

**VILLAGE OF MONROE**  
**LOCAL LAW 7 of 2023**

BE IT ENACTED by the Village Board of the Village of Monroe, Orange County, New York, as follows:

Section 1. Title.

This local law shall be known and may be cited as the Village of Monroe Landmarks Preservation Local Law.

Section 2. Legislative Purpose.

The Board of Trustees of the Village of Monroe (“Village Board”) finds that there exist within the Village buildings and structures that have a special character or special historical or aesthetic interest or value in American history, architecture and culture; that it is feasible to preserve and continue the use of such improvements; and that such improvements face the danger of being uprooted and destroyed without adequate consideration of the irreplaceable loss to the people of the Village of Monroe of the aesthetic, cultural and historical values represented by such improvements. It is the sense of the Village Board that the standing of Monroe as a community steeped in the history and culture of Orange County and the Hudson Valley region requires the maintenance and enhancement of the historical, aesthetic, cultural and architectural heritage of the Village.

Further, the Village Board finds that there exist within the Village of Monroe places, sites, structures and buildings of historic or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected and preserved to maintain the architectural character of the Village, to contribute to its aesthetic value and to promote the general good, welfare, health and safety of its residents.

The purpose of this local law is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of buildings, structures, signs, features, improvements, sites, and areas within the Village of Monroe that reflect special elements of the Monroe’s historical, architectural, cultural, economic or aesthetic heritage for the following reasons:

- (a) To foster public knowledge, understanding, and appreciation in the beauty and character of the Village of Monroe and in the accomplishments of its past;
- (b) To ensure the harmonious, orderly, and efficient growth and development of the Village

Monroe;

- (c) To enhance the visual character of the city by encouraging new design and construction that complements Monroe's historic buildings;
- (d) To protect and promote the economic benefits of historic preservation to the Village of Monroe, its inhabitants and visitors;
- (e) To protect property values;
- (f) To promote and encourage continued private ownership and stewardship of historic structures;
- (g) To identify as early as possible and resolve conflicts between the preservation of historic landmarks/districts and alternative land uses; and
- (h) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

### Section 3. Enabling Authority.

Pursuant to Article 5, § 96-a; Article 5-G, Article 5-J and Article 5-K, § 119-dd of the General Municipal Law; Article 14 of the Parks, Recreation and Historic Preservation Law; and § 10 of the Municipal Home Rule Law; 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 cultural, economic and general welfare of the public.

### Section 4. Creation of Article XIX. Historic Preservation Commission; local landmarks and local historic districts.

Chapter 200, Zoning, of the Village of Monroe is hereby amended to add a new Article XIX, as follows:

**“Article XIX. Historic Preservation Commission; local landmarks and local historic districts.**

#### **§200-79. Historic Preservation Commission.**

A. HPC created. There is hereby created a HPC to be known as the Village of Monroe Historic Preservation HPC (HPC). For purposes of this local law, the Planning Board shall be the HPC. Appointments, terms of office, vacancies, reappointments, and terms of membership shall be as set forth for the Planning Board.

#### B. Organization.

- (1) Chairperson; designation and duties. The Chairperson shall be the Chairperson of the Planning Board. The chairperson shall have the right to vote in all matters before the HPC.

All meetings of the HPC shall be held at the call of the Chairperson and at such other times as the HPC may determine by affirmative vote.

- (2) Secretary. The Secretary shall be the Secretary of the Planning Board.
- (3) Quorum. A simple majority of the HPC shall constitute a quorum for the transaction of business. An affirmative majority vote of the full HPC is required to approve any resolution, motion or other matter before the HPC.
- (4) Records. The HPC shall be subject to the provisions of the Public Officers Law, including Article 7 related to the Open Meetings Law. The HPC records shall be readily available to the public. The vote or failure to vote of each HPC member shall be recorded. If any HPC member abstains from voting based on a conflict of interest or otherwise, the member must also state his or her reason(s) or ground(s) for doing so on the record.

### C. Powers and Duties of the Historic Preservation HPC.

- (1) General and Advisory Powers. The HPC shall, from time to time:
  - (a) Review any local laws or regulations, including existing landmarks or historic preservation laws or regulations in the Village of Monroe, and recommend to the Village Board any changes and amendments thereto;
  - (b) Recommend to the Village Board additional regulations to be adopted by local law that may be necessary for the HPC to conduct its business, consistent with the scope and intent of this local law;
  - (c) Recommend to the Village Board specific criteria for regulations to be adopted by local law that identify and catalogue significant historic landmarks, and from time to time advise it on suggested changes thereto;
  - (d) Recommend to the Village Board landmarks and historic districts to be adopted by local law, and from time to time changes thereto;
  - (e) Maintain an inventory of locally-designated historic resources or districts within the Village of Monroe and publicize the inventory;
  - (f) Recommend to the Village Board additional criteria to be adopted in local law to be used when evaluating applications for a certificate of appropriateness;
  - (g) Recommend to the Village Board proposals for the acquisition of preservation easements or other interests in real property;
  - (h) Conduct investigations, prepare maps, reports and recommendations in connection with its advisory authority relating to the planning, development and administration of the Village of Monroe landmarks preservation policies, regulations and local law as needed, provided the total expenditures of said HPC shall not exceed the appropriation provided by the Village Board together with any public or private grant funding received by the Village for the HPC to undertake its landmarks preservation powers and duties.
  - (i) Report on matters referred to it by the Village Board. The Village Board may by resolution provide for the referral to the HPC for a report on any matter or class of

matters that impact the municipality's landmarks preservation local law, policies, regulations or administrative processes before final action is taken thereon by the Village Board or other office of said Village Board having final authority over said matter. The Village Board may further stipulate that final action thereon shall not be taken until the HPC has submitted its report thereon, or has had a reasonable time, to be fixed by the Village Board in said resolution, to submit the report.

(b) Administrative Reviews. In accordance with the regulations adopted by the Village of Monroe for landmarks and historic preservation purposes, the HPC shall:

- (1) Evaluate an application for a certificate of appropriateness; approve, approve with modifications, or deny any proposal for exterior changes to a designated individual landmark or property within a designated historic district resulting from any such application;
- (2) Evaluate an application for a certificate of economic hardship; approve, approve with modifications, or deny any such application;
- (3) Evaluate an application for a certificate of appropriateness for demolition, removal or relocation; approve, approve with modifications, or deny any such application;
- (4) Evaluate, without public hearing, an application for ordinary maintenance and repair of historic resources, properties or landmarks; approve, approve with modifications, or deny any such applications;
- (5) Perform other functions that the Village Board may designate by local law.

D. Cooperation of Village of Monroe Departments. All Village departments shall, upon request of the HPC, assist and furnish available permits, plans, reports, maps and statistical and other information which the HPC may require for its work.

#### **§200-79. Criteria for Designating Landmarks or Historic Districts.**

A. The HPC may delineate landmarks or historic districts and recommend them to the Village Board for designation under local law. Nothing herein shall limit the Village Board from conducting designations under its own initiative.

- (1) Individual landmark: The HPC may delineate an individual property as an individual landmark if it:
  - (a) exemplifies or possesses special character, or historic or aesthetic interest of value as part of the political, economic, or social history of the Village of Monroe;
  - (b) is identified with persons or events significant in local, state, or national history;
  - (c) embodies the distinguishing characteristics of a type, period or method of construction or design style, or is a valuable example of the use of indigenous materials or craftsmanship; or is representative of the work of a designer, architect or builder;
  - (d) represents an established and familiar visual feature of the community by virtue of its unique location or singular physical characteristic, represents an established and

familiar visual feature of the community; or  
(e) has yielded or may be likely to yield information important in prehistory or history.

(2) Historic district. The HPC may delineate a group of properties within the Village of Monroe as an historic district if a majority of properties therein:

(a) contain properties which meet one or more of the criteria for designation as a landmark and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district; and

(b) constitute a unique section of the Village of Monroe by reason of possessing those qualities that would satisfy such criteria.

(3) Interior landmark. The HPC may delineate the interior of a property as an interior landmark if such interior has special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the village, town, city, state or nation and:

(a) it is customarily open or accessible to the public; or

(b) it is an interior into which the public is customarily invited.

(4) Scenic landmark. The HPC may delineate a landscape feature or group of features. Recommendations for designation must be accompanied by such historical and architectural information as is required by the HPC to make an informed recommendation concerning the application, together with any fee set by the Village of Monroe Village Board.

(5) National Register and State Register of Historic Places: The Village Board may designate any properties, structures, buildings or districts which are listed on the National Register of Historic Places, State Register of Historic Places, or eligible for listing on the National or State Register of Historic Places and such designations carry the presumption that they are locally historic.

B. The boundaries of each landmark, interior landmark, scenic landmark or historic district shall be specified in detail with reference to the tax map identification number and shall be filed, in writing, in the Village of Monroe Clerk's office and there made available for review by the public.

C. Properties that have achieved significance within the past fifty (50) years are ordinarily not considered eligible for delineation under this landmarks preservation local law or local law adopted by the Village of Monroe Village Board. However, such properties will qualify if they are:

- (1) Integral parts of historic districts that meet the criteria for designation; or
- (2) If they are properties of exceptional importance.

**§200-80. Designation process.**

A. Notice and Hearing Requirements for Proposed Designation. Individual landmarks or historic districts shall be designated in the following manner:

- (1) Initiation of proposed designation.
  - (a) Designation of an individual historic landmark or historic district may be proposed by the HPC, by the owner of the property, or by any resident of the Village of Monroe, or by the Village Board on its own initiative.
  - (b) Work moratorium. Once the Village Board has issued notice of a proposed designation, it may place a moratorium on the subject property prohibiting any work relating to the individual landmark or district proposed for designation as long as the proposed designation is under active consideration and until the Village Board has made its decision on designation.
- (2) Public hearing; general notice.
  - (a) Within a reasonable time after receipt of a full application or other matter referred to it, the Village Board shall schedule a public hearing on all proposed resource, individual, landmark or historic district designations. Public notice of any such hearing shall be given by publication in a newspaper of general circulation within the Village of Monroe at least ten (10) days prior to the public hearing date.
  - (b) The Village Board, property 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 resource, individual, landmark or historic district.
- (3) Notice of public hearing; multiple properties proposed for designation.
  - (a) Ten properties or less. Notice of public hearing for a proposed designation involving no more than ten properties shall be sent by certified mail/return receipt requested or courier service with proof of delivery or personal service with proof of delivery to the owners of properties located within the area of the proposed historic district at least ten (10) days prior to the date of the public hearing. Such notice shall include a description of the properties proposed for designation and state the time and place where any public hearing to consider such designation will be held by the Village Board.
  - (b) More than ten properties. Where the proposed designation of an historic district includes more than ten properties and the Village Board deems individual notice infeasible, notice may instead be published at least once in newspaper of general circulation in the Village of Monroe ten (10) days prior to the date of the public hearing. The notice shall specify the time and place of the public hearing, a brief description of

the proposed designation, and the location where the proposal may be reviewed prior the hearing.

- (6) Permits not issued. Once the Village Board has issued notice of a proposed designation, no building or demolition permits may be issued for the property(ie) by any Village of Monroe department or agency until such time that the designation process is complete.
- (7) Record.
  - (a) The Village Board, or HPC when so requested by the Village Board, shall compile a public record in support of its designation of a landmark or historic district. In addition to testimony or documentary evidence received at any public hearing, the record may also contain reports, public comments, expert testimony, or other evidence offered outside of the hearing, but submitted for the Village Board's consideration by the date of the hearing. At a minimum, the record of the designation shall contain the application, HPC and/or staff reports, any comments made on the application at the public hearing, and the Village Board's decision to approve, approve with modifications, or deny the application requesting designation.
  - (b) Where a property is already listed on the National Register of Historic Places or the State Register of Historic Places, or eligible for listing on the National or State Registers, the record for said listing may be deemed the record for designation of a landmark or historic district in accordance with this local law.
- (8) Decision. Within sixty-two (62) days after the close of the public hearing, the Village Board shall by resolution undertake a designation in whole or in part, or shall disapprove in entirety, setting forth in writing the reasons for the decision. Within seven (7) days, the Village Board shall send notice of its designation to the applicants and owners of a designated property by certified mail return receipt requested, or in the case of a designated historic district, the Village Board shall send notice by certified mail return receipt requested to the applicants and owners of all properties within the approved district, as well as to the governing board of the municipality.
- (9) Filing. The Village Board shall forward notice of each property designated as an individual landmark and the boundaries of each designated historic district to the building department and planning department and Village of Monroe Clerk which shall be maintained in the Village's files.
- (10) Failure to Send Notice. Failure to send any notice by mail to any property owners where the address of such owner is not a matter of property tax records shall not invalidate any proceedings in connection with the proposed designation.
- (11) Amendment or Rescission. The Village Board may amend or rescind any designation of an individual landmark or historic district in the same manner and using the same procedures as followed for designation.

**§200-81. Certificate of Appropriateness for Alteration, Demolition, or New Construction Affecting Individual Landmarks or Historic Districts.**

- A. Authority. The HPC is responsible for the approval or disapproval of proposals for exterior changes to a historic property designated under this local law. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or move a designated historic landmark or property within a designated historic district without first obtaining a Certificate of Appropriateness that authorizes such work from the HPC.
- B. All changes to Village of Monroe owned property affecting an individual landmark or within a historic district shall be subject to the provisions of this Article.
- C. The building department shall receive and file all applications issued for any individual landmark, or landmarks or historic district to which this Article applies. The building department shall transmit a copy of any such application to the HPC.
- D. The HPC may require that the application for certificate of appropriateness be supplemented by such additional information or materials as may be necessary for a complete review by the HPC. The HPC shall append the renderings, materials and material specifications approved and shall require conformance of same as a condition of approval. The HPC may impose such reasonable conditions or restrictions as it deems necessary or appropriate on a case-by-case basis to promote or achieve the purpose of this Article. Any deviation from the approved renderings, materials, material specifications or other imposed conditions or restrictions shall require an amendment to the approval by the HPC.
- E. Criteria for Issuing a Certificate of Appropriateness.
  - (1) Certificate of appropriateness; general criteria. The HPC shall approve the issuance of a certificate of appropriateness only if it determines that the proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the individual landmark or if the proposed work is within a historic district, proposed work will not have a substantial adverse effect on the aesthetic, historical, or architectural significance of the property itself, the district or neighboring properties in such district.
  - (2) In making this determination, the HPC's decision to approve, approve with modification(s) or deny an application for a certificate of appropriateness for an individual landmark, interior landmark, scenic landmark will be guided by the Secretary of the Interior's Standards for Rehabilitation and by the following principles:
    - (a) the HPC's decision to approve, approve with modification(s) or deny an application for a certificate of appropriateness for an improvement to property located within a historic district shall be based on the following principles:
      - [1] properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
      - [2] any alteration of existing properties shall be compatible with the surrounding historic district; and



- [3] new construction shall be compatible with the historic district in which it is located;
- (b) In applying the principle of compatibility set forth in this subsection (2), the HPC shall consider the following factors:
  - [1] the general design and character of the proposed alteration or new construction relative to existing features of the property or improvement;
  - [2] the scale and visual compatibility of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
  - [3] texture and materials, and their relation to similar features of the property and other properties in the neighborhood;
  - [4] visual compatibility with surrounding properties, including proportion of the property's 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
  - [5] the importance of historic physical and visual features to the significance of the property.
- (c) In approving an application for a certificate of appropriateness, the HPC shall find that the building or structure for which the permit was requested, if erected or altered in accordance with the submitted plan or with stated modifications, would be consistent with the spirit and intent of this Article, would not be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or visual discord in relation to the sites or surroundings, would not mar the appearance of the area, would not impair the use, enjoyment and desirability or reduce the values of properties in the area, would not be detrimental to the character of the neighborhood, would not prevent an appropriate development and utilization of the site or of adjacent lands and would not adversely affect the functioning, economic stability, prosperity, health, safety and general welfare of the community.
- (3) Where the HPC grants a certificate of appropriateness under circumstances where the permitted activity is likely to uncover or affect archaeological resources, the HPC shall require reasonable efforts to protect and preserve such resources. Where such protection and preservation is not feasible, the HPC shall nonetheless impose appropriate and reasonable conditions to insure that the archaeological resource is made accessible for a reasonable period to qualified persons.

F. Certificate of Appropriateness Application Procedure.

- (1) Prior to the commencement of any work requiring a certificate of appropriateness, the property owner shall file an application for a building permit with the Village of Monroe Building Official and an application for such certificate with the HPC.
- (2) The application for certificate of appropriateness shall contain:

- (a) name, address, and telephone number of applicant;
  - (b) building permit application number as assigned by the building department
  - (c) location and photographs of property;
  - (d) elevation drawings of proposed changes, if available;
  - (e) perspective drawings, including relationship to adjacent properties, if available;
  - (f) samples of building materials to be used, including their proposed color;
  - (g) 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 any other information which the HPC may deem necessary in order to visualize the proposed work.
- (3) Upon receipt of all the information required herein, the HPC shall deem the application complete and shall place the application on the agenda of the next meeting of the HPC.
- (4) Upon submission of a complete application, the HPC shall have the authority to, without public hearing and notice:
- (a) determine whether the proposed work constitutes ordinary maintenance and repair for which a certificate of appropriateness is not required;
  - (b) approve work which is considered replacement-in-kind;
  - (c) approve work that is of any other type that has been previously determined by the HPC to be appropriate for delegation to staff.
- (5) The HPC is required to report to the Village Board on a monthly basis on all activities for which applications were submitted and decisions were made without any public hearing and notice.

G. Certificate of Appropriateness Public Notice Requirements.

- (1) Upon application for a certificate of appropriateness, public notice of the application shall be posted by the owner or owner's representative on the property for a minimum of ten (10) days. This notice must remain in place until a decision to approve or deny the certificate of appropriateness has been made. The notice shall specify the proposed work, the time and place of the public hearing, and to whom and by when any public comments are to be communicated. The notice must be placed at or near the property line in the front yard so that it will be plainly visible from the street, and, in cases where a property has frontage on more than one street, an additional sign must be placed at or near the property line on any additional street frontage so that the sign will be plainly visible from the street on which it has such additional frontage.
- (2) The HPC shall hold a public hearing prior to rendering a decision on any application for a certificate of appropriateness once the application is deemed complete. Notice of the public hearing shall be published in a newspaper of general circulation in the Village of Monroe

at least ten (10) calendar days prior to the public hearing date. The notice shall specify the time and place of the public hearing, a brief description of the proposal, and the location where the proposal may be reviewed prior to the hearing. The property owner and any interested party may present testimony or documentary evidence regarding the proposal at the hearing, which will become a part of the record.

(3) Within sixty-two (62) days after the close of the public hearing, the HPC shall approve, approve with conditions, or deny the certificate of appropriateness.

(4) All decisions of the HPC shall be in writing. A copy shall be sent to the applicant by certified mail/return receipt, and a copy filed with the Building Inspector and Village Clerk within ten (10) days of the date of the decision. The HPC's decision shall state the reasons for denying or modifying any application.

H. Other permits and approvals. The certificate of appropriateness required by this Article shall be in addition to and not in lieu of any building permit or other land use approval that may be required by any other local law or regulation of the Village of Monroe.

I. Expiration of approval; extensions. Certificates of appropriateness shall be valid for 24 months, after which time the owner shall apply for a new certificate if he/she still wishes to undertake work on the property. At least two months prior to expiration of the 24-month period, the owner may apply, in writing, for an extension and shall explain the reasons for the extension request. The HPC may grant up to two (2) extensions of six (6) months each. A written application for an extension of a certificate of appropriateness approval shall not be considered an application for a new certificate of appropriateness.

#### **§200-82. Alteration Hardship Process and Criteria.**

A. An applicant whose certificate of appropriateness for a proposed alteration of a landmark property has been denied may apply for relief on the ground of economic hardship. In order to prove the existence of economic hardship related to a proposed alteration, the applicant shall establish that the denial of a certificate of appropriateness will prevent the property owner from earning a reasonable return on investment, regardless of whether that return represents the most profitable return possible.

B. As promptly as is practicable after making a preliminary determination of hardship as provided in this Article, the HPC, with the aid of such experts as it deems necessary, shall, in consultation with the applicant, endeavor to develop a plan whereby the improvement may be preserved and perpetuated in such manner as to effectuate the purpose of this Article, and also rendered capable of earning a reasonable return.

C. Consultation; plan development. The applicant shall consult in good faith with the HPC, local preservation groups, and other interested parties in a diligent effort to seek an alternative that will result in appropriate preservation of the property. The consulting parties may include interested purchasers, as well as preservation and other interested organizations, public agencies, developers, real estate agents and individuals who may be instrumental in developing

an economically feasible solution.

- D. Economic Hardship; criteria. Following the denial of a certificate of appropriateness, the applicant may request a certificate of economic hardship. In all cases other than a proposed demolition, removal or relocation, the applicant shall prove the existence of economic hardship by demonstrating to the HPC that: (1) the applicant cannot realize a reasonable return if compliance with the HPC's decision is required, provided, however, that the lack of reasonable return is proven by the applicant to be substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested relief, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.
- E. The HPC, in the granting of a certificate of economic hardship, shall grant the minimum terms deemed necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- F. Public hearing.
  - (1) The HPC may hold a public hearing on the hardship application at which an opportunity will be provided for the applicant and public to present their views on the hardship application.
  - (2) If no public hearing is held, the HPC must render a decision on the hardship application within 62 days following its receipt of a complete application.
- G. A complete application includes the conclusion of all activities under subsection C initiated to consult with necessary parties to determine whether the property may be preserved or rehabilitated in a manner that alleviates the hardship that would otherwise result while substantially accomplishing the goals of this Article. A complete application also includes receipt by the HPC of all submissions necessary to meet the applicant's burden of proof. Following the submission of a complete application, the HPC may schedule a public hearing within a reasonable time and determine within 62 days following to the close of any public hearing held on the application whether the applicant has met his or her burden of proof.
- H. HPC decision.
  - (1) If the HPC finds that the applicant's burden of proof has not been met, the HPC shall deny the application for a certificate of economic hardship.
  - (2) If the HPC finds that the applicant's burden of proof has been met, the HPC shall issue a preliminary determination of landmarks or economic hardship within 62 days of the close of any public hearing held on the application or within 62 days after the HPC has received a complete application.
  - (3) Within 62 calendar days following the HPC's preliminary determination of economic

hardship the HPC must make a final determination.

- (4) A decision of the HPC on the hardship application shall be in writing and shall state the reasons for granting or denying it. A copy shall be sent to the applicant by certified mail/return receipt and a copy filed with the Village of Monroe Clerk's office.
- (5) No building permit or other land use approvals shall be issued unless the HPC grants the hardship application. If the hardship application is granted, the HPC shall approve only such work as is necessary to alleviate the hardship.

### **§200-83. Demolition, Removal, or Relocation of Landmark Buildings.**

- A. Demolition of an individual landmark or of a structure located in and contributing to the significance of a historic district shall be allowed only in case of economic hardship, unless the building department, upon due deliberation has made an express written finding that the structure presents an imminent threat to the public health, safety and welfare and then only upon further approval of the Village Board.
- B. Any person desiring to demolish a designated historic building shall first file an application for a historic building demolition permit with the building department and an application for such certificate with the HPC. An applicant must submit the following items:
  - (1) Current level of economic return;
  - (2) Amount paid for the property, date of purchase, party from whom purchased, and relationship between the owner of record, the applicant, and person from whom property was purchased;
  - (3) Annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
  - (4) Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years;
  - (5) Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations;
  - (6) All appraisals obtained within the last two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
  - (7) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;
  - (8) Any state or federal income tax returns relating to the property for the last two years;
  - (9) Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding: (a) any real estate broker or firm engaged to sell or lease the property, (b) reasonableness of price or rent sought by the applicant, or (c) any advertisements placed for the sale or rent of the property;
  - (10) Feasibility of alternative uses for the property that could earn a reasonable economic return;

- (11) Report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings on the property and their suitability for rehabilitation;
- (12) Cost estimates for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a certificate of appropriateness;
- (13) Estimated market value of the property: (a) in its current condition; (b) after completion of the proposed alteration or demolition; and (c) after renovation of the existing property for continued use;
- (14) Expert testimony or opinion on the feasibility of rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and rehabilitation;
- (15) Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property; and
- (16) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

C. Demolition of any such building may be approved only in connection with approval of a replacement project.

D. The HPC shall hold a public hearing and shall take one of the following actions:

- (1) Approve the demolition permit in conformance with the provisions of this §200-84;
- (2) Approve the demolition hardship permit subject to a waiting period of up to 120 days to consider relocation/documentation;
- (3) Deny the permit.

E. During the continuance period, the HPC may investigate relocation of the building (on site) or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.

**§200-84. Demolition, Removal or Relocation Hardship Criteria.**

A. Certificate of appropriateness for demolition, removal or relocation. An applicant whose certificate of appropriateness for a proposed demolition, removal or relocation of a landmark, resource or property has been denied may apply for relief on the ground of economic hardship. In order to prove the existence of economic hardship sufficient to justify demolition, removal, or relocation, the applicant shall establish that the denial of a certificate of appropriateness will prevent the property owner from earning a reasonable return on investment, regardless of whether that return represents the most profitable return possible.

B. Certificate of Appropriateness for demolition. The applicant for a certificate of appropriateness for demolition must establish to the HPC's satisfaction, an imminent plan of reuse or

redevelopment of the affected property. The applicant for an income-producing property shall establish that:

- (1) the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and,
- (2) the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and,
- (3) efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (4) In deciding upon such application for removal, relocation or demolition, the HPC may consider whether the owner has created his own hardship through waste and neglect, thereby permitting the property to fall into a serious state of disrepair.

C. Before approving the removal, relocation or demolition of an individual landmark or structure within a historic district, the HPC may suspend the application for up to one hundred and eighty (180) days to allow the applicant to consult in good faith with the HPC, local preservation groups, and the public in a diligent effort to seek a less intrusive alternative to demolition.

**§200-85. Affirmative Maintenance and Repair Requirement.**

A. Ordinary maintenance; repair.

- (1) Nothing in this Article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic landmark or property within a historic district that does not involve a change in design, building materials, color or outward appearance.
- (2) The HPC may evaluate and decide, without public hearing, whether or not proposed work constitutes ordinary maintenance and repair or requires a certificate of appropriateness.

B. No owner or person with an interest in real property designated as an individual landmark or included with an historic district shall permit the property to fall into a serious state of disrepair. Maintenance shall be required, consistent with the Property Maintenance Code of New York State Uniform Fire Prevention and Building Code and all other applicable local regulations.

C. Every owner or person in charge of an improvement on a landmark site or in an historic district shall keep in good repair:

- (1) all of the exterior portions of such improvements; and
- (2) all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a serious state of disrepair. Examples of types of prohibited disrepair include, but are not limited to:
  - (a) deteriorated or crumbling exterior plasters, mortar or facades;

- (b) deteriorated or inadequate foundation;
- (c) defective or deteriorated flooring or floor supports or any structural floor members of insufficient size to carry imposed loads with safety;
- (d) deteriorated walls or other vertical structural supports that split, lean, list or buckle due to defective material or deterioration;
- (e) members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration or are of insufficient size to carry imposed loads;
- (f) ineffective or inadequate waterproofing of exterior walls, exterior chimneys, roofs, foundations or floors, including windows or doors, which may cause or tend to cause deterioration, decay or damage;
- (g) defective or insufficient weather protection for roofs, foundation or exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering, which may cause or tend to cause deterioration, decay or damage;
- (h) fireplaces or chimneys which list, bulge or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety;
- (i) any fault or defect in the building or structure which renders it not properly watertight or otherwise compromises the life and character of the building or structure.

D. Interiors. Every owner or person in charge of an improvement to an interior landmark shall keep in good repair:

- (1) all portions of such interior landmark and
- (2) all other portions of the improvement which, if not so maintained, may cause or tend to cause the interior landmark contained in such improvement to deteriorate, decay, or become damaged or otherwise to fall into a serious state of disrepair.

E. Every owner or person in charge of a scenic landmark shall keep in good repair all portions thereof.

#### **§200-86. Enforcement and Violations; Penalties.**

A. All work performed pursuant to a certificate of appropriateness issued under this Article shall conform to the requirements expressly stated in the certificate or reasonably implied therefrom, including conformance with renderings, materials and material specifications approved by the HPC. It shall be the duty of the Building Inspector to periodically inspect any such work to assure compliance with the certificate and all applicable law. In the event any requirement included in the certificate of appropriateness has not been met, or upon notification of that fact by the HPC, the Building Inspector 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.



- B. Any owner or person in charge of a property who demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair in violation of this Article in the absence of a certificate of appropriateness, a finding of economic hardship, or other approval by the HPC, may be required by the Village Board to restore the property and its site to its appearance prior to the violation.
- C. If, in the judgment of the HPC, a violation of Article exists that will result in a detrimental effect upon the life and character of a designated historic resource, landmark, property or on the character of a historic district as a whole, the HPC shall notify the Building Inspector. If, upon investigation, the Building Inspector finds non-compliance with the requirements of the Property Maintenance Code of the New York State Fire Prevention and Building Code, or any other applicable law or regulation, the Building Inspector shall order such remedies as are necessary and consistent with this Article and shall provide written notice thereof to the secretary of the HPC.
- D. Penalties. A violation of this Article is deemed an offense punishable by a fine, imprisonment or both, as follows:
- (1) First Offense: A first conviction for violation of this Article may result in a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both;
  - (2) Second Offense: A second conviction for violation of this Article, if the occurrence that leads to conviction began within a period of five years from the date of first conviction, may result in a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both;
  - (3) Third Offense: A conviction for a third or subsequent offense all of which were committed within a period of five years from when the occurrence leading to the first conviction began, shall include a fine of not less than \$700 nor more than \$1000 or imprisonment for a period not to exceed six months, or both.
  - (4) In addition to any penalties imposed under this Article, continuing violations shall be punishable in any other manner provided under other local regulations, and state and federal law.
- E. The HPC shall notify the Village Board of an enforcement matter arising under this Article who shall refer it to the Village Attorney. Action to enforce this Article shall be brought by the Village Attorney or other attorney designated by the Village Board. Civil remedies authorized under Article shall be in addition to and not in lieu of any criminal prosecution and penalty.

### **§200-87. Appeals.**

Any person aggrieved by a decision of the HPC relating to a certificate of economic hardship or a certificate of appropriateness may, within fifteen (15) days of the decision, file a written appeal to

the Village Board for review of the decision. Appellate review shall be based on the same record that was before the HPC and using the same criteria in this Article.

**§200-88. Reimbursement of costs and expenses.**

A. The applicant, for review of any application set forth in this Article, shall reimburse the Village for all of the Village's reasonable and necessary architectural, historic and related fees and expenses incurred by the Village in connection with the review of the application. Said fees and expenses are deemed application fees. Reimbursement shall be made in accordance with this chapter. For the purposes of this chapter, the term "application" shall include, but not be limited to: a certificate of appropriateness; a demolition, removal, or relocation of landmark buildings applications; request to review any application under the hardship criteria; appeals; and compliance with the State Environmental Quality Review Act (SEQRA).

**§200-89. Definitions.**

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

Acquisition: The act or process of acquiring fee title or other interest in real property, including acquisition of development rights or remainder interest.

Addition: Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.

Alteration: Any act or process, other than demolition or preventative maintenance, that changes the exterior appearance of significant historical or architectural features, or the historic context of a designated landmark, including, but not limited to, exterior changes, additions, new construction, erection, reconstruction, or removal of the building or structure, or grading.

Appropriate: Especially suitable or compatible.

Architectural Significance: The quality of a building or structure based on its date of erection, style and scarcity of same, quality of design, present condition and appearance or other characteristics that embody the distinctive characteristics of a type, period or method of construction.

Building: Any construction created to shelter any form of human use, such as a house, garage or barn, and which is permanently affixed to the land. Building may also refer to a historically related complex, such as a house and a barn.

Building Official: The person, or his or her designee, authorized to grant permits for construction, alteration, and demolition pursuant to the codes adopted by the Village of Monroe.

Building Inspector: The person, or his or her designee, authorized and certified to enforce the New

York State Fire Prevention and Building Code. The person, or his or her designee, who is also authorized by the Village of Monroe governing board to enforce this Article, except where another official is expressly authorized.

**Certificate of Appropriateness:** An official form issued by the Village of Monroe HPC stating that the proposed work on an designated historic landmark is compatible with the historic character of the property and thus in accordance with the provisions of this Article and therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the Village of Monroe's departments may issue any permits needed to do the work specified in the certificate.

**Certificate of Economic Hardship:** An official form issued by the HPC when the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of all reasonable use of, or economic return on, the property.

**Change:** Any alteration, demolition, removal or construction involving any property subject to the provisions of this Article.

**Character:** Defined by form, proportion, structure, plan, style or material. General character refers to ideas of design and construction such as basic plan or form. Specific character refers to precise ways of combining particular kinds of materials.

**Compatible:** In harmony with location, context, setting, and historic character.

**HPC:** The Village of Monroe Historic Preservation Commission established pursuant to this article.

**Construction:** The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

**Demolish:** Any act or process that removes or destroys in whole or in part a building, structure, or resource.

**Demolition Permit:** A permit issued by the building official allowing the applicant to demolish a building or structure, after having received a certificate of demolition approval from the HPC for those properties that are designed landmarks or local historic districts.

**Evaluation:** The process by which the significance and integrity of a building, structure, object, or site is judged by an individual who meets the professional qualification standards published by the National Park Service at 36 CFR Part 61 as determined by the State Historic Preservation Office, using the designation criteria outlined in this Article.

**Exterior Architectural Features:** The architectural style, design, general arrangement and components of all of the outer surfaces of any building or structure.

Feature: Elements embodying the historical significance or architectural style, design, general arrangement and components of all of the exterior surfaces of any landmark or historic resource, including, but not limited to, the type of building materials, and type and style of windows, doors, or other elements related to such landmark or historic resource.

Historic Context: A unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period and geographical area.

Historic District - Local: An area designated as a historic district by this Article, and which contains within definable geographic boundaries a significant concentration, linkage or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Historic Fabric: Original or old building materials (masonry, wood, metals, marble) or construction.

Historic Integrity: The retention of sufficient aspects of location, design, setting, workmanship, materials, feeling or association for a property to convey its historic significance.

Historic Landmark: A building, district, site, structure or object significant in American history, architecture, engineering, archeology or culture at the national, State, or local level.

Historic Resource: Any evaluated building, structure, object, or site that potentially meets the designation criteria outlined in this Article.

Historic Preservation HPC: The Historic Preservation HPC appointed by the Village of Monroe Village Board.

Historic Property: A district, site, building, structure, or object significant in American history, architecture, engineering, archeology, or culture at the national, state, or local level.

Historic Resources Survey: a) the process of systematically identifying, researching, photographing, and documenting historic resources within a defined geographic area, and b) the resulting list of evaluated properties that may be consulted for future designation. For the purpose of this Article, all surveys shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation, as may be amended.

Historic Significance: The quality of a place, site, building, district or structure based upon its identification with historic persons or events in the Village of Monroe.

Integrity: The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

Interior Landmark: Interior landmarks are noted for the portions of their interior that are open to

the public.

**Inventory:** A list of historic properties determined to meet specified criteria of significance.

**Landmark:** Any building, structure or site that has been designated as a “landmark” by the Village of Monroe Village Board, pursuant to this Article that is worthy of preservation, restoration or rehabilitation because of its historic or architectural significance.

**Landmark Alteration Permit:** A permit approving an alteration to or demolition of a landmark, or demolition of a historic resource listed in the heritage resource inventory pursuant to the provisions of this Article.

**Maintain:** to keep in an existing state of preservation or repair.

**Minor work:** Any change, modification, restoration, rehabilitation, or renovation of the features of an historic resource that does not materially change the historic characteristics of the property.

**Move:** Any relocation of a building or structure on its site or to another site.

**National Register Criteria:** The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

**National Register of Historic Places:** The official inventory of the nation’s historic properties, districts, sites, districts, structures, objects and landmarks which are significant in American history, architecture, archaeology, and culture, maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 USC. 470 et seq., 36 CFR Sections 60, 63, as may be amended).

**Non-contributing:** A feature, addition or building, structure, object or site which does not add to the sense of historical authenticity or evolution of an historic resource or landmark or where the location, design, setting, materials, workmanship, history, and/or association of the feature, addition or building, structure, object or site has been so altered or deteriorated that the overall integrity of that historic resource or landmark has been irretrievably lost.

**Object:** Constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be moveable by nature or design, an object is associated with a specific setting or environment. Examples include boundary markers, mileposts, fountains, monuments, and sculpture. This term may include landscape features.

**Owner:** Those individuals, partnerships, corporations, or public agencies holding fee simple title to property, as shown on the property tax records for the Village of Monroe.

**Period of Significance:** The length of time when a property was associated with important events, activities, or persons, or attained characteristics which qualify it for landmark status. Period of

significance usually begins with a date when significant activities or events began giving the property its historic significance; this is often a date of construction.

**Preservation:** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

**Preventative maintenance:** Any work to prevent deterioration or damage to the structural integrity or any exterior feature of a landmark or historic resource that does not involve a change in design, material or exterior appearance. Such work includes, but is not limited to, painting, roof repair, foundation or chimney work, or landscape maintenance.

**Rehabilitation:** The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features of the property which convey its historical, architectural and cultural values.

**Repair:** Acts of ordinary maintenance that do not include a change in the design, material, form, or outer appearance of a resource, such as repainting. This includes methods of stabilizing and preventing further decay, and may incorporate replacement- in-kind or refurbishment of materials on a building or structure.

**Restoration:** The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

**Retain:** The act of keeping an element, detail or structure and continuing the same level of repair to aid in the preservation of elements, sites, and structures.

**Reversible:** An addition which is made without damage to the project's original condition.

**Scenic Landmark:** Scenic landmarks encompass structures that are not buildings, such as bridges, piers, parks, cemeteries, sidewalks, clocks, and trees.

**Secretary of the Interior's Standards for the Treatment of Historic Properties:** Principles developed by the National Park Service (36 CFR 68.3, as may be amended) to help protect historic properties by promoting consistent preservation practices and providing guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers on how to approach the treatment of historic properties. The Secretary of the Interior Standards for

the Treatment of Historic Properties may also be referred to in this Article as "Secretary of the Interior's Standards."

**Significant:** Having particularly important associations with the contexts of architecture, history and culture.

**Site - Historic:** The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, structures or other objects. Examples of a site are a battlefield, designed landscape, trail, or camp site.

**Stabilization:** The act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

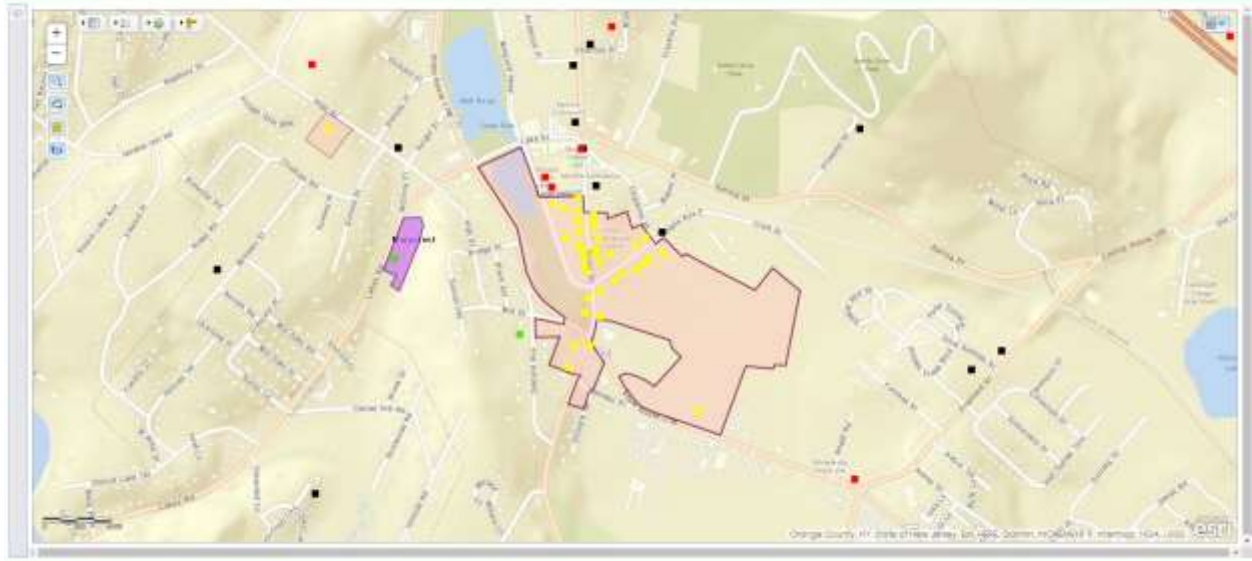
**Structure:** Any assemblage of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

**Style:** A type of architecture distinguished by special characteristics of structure or ornament and often related in time; also a general quality of distinctive character.

**Undertaking:** Any project or other action involving the expansion, modification, development or disposition of the physical plant or any site or building.”

### **Section 5. Landmark and Historic District Designation.**

The Village Board of Trustees hereby adopts the following list of buildings, structures and historic districts as Landmarks and Historic Districts as these buildings, structures and districts have been found to meet the criteria set forth in §200-79 of this local law. The properties set forth below which are hereby deemed to be Landmarks and Historic Districts shall be added to the Zoning Map of the Village of Monroe for informational purposes, and these properties shall be subject to the provisions set forth in this Local Law. The properties are as follows, as shown on the map and list below. The Village of Monroe Historic District which is on the National Register of Historic Places, and the Roscoe Smith House and Property which is eligible for listing on the National Register, are explicitly included.



Name	National Register Status
MF TENEYCK HOUSE (DAVIDSON RESIDENCE) - 127 STAGE RD	Listed
PHINEAS & OSCAR V BROOKS HOUSE (HALL RESIDENCE) - 157 STAGE RD	Listed
52 MAPLE AVE	Listed
403 STAGE RD	Listed
MODERN COMMERCIAL BUILDING - 20 MILL POND PKWY	Listed
MONROE CHEESE COMPANY - 30 MILL POND RD 10950	Listed
Rest Haven - 236 High St 10950	Listed
j. Gregory House - 167 Stage Road 10950	Listed
MC GARRAH/GOFF HOTEL (HULSE RESIDENCE) - 300 STAGE RD	Listed
Julius Smith-Ryder-Webb House - 310 Stage Road 10950	Listed
METHODIST MANSE - 49 MAPLE AVE	Listed
SS LEWIS HOUSE - 42 MAPLE AVE	Listed
DR SOLOMON EZRAY HOUSE (BUSH RESIDENCE) - 154 STAGE RD	Listed
139 STAGE RD	Listed
Residence (1920 - Bungalow) - 207 Oakland Ave	Eligible
ABRAHAM SECOR HOUSE (KOSCA RESIDENCE) - 153 STAGE RD	Listed
SEAMAN TENANT HOUSE (BUSH TENENT HOUSE) - 158 STAGE RD	Listed
JOHN MAPES HOUSE (WHITE RESIDENCE) - 163 STAGE RD	Listed
DAVID SMITH HOUSE (KNIGHT RESIDENCE) - 400 STAGE RD	Listed
20 MAPLE AVE	Listed



32 MAPLE AVE	Listed
METHODIST PARSONAGE - 117 STAGE RD	Listed
CHAPEL OF THE SACRED HEART - 151 STAGE RD	Listed
MONROE THEATER - 34 MILL POND PKWY	Listed
MONROE CEMETERY - NY 17M	Listed
Mill Pond Dam	Listed
MONROE METHODIST CHURCH - 47 MAPLE AVE	Listed
MONROE PRESBYTERIAN CHURCH - 142 STAGE RD	Listed
JUDGE WILLIAM SEAMAN HOUSE (BUSH RESIDENCE) - 160 STAGE RD	Listed
GRIST MILL OPERATOR'S HOUSE (BUSH RESIDENCE) - 315 STAGE RD	Listed
22 MAPLE AVE	Listed
36 MAPLE AVE	Listed
Presbyterian Manse - 131 STAGE RD	Listed
G.T. Smith Farmhouse - 85 Gilbert St	Eligible
SEAMAN CARRIAGE HOUSE (BUSH STORAGE & GARAGE) - 21 MAPLE AVE	Listed
CB KNIGHT HOUSE; OFFICE - 138 STAGE RD	Listed
J GREGORY HARNESS SHOP; HOUSE - 169 STAGE RD	Listed
128 STAGE RD	Listed
132 STAGE RD	Listed
425 STAGE RD	Listed

Section 6. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

Section 10. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State