

August 14, 2019

VIA CERTIFIED MAIL

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Re: **Notice of Public Hearing**  
**Property Proposed for Historic Designation in the City of Beacon**

Dear Blank:

Please be advised that pursuant to Section 134-4 of the Code of the City of Beacon (the “City Code”), the City Council is considering designating your property located at \_\_\_\_\_ as an historic landmark to be included in the City’s Historic District and Landmark Overlay Zone (“HDLO”). A copy of the historic inventory form describing your property is attached. The City Council has scheduled a public hearing to discuss such designation on **Tuesday, September 3, 2019 at 7:00 p.m at City Hall, 1 Municipal Plaza, Beacon, NY.** For additional information, a copy of the Code of the City of Beacon is available at <https://ecode360.com/BE0803> and a copy of Chapter 134, Historic Preservation, is attached. We have set forth below an explanation of the City’s proposal and what it means for your property.

### **Designation of Historic Landmarks**

The City Council has performed an investigation of your property and has made a determination that the proposed landmark meets one or more of the following criteria:

- (1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the City, county, state or nation;
- (2) Is identified with historic personages or with important events in national, state or local history;
- (3) Embodies distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship;
- (4) Is the work of a designer whose work has significantly influenced an age; or
- (5) Qualifies for inclusion on the State or National Registers of Historic Places.

On Tuesday, September 3, 2019, the City Council will hold a public hearing to receive public comment on its proposal to designate your property as an historic landmark. The City Council, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark. The record may also contain reports, public comments or other evidence offered outside of the hearing.

In determining whether or not to designate a new historic landmark, the City Council must consider the five factors listed above and any testimony or evidence presented during the public hearing. The City Council is required to make a decision within 60 days of the conclusion of the hearing. If the City Council fails to act within 60 days, or fails to extend the period in which to act, the designation shall be deemed to have been denied. Please note that a super majority vote of five (5) Council members is necessary to designate a new historic landmark if the property owner objects to such designation.

### **Benefits of Historic Designation**

Additional uses are permitted by special permit in the HDLO pursuant to Section 223-24.7 of the City Code. Such uses include (a) specialized business uses of low traffic volume, normally associated with history, the arts or cultural uses, appropriate to the structure and compatible with the neighborhood, and (b) residential or professional uses, provided that they are appropriate to the structure, compatible with the neighborhood and are located on a road that can accommodate increased traffic as determined by the City Council. Once a property is added to the HDLO, a property owner is able to submit a special permit application to the City Council.

In addition, the City has also adopted a real property tax exemption for historic properties. Any historic real property within the City of Beacon altered or rehabilitated is exempt from City's real property and special ad valorem levies to the extent of any increase in value attributable to such alteration or rehabilitation, subject to and in accordance with the schedule set forth in § 199-10B(1) and conditions outlined in § 199-10B(1) and C.

### **Certificate of Appropriateness**

Please note, if your property is included in the HDLO, a certificate of appropriateness from the Planning Board is required prior to any exterior alteration of the landmark or property within the HDLO. No certificate of appropriateness is needed for changes to interior spaces, unless they are open to the public, to architectural features that are not visible from a public street or way, public property

or public building. HDLO buildings are recognized as models for how to design high-quality, enduring structures that have gained in public appreciation over time, thereby serving as excellent examples for sustainable development. In reviewing an HDLO application and plans, the City Council or Planning Board considers factors outlined in Section 134-7 of the City Code.

An applicant whose certificate of appropriateness has been denied may apply to the Zoning Board of Appeals for a certificate of economic hardship to obtain relief from the requirements of Chapter 134 of the City Code. In order to obtain a certificate of economic hardship, the applicant must prove the existence of economic hardship by establishing that:

- (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and
- (2) 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
- (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

The Zoning Board of Appeals will take into consideration the economic feasibility of alternatives to removal, alteration or demolition of a landmark or portion thereof, and balance the interest of the public in preserving the historic landmark or building, or portion thereof, and the interest of the owner in removing, altering or demolishing the landmark or portion thereof.

### **Public Hearing**

As previously mentioned, the City Council will be discussing your property at a public hearing at City Hall at **7:00 p.m. on Tuesday, September 3, 2019**. You are invited to attend to present any testimony or documentary evidence at the hearing for consideration by the City Council. You are also free to submit any reports, comments or other documentation to the City Council prior to the public hearing. Such information may be hand delivered or mailed to City Hall or emailed to [cityofbeacon@cityofbeacon.org](mailto:cityofbeacon@cityofbeacon.org).

If you have any questions or comments please do not hesitate to contact me.

Very truly yours,

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Title

Encl.