

**THE MINUTES  
FOR THE JANUARY 19, 2010  
MEETING OF THE BOARD OF TRUSTEES  
OF THE INCORPORATED VILLAGE OF NORTHPORT  
MEETING AT 6:00 P.M.**

Present: Mayor Doll, Trustees Kehoe, Maline and McMullen, Village Clerk Donna Koch,  
Absent: Trustee Tobin, Superintendent Joseph Correia, and Village Attorney James  
Matthews.

**SALUTE TO THE FLAG:**

**ANNOUNCEMENTS:**

**PUBLIC HEARING(S)**

**PUBLIC HEARING #1.**

Mayor Doll asked the Clerk to read the notice of Public Hearing to wit:

**PLEASE TAKE NOTICE:** that a Public Hearing of the Village Board of Trustees will be held at the American Legion Hall 7 Woodside Ave., Northport, New York at 6:00 o'clock in the evening of the 19<sup>th</sup> day of January, 2010, to consider the following proposed local law:

**PROPOSED LOCAL LAW "A" OF 2010  
A LOCAL LAW OF  
THE VILLAGE OF NORTHPORT  
TO AMEND CHAPTER 42 "OFFICERS AND EMPLOYEES"  
OF THE CODE OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

**Section 1. Legislative Intent**

The Board of Trustees finds that the prohibition of health insurance benefits and retirement health insurance benefits for elected officials and part time employees of the Village is fiscally prudent and will also protect the taxpayers from excessive compensation to such persons. Furthermore, the Board finds that codifying existing compensatory time and overtime entitlements and prohibitions is in the public interest.

**Section 2. Statutory Authority**

This Local Law is adopted pursuant to New York State Village Law and Municipal Home Rule Law.

**Section 3. Applicability**

The provisions of this Local Law shall apply to all elected officials of the Incorporated Village of Northport and to those other Village officials and employees as specified in the local law.

**Section 4. Amendments**

Explanation of notations:

Existing text is reproduced in normal type.

*Text to be added is indicated in italics.*

Text to be deleted is in ~~strikeout~~

- \* \* \* indicates existing text to remain unchanged.

**CHAPTER 42  
OFFICERS AND EMPLOYEES**

\* \* \*

**ARTICLE II  
Fringe Benefits**

**§ 42-3. Designation of employees to receive benefits.**

The Village Board of Trustees herewith codifies the following existing fringe benefits which have been and shall be accorded to the incumbents of the indicated positions:

- A. Village Clerk, Deputy Clerk, *Treasurer*, Deputy Treasurer, Superintendent of Public Works, Code Compliance Director, Secretary of the Planning Board, Secretary of the Board of Zoning Appeals and *full-time clerical employees, none of whom are members of a bargaining unit that is party to a collective bargaining agreement with the Village.* ~~clerk typist. (office of the Village Clerk-Treasurer).~~ The above-named employees shall be accorded all fringe benefits, except those hereinafter excluded *or otherwise modified by act of the Board of Trustees, whether by resolution or local law*, that are established by the current labor agreement between the Incorporated Village of Northport and the current bargaining unit *for blue collar employees*. Said fringe benefits shall continue

unabated unless changed by a subsequent resolution of this Board. The expiration of the aforementioned labor contract shall not affect the extension of all fringe benefits to the incumbents of the above-noted job classifications. Specifically excepted from the foregoing are the following fringe benefits: payment for accumulated sick leave, dental insurance, life insurance and optical benefits and prepaid legal plan. In lieu of the foregoing insurance benefits, the Village of Northport shall provide the incumbents of the above-noted classifications the dental insurance, life insurance and optical benefits accorded to the unit members of the Northport Police Benevolent Association, under the labor agreement between the Incorporated Village of Northport and the Northport Police Benevolent Association. The expiration of the aforementioned labor contract shall not affect the extension of all fringe benefits to the incumbents of the above-noted job classifications.

\* \* \*

- C. Village Clerk, Deputy Clerk, *Treasurer*, Deputy Treasurer, Secretary of the Planning Board, Secretary of the Board of Zoning Appeals and *full-time clerical employees, none of whom are members of a bargaining unit that is party to a collective bargaining agreement with the Village.* ~~clerk typist (office of the Village Clerk)~~. A longevity award of \$500 shall be granted upon reaching 20 years of service, and an award of \$250 shall be granted upon reaching 15 years of service, effective within 30 days of the date of adoption of this resolution.

\* \* \*

**§ 42-4.1      *Ineligibility for Health Insurance Benefits***

*Notwithstanding anything contained in the Village Code nor any resolutions of the Board of Trustees nor existing Village practice, no elected official or part time (meaning less than 21 hours per week) or temporary or seasonal employee of the Incorporated Village of Northport shall be eligible to receive health insurance benefits under a Village health insurance policy whether paid for by the Village as compensation or paid for by the elected official or the employee. Furthermore, no such persons shall be eligible to receive any contributions from the Village towards retirement health insurance benefits. This latter prohibition is intended to apply to all prior, current and future persons in the stated positions. It is intended that this prohibition shall apply to all elected officials, which are the Mayor, Trustees and the Village Justice and to current part time and temporary employees and shall become effective immediately, except as to the office of Village Justice in which case this prohibition shall become effective on April 1, 2010, being and intended to be after the current term of office for the Village Justice has ended. This prohibition is not intended to affect entitlement to COBRA benefits as provided for in federal or state law. Notwithstanding any of the foregoing, the prohibition on the receipt of health insurance benefits shall not apply to any person in any of the above described positions who currently receives health insurance benefits, which benefits shall continue until such person*

*is no longer in office and/or is no longer employed by the Incorporated Village of Northport, in which case the prohibition on receipt of health insurance benefits shall apply to any new person assuming the position. This limited exception, however, does not affect the prohibition on contributions by the Incorporated Village of Northport towards retirement health insurance benefits, which shall be fully applicable to any such employee covered by this exception. Furthermore, the prohibitions contained herein shall not affect contractual rights secured by a duly approved Collective Bargaining Agreement.*

**§ 42-4.2      *Compensatory time and overtime***

*The Village Clerk, the Deputy Clerk, the Treasurer and the Deputy Treasurer have never been authorized to receive compensatory time or overtime unless specifically authorized by a resolution of the Board of Trustees adopted at a lawfully convened meeting. These officials are prohibited from receiving compensatory time and overtime unless approved by resolution of the Board of Trustees adopted at a lawfully convened meeting. No other Village employee is eligible to receive compensatory time or overtime unless approved by resolution of the Board of Trustees at a lawfully convened meeting. Such approval may be for a specific employee or it may be in the form of approval of a collective bargaining agreement pursuant to which covered employees are entitled to receive compensatory and/or overtime. As to the employees who are union members, the terms of the approved collective bargaining agreement shall determine their eligibility for compensatory time and overtime.*

**Section 5.    Severability**

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

**Section 6.    SEQRA**

The Board of Trustees has determined that pursuant to §617.5(c) 20 and 27 of the SEQRA regulations this action of the Village of Northport is "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action . . ." and therefore, the proposed action of the Village of Northport in this matter is a Type II action and requires no further action pursuant to SEQRA.

**Section 7.    Effective Date**

This local law shall take effect immediately upon filing in the Office of the Secretary of State. On the motion of Trustee Kehoe and seconded by Trustee Tobin the Public Hearing was open.

Village Attorney James Matthews explained the purpose of this law is to clear that no

health care benefits will be provided by the Village for the category of employees listed as elected officials, Part time employees, temporary employees and seasonal employees. And furthermore that there will be no retirement health insurance benefits paid to any persons in that category. Also the law states no full time salaried employee receives overtime without explicit authorization from the Board of Trustees.

Comments from the Board: none

Comments from the Public: Betty Kerner stated that if we go this way it could be problematic finding able judges in the future.

## **PUBLIC HEARING #2**

**PLEASE TAKE NOTICE:** that a Public Hearing of the Village Board of Trustees will be held at the American Legion Hall, 7 Woodside Ave. Northport, New York at 7:00 o'clock in the evening of the 19<sup>TH</sup> day of January, 2010, to consider the following proposed local law:

**PROPOSED LOCAL LAW "F" OF 2009  
A LOCAL LAW OF  
THE VILLAGE OF NORTHPORT  
TO ADD CHAPTER 15 HISTORIC REVIEW  
IN ALL ZONING DISTRICTS EXCEPT CENTRAL  
BUSINESS A AND B DISTRICTS AND TO  
ADD CHAPTER 16 HISTORIC DISTRICTS  
TO THE CODE OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

### **Section 1. Legislative Intent**

The Board of Trustees finds that preservation of the Village's heritage and character by establishing a policy which will protect and enhance historic buildings in the Village will enhance the cultural, educational, economic and general welfare of the public, and ensure the harmonious, orderly and efficient growth and development of the Village consistent with its unique heritage and character.

### **Section 2. Statutory Authority and Supersession**

This Local Law is adopted pursuant to New York State Village Law, Municipal Home Rule Law, General Municipal Law, Article 5, § 96-a and the State Environmental Quality Review Act and its implementing regulations and expressly supersedes inconsistent provisions of the Village Code.

**Section 3. Applicability**

The provisions of this Local Law shall apply to all lands situated in whole or in part within the boundaries of the Incorporated Village of Northport, except to the extent it is inapplicable to specified zoning districts or individual properties as specifically set forth in the provisions of the code amendments.

**Section 4. Amendments:**

**CHAPTER 15: HISTORIC REVIEW IN ALL ZONING DISTRICTS  
EXCEPT CENTRAL BUSINESS A AND B DISTRICTS**

**§15-1 Legislative Intent.**

It is the intention of the Board of Trustees of the Incorporated Village of Northport to enact legislation to preserve the Village's heritage and character by establishing a policy which will protect, enhance and perpetuate the exterior of historic buildings in all zoning districts except Central Business A and B zoning districts, which are subject to Historic Review as set forth in Chapter 14. The Board finds that such regulation will enhance the cultural, educational, economic and general welfare of the public, and ensure the harmonious, orderly and efficient growth and development of the Village and neighborhoods within the Village, consistent with Northport's unique heritage and character.

The Board intends that the review and approval of historic buildings by the Board of Architectural and Historic Review be prompt, fair, and not unduly burdensome to property owners and allows informal discussion before final plans are submitted.

This chapter creates a two step review process: first, Historic Determination to determine whether a building meets the historic criteria and, if so, is therefore considered an historic building. Second, if there has been a positive determination under Historic Determination or if there has been an historic designation by other jurisdictions such as New York State, whether the proposed alteration or demolition meets the criteria of Historic Plan Review.

The first step, Historic Determination **is required only** for buildings that are at least 100 years old **and then only** for improvements to the exterior of the building that require a building permit or a demolition permit. Therefore, the legislation does not apply to such work as painting and door/window modernization. Furthermore, even where a building permit is required, review may be waived if the proposed work is minor and has no impact on the appearance of the building and is an in-kind replacement.

Modern substitutes of historic materials are allowed if they maintain the historic appearance and character of the structure. Under some circumstances hardship exceptions, partial tax relief, and emergency review are possible. Any property owner may voluntarily request review, even in the absence of any planned work. A property owner is not required to file a covenant on any property found to be historic.

These reviews and any related review by the Board of Architectural and Historic Review required of a non-residential property by the Village code may be combined into one public hearing.

**§15-2**      **Definitions.** For the purposes of this Chapter, the following phrases shall have the following meanings.

**ALTERATION:**    Only exterior work on a building that requires a building permit or demolition permit

**BUILDING:**        Any structure designed for the housing or enclosure of persons or property of any kind, including an accessory building as defined in §306-5 of the Village Code.

**DEMOLITION:**    The destruction of the exterior of a building, in whole or in part, whether or not the foundation is also destroyed pursuant to the requirements of a duly issued demolition permit.

**HISTORIC BUILDING:** A building which the Board of Architectural and Historic Review has determined is subject to Historic Plan Review pursuant to this chapter or which meets the definition of landmark.

**HISTORIC DETERMINATION:** The review by the Board of Architectural and Historic Review of applications for demolition permits or building permits for work related to the exterior of buildings that are 100 years old or more to determine whether such buildings meet the historic criteria and are therefore to be considered historic buildings which are subject to Historic Plan Review, or the review performed at the voluntary request of a property owner for such determination in the absence of an application for a demolition permit or building permit.

**HISTORIC PLAN REVIEW:** The review of applications for demolition permits or building permits for work related to the exterior of buildings that have been found to be historic buildings pursuant to this chapter.

**HISTORIC STYLE OF ARCHITECTURE:** A style recognized by one of the following organizations or by any other organization generally recognized as expert in historic preservation of buildings, sites and landmarks:

- A. The National Register of Historic Places.
- B. Historic American Buildings Survey.
- C. Historic American Engineering
- D. Division for Historic Preservation, New York State Office of Parks and Recreation.
- E. National Trust for Historic Preservation.
- F. Society of Architectural Historians
- G. Society for Preservation of Long Island Antiquities

**LANDMARK:** Any building that is listed on either the National or the New York State Register of Historic Places or the equivalent registers, if any, maintained by the County of Suffolk or the Town of Huntington.

**LANDMARK AND HISTORIC DISTRICT MAP:** A map to be prepared and maintained by the Board of Architectural and Historic Review, the Village Historian, the Village Building Inspector and code enforcement officer(s) and such other persons as may be designated by the Mayor, identifying the location of all landmarks,

landmark sites and historic districts, buildings and properties.

**NON-RESIDENTIAL BUILDINGS:** Any building that is lawfully devoted to non-residential use, in whole or in part.

**PROPERTY OWNER:** A person or business entity having an ownership interest in and to a parcel of land.

**SERIOUS STATE OF DISREPAIR:** Deterioration of any structural feature of a building so as to create a hazardous and unsafe condition, which may result in a claim that demolition, in whole or in part, is necessary to protect the public safety. See also existing Chapter 114, "Buildings and Structures, Unsafe".

**TAX EXEMPTION:** The application of partial tax exemption as provided for in Real Property Tax Law §444-a, as approved by the Tax Assessor of the Village of Northport pursuant to §15-10 herein.

**§15-3      Restrictions on Demolition, Construction, and Alterations of Buildings Pending Historic Determination**

This chapter applies only to **buildings** that are 100 years old or more. Therefore, no demolition or building permit may be issued for any such building, unless an application to demolish or to make alterations for which a building permit is required has first been approved by the Board of Architectural and Historic Review as follows:

- A. All complete applications for a building permit or demolition permit for all buildings that the building inspector determines to be 100 years old or more, or a letter of intent that contains such information and supporting documentation as the Building Inspector shall reasonably require, shall be referred to the Board of Architectural and Historic Review, which shall determine whether the building meets the criteria of §15-4(A). In making the determination of the age of the **building**, “circa” dates determined by reputable authority, which shall include the circa dates as recorded in the building inventory survey of the Village of Northport, shall be a sufficient basis upon which to

determine the age of a building for the purposes of this chapter. A positive determination that the building is historic requires that the proposed demolition or other alteration for which a building permit is required undergo Historic Plan Review pursuant to this chapter. If the property owner objects to such positive determination, the Board shall schedule a public hearing on the application to be held as soon as practicable but in no event later than sixty (60) days from the time the application is complete as determined by the Board Chairman, unless the applicant requests a later date. Upon conclusion of the public hearing, the Board shall make a written determination within thirty (30) days whether Historic Plan Review is required applying the criteria set forth in §15-4 of this chapter. If it makes a negative determination finding that Historic Plan Review is not required, then it shall grant authorization to demolish and/or make the proposed alterations, subject to such code requirements that otherwise apply and shall not require Historic Plan Review under this chapter. Nothing contained in such authorization shall be construed to waive any other code or other lawful requirements. The Board shall grant the property owner reasonable requests to adjourn and/or continue the public hearing for the purpose of submitting relevant and material evidence for the Board's consideration.

- B. The positive or negative determination of the Board of Architectural and Historic Review regarding whether Historic Plan Review under this chapter is required shall be final and binding for all present and future applications to demolish or make alterations for which a building permit is required unless newly discovered evidence is presented which the Board finds warrants a re-consideration based upon the quality and the relevance of the evidence or unless this chapter is amended in which case the provisions of such amendment shall apply, and subject to the right of the property owner to file a hardship application as provided for in §15-7 herein. Changes to the exterior of a building made in accordance with approvals previously granted by the Board of Architectural and Historic Review shall not be used to support any claim of newly discovered evidence.
- C. A Property Owner may consent to Historic Plan Review at the time they submit an application for a building or demolition permit. Such consent shall be made in a form as prescribed by the Board of Architectural and Historic Review. A property owner may also make

a voluntary request for a positive determination absent any application for a building or demolition permit. In such case, the Board shall determine whether the building satisfies the criteria set forth in §15-4 herein. If such determination is made, the property shall thereafter be subject to Historic Plan Review under this chapter.

- D. In making the determination whether Historic Plan Review is required, the Board of Architectural and Historic Review shall receive such evidence as any interested party may wish to submit. In the event the Board determines that it requires independent expert review, it may authorize same. The fee of such expert shall be paid by the Village.
- E. In the event the Board of Architectural and Historic Review finds that Historic Plan Review pursuant to this chapter is required, it shall thereafter apply the standards set forth in §15-6 to determine whether to grant, deny, or conditionally grant an application for a permit to demolish or make alterations to the building(s) and property which was the subject of such determination by the Board.
- F. The Board of Architectural and Historic Review has discretion to combine any public hearings it may hold pursuant to a single building or demolition permit application, including hearings on the following:
  - (1) Historic Determination;
  - (2) Historic Plan Review under the procedures and criteria set forth in §15-8;
  - (3) Architectural design review under the procedures and criteria set forth in Chapter 13 of the Village Code;
  - (4) Whether a hardship is present that warrants a waiver of historic and/or architectural review requirements.
- G. The Village shall take such measures as appropriate to ensure that a permanent record is maintained of historic buildings. These measures may include, but shall not be limited to, maintaining an official list of such properties and buildings, along with a copy of the Board's determination and a description of the buildings to which this restriction applies, and updating assessment records, building cards, and related records.

#### **§15-4            Criteria for Historic Determination**

A.     The Board of Architectural and Historic Review shall determine if a building that is 100 years old or more is required to be subject to Historic Plan Review based upon the criteria set forth in this subsection. The board may make such finding if any one of the following factors are applicable and furthers the purpose of this Chapter. In making such determination, unless the property owner requests and consents to Historic Plan Review and the buildings satisfy the criteria set forth below, the Board must find that the subject building is at least 100 years old and that substantial evidence supports the finding that Historic Plan Review is required with respect to the specific building in issue. A property owner may waive the 100 year old requirement when voluntarily seeking to be subject to Historic Plan Review and may also request Historic Determination in the absence of an application for a building permit or demolition permit. To be the subject of Historic Plan Review, the Board of Architectural and Historic Review must make findings based upon substantial evidence that the building:

- (1)    possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic, or social history of the Village, region, state, or nation; or
- (2)    is identified with historic personages or is the site of an historic event in the Village, region, state or nation; or
- (3)    embodies the distinguishing characteristics of a type, period, style, or method of architecture or engineering; or
- (4)    is the work of an important builder, designer, artist or architect whose work has significantly influenced an age; or
- (5)    because of its unique location or singular physical characteristics, represents an established and familiar visual or aesthetic feature of the neighborhood; or
- (6)    is significant for containing elements of design, details, materials or craftsmanship which represent a significant innovation; or
- (7)    has special historical significance to the Village of Northport, Town of Huntington, County of Suffolk, State of New York, or the United States of America, by reason of famous events or the antiquity or uniqueness of architectural construction or design; or

- (8) will promote the public health, safety and/or general welfare if determined to be subject to Historic Plan Review under this chapter; or
- (9) will preserve or enhance village property and/or neighborhood property values, heritage, character, or quality, if determined to be subject to Historic Plan Review, or
- (10) is listed on either the National or the New York State Register of Historic Places or the equivalent registers, if any, maintained by the County of Suffolk and/or the Town of Huntington, or
- (11) possesses an Historic Style of Architecture.

B. A building that has been determined to be subject to Historic Plan Review under this chapter, shall be entitled to a partial Tax Exemption as provided for in §15-10 herein pursuant to Real Property Tax Law §444-a. This partial tax exemption shall be effective only for so long as the subject building remains subject to Historic Plan Review under this chapter, as may be amended by the Board of Trustees from time to time. A property owner is not required to file a covenant to be eligible for this partial tax exemption. Furthermore, in the event a court of competent jurisdiction finds that a violation of this chapter has occurred, then the Board of Trustees may reduce or eliminate the partial tax exemption based upon the degree and time period of the violation. At least ten (10) days notice of action pursuant to this subsection shall be given to the affected property owner.

C. A sub-committee of the Board of Architectural and Historic Review together with such other persons as the Mayor may designate from time to time shall be established to meet with applicants upon request to facilitate the application and review process.

D. The Board of Architectural and Historic Review may recommend approval of variance applications to the Zoning Board of Appeals to the extent the requested variance(s) will further the goals of this chapter and where an historic building that has been substantially demolished is being rebuilt consistent with its historic character as approved by the Board of Architectural and Historic Review and its proposed location is either desired for historic purposes or is substantially the same as where it existed prior to the substantial demolition. The Zoning Board of Appeals is required to follow the recommendation of the Board of Architectural and Historic Review provided such determination is consistent with the Zoning Board's statutory mandates under New York State Village Law.

E. The Chairman of the Board of Architectural and Historic Review, or the Vice-Chairman in the event of the unavailability of the Chairman, is empowered to waive Historic Plan Review where he finds that the proposed work is minor and will have no impact on the historic appearance of the building and constitutes an in-kind replacement. Such waiver shall be in writing and signed.

**§15-5 Permit required.**

No person shall carry on any exterior alteration, demolition, or new construction or moving of a building that is 100 years old or more, or that meets the definition of historic building, for which a building and/or demolition permit is required, without first obtaining a permit from the Board of Architectural and Historic Review, unless Historic Plan Review has been waived pursuant to §15-4(E):

- (A) No work shall be commenced and no village official shall grant, issue or release a demolition permit or a building permit to alter the exterior of any building that is 100 years old or more, or that meets the definition of historic building, unless a permit has been granted by the Board of Architectural and Historic Review. The permit required in this Chapter shall be in addition to and not in lieu of any building or demolition permit or other approval required by applicable local, state and federal laws, rules, regulations and ordinances.
- (B) Nothing contained in this section is intended to prohibit the construction, reconstruction, maintenance, repair, alteration, improvement or rehabilitation of public highways, streets, roads, walkways, sidewalks, bridges, culverts, sewer and drainage facilities, water facilities and other public property by village, town, county, state and/or federal agencies or utility companies. In addition, nothing contained herein shall be construed to limit the property owner's ability to make (i) any changes or improvements that do not require a building or demolition permit; and (ii) any interior changes or improvements whether or not such work requires a building and/or demolition permit.
- (C) Nothing contained in this section is intended to prevent changes to the interior of a building or is intended to prevent ordinary maintenance

and such repairs as do not change an exterior architectural feature, the exterior design, material, or outward appearance of an improvement to a building which has been determined to be required to submit to Historic Plan Review under this chapter, except as otherwise required by this code.

- (D) This section is not intended to prevent the construction, reconstruction, restoration, rehabilitation, repair, alteration or demolition of any part of an existing exterior feature, or façade which, in the opinion of the building inspector and/or the fire marshal presents an immediate safety hazard and requires an immediate emergency repair to preserve the structure or to safeguard the health and safety of its occupants or other persons (see also existing Chapter 114, "Buildings and Structures, Unsafe"). The term "emergency repair" shall not include major replacements/repairs, and is limited to the work necessary to stabilize the building; or to protect the safety of occupants or the public. No additional work is to be performed until a required permit has been requested by the applicant and granted by the Board of Architectural and Historic Review and all other required approvals and permits are obtained.
- (E) Nothing in this Chapter is intended to relieve a property owner from obtaining a building or demolition permit or other approvals required by local, state and/or federal law, rules, regulations and ordinances. The work performed shall be in compliance with all applicable requirements.
- (F) The Chairman of the Board of Architectural and Historic Review, or the Vice-Chairman in the event of the unavailability of the Chairman, is empowered to waive Historic Determination or Historic Plan Review, if the building was previously judged historic or is in an historic district, where he finds that the proposed work is minor and will have no impact on the historic appearance of the building and constitutes an in-kind replacement. Such waiver shall be in writing and signed.
- (G) Nothing in this Chapter is intended to prevent the installation of any externally-mounted device that is meant to capture or make use of

solar photovoltaic power, solar thermal energy, or other form of solar power, even when a building permit is required, if the device:

- (1) requires piercing the building's shell only to the extent necessary to securely mount the device upon the building and to allow for the conduction of electricity, water, or other energy-carrying medium to the building's interior, and
- (2) remains outside the building's shell except for the minimal piercing described in (G)(1), and does not itself replace any portion of the roof. Further, the Chairman of the Board of Architectural and Historic Review, or the Vice-Chairman in the event of the unavailability of the Chairman, shall waive Historic Plan Review (or Historic Plan Review, if the building was previously judged historic or is in an historic district) concerning the solar power device where he finds that the proposed installation meets these two criteria. Such waiver shall be in writing and signed.

**§15-6 Historic Plan Review: Demolition or Alterations to Historic Buildings Which Require a Building Permit**

Following the procedures set forth below in §15-9, the Board shall make written findings granting, denying or granting with conditions the application for a permit to demolish and/or make alterations which require a building permit to buildings that are subject to Historic Plan Review under this chapter. Such determination shall be based upon a consideration of the following factors as they relate to the historic significance of the building:

- (1) The impact of the proposed changes on the special character or historic, architectural, engineering, cultural or aesthetic interest or value of the structure or site and/or the surrounding properties and/or structures, including other properties and structures within the zoning districts in which the subject structure/property is located;
- (2) The general design, character and appropriateness to the property of the proposed action;

- (3) The scale of the proposed construction or alteration in relation to the property itself, surrounding properties and the neighborhood;
- (4) Whether the proposed construction or alteration is visually compatible with the textures, materials of the façade and roof of the historic portion of the building or structure, and its historic architectural style, proportion, scale and configuration;
- (5) The legally permitted use of the property and of the buildings therein;
- (6) Any other factor which in the opinion of the Board is relevant or necessary;
- (7) In the event of an application to raze or demolish, in whole or in part, a building subject to this chapter, the Board shall, in addition to the foregoing, consider the structural condition and the economic feasibility of alternatives to the proposal; and the importance to the Village and the extent to which its special character or architectural, engineering, cultural, historic or aesthetic interest or value is such that its removal would be detrimental to the public interest or its retention would benefit the community;
- (8) The applicant shall use such materials in the construction or alteration of a building as the Board determines are reasonable under all of the circumstances. However, the Board must allow all applicants to use modern materials of similar design and texture in lieu of original, authentic style materials if the historic appearance and character of the building can be maintained. Applicants may elect to use original, authentic style materials in all cases.
- (9) Historic features and facades shall be altered as little as possible.
- (10) All alterations must be consistent in style, texture, scale and proportion with the historical features of the building.
- (11) No approved or unapproved alterations made subsequent to the adoption of this chapter can be used in the future as a reason to support a finding that an historic structure is no longer historic.
- (12) The Board shall consider the impact of the proposed construction, alteration or demolition upon nearby properties

that are subject to Historic Plan Review pursuant to this chapter.

- (13) Any building found to be subject to Historic Plan Review may be referred to as a landmark by the property owner at his or her discretion.
- (14) Repairs to any portion of a building shall be permitted with original or like materials and original methods of construction, to the extent permitted by Chapter 10, "Historic Buildings", and Chapter 2, "Definitions", of the 2007 Existing Building Code of New York State or its successor code.

### **§15-7 Maintenance and Repair of historic buildings**

A. No owner or person with an interest in any historic building or any building that is at least 100 years of age, whether it has already received Historic Plan Review or not, shall intentionally and knowingly or with reckless disregard cause such building to fall into a serious state of disrepair, which is defined as the deterioration of any structural feature of a building so as to create a hazardous and unsafe condition, which may result in a claim that demolition, in whole or in part, is necessary to protect the public safety.

B. An owner or person with an interest in any historic building or any building that is at least 100 years of age, who intentionally and knowingly or with reckless disregard cause such building to fall into a serious state of disrepair shall be in violation of this section and shall be required to restore the building to its appearance prior to the violation.

C. The requirements of this section are in addition to and not in place of any other maintenance and repair obligations contained anywhere in the Northport Village Code (for example, see existing Chapter 114, "Buildings and Structures, Unsafe").

### **§15-8 Relief based upon Hardship.**

A. The Board of Architectural and Historic Review must consider the hardship to a property owner in making all determinations under this chapter, including but not limited to imposing the Historic Plan Review requirement; denying in whole or in part a request to demolish or make alterations to a building

subject to Historic Plan Review; and revoking or modifying a prior determination made by the Board under this chapter. The Board must conduct a public hearing on notice as provided for in §15-8 on all requests for relief based upon hardship. A separate public hearing on a request for this relief does not have to be held if this request is considered at a duly noticed public hearing regarding the same building.

B. With respect to a request to revoke or modify a determination made by the Board under this chapter, the petitioner shall demonstrate that there has been a substantial change in one or more of the factors set forth in §§15-4 and 15-5 and/or that the requirement that the building undergo Historic Plan Review under this chapter has created an unreasonable hardship as set forth in §15-8. Revocation and/or modification of a determination, in whole or in part, shall be reserved for rare instances where change, not attributable to any deliberate conduct on the part of the owner or purchaser, has made continued Historic Plan Review inconsistent with the purposes of this Chapter and has worked an unreasonable hardship upon such owner or purchaser.

C. A property owner may claim hardship in order to oppose a finding that Historic Plan Review under this chapter is required for one or more of the buildings on a property. A property owner(s) may also claim hardship with respect to a request to demolish or make alterations to any buildings on such property. The hardship claim can be made regarding an entire application or with respect to specific features of a proposal to alter the building. The burden is upon the property owner to establish the existence of hardship by providing evidence of the following to the satisfaction of the Board of Architectural and Historic Review:

- (1) the property is incapable of earning a reasonable return, regardless of whether the return represents the most profitable return possible. The property owner shall provide dollars and cents proof to demonstrate that the claim of hardship is well founded; and
- (2) the property can not be adapted for any other use permitted by the zoning ordinance in the zoning district in which the property is located, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (3) good faith efforts to find a purchaser interested in acquiring and preserving the property and its structure(s) have failed
- (4) that the claimed hardship did not result from the property

owner's failure or neglect without reasonable excuse to maintain and/or repair the building.

## **§15-9 Applications; procedure**

A. A written request as required under this chapter, including for a determination of whether Historic Plan Review is required, for a permit to demolish or make alterations to a building subject to Historic Plan Review, to revoke or modify any prior determinations made by the Board of Architectural and Historic Review under this chapter, and/or for relief based upon hardship shall be filed in the Office of the Village Clerk. Eight (8) copies of each of the following shall be filed: the written request; the current deed to the property; a survey with all existing buildings on the property certified by a licensed surveyor; architectural plans with respect to proposed renovations. For all commercially zoned properties also see Chapters 13, "Architectural and Historic Review, Board of" and A311, "Board of Architectural and Historic Review Rules and Regulations" of this code. The Board may waive any of these requirements for good cause. The Village Clerk shall retain one copy and shall forthwith forward all other copies to the Board of Architectural and Historic Review. In the event the property owner objects to being subject to Historic Plan Review or seeks relief from any of the requirements under this chapter, the Board shall schedule a public hearing to be held within forty-five (45) days of receipt of a completed application and thereafter issue a determination in compliance with the relevant requirements of this chapter. The property owner shall have the right to present evidence in support of the request.

B. Notice of any public hearing required under this chapter shall be published in the issue of the official newspaper of the Village, and in such other manner as the Board of Architectural and Historic Review may direct, preceding the date of such hearing. The cost of said publication shall be borne by the applicant, which shall be paid in full prior to publication in accordance with the procedures set forth in Northport Code §147-4. The failure to pay the required fee shall toll the time period for the scheduling of the public hearing. Applicants shall serve personally or by mail a written notice setting forth the nature and substance of the application and the time and place of the hearing at which the application shall be heard by the Board upon all owners of property shown on the current assessment rolls of the Village of Northport any part of which is located within 500

feet of the building to which the application relates. A second distribution of said notice shall be addressed to “Occupants” of said properties. Such notice shall be served by mail not less than 10 days or by personal service not less than seven days prior to the date of the hearing, and proof of proper service, in affidavit form, shall be submitted to the Board by the applicant at or prior to the hearing. The subject property shall be posted with a notice of the public hearing for the five (5) days immediately preceding the public hearing.

C. Within sixty (60) days of filing of a determination of the Board of Architectural and Historic Review that Historic Plan Review is required pursuant to this chapter, an aggrieved party may file a written appeal to the Board of Trustees by filing same with the Village Clerk. This appeal is limited to the record made before the Board of Architectural and Historic Review. No new evidence shall be permitted to be submitted to or considered by the Board of Trustees, which may affirm or remand the determination to the Board of Architectural and Historic Review to re-consider based upon the written determination of the Board of Trustees. This appeal shall be by submission only, except that an aggrieved party may request permission to make an oral argument to the Board of Trustees, which has discretion to grant or deny this request, which request shall be made in writing at the time of the filing of the appeal. All written submissions to the Board of Trustees must be filed no later than sixty (60) days from the date of filing of the determination of the Board of Architectural and Historic Review appealed from. Upon filing with the Village Clerk of a written determination by the Board of Trustees which affirms the determination appealed from, an aggrieved party may commence an Article 78 proceeding in accordance with the Civil Practice Law and Rules. In the event the Board of Trustees remands the determination, then the aggrieved party must exhaust administrative remedies and appeals prior to commencement of an Article 78 proceeding.

D. A determination by the Board of Architectural and Historic Review to approve an application shall be considered as evidence in support of an application regarding the same premises and same project to any other board. Nothing contained herein shall affect the obligation or option any Board of the Village may have to provide comments or recommendations to another Board as elsewhere provided in the Village Code or as otherwise provided for in state or local law. Where relevant, the Boards are strongly encouraged to provide comments to each other regarding simultaneously pending applications for the same premises.

E. Where a proposed construction, demolition or alteration requires approvals from more than one board, the applicant may apply simultaneously for approval from the Board of Architectural and Historic Review, the Board of Zoning Appeals and/or the Planning Board. Copies of all applications shall be provided to all boards whose approvals are required. The Board of Architectural and Historic Review is not required to approve an application on the basis of a variance granted by the Board of Zoning Appeals or approval of the Planning Board where the Board of Architectural and Historic Review finds that such a plan of development does not satisfy historic plan review requirements as set forth in this chapter.

F. The Board shall protect the privacy rights of any applicants' financial information and records that are submitted in connection with any application.

G. Upon request of an applicant who is required to obtain the approval of two or more Village boards, the Mayor shall designate a Village official or employee to assist the applicant in the processing and expediting of the various applications and approvals required from the Village.

**§ 15-10 Partial tax exemption for altered and rehabilitated historic buildings.**

A. Pursuant to § 444-a of the Real Property Tax Law of the State of New York, the Board of Trustees of the Village of Northport, after due consideration, has provided for a partial real property tax exemption for qualified alterations and rehabilitation and/or re-construction of certain historic real property not to exceed the amounts specified therein.

No exemption shall be granted for such alterations or rehabilitation or re-construction unless each of the following has been met:

- (1) Such building has been found to be subject to Historic Plan Review by the Board of Architectural and Historic Review or the property owner has consented to such review and the Board determines that the property meets the criteria for being an historic building;

- (2) Alterations or rehabilitation are consistent with the character of the historic building;
- (3) Such alterations or rehabilitation or re-construction of the historic building are approved by the Board of Architectural and Historic Review prior to commencement of work;
- (4) The alterations or rehabilitation or re-construction must otherwise result in an increase in the assessed valuation of the real property; and
- (5) Alterations or rehabilitation or re-construction are commenced subsequent to the effective date of this article.

B. In the event an historic building is substantially demolished due to fire or other act of nature not caused by the property owner, the re-construction of such building consistent with its historic character as reviewed and approved by the Board of Architectural and Historic Review shall qualify for the partial tax exemption but in no event shall the assessment for the taxes to be paid be less than the assessment that existed prior to the substantial demolition.

C. Such historic building shall be exempt from taxation to the extent of any increase in value attributable to such alteration or rehabilitation pursuant to the following schedule:

**Year of exemption    Percent of Exemption**

1	100%
2	100%
3	100%
4	100%
5	100%
6	80%
7	60%
8	40%
9	20%
10	0%

D. Application for exemption; approval.

- (1) The exemption may be granted only upon application of the owner or owners of such historic building on a form prescribed by the New York State Office of Real Property Services, or any successor agency.
  - (2) The application must be filed with the Assessor on or before the appropriate taxable status date.
  - (3) The exemption shall be granted where the Assessor is satisfied that the applicant is entitled to an exemption pursuant to this section.
- E. All of the terms, conditions and exceptions as set forth in § 444-a of the Real Property Tax Law of the State of New York, as amended, are adopted herein unless otherwise specified, as though fully set forth within this article.

### **§15-11                      Emergency**

In the event that there is the need for immediate repairs and/or renovations to a building subject to Historic Determination or Historic Plan Review, by reason of imminent threat to life and safety or for other significant reasons as determined by the Chair of the Board of Architectural and Historic Review or, in his or her absence, the Vice Chair, then an emergency meeting of the Board shall be called and those Board members in attendance shall be authorized to grant permission for those alterations, renovations and/or other improvements that are necessary to meet the immediate threat or need, whether or not a quorum is present for such meeting. In the event the threat is so imminent that there is insufficient time to call a meeting, then the Chair or Vice Chair can authorize permission for those alterations, renovations and/or other improvements that are necessary to meet the immediate threat or need and can waive any of the requirements of this chapter.

### **§15-12.    Penalties for offenses.**

- A. No person, firm or corporation, including but not limited to owner(s), occupant(s), contractor(s) or agents, employees or representatives of same, shall demolish, construct, reconstruct or alter any building within the territorial limits of the Village of Northport if the demolition or building permit application for such work has been referred to the Board of Architectural and Historic Review for its approval unless and until said Board has approved such application and a building permit or

- demolition permit has been issued by the Building Inspector and all other legal requirements have been satisfied.
- B. All work performed pursuant to a permit issued under this chapter shall conform to any requirements included therein. It shall be the duty of the building inspector or other authorized Village employee to inspect periodically any such work to assure compliance. In the event work is found that is not being performed in accordance with the permit, the Village official is authorized to take all lawful enforcement action including the issuance of a stop work order directing the immediate cessation of all work.. No further work shall be undertaken on the project so long as a stop work order is in effect.
  - C. Each violation of this chapter shall be punishable by a fine of not more than \$1,000, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to such fine, the violator shall pay all costs and expenses incurred by the Village in proving such violation.
  - D. The Building Inspector or any other enforcement officer of the Village of Northport may place a stop-work-order on any violation discovered during the demolition, construction/building process. The Building Inspector or any other enforcement officer of the Village may at any time refuse to issue, or revoke, a certificate of occupancy for the building constructed or being constructed on the site in violation of this chapter until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

### **§15-13 Civil Remedy**

The owner of the building and any person who demolishes, alters, constructs, or permits a building subject to this article to fall into a serious state of disrepair in violation of this article shall be required to restore the property and its site to its appearance prior to the violation, if directed to do so by the Board of Trustees, which shall make such determination at a public hearing where substantial evidence establishes that a violation as described herein occurred. Ten days' notice of the public hearing shall be made by written notice to the property owner and occupant and by publication in the official newspaper of the Village. Any action to enforce this subsection shall be brought by the Village Attorney. The Village shall be entitled to recover the costs of such civil action, including reasonable attorney's

fees, if it prevails in such action by settlement or court determination. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

**§ 15-14. Fees.**

There shall be no fee for applications pursuant to this chapter.

**§15-15 Supersession of inconsistent code provisions.**

The provisions of this chapter shall supersede any inconsistent code provisions with respect to the subject matter hereof.

**CHAPTER 16: HISTORIC DISTRICTS**

**§16-1 Legislative Intent.**

A. The Board of Trustees of the Incorporated Village of Northport finds that the conservation, protection and preservation of distinct geographic areas within the Village is in harmony with and will promote and enhance the cultural, educational, economic and general welfare of the public, will preserve and enhance property values, and will ensure the harmonious, orderly and efficient growth and development of these distinct areas and of the Village as a whole, consistent with its unique heritage and character.

B. In response to the findings in §16-1.A above, the Board of Trustees of the Incorporated Village of Northport declares that it is their intention to enact legislation that would permit property owners in a section or area of the Village to petition to have a defined geographical area designated as a Historic District requiring all buildings in that district, regardless of age, for which a building permit or demolition permit has been applied, to undergo the same review procedures as required under §15-6 of the code.

C. The Board intends that those property owners who petition for a Historic District designation shall have the burden of establishing the merit of such designation pursuant to standards set forth in this chapter and as referenced in other chapters of this code. The first step is to file a petition with the Village

Clerk as described in this chapter signed by at least a majority of the property owners in a proposed district. A public hearing will then be scheduled before the Board of Architectural and Historic Review which shall make a recommendation to the Board of Trustees. A majority vote of the Board of Trustees is required to establish a Historic District under this chapter.

D. As is the case with Chapter 15, Historic Plan Review of properties in a duly established Historic District is required only for improvements to the exterior of the building that require a building permit or demolition permit. Therefore, the legislation does not apply to such work as painting and door/window replacement or interior alterations. Furthermore, even where a building permit or demolition permit is required, review can be waived if the proposed work is minor and has no impact on the appearance of the building and constitutes an in-kind replacement. Modern substitutes of historic materials are allowed if they maintain the historic appearance and character of the structure. Under some circumstances hardship exceptions, partial tax relief, and emergency review are possible. Historic designation by other jurisdictions, such as New York State, is recognized. A property owner is not required to file a covenant on any property found to be historic.

**§16-2 Definitions.** For the purposes of this chapter and to the extent applicable, the definitions set forth in chapters 14 and 15 shall apply in addition to the following:

**CONTRIBUTING BUILDING:**

A building that either has been determined by the Board of Architectural and Historic Review to be a historic building, or one which, while not meeting a criterion set forth in §15-4 of this code for an historic building, nevertheless contributes to the overall visual characteristics of the proposed historic district.

**HISTORIC DISTRICT:**

A designated area, small or large, which contains within definable geographic boundaries one (1) or more historic buildings and which may have within its boundaries Contributing Buildings.

**§16-3. Areas eligible for designation as a Historic District**

The Board of Trustees may designate any area containing buildings as a Historic District if the area:

- (A) Contains one (1) or more properties with one (1) or more buildings that has previously been determined by the Board of Architectural and Historic Review to be a historic building and which contains one (1) or more additional properties with one (1) or more contributing buildings; and
- (B) By reason of possessing such qualities, it constitutes a distinct section of the Village; and
- (C) The Board of Architectural and Historic Review has recommended such designation after holding a public hearing on notice to all affected properties.

**§16-4. Procedure for designation of a Historic District.**

The Board of Trustees may designate a Historic District, subject to the following procedures:

- A. Property owners may petition the Board of Trustees to designate a defined geographic area in the Village that meets the definition of a Historic District by filing a petition in a form approved by the Village Attorney in the Office of the Northport Village Clerk if signed by a majority of the property owners in the proposed district. All property owners of record must sign for the property to be counted towards calculating whether a majority of property owners have signed the petition. Each property owner petitioning the Board for a proposed district shall submit a copy of the latest deed to his/her own property within the district. The petitioners shall mail a complete copy of the petition and all attachments, if any, to all property owners within the proposed district who have not signed the petition. Proof of mailings, in affidavit form, shall be submitted to the Village Clerk at the time of the filing of the petition. The Village Clerk shall provide a copy of the proof of mailing to the Secretary of the Board of Architectural and Historic Review.

The petition shall include the complete names and addresses of all property owners signing the petition. Next to each name shall be the date of signing. The petition shall also include the street addresses of all other properties located

within the proposed district and identify the street addresses of the historic buildings and contributing buildings. Any one page of the petition may be carried by only one individual. The carrier of a page shall sign and date the bottom of the petition page to attest that each signature was written by the person and that the street address and date of signing are correct.

Additional materials to be submitted with the petition shall include a legal description (property boundaries as contained in the deed) of all properties proposed to be included in the district together with a copy of the tax map of the area obtained from the Village Clerk shaded or outlined to show the area to be included in the proposed district and shaded or outlined in a distinguishable manner to show the properties that contain historic buildings, together with photographs of each of the buildings proposed to be included, to the extent same is obtainable without trespassing upon private property without the permission of the owner, and any other relevant documents or materials. Failure to include any such documents or materials with the petition shall not preclude the petitioners from submitting same at the public hearing or at such other time as the Board of Architectural and Historic Review may require.

B. The Village Clerk shall, within five (5) business days of such filing, forward a copy of the petition and its attachments to each member and the secretary of the Board of Architectural and Historic Review for their review and evaluation. The Village Clerk shall also forward a copy of the petition and attachments to each member of the Board of Trustees, Planning Board, Board of Zoning Appeals, the Building Inspector and the Code Compliance Officer and request that the same provide any comments in writing to the Board of Architectural and Historic Review prior to the scheduled public hearing. Thereafter, the following procedure shall be followed:

(1) Upon receipt of a petition, the Board of Architectural and Historic Review shall schedule a public hearing on notice to all recipients of the mailing described in §16-4(A), as well as all signatories of the petition, at Village expense, in substantial compliance with the applicable procedures set forth in chapters 13, 14 and 15. The petitioners shall have the burden of submitting evidence in support of the petition. The Board may continue the public hearing on additional hearing dates as necessary to hear all relevant public comment and receive all relevant information.

(2) In the event the Board of Architectural and Historic Review votes to

disapprove the petition to create a Historic District, such determination shall be in writing and shall include findings and the basis for this determination which shall be final upon filing with the Village Clerk, who shall cause a copy to be mailed to all property owners within the proposed district. In the event a majority of the Board of Architectural and Historic Review votes to approve a petition, the Board shall submit its written findings and recommendations to the Board of Trustees and the Village Clerk, who shall mail a copy of such findings and recommendations to all property owners in the proposed district. The Board's findings and recommendations shall include a report on the testimony and evidence received at the hearing and the basis for the Board's determination. The Board's report shall be advisory in nature. The following factors shall be considered by the Board of Architectural and Historic Review:

(a) The age of the buildings proposed to be included within the proposed district and one (1) or more of the factors set forth in §15-4; and

(b) The general condition of the buildings located in proposed historic district; and

(c) The relationship to each other of the buildings proposed to be included within the Historic District and why they collectively meet the definition of a Historic District; and

(d) The extent of the hardship such designation would create for the property owner(s). This determination shall be for specific properties upon the request of the owners of those properties, using the same procedure and criteria as established in §15-7 of this code. Failure to request a hardship determination or receipt of a negative determination shall not preclude the property owner from seeking another determination at a later date when filing an application for a building or building permit or demolition permit.

(3) The findings and recommendations of the Board of Architectural and Historic Review and its complete record shall be available for inspection by members of the public in the Office of the Village Clerk during business hours.

(4) In the event of a disapproval determination by the Board of Architectural and Historic Review, any petitioner may make a written request to the Board of Trustees that a public hearing pursuant to this section nevertheless be held

to consider whether or not to approve the Historic District. The written request shall state the reasons why petitioner disagrees with the disapproval determination. The Board of Trustees shall decide whether or not to grant the request within thirty (30) days of receipt of same. If the Board of Trustees grants the request, it shall schedule a hearing and proceed in accordance with the requirements of this section set forth in subsections B through F herein.

C. The Board of Trustees shall schedule a public hearing on a petition for designation of a Historic District to be held within sixty (60) days of receipt of the Board of Architectural and Historic Review's findings and recommendations with regard to the proposed Historic District. Notice and the procedures for the public hearing shall be the same as generally applicable for public hearings before the Board of Trustees. Notice of a public hearing shall be mailed to all recipients of the mailing described in §16-4(B)(1). The petitioners shall have the burden of presenting the evidence in support of the petition. The entire record of the Board of Architectural and Historic Review shall be admitted into the record before the Board of Trustees by reference thereto. The Board of Trustees may on its own motion call witnesses, including architects, engineers, planning consultants or other experts, and may consider such other evidence it deems necessary or advisable at the public hearing.

D. In determining whether or not to designate a new Historic District, the Board of Trustees shall consider the factors listed in §15-4, the testimony of the property owners within the proposed district; the testimony of any expert presented by any property owners within the proposed district; the findings and recommendations of the Board of Architectural and Historic Review. The Board's report is advisory in nature and the final decision is reserved to the Board of Trustees; any other relevant information or evidence submitted before the Board of Architectural and Historic Review or submitted at the hearing before the Board of Trustees.

E. Within thirty (30) days of the conclusion of the public hearing, the Board of Trustees shall render its decision on the proposed designation. The Board of Trustees may extend the period in which to act for one additional thirty (30) day period.

F. The decision of the Board of Trustees shall be filed in the Office of the Village Clerk and shall be final and binding for all present and future petitions concerning the proposed historic district, unless this article is amended,

in which case the provisions of the amendment shall apply, or if, in the opinion of the Board of Architectural and Historic Review or the Board of Trustees, substantial new information warrants a re-consideration. The Board's decision shall be forwarded by the Village Clerk to the owners of all properties located within the proposed Historic District by regular mail within fourteen (14) days of the Board of Trustee's decision.

G. The Board of Trustee's designation of Historic Districts and its boundaries shall be clearly and accurately set forth in the property and building records of the Village.

H. The following sections shall apply to all buildings, without regard to the age of the building, located on properties that are within a Historic District established under chapter 16: §§15-5, 15-6, 15-7, 15-8, 15-9, 15-10, 15-11, 15-12, 15-13, 15-14, 15-15.

I. The Chairman of the Board of Architectural and Historic Review, or the Vice-Chairman in the event of the unavailability of the Chairman, is empowered to waive Historic Plan Review where he or she finds that the proposed work is minor and will have no impact on the historic appearance of the building and constitutes an in-kind replacement . Such waiver shall be in writing and signed.

**§16-5. Moratorium pending consideration of petition for Historic District.**

No work shall be commenced for which a building permit or demolition permit is required and no building permit, demolition permit or other approval shall be granted, issued or released to construct, reconstruct, repair, restore, rehabilitate, renovate, alter, change, demolish, raze or move any building located within a proposed historic district from the date of filing of a petition in the Office of the Village Clerk to the date a final decision is rendered by the Board of Trustees; and if no decision is rendered, until the expiration of ninety (90) days from the date of the close of the public hearing, unless otherwise extended by the Board of Trustees, provided, however, that the Board of Trustees or Board of Architectural and Historic Review may at any time during the moratorium authorize an exemption from this moratorium, provided that the property owner submits a

written request, which shall include a detailed description of the specific work to be done and the reasons why the exemption would not violate the goals of establishing the proposed historic district. The Board shall vote at a duly noticed public meeting. Approval of an exemption from this moratorium shall not relieve the applicant from any other required applications and reviews provided for in this code.

### **Section 5. Severability**

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

### **Section 6. Effective Date**

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

Mayor Doll opened the public hearing with the following statement; tonight's public hearing is the culmination of a year of work to produce the document that we will be discussing. It is no big secret that I am in favor of historic preservation. All of my campaign literature when I ran for this office says so.

I realized in 1954, at the age of 9, that there was a special allure, character and charm because of the architecture in Northport. My enthusiasm to preserve that character and charm has never diminished.

I have lived through previous attempts to pass historical preservation laws and also many proposals that have never made it to the hearing stage.

This proposed legislation was developed taking into consideration what was found objectionable in previous proposals and with input from the three public meetings held over the last year.

The two main themes of this proposal are that it pertains to buildings over 100 years old and only if the owner applies for a building permit. Why 100 years old. A couple of reasons; to be considered historic, NYS requires a building to be at least 50 years old.

They adopted that rule in 1970. Secondly there were two main building surges in the early years of Northport, 1700 to 1850 and 1850 to around 1920. These are significant groups of buildings that deserve preservation. These are the buildings that give certain neighborhoods their special character. Also according to Robert Hughes the Huntington town historian the historic appeal of Northport was already established by 1910.

Why did we take on this exercise at this time? It is because last January a group of residents came to us concerned about the fate of the Skidmore house which was for sale. At that time we did not have had and we still do not have any tools or mechanisms to protect the Skidmore house. And yes luckily and it is just by luck it is still standing. We have no legal means to protect these treasures.

Now people are here tonight who are passionate about having historic preservation and we have people who are just as passionately opposed to historic preservation. We will respect each other view, we will respect each other's right to speak uninterrupted – and we will not engage in cross discussions. We will be courteous as usual to each other. James Scheinzbach, of Main Street, stated he felt the new legislation is denying rights to pass to other generations.

Mimi Kail, read a statement from the Northport Residents Association annexed hereunto. As a homeowner Ms. Kail welcomes the opportunity to review alterations with the Board and welcome their expertise.

Jackie Ingham commended the Board for taking on this legislation. As a homeowner on Bayview Ave. her home will be affected. The older homes in this community are very valuable. What we have is a synergy between the homes businesses and I'm happy with the attempt to save these homes. This law doesn't cover doors and windows. I wish it did. The ARCHIE Board is made up of professionals and can be extremely helpful.

Andrew Thompson of Stanton Street stated the Board is opening a can of worms, I've lived here thirty years and it will be a hardship on homeowners selling their homes.

Lisa Mortimer of Laurel Ave. stated that the home next-door to her is only seventy five years old and they are able to do whatever they want. This is not far.

Barbara Mount expressed that she is 100 % against this legislation.

Janet Pushee questioned if the Village had a list of historic homes and would that list be available to the public. The Mayor responded absolutely.

Steve King, Bayview Ave. even the residents that are opposed to this legislation agree that something should be done. He questioned what sort of alterations should be allowed done to a house without any review at all.

Effie Huber question if Mayor Doll, Trustee Maline or Trustee Tobin if any of you have your 100 year old homes on a historic register. The answer was no on all three. There is only one home in the Village on the national register that is on the corner of Scudder Ave. and Washington Place.

Steven King of Bayview Ave. questioned Trustee Kehoe on being against demolition but asked. Trustee Kehoe stated he was not willing to impose his will upon a homeowner.

Todd Lowe stated that he had talked to his neighbors and while they are in favor of Historic review they did not like involuntarily inclusion. Mr. Lowe stated lives on Stanton Street where a row of house were all built the same: 4 rooms no bath. Those houses have been modified one hundred different ways. No two look alike.

Lee Holcomb of Bayview Ave. stated he was in favor of Historic Preservation but not the way this law is written. Mr. Holcomb felt everyone should go in front of the review board.

Ann Stevens read a statement from Leah Fink (unavailable). Ms. Fink felt that this bill "strips the rights" of one group of citizens on order to increase property values of all property's in the Village.

Erica Brenner stated if you wanted her house to better your business then buy it.

Jane Smith of Scudder Ave. it is important to continue a historic house in the charter in which it was intended. For the twenty three years they have lived in Northport five historic houses have been demolished. If we continue that way we will be left with no historic houses.

Rob Smith Scudder Ave. I would like Northport to remain a community where people who can't afford a two million dollar house can still move in.

Joann Moran, Bayview Ave. Stated that this law does not impose a mandatory sentence on anybody's part unless they choose to apply for a building permit. And that is only if they are going to change the integrity of the house. It has nothing to do with paint or windows or siding.

Lois O'Hara read a letter in support from the Historical Society.

Joan Lowenthal, of Highland Ave. Northport is so special it is worth preserving. Historic Preservation will increase the values of our homes.

Arlene Handel, Bayview Ave stated her support for this legislation. It is a positive piece of legislation. There is never going to be a unanimous opinion throughout the Village.

Barbara Nigro, stated she felt the entire Village should be subjected to this law.

Greg Bush, Bayview Ave. commented that he has lived in this Village for twenty five years and has yet to see anyone do anything to their homes which were not an improvement. Twenty five years from now we will still have a charming Village with or without this legislation. What we may not have is a sense of community.

Joseph Condolff, this law puts unnecessary burdens on me and my property. I would not buy a house in Northport Village that has these kinds of restrictions.

Sally Lauve, Scudder Ave. is in favor of this law to protect these homes for future generations.

Paul Herkovic, Main Street. I bought an old house ten years ago and that house had been "modernized". We have spent a ton of money to restore the house to the way it was. People say we should just tear it down and start over but we wanted an old house. The next person could come along and do just that, tear it down. This law protects that from happening. I'm in favor of that.

Morton Willen, Bayview Ave. stated his house was built in 1889. I support this law. When I moved in many years ago I replaced the back windows with a picture window. I didn't need permission then and under this proposed legislation I would not need permission today.

Ralph Notaristefaino, Jay Court stated he is not in favor of the law the way it is written nor is he in favor of allowing this Board to vote on the proposed law. He would like it put to a referendum vote.

Village Attorney, James Matthews stated New York State law does not permit a referendum vote for Historic Preservation.

Bill Kennedy, Franklin Street. Stated he never would have bought his house had he known there would be this legislation. The legislation should cover all houses.

David Swift, Bayview Ave. stated it was a huge piece of legislation. He requested the Village keep it simple.

Bill Friedman, Woodbine Ave. stated in his opinion the law is flawed. He stated the charm of Northport is the people who live here.

Barbara Hinton stated anyone opposed to this law should drive by 158 Highland Ave. and see what you can do to your house under the provision this law.

Dan Sheehan, Printing House Circle, he is a member of the Board of Architectural and Historic Review We are blessed with these old homes and leaving it up to luck that someone won't come in and tear it down isn't going to work. We need some sort of oversight.

Mark Estabol, stated the fear seems to be that someone could be able to come into Northport, tear down an older home and build a McMansion.

Trustee Kehoe, commented that on his way in he spoke to Ken Savin, who is opposed to the legislation. He also read a statement from Judy and Peter Gorevic, who are also opposed but could not attend tonight meeting. Trustee Kehoe stated he was a member of the Northport Village Residents Association (NVRA) and we hear that the NVRA is opposed to one thing or another where they don't really poll anyone. I think as something as important as this we should find out who are the members, how many are there, is it a click or thousands of people in the Village. On page six of the legislation; legislation intent it says it is the intention of the Board. I take exception to that. To me it should read it is the intention of some of the Board is preserve the Village character. I do not think it will enhance the economy and the general welfare nor will it provide sufficient growth. I think it sends a negative message; move to Northport and we'll regulate everything you have to do. I have the free will to decide what I can and cannot do. What I can and cannot think that cuts to the core of most religions in the world and the way this country was built. I respect my colleagues who are in favor of this. At the end of the day however the law comes down I took an oath to uphold it. The approval of the ARCHIE Board is a hot potato with me. The residents did not vote for the ARCHIE Board. I feel we should not be offering tax deductions, in these economical hard times. Trustee Tobin stated this law only applies when a building permit is applied for. You can go voluntarily to the Board.

Trustee Maline stated the Board is not going to vote on this tonight. The Board is going to talk about it individually and vote on it in two weeks. All laws infringe on individuals rights. In the next two weeks I want to hear from you. I'm listening I will consider anything anyone has to say. It seems the people opposed to this want sticker regulation. Call me I'm listening.

Trustee McMullen agreed with Trustee Malone, please call us we're listening.

Mayor Doll stated we talk about rights, you buy a piece of property in the Village you can't dig a hole without a permit, you can't build a house without a permit, you can't remove more than 10% of the trees on that property. If you're doing nothing to your house that requires a building permit nothing happens to you.

On the motion of Trustee Tobin and seconded by Trustee McMullen the Public Hearing was closed.

**PRESENTATIONS:** no presentations this evening.

**PUBLIC PARTICIPATION:** Betty Koerner, Seaview Ave. stated last year 6000 people

were killed in “Districted Driving accidents” people on cell phones or texting. Ms. Koerner, felt the Village police department needs to come down hard on these people. Chief Bruckenthal stated the no texting law went into effect late last year and the department continues to enforce it.

**BOARD APPROVAL OF WARRANT:**

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following bills were approved for payment.

**Fiscal Year 2009/2010 General Fund bills in the amount of \$ 33,508.45**

On the motion of Trustee Maline and seconded by Trustee McMullen the following bills were approved for payment.

**Fiscal Year 2009/2010 Capital Fund bills in the amount of \$ 31,327.98**

The following bills were put on hold until the February 2, 2010 meeting.

**Fiscal Year 2009/2010 Fire Department bills in the amount of \$ 16719.05**

**TREASURER REPORT:** no Treasurer report this evening.

**COMMISSIONER REPORTS:** Trustee Maline reported all is well with personnel.

Trustee McMullen reported that the replacement pieces for the Cow Harbor Park playground equipment as arrived and will be installed as soon as weather permits.

Trustee Tobin stated the Board has unanimously approved the budget for the 2010-2011 fiscal year.

Trustee Kehoe stated the Business Development committee continues to meet and are working on recommendations they are going to present to the Board on Bed and Breakfasts.

Mayor Doll reported the highway is busy cleaning up from winter storms, the hot box has been going out and the sweeper has been out.

**CHIEF OF POLICE REPORT:** Chief Bruckenthal repeated that the census bureau will be coming around; they should have a picture I.D. There is no reason to allow them in your house and do not give them personnel information.

**SUPERINTENDENT REPORT:** Mr. Correia requested the Board approved asking Gannett Fleming for an estimate to have them write a grant proposal for new bulkhead down by the Beach Ave. Beach house.

**NEW BUSINESS:** no new business

**OLD BUSINESS:** no old business

**REQUESTS:** Mayor Doll reported that the Rotary will hold its 2<sup>nd</sup> annual World Water Day. They march from East Northport to the harbor. They will not need any assistance because they will walk on the sidewalks.

**CORRESPONDENCE:**

**RESOLUTIONS:**

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following resolution was unanimously approved.

**RESOLUTION 2010– 14 ~ APPROVAL OF THE JANUARY 5, 2010 MINUTES**

**WHEREAS:** Copies of the minutes of the January 5, 2010, meeting were sent to the Board for approval, therefore,

**BE IT RESOLVED** that said minutes are approved without reading, at this time.

On the motion of Trustee Kehoe and seconded by Trustee Maline the following resolution was unanimously approved.

**RESOLUTION 2010- 15 LOCAL LAW No. 1**

**WHEREAS:** a Public Hearing of the Village Board of Trustees was held at the Northport American Legion Hall 7 Woodside Ave , Northport, New York at 6:00 o'clock in the evening of the 19<sup>th</sup> day of January 2010, to consider the following proposed local law:

**LOCAL LAW No. 1 OF 2010  
A LOCAL LAW OF  
THE VILLAGE OF NORTHPORT  
TO AMEND CHAPTER 42 “OFFICERS AND EMPLOYEES”  
OF THE CODE OF THE VILLAGE OF NORTHPORT**

**RESOLUTION 2010- 16 LOCAL LAW No. 2**

**WHEREAS:** a Public Hearing of the Village Board of Trustees was held at the Northport American Legion Hall 7 Woodside Ave , Northport, New York at 7:00 o'clock in the evening of the 19<sup>th</sup> day of January 2010, to consider the following proposed local law:

**LOCAL LAW No. 2 OF 2010  
A LOCAL LAW OF  
THE VILLAGE OF NORTHPORT  
TO ADD CHAPTER 15 HISTORIC REVIEW**

**IN ALL ZONING DISTRICTS EXCEPT CENTRAL  
BUSINESS A AND B DISTRICTS AND TO  
ADD CHAPTER 16 HISTORIC DISTRICTS  
TO THE CODE OF THE VILLAGE OF NORTHPORT**

The following resolution was put on hold until further notice.

**RESOLUTION 2010-17 ~ DEBIT CARD**

**BE IT RESOLVED:** That any two (2) of the individuals named in the Certificate to Corporate Banking Resolutions dated June 27, 2009, heretofore submitted by this Corporation to the first National Bank of Long Island, are hereby authorized to apply to the said Bank for a business debit card to be issued to the Corporation for the use of Donna M. Koch, the Clerk of the Incorporated Village of Northport, and

**BE IT FURTHER RESOLVED:** that notwithstanding anything to the contrary contained in the aforesaid Certificate, the signature of the said Donna M. Koch alone shall be sufficient to authorize and effectuate any transaction with respect to such debit card and the second signature referred to in the aforementioned Certificate shall not be required in connection with any matter relating to such debit card; and

**BE IT FURTHER RESOLVED:** that a certified copy of these resolutions be delivered to said bank, it being intended that said Bank will rely thereon in permitting such transactions to occur upon sole signature or authorization of said Donna M. Koch.

**BE IT FURTHER RESOLVED:** approved as to form and content by the Village Attorney.

On the motion of Trustee Kehoe and seconded by Trustee Tobin the following resolution was unanimously approved.

**RESOLUTION 2010- 18 ~ SENIOR GROUNDSKEEPER**

**BE IT RESOLVED:** That William S. Forster be and hereby is appointed to the position of Senior Groundskeeper effective December 7, 2009.

On the motion of Trustee Maline and seconded by Trustee McMullen the Board moved into executive session 9:45 PM

On the motion of Trustee Kehoe and seconded by Trustee Maline the Board moved out of executive session. 10:00PM

**A RESOLUTION FOR AN EXECUTIVE SESSION:** if necessary, for personnel and/or litigation matters.

The next regular meeting of the Board of Trustees will be Tuesday February 2, 2010 at 6:00 PM. Northport Village Hall 224 main Street, Northport, NY 11768

Meeting adjourned: 10:00 PM.

Respectfully submitted,

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Donna M. Koch,  
Village Clerk