

Supplementary Regulations

3. **Certificate of Removal or Demolition or Certificate of Economic Hardship Required Prior to Issuance of Demolition Permit for Historic Building.**
 - a. No person shall carry out any removal or demolition of an historic building as defined in Article XIII, for which a demolition permit is required, without obtaining both a Certificate of Removal or a Demolition or Certificate of Economic Hardship from the Planning Board and a Demolition Permit from the Zoning Enforcement Officer.
 - b. Where the Certificate of Removal or Demolition is required, every application for a demolition permit, including the accompanying plans and specifications, and the name, address and telephone number of the individual, contractor, or corporation, responsible for undertaking the proposed removal or demolition, shall be forwarded by the Zoning Enforcement Officer to the Planning Board within seven (7) calendar days of receipt of the application by the Zoning Enforcement Officer.
 - c. The Zoning Enforcement Officer shall issue no permit for any activity regulated by this Section until the Planning Board has issued in the first instance a Certificate of Removal or Demolition or subsequently, upon request for review of the disapproval of such Certificate of Removal or Demolition, a Certificate of Economic Hardship.
4. **Application Requirements for Certificate of Removal or Demolition and Planning Board Review Procedure.**
 - a. In all cases where a Certificate of Removal or Demolition is required, the applicant shall provide the Planning Board with the following information on the form prescribed by the Planning Board:
 - i. Name, address and telephone number of both the applicant and owner of record if not the applicant;
 - ii. Location, tax map number, and photographs of each side of the building; and a brief description of the structure indicating approximate date of construction, name of architect if known, historic and/or architectural and archaeological significance and a description of its setting, including related grounds, accessory buildings and structures and property boundaries;
 - iii. Past 10 years' chronology of the use, occupancy and ownership of the property;
 - iv. Receipt for application fee, if any, as may be set forth on the Town's Fee Schedule as annually reviewed and established by the Town Board; and
 - v. Any other information specific to the removal or demolition required by the Planning Board to make a determination on an application for a Certificate of Removal or Demolition, including data to demonstrate compliance with the "criteria for approval of a Certificate of Removal or Demolition" as set forth in below Section 5 of this Section.
 - b. The Planning Board shall hold a public hearing within sixty-two (62) calendar days after receipt of an application completed in accordance with this Section. At the hearing, all interested persons shall be provided the opportunity to present their views. Notice of the public hearing shall both be sent by certified mail to adjacent property owners and all other property owners within two hundred (200) feet of the parcel for which the Certificate of

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Removal or Demolition is requested and published at least once in a newspaper of general circulation in the Town, i.e., the Town's official newspaper, at least ten (10) calendar days prior to the date of the public hearing.

- c. At the public hearing, the Planning Board may request and take testimony and entertain the submission of written evidence from any person including, but not limited to the following:
 - i. History of the environmental setting, use, occupancy and ownership of the property;
 - ii. Engineering evaluation of the physical condition of the property;
 - iii. The economic feasibility of rehabilitation or reuse of the historic building on the property, including consideration of both uses permitted by right and those uses permitted upon issuance of a Special Use Permit by the Planning Board;
 - iv. The cost of the proposed removal or demolition;
 - v. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 - vi. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;
 - vii. Assessed value of the property according to the two most recent assessments;
 - viii. Real estate taxes for the previous two years;
 - ix. For income-producing property, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - x. The importance of the structure and the related property to the community's heritage; and
 - xi. Any other information considered necessary by the Planning Board to make a determination as to whether the property does yield or may yield a reasonable return to the owners.
- d. Using the criteria set forth in below Section 5 of this Section, the Planning Board shall act to approve, deny or approve with conditions the application for a Certificate of Removal or Demolition within sixty-two (62) calendar days after the conclusion of the public hearing except where such time shall be extended by mutual agreement of the Planning Board and the applicant. Such determination shall be in writing and accompanied by findings. Such findings shall seek to balance, to the extent practicable, the objectives of the applicant with broader issues that may be associated with the value of the historic building to the community's heritage. Within seven (7) calendar days following the determination, the applicant shall be sent, by registered mail, either a Certificate of Removal or Demolition in the case of an approval, or a written notice of denial in the case of disapproval. A copy thereof shall be provided to both the Town Clerk's Office and the Zoning Enforcement Officer.