

Application for Certificate of Appropriateness

Required per Section 708 Local Law #1 (1995)

Date
Application No.

Village Of Cuba
17 East Main Street
Cuba, NY 14727

- A** Name of Applicant
Mailing Address
Phone #
- B** Property location
Photos attach
- C** Site plan Attach site plan(s) showing building layout, existing and planned features.
- D** Elevation drawings Attachments to show existing and proposed.
- E** Perspective drawings Include relationship of property to adjacent properties
- F** Color/Materials Provide samples
- G** Sign If sign or lettering, a scale drawing per 708 E.(g)
- H** Other As deemed necessary by the Planning Board for visualization information

§ 200-36. HP-D Historic Preservation Overlay District.

A. Purpose.

(1) The purpose of this section is to preserve the historical, architectural and cultural character of certain properties or districts within Cuba Village; to prevent the impairment of or injury to their historical, architectural and cultural value to the community; and to these ends to provide that a reasonable degree of control may be exercised over alterations to such existing properties or to properties within designated districts and over the alteration, architectural design and construction of structures erected or to be erected on any such properties or within designated districts.

(2) Historic Preservation Overlay District (HP-D) regulations are not intended to be substituted for other zoning district regulations, but are to be superimposed on the primary zoning districts and represent an additional level of review and regulation related specifically to the preservation of such designated properties or within designated districts.

B. Designation of landmarks and historic districts.

(1) The Village Board may designate an individual property as a landmark if it:

(a) 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;

(b) Is identified with historic personages;

(c) Embodies the distinguishing characteristics of an architectural style;

(d) Is the work of a designer whose work has significantly influenced an age; or

(e) Represents an established and familiar visual feature of the neighborhood due to its unique location or singular physical characteristics.

(2) The Village Board may designate a group of properties as an historic district if it:

(a) Contains properties which meet one (1) or more of the criteria for designation of a landmark; and

(b) By reason of possessing such qualities, it constitutes a distinct section of the village.

§ 200-36

- (3) The Village Board may act on its own to designate a landmark or historic district or may act upon the recommendation of the owner of the property, the Cuba Historical Society or the Planning Board. Any recommendation for designation which comes directly to the Village Board from an individual or group shall be referred to the Historical Society and the Planning Board with a request for an advisory opinion.
- (4) Notice of a proposed designation shall be sent by certified mail from the Village Clerk to the owner of the property proposed for designation. The notice shall describe the property proposed for designation and announce the date, time and place for a public hearing to be conducted by the Village Board to consider the designation. If the Village Board determines that the proposed designation involves so many owners that individual notice is infeasible, notice may be provided by publication of the notice at least once in a newspaper of general circulation in the village at least five (5) days prior to the date of the public hearing. Once the Village Board has issued a notice of a proposed designation, no building permits shall be issued by the Building Inspector/Code Enforcement Officer until a decision on the proposed designation has been made.
- (5) The Village Board shall conduct a public hearing prior to designation of any landmark or historic district. Interested parties may present testimony or documentary evidence at the hearing that will become part of the record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain staff reports and public comments as well as other evidence transmitted to the Village Board outside of the hearing.
- (6) Each property designated as a landmark and every property within the boundaries of a designated historic district shall be subject to the historic overlay requirements of this chapter.
- (7) The Cuba Village South Street Overlay Historic District is hereby established. The boundaries of this district shall be coincident with the district approved for listing on the National Register for Historic Places by the New York State Office of Parks, Recreation and Historic Preservation.
- (8) The boundaries of all landmarks and historic districts shall be noted as an overlay district on the Official Zoning Map.
- (9) An inventory of landmarks and historic districts shall be maintained by the Village Clerk.

§ 200-36

C. Certificate appropriateness for alteration, demolition or new construction affecting landmarks or historic districts.

(1) A certificate of appropriateness issued by the Planning Board shall be required for any proposal to change the exterior design or appearance or for the demolition or relocation of a landmark or for alterations which require a building or demolition permit for any designated landmark or an existing or proposed structure within a designated historic district. All applications shall include drawings at sufficient detail to show that the proposed changes, additions, removals or new construction will be in harmony with the designated property, structure or district.

(2) Prior to acting on a request for a certificate of appropriateness, the Planning Board shall consider:

(a) The applicant's reason for the request for a certificate of appropriateness;

(b) The historical and/or architectural significance of the property;

(c) The location of the site in relation to its surroundings ;

(d) The aesthetic and cultural value of the property to the community;

(e) The condition of the property, including all structures on the site at the time of application;

and

(f) The effect that the alteration, demolition, relocation or construction would have on the value and the fair economic return of the property.

D. Provisions governing the issuance of a certificate of appropriateness.

(1) Any owner of a landmark who desires to repair the exterior of an existing building or structure shall have the right to undertake the repairs with the identical materials and finishes as were in place at the time of designation without a certificate of appropriateness.

(2) The Planning Board shall have no control over the change of the interior of any building or structure as long as no evidence of such changes appear on the exterior.

(3) Any owner desiring to make structural alterations to a landmark as defined in this chapter shall design such alterations in a manner that is compatible with the exterior style of the structure, the design, scale detail, trim, manner and materials of construction.

§ 200-36

- (4) Any owner desiring to demolish a landmark or a structure within a designated district shall obtain a certificate of appropriateness from the Planning Board. After the issuance of such a certificate, a period of one hundred twenty (120) days must elapse before the Zoning Officer may issue a demolition permit. Anyone who desires to save the structure may use this time to determine a fair price by appraisal and to locate a purchaser who will agree not to raze the structure.
- (5) New development within historic districts shall be in harmony with the general character of the entire designated district. Notwithstanding the above, no new structure shall be required to be a copy of any particular style or architectural period.
- (6) Nothing within these regulations shall be construed to require the owner of any existing structure within a designated district, which is otherwise maintained in conformity with existing laws, to make any change in the exterior design or appearance of such structure. Further, the regulations shall not be construed to prohibit the use of modern materials, techniques or methods of construction in the erection of new structures.

E. Certificate of appropriateness application procedure.

- (l) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Zoning Officer. The application shall contain:
 - (a) The name, address and telephone number of applicant.
 - (b) The location and photographs of the property.
 - (c) Building layout and site plan showing existing and planned features.
 - (d) Elevation drawings, including existing conditions and proposed changes, if available.
 - (e) Perspective drawings, including the relationship of the property to adjacent properties, if available.
 - (f) Samples of color or materials to be used.
 - (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.
 - (h) Any other information deemed necessary by the Planning Board in order to visualize the proposed work.

§ 200-36

- (2) No building permit shall be issued for such proposed work until a certificate of appropriateness has been issued by the Planning Board. The certificate of appropriateness shall be in addition to and not in lieu of any other approvals or permits that may be required by any other laws and regulations of the village.
- (3) The Zoning Officer shall refer the completed application and supporting documents to the Planning Board for review and recommendations.
- (4) The Planning Board shall approve, approve the proposed request with modifications or deny the request for a certificate of appropriateness within forty-five (45) days of receipt of a complete application. The Planning Board may hold a public hearing on the application to provide an opportunity for the public to comment on the application. If a public hearing is held by the Planning Board, a decision on the request shall be made within thirty (30) days of the hearing. If the Planning Board fails to act within the time periods specified herein, the certificate shall be approved and the applicant may proceed to obtain a building permit.
 - (5) All decisions of the Planning Board shall be in writing. A copy of each decision shall be sent to the applicant by certified mail and copies filed with the Village Clerk and the Zoning Officer. The written decision shall state the reasons for denying or modifying any application.
 - (6) Prior to making a decision on an application, the Planning Board may consult with the Village Engineer as well as any other agency or organization as deemed appropriate.
 - (7) The Zoning Officer shall issue the certificate in accord with the instructions of the Planning Board.
 - (8) An appeal of a decision by the Planning Board regarding the approval or denial of a certification or the conditions for approval of such a certification shall be made to the Zoning Board of Appeals.

F. Maintenance and repair required.

- (1) Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design or outside appearance. Appearance, in this instance, does not include a change in the color of the exterior paint.

§ 200-36

(2) No owner or person with an interest in real property designated as a landmark or located within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which, in the judgment of the Planning Board, would produce a detrimental effect upon the life and character of the landmark property or the historic district as a whole. Examples of such deterioration include but are not limited to the following:

- (a) Deterioration (cracking, crumbling or rotting away) of exterior walls or other vertical supports.
- (b) Deterioration of roofs or other horizontal members.
- (c) Deterioration of exterior chimneys.
- (d) Deterioration of exterior stucco or mortar.
- (e) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows, or doors.
- (t) Deterioration of any feature so as to create a hazardous condition that could lead to a claim that demolition is necessary for the public safety.

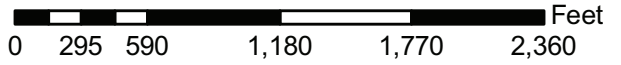
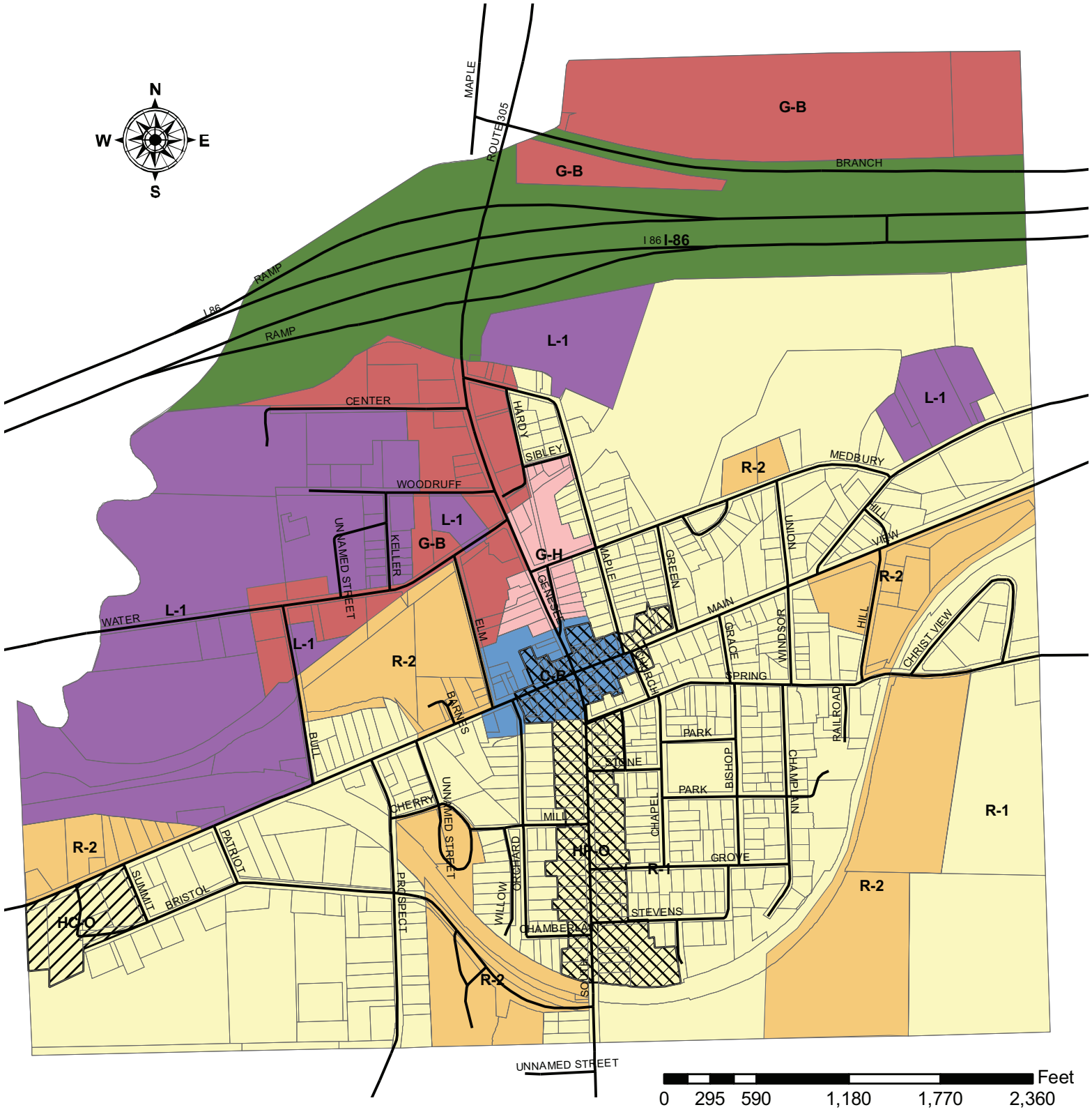
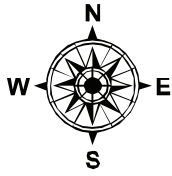
G. Enforcement. All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to the specific requirements of this chapter and the Uniform Code. It shall be the duty of the Zoning Officer to periodically inspect any such work to assure compliance. If it is determined that work is not being performed in accordance with the certificate of appropriateness, the Zoning Officer shall issue a stop-work order and all work shall immediately cease. Except for work to comply with the certificate, no further work shall be undertaken on the project as long as the stop-work order is in effect. The Planning Board shall receive copies of all correspondence from the Zoning Officer to the property owner of the property.

H. Violations.

(1) Failure to comply with any of the provisions of this section shall be deemed a violation and the violator shall be liable to the penalties specified in Article XIII of this chapter.

(2) Any person who demolishes, alters, constructs or permits a designated landmark or a property within a designated historical district to fall into serious state of disrepair in violation of this chapter shall be required to restore the property to its appearance prior to the violation.

Village of Cuba Zoning Map



Zoning Code

Parcels	C-B	I-86	R-2
Roads	G-B	L-1	HC-O
	G-H	R-1	HP-O