

*Proposed*  
**Town of New Scotland**  
**Local Law D of the year 2019**

Be it enacted by the Town Board of the Town of New Scotland as follows:

**SECTION I. TITLE**

This law shall be known and may be cited as the Historic Preservation Law.

**SECTION II. PURPOSE**

Section 119-dd of the New York General Municipal Law authorizes towns and villages to develop regulations for the preservation of local historic landmarks and to establish a historical preservation board or committee with powers necessary to carry out the authority possessed by a municipality for historical preservation programs. The Town Board finds that there exist within the Town places, sites, structures and buildings of historic or architectural significance and uniqueness. The historic resources should be protected and preserved to maintain the character of the Town, to contribute to the aesthetic value of the Town, and to promote the general good, welfare, health and safety of the Town and its residents. The Village of Voorheesville shares historic resources with the Town, and the Village wishes to form a joint commission to preserve and regulate historic resources and structures of architectural significance. This law is intended to:

- (a) foster public knowledge, understanding, and appreciation in the beauty and character of the Village/Town and in the accomplishments of its past;
- (b) ensure the harmonious, orderly, and efficient growth and development of the Village/Town;
- (c) enhance the visual character of the Village/Town by encouraging new design and construction that complements its historic buildings;
- (d) protect and promote the economic benefits of historic preservation to the Village/Town, its inhabitants and visitors;
- (e) protect and enhance property values in the Village/Town;

- (f) promote and encourage continued private ownership and stewardship of historic structures;
- (g) identify, as early as possible, and resolve conflicts between the preservation of historic landmarks/districts and alternative land uses;
- (h) conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment;
- (i) foster cooperation between the Village of Voorheesville and Town of New Scotland in achieving the shared goals detailed above; and
- (j) enable the formation of a commission with powers to carry out the above goals.

### **SECTION III.        DEFINITIONS**

As used in this local law, the following words and phrases have the following meaning:

**COMMISSION** — An Historic Preservation Commission, which will be formed by the Village of Voorheesville and Town of New Scotland, and which will have the authority and powers established by this law.

**HISTORIC DISTRICT** — A district that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development and has been recognized as such by federal, New York State or local government entities with the authority to designate such a district.

**HISTORIC PRESERVATION** — The identification, study, documentation, protection, acquisition, restoration, rehabilitation, management, maintenance and use of buildings, structures, objects, sites and historic districts, significant in the history, architecture, or culture of the Village of Voorheesville, Town of New Scotland, the State of New York or the United States.

**HISTORIC PROPERTY** — Any building, structure, object, site or district that is of significance in the history, architecture, archeology, or culture of the Town of New Scotland, Village of Voorheesville, the State of New York, or the United States. Listed below, but not limited to these categories, are examples of historic properties:

- (a) Buildings:
  - i. Administration building
  - ii. Carriage house
  - iii. Church
  - iv. City or town hall
  - v. Courthouse
  - vi.. Detached kitchen, barn, or privy
  - vii. Dormitory

- viii. Fort
- ix. Garage
- x. Hotel
- xi. House
- xii. Library
- xiii. Mill building
- xiv. Office building
- xv. Post office
- xvi. School
- xvii. Shed
- xviii. Social hall
- xix. Stable
- xx. Store
- xxi. Theater
- xxii. Train station

(b) Structures:

- i. Aircraft
- ii. Apiary
- iii. Automobile
- iv. Bandstand
- v. Boats and ships
- vi. Bridge
- vii. Cairn
- viii. Canalix
- ix. Carousel
- x. Corncrib
- xi. Dam
- xii. Earthwork
- xiii. Fence
- xiv. Gazebo
- xv. Grain elevator
- xvi. Highway
- xvii. Irrigation system
- xviii. Kiln
- xix. Lighthouse
- xx. Railroad grade
- xxi. Silo
- xxii. Trolley car
- xxiii. Tunnel
- xxiv. Windmill

(c) Objects:

- i. Boundary marker
- ii. Fountain
- iii. Milepost

- iv. Monument
  - v. Sculpture
  - vi. Statuary
- (d) Examples of sites include:
- i. Archeological site
  - ii. Battlefield
  - iii. Campsite
  - iv. Cemeteries significant for information potential or historic association
  - v. Ceremonial site
  - vi. Designed landscape
  - vii. Habitation site
  - viii. Natural feature (such as a rock formation) having cultural significance
  - ix. Petroglyph
  - x. Rock carving
  - xi. Rock shelter
  - xii. Ruins of a building structure
  - xiii. Trail
  - xiv. Village site
- (e) Examples of districts include:
- i. Business districts
  - ii. Canal system
  - iii. College campuses

**NATIONAL REGISTER** — The National Register of Historic Places authorized by the National Historic Preservation Act of 1966.

**PLANNING BOARD** — The Town of New Scotland Planning Board

**PLANNING COMMISSION** – Village of Voorheesville Planning Commission

**STATE REGISTER** — The State Register of Historic Places established pursuant to § 14.07 of the New York State Parks, Recreation and Historic Preservation Law

**TOWN** – Town of New Scotland

**TOWN BOARD** — The Town Board of New Scotland

**REGISTER** — The New Scotland and Voorheesville Register of Historic Places established pursuant to this law, a local honorary listing of buildings, structures, objects, sites and historic districts deemed by the Commission to be of significant historic value.

**VILLAGE-** Village of Voorheesville

**VILLAGE BOARD** – The Village Board of Trustees of Voorheesville

**GOVERNING BOARDS – The Town Board of the Town of New Scotland and the Village Board of Trustees of the Village of Voorheesville**

**SECTION IV. HISTORIC PRESERVATION COMMISSION**

There is hereby created a joint Commission of the Village and Town to be known as the Historic Preservation Commission, the members of which shall be appointed by the Town Board and the Village Board.

- (a) Membership: The commission shall consist of up to five appointed members. The official Historians of the Village and Town will each serve as *ex officio* members of the Commission. Members of the Commission shall serve as volunteers, and shall not be entitled to remuneration.
- (b) Appointments: (i) The Town Board shall appoint three members to the Commission. The appointees, to the extent practicable, should be representative of the various districts and communities in the Town outside of the Village of Voorheesville. (ii) The Village Board shall appoint two members of the Commission, who shall be residents of the Village.
- (c) Term of Office: Commission members may be appointed for one-, two-, or three-year terms as determined by the appointing Board.
- (d) Qualifications of Commission Members, and Criteria for Selection: All Commission members shall have an interest in historic preservation or planning within the Village and/or Town. In addition, and to the extent possible, Commission members should have one of the following qualifications or professional backgrounds: architect, historian, licensed real estate broker, attorney, resident of an historic district, or a demonstrated significant interest in, and commitment to, the field of historic preservation evidenced 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. Members shall not be affiliated with the same professional office, and shall not be related by marriage or immediate family members.
- (e) Chairperson: The Chairperson of the Commission shall be appointed jointly by the Town and Village Boards for a one-year term at the annual organization meeting of the Town and Village Board. In the absence of an appointment by the Governing Boards, the Chairperson of the Commission shall be designated by an affirmative vote of the full Commission and will serve until such time as the Governing Boards appoint a chairperson.
- (f) Conduct of Meetings: Commission meetings shall be conducted in compliance with the New York State Open Meetings Law (NYS Public Officers Law, Article 7).

- (g) Quorum: A simple majority of the Commission members shall constitute a quorum for the transaction of business. An affirmative majority vote of the full Commission is required to approve any resolution, motion or other matter before the Commission.
- (h) Meetings: The Commission shall meet once a month, and the Commission shall establish and publish the day of the month on which regular meetings shall be held. If there is no pending business requiring Commission consideration, the Commission may cancel the monthly meeting. In addition, meetings may be held at any time on the written request of any two Commission members or on the call of the Chairperson of the Commission or the Chairperson of the Planning Board or Planning Commission.
- (i) Committees: The Commission may establish permanent or ad hoc committees consisting of no less than three current members of the Commission for assignments assigned to it by the full Commission. Committees may invite subject area experts as needed to attend Committee meetings.
- (j) Powers, Duties and Responsibilities: The Commission shall be an advisory body to Village and Town governments, and the respective planning and zoning boards of the respective municipalities. All Village and Town departments shall, upon request of the Commission, assist and furnish as far as practicable available permits, plans, reports, maps and statistical and other information that the Commission may require for its work. All documents provided to the Commission will be handled with the same level of sensitivity and confidentiality as the providing department and as required by applicable State and local laws. The Commission duties and responsibilities shall include:
- (1) Making recommendations to the Village and Town Boards for their consideration.
  - (2) Promulgating rules as necessary for the conduct of its business. Any such rules are subject to the approval of the Town and Village Boards.
  - (3) Conducting or causing the conduct of surveys of significant historic buildings, structures, objects and districts within the Town and Village.
  - (4) Maintaining an inventory of locally-designated historic resources or districts within the Village and Town, and publicizing the inventory.
  - (5) Recommending to the Town and Village Boards certain criteria for selection of historic buildings, structures, objects, sites and historic districts in the Town and Village to be placed on the Register of Historic Places, State Register, Federal Register.

- (6) Recommending to the Village and Town Boards those areas of the Town or Village that should be designated as a Historic District.
- (7) Increasing public awareness of the value of preserving historic buildings, structures, objects and sites by developing and participating in public education programs, conducting preservation workshops, and providing technical assistance and guidance to owners of historic properties.
- (8) Making recommendations to the Village and Town governments concerning the utilization of state, federal or private funds to promote the preservation of historic buildings, structures, objects and sites within the Village and Town.
- (9) Recommending actions to the Town and Village Boards that are essential to the preservation of historic buildings, structures, objects and sites by the Town and/or Village government when preservation is essential to the purposes of this law and when private preservation is not feasible.
- (10) Serving in an advisory capacity to the Village and Town Boards, Planning Board and Commission, Zoning Board of Appeals and Building Department on all matters that affect designated Register properties or historic districts. In its capacity to advise the Village and Town Boards and the Planning Board and Planning Commission, the Commission will perform the following.
  - a. Offer comments to assist when new projects, developments or building additions are proposed for registered properties or for properties within a Historic District.
  - b. Review the agendas of the above mentioned bodies and submit recommendations (when warranted) on potential impacts to historic sites to them by their next meeting or as soon as practicable.
- (11) Preparing, within twenty-four months of the effective date of this law and the establishment of a five member Commission, a report in accordance with Section 119-cc of the New York General Municipal Law. When complete, the report shall be submitted to the Governing Boards, and shall include a proposal for establishing historic preservation easements and historic preservation zoning within the Town and Village.
- (12) Performing other functions that the Governing Boards may designate by local law.

## **SECTION V.           REGISTRY OF HISTORIC PLACES**

This section establishes a Village and Town Registry of Historic Places. The Registry will initially consist of all sites in the Village and Town where historical markers exist, all structures previously placed on the State or National Historic Register, and all designated Historic Districts.

- (a) Additions to this Registry will include structures, objects, sites and historic districts deemed by the Commission to be of significant historic value.
- (b) After consultation with the owner or owners of structures and sites under consideration for the Register, the Commission may recommend, for designation by the Village or Town Board, a building, structure, object, historic district or site for the Register if it:
  - (1) Is associated with persons or events that have made a significant contribution to Town or Village history; or is identified with a historic personage; or
  - (2) Embodies distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - (3) Has yielded or may be likely to yield, information on prehistory or history.
- (c) Designation on the Village and Town Register of Historic Places is strictly a local honorary listing. Properties placed on the Register are given only Town and Village historic recognition. An owner of property on the Historic Register has no restriction on the use, maintenance, additions to, or alterations of the property as a result of this designation.
- (d) Each site or Historic District added to the Town and Village Register of Historic Places will be eligible to receive an historic road marker or plaque acknowledging its history and placement on the Register as determined by the appropriate historical association or society.

## **SECTION VI.         DEMOLITION OF ANY BUILDING OR STRUCTURE MORE THAN 100 YEARS OLD**

- (a) **Except in the case of an emergency** (e.g., fire, explosion, sudden collapse), prior to issuing any demolition permit authorizing the demolition of a building or structure more than 100 years old (at the time of the application for a building permit), the Village or Town Building Department shall notify the Historic Preservation Commission, by providing up to 30 days written notice to the Chairperson of the Commission, identifying the building or structure for which such permit is sought by address and name of owner or owners. The Code

Enforcement Officer or Building Inspector having jurisdiction of the building or structure shall have the authority to determine if an emergency exists when the structure poses an imminent danger to health and safety.

- (b) The Commission shall evaluate and document the building or structure for historic or architectural significance appropriately, as may be necessary, during the 30-day notice period prior to issuance of any such demolition permit.
- (c) The Commission may request an additional 14 days to evaluate and document such significant structures in cases where extensive research is required, which may be granted in the sole discretion of the Building Department.
- (d) In the event that the Building Department has received no comment from the Historic Preservation Commission within 30 days after such notification, the Building Department may issue the requested permit for demolition.

## **SECTION VII. COOPERATION OF (VILLAGE/TOWN DEPARTMENTS)**

All Village and Town departments, upon request of the Commission, will cooperate with the Commission, and furnish public documents (including plans, reports, maps) and statistical and other information which the Commission may require for its work. This provision shall not require any department or board to provide non-public, proprietary, or confidential information, or documents not subject to disclosure under the Freedom of Information Law.

## **SECTION VIII. AUTHORITY**

This local law is enacted by the Town Board of the Town of New Scotland pursuant to Article 5-K of the New York General Municipal Law, and the general authority to adopt local laws under Article IX of the New York State Constitution, Article 18 of the General Municipal Law, and the Municipal Home Rule Law. The New York General Municipal Law, including Section 239-g authorizes the formation of joint commissions, associations and federations to promote inter-community plans within the County.

## **SECTION IX. VALIDITY**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

## **SECTION X. REPEAL OF OTHER LAWS**

All local laws in conflict with provisions of this local law are hereby superseded. This local law supersedes any inconsistent provisions in Chapter 190 of the Town of New Scotland Zoning Law relating to zoning and permitted and special uses.

## **SECTION XI.           EFFECTIVE DATE**

This local law shall take effect immediately, as provided by law, upon filing with the Secretary of State.

### **1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_\_\_ of the Town of New Scotland was duly passed by the New Scotland Town Board on \_\_\_\_\_ 20\_\_\_\_\_, in accordance with the applicable provisions of law.

### **2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No.\_\_\_\_ of 20\_\_\_\_ of the Town of New Scotland was duly passed by the New Scotland Town Board \_\_\_\_\_ on 20\_\_\_\_\_, and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_  
\_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_,  
20\_\_\_\_\_, in accordance with the applicable provisions of law.

### **3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No.\_\_\_\_ of 20\_\_\_\_ of the Town of New Scotland was duly passed by the New Scotland Town Board \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_\_, and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_\_, in accordance with the applicable provisions of law.

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\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20 \_\_\_\_ of the Town of New Scotland was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_, and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20 \_\_\_, in accordance with the applicable provisions of law.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, 20 \_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding 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 original local law, and was finally adopted in the manner indicated in paragraph \_\_, above.

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New Scotland Town Clerk

(Seal) Date: \_\_\_\_\_

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF ALBANY

I, the undersigned, 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.

Signature \_\_\_\_\_  
New Scotland Town Attorney

Date: \_\_\_\_\_