the establishment of landmarks or historic districts in the Village of Bath.

Be It enacted by the Board of Trustees of the Village of Bath as follows:

SECTION 1: PURPOSE

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the public. Inasmuch as the identity of a people is founded on its past and inasmuch as the Village of Bath has many significant historic, architectural and cultural resources, which constitute its heritage, this act is intended to:

- A) protect and enhance the landmarks and historic districts (see appendix A), which represent distinctive elements of Bath's historic, architectural, and cultural heritage;
- B) foster civic pride in the accomplishments of the past;
- C) protect and enhance Bath's attractiveness to visitors and the support and stimulus to the economy thereby provided, and
- D) insure the harmonious, orderly, and efficient growth and development of the Village of Bath.

SECTION 2: VILLAGE OF BATH HISTORIC COMMITTEE

- A) The Committee shall consist of seven members to be appointed, to the extent available in the community, by the mayor as follows:
 - at least one shall be experienced in building trades;
 - at least one shall be a historian;
 - at least one shall be a representative of the historic district;
 - at least one shall have demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field; and

all members shall have a known interest in historic preservation and architectural development within the Village of Bath.

- B) The Chairman and Vice Chairman of the Committee shall be elected by and from among the members of the Committee.
- C) The powers of the Committee shall include:
 - (i) Promulgation of rules and regulations as necessary to carry out the duties of the Committee;
 - (ii) Adoption of criteria for the identification of significant historic, architectural, and cultural landmarks and for the delineation of historic districts;
 - (iii) Conduct of surveys of significant historic, architectural, and cultural landmarks and historic districts within the Village of Bath;
 - (iv) Designation of identified structures or resources as landmarks and historic districts;
 - (v) Acceptance on behalf of the Village of Bath government of the donation of facade easements and development rights and the making of recommendations to the Village of Bath government concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this act;
 - (vi) Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs;
 - (vii) Making recommendations to Village of Bath government concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Village of Bath;
 - (viii) Recommending acquisition of a landmark structure by the Village government where its preservation is essential to the purposes of this act and where private preservation is not feasible; and
 - (ix) Approval or disapproval of applications for certificates of appropriateness pursuant to this act.

- D) The Committee shall meet as needed, but meetings may be held at any time on the written request of any two of the Committee members or on the call of the Chairman or the Mayor.
- E) A quorum for the transaction of business shall consist of four (4) of the Committee'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, HISTORIC BUILDING OR HISTORIC DISTRICTS*

- A) The Committee may designate an individual property as a landmark, or historic building with consent of property owner in writing if it:
 - (i) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or
 - (ii) Is identified with historic personages; or
 - (iii) Embodies the distinguishing characteristics of an architectural style; or
 - (iv) Is the work of a designer whose work has significantly influenced an age; or
 - (v) Because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.
- B) The Committee may designate a group of properties as a historic district if requested by property owners:
 - (i) If it contains properties which meet one or more of the criteria for designation of a landmark, historic building; and
 - (ii) by reason of possessing such qualities, it constitutes a distinct section of the Village of Bath.

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.

- C) Notice of a proposed designation shall be sent by registered mail to the owner of the property proposed for designation, describing the property and announcing a public hearing by the Committee to consider the designation. Where the proposed designation involves so many owners that individual notice is infeasible, notice may instead be published at least once in a newspaper of general circulation at least thirty (30) days prior to the date of the public hearing. Once the Committee has issued notice of a proposed designation, no building permits shall be issued by the building inspector until the Committee has made its decision.
- D) The Committee shall hold a public hearing prior to designation of any landmark, historic building or historic district. 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, historic building or historic district. The record may also contain staff reports, public comments, or other evidence offered outside of the hearing.
- E) The Committee shall forward notice of each property designated as a landmark, historic building and the boundaries of each designated historic district to the office of the Steuben County Clerk for recording.

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

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 which affect the appearance and cohesiveness of the landmark or historic district, without first obtaining a certificate of appropriateness from the Historic Committee.

SECTION 5: CRITERIA FOR APPROVAL OF A CERTIFICATE OF APPROPRIATENESS

- A) In passing upon an application for a certificate of appropriateness, the Historic Committee shall not consider changes to interior spaces.

The Committee's decision shall be based on the following principles:

- (i) properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
- (ii) any alteration of existing properties shall be compatible with their historic character, as well as with the surrounding district; and
- (iii) new construction shall be compatible with the historic district.

B) In applying the principle of compatibility, the Committee shall consider the following factors:

- (i) the general design, character and appropriateness to the property of the proposed alteration or new construction;
- (ii) the scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
- (iii) texture and materials, and their relation to similar features of other properties in the district;
- (iv) 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 rhythm of spacing of properties on streets, including setback; and
- (v) the importance of historic, architectural or other features to the significance of the property.

SECTION 6: CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURE

A) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Historic Committee. The application shall contain:

- (i) name, address and telephone number of applicant;
- (ii) location and photographs of property;

- (iii) elevation drawings of proposed changes, if available;
 - (iv) perspective drawings, including relationship to adjacent properties, if available;
 - (v) where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property; and
 - (vi) any other information which the Committee may deem necessary in order to visualize the proposed work
- B) No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Historic Committee. The certificate of appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the Village of Bath.
- C) The Committee shall approve, deny or approve the permit with modifications within thirty (30) days from receipt of the completed application. The Committee may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views.
- D) All decisions of the Committee shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Village Clerk's Office for public inspection. The Committee's decision shall state the reasons for denying or modifying any application.
- E) Certificates of appropriateness shall be valid for twelve months, after which the owner must reapply if he still wishes to undertake work on the property.

SECTION 7: *HARDSHIP CRITERIA FOR ALTERATION*

An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

SECTION 8: HARDSHIP APPLICATION PROCEDURE

- A) After receiving written notification from the Committee of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Committee makes a finding that a hardship exists.

- B) The Committee may hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.

- C) The applicant shall consult in good faith with the Committee, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

- D) All decisions of the Committee shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Village Clerk's Office for public inspection. The Committee's decision shall state the reasons for granting or denying the hardship application. If the application is granted, the Committee shall approve only such work as is necessary to alleviate the hardship.

SECTION 9: ENFORCEMENT

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the Building Code Enforcement Officer to inspect periodically any such work to assure compliance. In the event work is found that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Historic Committee, the Building Code Enforcement Officer shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

SECTION 10: MAINTENANCE AND REPAIR REQUIRED

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark, historic building or property within a historic district, which does not involve a change in design, material, or outward appearance.

No owner or person with an interest in real property designated as a landmark, historic building or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would,

in the judgment of the Historic Committee, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

SECTION 11: VIOLATIONS

- A) Failure to comply with any of the provisions of this ordinance shall be deemed a violation and the violator shall be liable to a fine of not less than fifty dollars nor more than one hundred dollars for each week the violation continues.
- B) Any person who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this ordinance shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the Village Attorney. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

SECTION 12: APPEALS

Any person aggrieved by a decision of the Historic Committee relating to hardship or a certificate of appropriateness may, within thirty (30) days of the decision, file a written application with the Village Board for review of the decision. Reviews shall be conducted based on the same record that was before the Committee and using the same criteria.

CERTIFICATION

I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of 2008 of the Village of Bath was duly passed by the Board of Trustees on October 20, 2008, in accordance with the applicable provisions of law.

I further certify that I have compared the attached local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such local law, and was finally adopted in the manner indicated in the preceding paragraph.

Dated: October 22, 2008

(Seal)

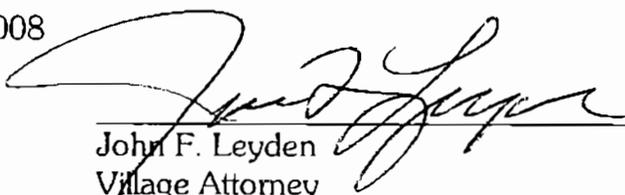


Kelly Guthrie, Deputy Clerk Treasurer

CERTIFICATION

I hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Dated: October 27, 2008



John F. Leyden
Village Attorney
Village of Bath



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

November 3, 2008

John F Leyden
Sullivan & Leyden PC
110 North Main Street
Wayland NY 14572

RE: Village of Bath, Local Law No. 4 & 5, 2008, filed on October 31, 2008

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us/corp/misc.html.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755

VILLAGE OF BATH

Local Law Numbered 2 of the year 2011

A Local Law amending Local Law # 4 of 2008

Be it enacted by the Board of Trustees of the Village of Bath as follows:

Section 1. Section 3 of Local Law# 4 of 2008 is amended as follows:

The first sentence of sub-section A is eliminated and replaced with the following;
The Committee may designate an individual
property as a landmark, or historic building if it:

Section 2. Section 10 of Local Law #4 of 2008 is amended as follows:

The following language is added to the end of the second sub-paragraph:

[Examples of such deterioration include, but are not limited to, deterioration of exterior walls or other vertical supports, deterioration of roofs or other horizontal members, deterioration of exterior chimneys, deterioration or crumbling of exterior stucco or mortar, deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety, and ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors]

Section 3. This Local Law shall take effect upon filing as provided by law

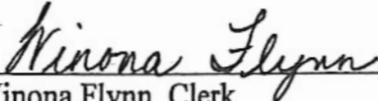
CERTIFICATION

I hereby certify that the local law annexed hereto, designated as Local Law No 2 of 2011, of the Village of Bath was duly passed by the Board of Trustees on March 22, 2011, in accordance with the applicable provisions of law.

I further certify that I have compared the attached local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such local law, and was finally adopted in the manner indicated in the preceding paragraph.

Dated: March 23, 2011

(Seal)

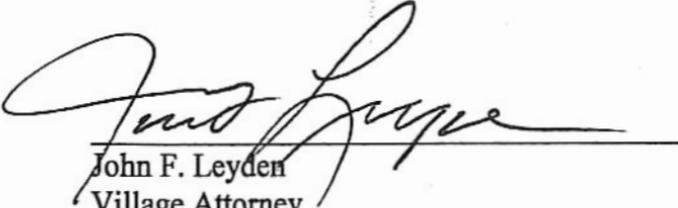


Winona Flynn, Clerk

CERTIFICATION

I hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Dated: March 23, 2011



John F. Leyden
Village Attorney
Village of Bath