

TOWN OF RHINEBECK

LOCAL LAW NO. __ OF THE YEAR 2019

BE IT ENACTED by the Town Board of the Town of Rhinebeck as follows:

Section I: Title.

This Local Law shall be entitled: “A Local Law Amending Chapter 125 of the Town of Rhinebeck Code to Create a New §125-62.1 ‘Historic and Archaeological Site Preservation Law’”.

Section II: Amendments to the Town Code, Article V, Chapter 125

The Town of Rhinebeck Code, Chapter 125 is hereby amended to add a new §125-62.1 entitled: “Historic and Archaeological Site Preservation Law”.

§125-62.1(A) Purpose and Intent

It is hereby declared, as a matter of public policy of the Town of Rhinebeck that the protection, enhancement and perpetuation of historic and archaeological resources are necessary to promote the economic, cultural, educational and general welfare of the public.

The Town of Rhinebeck finds that there exists within the Town many vital and irreplaceable historic structures and resources that have heretofore been afforded recognition, though not protection, through their inclusion on the National Register of Historic Places and Chapter 78 of the Town Code also known as the Historic Buildings Protection Law commonly referred to as the “Demolition Law”.

Many of these buildings are referred to in §125-62(a) of the Town Code. The Town of Rhinebeck Comprehensive Plan includes, as Appendix 4, a document entitled “Rhinebeck – Historic Sites” and a listing, and map, of historic sites having local, statewide and/or national significance (hereinafter “Rhinebeck Inventory of Historic Sites”).

In addition, the Town recognizes that the Hudson River Valley was inhabited by native peoples for thousands of years and that the area now regulated by the Town was particularly well-suited to habitation throughout human history. The Town believes that archaeological sites within its boundaries are irreparable cultural resources and, to the greatest extent possible, should be preserved for study.

Inasmuch as the identity of the people is founded on its past and since the Town of Rhinebeck contains many historic, archaeological, architectural and cultural resources that constitute and contribute to its heritage, this law is intended to:

- (a) Identify and protect the historical and archaeological resources that represent distinctive elements of Rhinebeck's historic, architectural, archaeological and cultural heritage and the Town's sense of place and its unique character;
- (b) Foster education and civic pride in the accomplishments of the past;
- (c) Protect and strengthen Rhinebeck's attractiveness to residents and visitors, while providing support and stimulus to the Town's economy; and
- (d) Insure the harmonious, orderly and sufficient growth and development of the Town in accordance with the goals and objectives of the Town's Comprehensive Plan.
- (e) Provide a resource to the Town Planning Board and Town Board in their review and approval of projects which have the potential for negative impacts upon the Town's historical and archaeological resources.

The provisions of this section are intended to supplement and complement the provisions of §125-62 of the Town Code. The terms used in this section or in documents prepared or reviewed under this section of the Zoning Code shall have the meanings set forth in Article XIII of the Zoning Code, including but not limited to, §125-138.

§125-62.1(B): Historic and Archaeological Preservation Advisory Committee

1. There is hereby created in the Town of Rhinebeck an advisory committee which shall be known as the Rhinebeck Historic and Archaeological Preservation Advisory Committee.

- (a) The Advisory Committee shall consist of five (5) members to be appointed by the Town Board as follows: (i) at least one member should be an architect or restoration specialist experienced in working with historic structures; (ii) at least one member should be an historian; (iii) at least one member should be a person with working knowledge of archaeology; (iv) at least one member shall have demonstrated significant interest in commitment to the field of historic preservation evidenced either by an involvement in a local historic preservation group, employment or voluntary activity in the field of historic preservation or other interest in, and commitment to, the field; (v) the other member shall have a demonstrated interest in the preservation of historical, archaeological, cultural and/or architectural resources within the Town of Rhinebeck. The Town Historian shall act as an ex-officio member of the Committee.
- (b) Committee members shall serve for a term of four years. However, the initial term of one of the five members shall be one year, two shall be two years, and two shall be three years.

- (c) The Chairperson of the Committee shall be appointed by the Town Board. The Vice Chairperson shall be selected by the Committee.
- (d) The role and responsibilities of the Committee shall include, but not necessarily be limited to:
 - (i) assist the Town Board in developing an annual budget for the Committee for approval by the Town Board;
 - (ii) administer rules and regulations which may be adopted by the Town Board to carry out the duties of the Committee;
 - (iii) recommend to the Planning Board or to Town Board, as the case may be, additional criteria for identification of significant historical, archaeological, architectural and cultural resources;
 - (iv) conduct surveys to identify significant historical; archaeological, architectural and cultural resources within the Town;
 - (v) recommend to the Town Board structures and/or resources identified as Local Landmarks, Historic Districts and Zones of Archaeological Sensitivity;
 - (vi) recommend the acquisition of easements or other interests in real property as may be necessary to carry out the purposes of this law;
 - (vii) increase public awareness of the economic value of historical archaeological, architectural, and cultural preservation by developing and participating in public education programs, which include tax credits and identification of grants and other funding resources; and
 - (viii) make recommendations to the Town Board concerning the utilization of state, federal or private funds to promote the preservation of Local Landmarks and historical, archaeological, and cultural resources within the Town.
 - (ix) review applications to the Planning Board or the Town Board, as the case may be, and make findings and recommendations as set forth in §2 of this local law.
- (e) The Committee shall meet at least monthly, but meetings may be held at any time or on the call of the Chairperson or a majority of the Committee.

- (f) A quorum for the transaction of business shall consist of three of the Committee's members.
- (g) The Committee shall function in an advisory capacity but shall comply with the requirements of the New York State Open Meetings Law.

2. The Committee shall make recommendations to the Town Board for the designation of structures and resources as Local Landmarks, historical structures, Historic Districts and Zones of Archaeological Sensitivity.

- (a) Individual properties shall be designated as an historic building, contributing building, local landmark or non-contributing building as those terms are defined in Chapter 125, Article VIII, §125-138(B) of the Town Code. In making such recommendations, the Committee shall apply the criteria set forth in §125-62(E), and with the purposes and intent for protection of historic buildings and landmarks as set forth in §125-62(A) of this Code. In addition, the Committee may consider one or more of the following factors, as applicable in its designation.
 - (i) Possesses special exterior character, historic or aesthetic interest, or value as part of the broad, cultural, political economic or social history of the Town, region, state or nation; or
 - (ii) Is identified with historic personages or the site of an historic event in the Town, region, state or nation; or
 - (iii) Embodies the distinguishing characteristics or a type, period, style, or method or architecture or engineering; or
 - (iv) Is the work of an important builder, designer, artist or architect whose work has significantly influenced an age; or
 - (v) Because of its unique location or singular physical characteristic, or landscape, topographical features, earthworks, or streetscapes represents an established and familiar visual or aesthetic feature of the neighborhood; or
 - (vi) Is significant for containing elements of exterior design, details or craftsmanship which represent a significant innovation.
- (b) Groups of properties shall be designated as a Historic District if they contain properties which meet one or more of the criteria for designation of an historic structure or local landmark. The boundaries of each Historic District designated by the Town Board pursuant to this section shall be specified in detail and shall be filed, in writing, in the Town Clerk's office. For purposes of this code provision the Historic Preservation (HP20)

District and the Rhinecliff Hamlet (RcH) Districts as those Districts are defined in §125-15 of the Town Code shall be deemed to be Historic Districts.

- (c) The Committee shall prepare a map, or other inventory, of known cultural and natural resources utilizing the Cultural Resources Information System, as established by the New York State Historic Preservation Office (SHPO) and other resources to establish a mapping of zones of archaeological sensitivity within the Town.
- (d) The recommendations of the Committee for identification of structures and/or resources as local landmarks, historical structures, historical districts and/or Zones of Archaeological Sensitivity shall be submitted to the Town Board for adoption as resource inventories.
- (e) The Town Board shall send notice of the proposed designation by registered mail to the owner of each property recommended for designation as a historic building, contributing building or local landmark.
- (f) The Town Board shall hold a public hearing prior to designating any property as a historic building, contributing building, or landmark and before designating a historic district or Zone of Archaeological Sensitivity. After the public hearing and review of public comments, reports and other pertinent data including input from the individual property owners within such designated areas, the Town shall develop its Findings and vote to make or deny the historic designation and/or Zone of Archaeological Sensitivity. Any person aggrieved by a designating determination by the Town Board pursuant to this section may appeal such determination only by filing an Article 78 petition in the Supreme Court, Dutchess County. No appeal from this designation may be made to the Zoning Board of Appeals.
- (g) The Planning Board and/or Town Board before taking any final action on any application before it, including, but not limited to, applications for special use permit, site plan review and approval, subdivision, expansion of a non-conforming use and applications pursuant to §125-62 of the Town Code, for properties containing an historic building, contributing building or designated as a local landmark or within a Historic District or Zone of Archaeological Sensitivity as designated by the Town Board, shall follow the procedure set forth herein.
 - (i) Any application to the Planning Board for special permit, subdivision and/or site plan approval for any property containing an historic building, local landmark, contributing building or within an Historic District or within a Zone of Architectural Sensitivity and all applications to the Planning Board for removal

or demolition of a building pursuant to §125-62 of the Code shall be referred to the Committee for its review and comment. The Committee shall within thirty-one (31) days after receipt of the referral provide such comments and suggestions concerning the project if it determines that the action would have a substantial adverse effect on the aesthetic, historical, architectural significance and value of the individual historic structure or landmark or on the Historic District and make appropriate recommendations to the Planning Board for conditions and/or modifications to the project which may mitigate those impacts. If the project is within a Zone of Architectural Sensitivity, the Committee shall make recommendations to the Board for the imposition of conditions and/or modifications to the project which will serve to protect the archaeological resources of that property to the maximum practical extent. The Board, upon receipt of those comments and suggestions, shall take them into consideration in making its ultimate determination but the Board shall not be bound by those recommendations and comments from the Committee.

- (ii) The Planning Board shall provide a copy of the complete application before it to the Committee for utilization in its review process. The Committee may request such other documentation and records, as it deems necessary, from the applicant in conducting its review and formulating its recommendations and comments. The Committee may also perform a site visit of the property.
- (iii) For every action which does not require permitting and/or other approval from the Planning Board, but does require the issuance of a building permit by the Town's Building Inspector, the Building Inspector shall refer that application to the Planning Board for its determination as to whether, or not, that project has the potential for adversely impacting the historic building, Historic District or Landmark District or the archaeological resources of that property. If it is determined by the Board that there is such potential for adverse impact, the application shall be referred to the Committee for its review and comments and suggestions which the Board may then impose as a condition of the issuance of a building permit protecting the historic character, district or archaeological resources of the property.
- (h) For any matter referred to the Committee, if the Committee does not respond in writing to the Board within thirty-one (31) days of its receipt of the referral, the Planning Board, or Building Inspector, as the case may be, may proceed to act upon the application before it without the necessity of consideration of any opinion or recommendation from the Committee.

- (i) In the event the Planning Board, or the Town Board, as the case may be, determines not to follow the recommendations of the Committee, the Board shall set forth in the record its intent not to follow the recommendations and the reasons supporting such decision.
- (j) Any property owner aggrieved by a determination made by the Planning Board and/or Building Inspector pursuant to this Code section shall have the right to appeal any determination of the Board or Building Inspector to the Zoning Board of Appeals in accordance with the provisions of Article XI of the Town Code.

Section III. Supersession and Enabling Authority

This local law is hereby adopted pursuant to the provisions of Section 10 of the New York State Municipal Home Rule Law, Section 10 of the New York State Statute of Local Governments, Article V, §96-A; §119-dd of the General Municipal Law. It is the intent of the Town Board to supersede any provisions of the New York State Town Law to the extent they may be inconsistent with the provisions of this local law.

Section IV. Severability

If any section or part of this local law is declared invalid or unconstitutional by a court of competent jurisdiction, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this local law.

Section V. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.