

**An Ordinance to Regulate the Preservation and Demolition  
of Historic or Significant Structures within the Town of Otsego**

**TOWN OF OTSEGO LOCAL LAW NO. 1 OF 2017**

Be it enacted by the Town Board of the Town of Otsego, Otsego County, New York as follows:

I. TITLE

This Local Law shall be known as “An Ordinance to Regulate the Preservation and Demolition of Historic or Significant Structures within the Town of Otsego,” adopted as Town of Otsego Local Law No. 1 of 2017.

II. ENACTMENT

This Local Law is adopted and enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Articles 2 and 3, Town Law, Article 16, and pursuant to Article 2 of the New York State Statute of Local Governments.

III. PURPOSE

The purposes of this Local Law are to protect and preserve the history, architectural integrity, culture, and aesthetic qualities of the Town and to encourage property owners and citizens to use demolition as a last resort.

IV. ESTABLISHMENT OF A HISTORIC PRESERVATION ADVISORY COMMISSION

a. Establishment. A Historic Preservation Advisory Commission is hereby created. The Commission shall be comprised of five (5) members appointed by the Town Board to staggered terms. The Chairperson and Clerk shall be designated by a majority vote of the Commission annually. The initial terms of appointment shall be as follows: 1 year, 2 years, 3 years, 4 years, and 5 years. Thereafter, members shall be appointed to five year terms. The Commission shall meet only when an application for a demolition permit has been submitted for review. The Commission shall meet on the second Tuesday of the month at 7 pm unless the Chairperson or a majority of the members designate an alternate meeting date and time. An application must be submitted at least two weeks in advance to be placed on the Commission’s agenda. The Clerk shall distribute the agenda, take minutes, draft legal notices and notify the Town of Otsego’s Historical Association of any pending applications.

b. Powers and Duties. Upon referral by the Town Zoning Enforcement Officer of a demolition application, the Commission shall make the following evaluation:

- (1) Does the structure and/or site qualify as historically significant under the specified guidelines? If the structure and/or site does not qualify as

historically significant, the Commission shall notify the Town ZEO that no further review by the Commission shall be conducted.

- (2) If the structure/site meets the guidelines to be historically significant, the Commission shall assess options available other than demolition and assist the property owner in an effort to find an alternative.
- (3) After expiration of two (2) months from the initial meeting with the Commission, if a property owner determines that no alternative presented by the Commission is preferable to demolition, the ZEO shall issue a permit for demolition, subject to the Otsego County Code Enforcement Officer's approval.

c. Qualification Guidelines. Each aspect of a potentially historically significant structure/site shall be rated on a 1-10 point scale. If the total points exceed twenty-five (25) points, the structure shall be deemed worthy of preservation. The categories for points are as follows:

- (1) Age;
- (2) Condition of Building – Interior: floors, ceilings, walls, woodwork, staircase; Exterior: roof, foundation, frame, exterior details;
- (3) Architectural Value – Integrity of original features; 100% original or “period” window casings and linear feet of molding should be considered; Consider if a structure is one hundred (100) years or older, but no features are defining of an architectural period;
- (4) Historical Significance – Consider if the structure is associated with events or people that have had a significant impact on local, regional or greater history;
- (5) Cultural Significance – Consider whether the structure embodies a lifestyle or livelihood, which typifies or assists in appreciation of a historic period (i.e. general stores, mills, creameries, etc.)

d. Emergency Circumstances. If a structure presents an immediate risk to life or property, the Otsego County Codes Enforcement Officer shall be consulted and his/her recommendation shall be followed. Condemned structures shall be issued a demolition permit without any involvement by the Historic Preservation Advisory Commission.

e. Hardship. If upon presentation of adequate financial evidence, the Commission finds that the property owner has no further means to afford paying taxes, insurance and/or other expenses, the Commission shall waive the two month waiting period and notify the Town ZEO that a demolition permit should be issued.

f. Procedure:

- (1) The Commission shall be notified of the application and visit the property prior to the initial meeting.
- (2) Commission meets to determine if a demolition permit should be issued or if a structure is deemed historically significant and a waiting period will be imposed. Evidence of hardship or immediate peril may be presented.
- (3) A public hearing shall be scheduled and held following five (5) days public notice.
- (4) Alternatives to demolition are presented and discussed at the public

hearing.

- (5) If alternatives to demolition are pursued by applicant, the Commission may meet with the applicant at the discretion of the applicant and Commission to assist in pursuing an alternative.

g. Alternatives to Demolition may include:

- (1) Preservation grants
- (2) Special permitted uses
- (3) Moving of structure
- (4) Dismantling of structure for later use
- (5) Sale
- (6) Other

## V. SEVERABILITY

If any specific part of provision or standard of this Local Law, or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board hereby declares that it would have enacted this Local Law, or the remainder thereof.

## VI. INTERPRETATION; CONFLICT WITH OTHER LAWS

In their interpretation and application the provisions of this Local Law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this Local Law are inconsistent with the requirement of any other lawfully adopted rules, regulations, ordinances or Local Laws, the more restrictive provisions, or those imposing the higher standards, shall govern.

## VII. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, § 27 of the New York State Municipal Home Rule Law.

## Town Ordinance to Regulate The Preservation/Demolition of Historic or Significant Structures

### Purpose

Protect and preserve the history, architectural integrity, culture, and aesthetic qualities of the town, on a case-by-case basis and to encourage property owners and citizens to use demolition as a last resort.

### Historic Preservation Advisory Commission

- a) Five (5) members appointed by the Town Board to staggered terms. Chair & Clerk designated by a majority vote of the Commission annually. Initial terms; 1 year, 2 year, 3 year, 4 year, 5 year. Thereafter appointed to 5-year terms. Meets when demolition permit is applied for. To meet the second Tuesday of the month at 7 PM as needed. Need 2-week notice to be on agenda. Clerk will distribute agenda, take basic minutes, create legal notification of public hearings, notify Historical Association.
- b) Powers and Duties: Upon referral by the ZEO of a demolition application:
  1. Does the structure/site qualify as historic under specified guidelines?
  2. If not, inform ZEO that no review is needed.
  3. If the structure meets guidelines for historic, assess options available short of demolition and assist property owner in effort to find alternative.
  4. Commission's primary function is to evaluate and advise.
  5. After expiration of maximum of 2 months from initial meeting with Commission, if property owner has not been able to find an alternative to demolition, ZEO shall issue a permit by default, subject to county codes approval, if required.
- c) Qualification Guidelines: Each aspect of a potential historic structure shall be rated on a 1-10 point scale. If the total exceeds a set threshold, the structure shall be deemed worthy of preservation.
  1. Age
  2. Condition of Building – Interior; floors, ceilings, walls, woodwork, staircase. Exterior; roof, foundation, frame, exterior details.
  3. Architectural Value - Integrity of original features. 100% original or "period" Window casings and linear feet of molding should be considered. Consider if a structure is 100 years or older but no features are period.
  4. Historical Significance – Consider if the structure is associated with events or people that have had a significant impact on local, regional or greater history.
  5. Cultural Significance - Consider if the structure embodies a lifestyle or livelihood, which typifies or assists in appreciation of a historic period. (i.e. general stores, mills, creameries, etc.)

- d) Emergency Situations: If a structure presents an immediate risk to life or property, the county codes officer shall be consulted and their advice shall be followed. Condemned structures shall by default be issued a demolition permit.
- e) Hardship: If on presentation of adequate financial evidence the Commission finds that the property owner has no further means to afford paying taxes, insurance, and other expenses, the Commission shall waive the waiting period and allow a demolition permit to be issued.
- f) Procedure:
  1. Commission will be notified of application and visit the property prior to meeting.
  2. Commission meets to determine if permit can be issued or if structure is deemed historic and a waiting period will be imposed. Evidence of hardship or immediate peril can be presented. Public Hearing scheduled.
  3. A public hearing will be held after adequate public notice.
  4. Alternatives to demolition are presented and discussed at public hearing.
  5. Commission will meet with applicant as necessary to follow up.
- g) Alternatives to Demolition:
  - 1) Preservation grants
  - 2) Special Permitted Use
  - 3) Move structure
  - 4) Dismantle for later use
  - 5) Sell
  - 6) Other?

<b>Scoresheet</b>	<b>Rate 1-10</b>
<b>Age of structure</b>	
<b>Condition of structure</b>	
<b>Archictectural Value</b>	
<b>Historical Significance</b>	
<b>Cultural Significance</b>	
<b>Other</b>	
<b>Total</b>	

If above 25 call for public hearing

Section 3.14 Demolition No building or structure over one hundred (100) square feet of floor area shall be wholly or partially demolished except after issuance of a demolition permit by the Codes Enforcement Officer.

**Remove:** over one hundred (100) square feet of floor area.

An applicant shall receive names of Commission Members upon applying so they know whom to expect on property.