

MEMORANDUM

TO: City of Beacon City Council
FROM: Keane & Beane, P.C.
RE: Historic Designation Procedure
DATE: July 18, 2019

At its July 29th work session meeting, the Council will review the Historic Resource Inventory form for a number of properties. The forms were completed by John Clarke and are being reviewed by Mr. Murphy of the Historical Society. The Council is reviewing each form to determine if the property or structure should be landmarked and added to the Historic District and Landmark Overlay Zone. Section 134-4 of the Code of the City of Beacon sets forth criteria by which the City Council may review and designate properties as historic landmarks. This memorandum outlines the steps the City Council must take to officially designate a property as a historic landmark. All designated historic districts and landmarks shall be included in the Historic District Landmark Overlay (HDLO) Zone

1. The City must review the property and make a determination that the property has characteristics to be considered for designation.

The City Council shall, upon investigation as it deems necessary, make a determination as to whether a proposed district or landmark meets one or more of the following factors:

- (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.

- 2. Once the City Council has made a determination that the property meets one or more of the factors previously set forth, notice must be sent to the property owner by certified mail or personal delivery.**

Notice of a proposed designation shall be sent by certified mail or personal delivery to the owner of the property proposed for designation. The notice must describe the property proposed and explain why the City Council is considering it for designation. The notice must also set forth the public hearing date on which the City Council will consider the designation. Once the City Council has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Council has made its decision.

- 3. The City Council must hold a public hearing on at least 14 days' notice, prior to designating the property.**

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 or historic district. The record may also contain reports, public comments or other evidence offered outside of the hearing.

In making its determination, the City Council must consider the factors previously set forth and any testimony or evidence presented during the public hearing.

- 4. The City Council must make a decision within 60 days of the conclusion of the public 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.

A super majority vote of five Council members is necessary to designate a new historic landmark if the property owner objects to such designation.

- 5. The City Council shall forward notice of each property designated as a landmark and the boundaries of each designated historic district to the property owner, the City Clerk, the Planning Board, the Zoning Board, and the offices of the Dutchess County Clerk for recordation.**

Please let us know if you have any questions.