Historic Preservation Commission, Town of Wawarsing
Instructions for Obtaining a Certificate of Appropriateness

The owner of a structure designated as a landmark by the Town of Wawarsing may not thereafter make any changes to that structure, including repairs, that would alter its exterior appearance without the prior approval of the Town Historic Preservation Commission (HPC), which will be undertaken on a reasonable basis.

If you are contemplating making repairs or alterations to your landmarked structure, the HPC strongly suggests that you begin by having a preliminary conversation with the HPC or one of its members, who are listed below. If it becomes clear that your work will require full review by the HPC, the provisions of the Town Code prescribe the process – called obtaining a Certificate of Appropriateness (“CoA”) – and those provisions are attached. In brief, they provide the following:

- a CoA is required only if your work will change the exterior appearance of your structure. You do not need a CoA to perform ordinary maintenance, repaint or repair if the outward appearance is not changed. The HPC has no jurisdiction over interior walls, arrangements or structures.

- If your work requires a CoA, you must submit an Application on the form supplied by the HPC. This application must be accompanied by architectural drawings and specifications, if such have been prepared, or a detailed description of the changes to be made, as well as photographs, samples of materials to be used and any other information that the HPC will need to evaluate the Application under the standards in the Town Code (§ 70-6 B(5)). There is no charge for this application.

- The HPC must act on your application within 60 days. Within that period, the HPC must hold a public hearing on the application.

- When the HPC reaches a decision, you will be informed of that decision in writing.

- If you feel that the HPC’s decision would create a hardship for you, you may apply for relief from the HPC.

- If you remain aggrieved by the HPC’s decision, you have the right to take an appeal to the Town Board.

- If your work requires a building permit from the Town, you must make a separate application for that building permit, according to the rules and procedures of the Town Buildings Department. However, keep in mind that the Buildings Department cannot issue a building permit for a landmarked structure unless and until the HPC has issued a CoA.

Members of the Town of Wawarsing Historic Preservation Commission

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§70-6. Repair, exterior alteration, removal or demolition of landmarks or structures within an historic district.

A. No structure, site, place, area, object or building designated as a landmark nor any place, site, area, object, structure, building or property located wholly or partly within the boundaries of an historic district shall be constructed, moved, demolished or its exterior altered any material way without its owner first obtaining a certificate of appropriateness from the Commission.

B. Procedure for obtaining a certificate of appropriateness.

(1) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such certificate with the Commission on the form provided by the Commission. The application shall show the structure in question and also give its relation to adjacent structures and shall describe the exterior construction, alteration, repair, moving or demolition sought to be accomplished.

(2) No building permit may be issued for the proposed changes until the Commission has acted on the application for a certificate of appropriateness.

(3) The Commission shall give notice of the application to all owners of property located within 300 feet of the landmark or historic district by ordinary mail, e-mail, telephone or any other reasonable means and shall afford such persons an opportunity to present their views on the application.

(4) The Commission shall review only plans relating to the exterior features of a landmark or of structures within an historic district and shall have no jurisdiction to consider interior walls, arrangements or structures.

(5) In reviewing the plans, the Commission shall give consideration to:

(a) The historical and architectural value and significance of the structure and its relationship to the historic and architectural value of the surrounding area.

(b) The general appropriateness of the proposed exterior design, colors, arrangement, texture and materials. Samples of materials may be required.

(c) Any other factors relating to the aesthetic considerations, which the Commission deems pertinent to the benefit of the Town and to the historic significance of the landmark or historic district.
(d) The variation in cost between alternate materials or methods of construction that could reasonably be utilized to complete the construction, renovation or repair.

C. Exterior alterations, repairs and additions to the structures located wholly or partly within the boundaries of an historic district or which are designated as landmarks shall be made consistent with the building materials and styles of the particular architectural period of which said structure is characteristic. Reasonable substitution of exterior building materials, which substantially conform with original materials shall be permitted under this section upon prior review of the Commission.

D. In an historic district, new construction shall be consistent with the architectural styles and historic value in the historic district. However, the Commission may approve the construction of buildings or structures which have a dissimilar architectural style to that of the historic district if the Commission finds that the new construction will be in the best interest of the historic district.

E. Moving of structures designated as landmarks or located wholly or partly within the boundaries of an historic district may be allowed as an alternative to demolition.

F. This Chapter shall not apply in any case where the Building Department or any authorized Town enforcement agency orders or directs the removal, exterior alteration or demolition of any landmark or structure within an historic district for the purpose of remedying conditions determined to be unsafe or dangerous to the health or property of any person.

G. The Commission shall issue its decision in writing within 60 days of the filing of the application for a certificate of appropriateness, and the decision shall state the reasons on which it is based.

§70-7. Hardship Application Procedure

H. After receiving written notification from the Commission of the denial of a certificate of appropriateness, an owner may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.

B. In the case of the denial of an application to demolish the landmark or structure, the owner must demonstrate to the Commission that (a) the property is incapable or earning a reasonable return, regardless of whether that return represents the most profitable return possible; (b) the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and (c) efforts to find a purchaser interested in acquiring the property and preserving it have failed.

I. In the case of the denial of a request to make alterations, the owner must demonstrate to the Commission, that the property is incapable of earning a reasonable return without the
alteration begin made, regardless of whether that return represents the most profitable return possible.

J. The Commission may hold a hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.

K. The owner shall consult, in good faith, with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.

L. All decisions of the Commission shall be in writing. A copy shall be sent to the owner by registered mail and a copy filed in the Town Clerk’s Office for public inspection. The Commission’s decision shall state the reasons for granting or denying the hardship application. If the application is granted, the Commission shall approve only such work as is necessary to alleviate the hardship.

M. If the owner applies for hardship determination after being denied a certificate of appropriateness the time to file an appeal shall be stayed until the hardship application is heard and determined then such owner may file a notice of appeal as to any and all determinations of the Commission within 30 days of the filing of the last decision.

§70-08. Appeals.

N. Any person aggrieved by a decision of the Commission relating to a certificate of appropriateness or relating to a hardship may, within 30 days of the filing of the decision in the Town Clerk’s office, file a written notice of appeal with the Town Clerk for review by the Town Board of the decision.

O. The Town Board shall review the decision of the Commission at a regularly scheduled or special meeting within 30 days after the filing of the notice of appeal with the Town Clerk, at which time an opportunity to comment on the appeal shall be afforded to any interested party or member of the public. A majority plus one of the full membership of the Town Board is required to overrule or modify a decision of the Commission.

P. In reaching its decision, the Town Board shall consider the record before the Commission and use the same criteria.

§70-9. Enforcement; stop-work orders.

All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to any requirements included therein. It shall be the duty of the Building Department to inspect periodically any such work to assure compliance. In the event that work is found that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Commission, the Building Department shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.
§70-10. Maintenance and repair required.

A. Nothing in this chapter shall be construed to prevent the ordinary maintenance, repainting and repair of any exterior architectural feature of a landmark or property within an historic district, which does not involve a change in outward appearance.

B. No owner or person with an interest in real property designated as a landmark or included 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 would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

C. Examples of such deterioration include:

1. Deterioration of exterior walls or other vertical supports.
2. Deterioration of roofs or other horizontal members.
3. Deterioration of exterior chimneys.
4. Deterioration or crumbling of exterior stucco or mortar.
5. Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.
6. Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.