



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: City Council Request to Review Proposed Local Law to Amend Chapters 134 and 223 of the City Code – Historic Preservation

DATE: March 14, 2018

As requested the Planning Board reviewed the proposed local law to amend Chapters 134 and 223 of the Code of the City of Beacon regarding Historic Preservation at its March 13, 2018 meeting. A lengthy review and discussion of the proposed law took place with the City Planner, City Attorney and Building Inspector Tim Dexter. After careful consideration members voted unanimously to recommend the following revisions to the local law:

- 1. Add the following to Section 134-7 of the local law regarding “Criteria for approval of a certificate of appropriateness or special permit in the HDLO”:**
Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.
- 2. Revise Section 134-8.E of the local law to strike the last sentence, as set forth below:**
The Planning Board shall approve, deny or approve the permit with modifications within 45 days from receipt of the completed application. The Planning Board may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B. ~~Failure by the Planning Board to take action within the prescribed period of time shall constitute approval.~~
- 3. Revise Section 134-9.E of the local law to strike the last sentence, as set forth below:**
The Zoning Board shall make a decision within 30 days of the conclusion of the hearing on the application. The Board's decision shall be in writing and shall state the reasons for granting or denying the hardship application. ~~The Zoning Board's review of said hardship application shall be in accordance with the procedures set forth in § 223-55C of Chapter~~

~~223, Zoning. Failure by the Zoning Board of Appeals to take action within the prescribed period of time shall constitute approval of the application.~~

4. The Planning Board is concerned about the absence of any flexibility in the application of some of the criteria, particularly where there is no ability for an applicant to seek a waiver or variance from the criteria. Therefore, the Planning Board recommended revising Section 134-7.B of the local law to change “shall” to “should,” as set forth below (revisions are indicated in bold, italicized text):

- (1) The ~~general~~ design, character, and appropriateness to the property of the proposed alteration or new construction.
 - (a) Construction shall build on the historic context with applications required to demonstrate aspects of inspiration or similarities to adjacent HDLO structures or historic buildings in the surrounding area.
 - (b) Compatibility does not imply historic reproduction, but new architecture shall also not arbitrarily impose contrasting materials, scales, colors, or design features.
 - (c) The intent is to reinforce and extend the traditional patterns of the HDLO district, but new structures may still be distinguishable in up-to-date technologies and details, most evident in window construction and interiors.
 - (d) Exterior accessory elements, such as signs, lighting fixtures, and landscaping, shall emphasize continuity with adjacent HDLO properties and the historic characteristics of the sidewalk and streetscape.
 - (e) ***Where possible***, parking shall be placed towards the rear of the property in an unobtrusive location with adequate screening from public views.
- (2) The scale and height of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
 - (a) Any addition that is deemed necessary to an historic structure ~~shall~~ ***should*** be placed toward the rear, or at least recessed, so that character-defining features are not damaged or obscured and so that the historic structure remains more prominent than the subsidiary addition.
 - (b) The height of any new building facades in the HDLO ~~shall~~ ***should*** reflect the typical heights of adjacent historic structures.
 - (c) Larger buildings or additions ~~shall~~ ***should*** incorporate significant breaks in the facades and rooflines, generally at intervals of no more than 35 feet.
- (3) ~~Texture and materials~~ Architectural and site elements and their relation to similar features of other properties in the ~~neighborhood~~ HDLO.
 - (a) It is not appropriate to disrupt the relationship between an historic building and its front yard or landscape, including screening historic properties from traditional street views by high walls or hedges.
 - (b) Historic storefronts, porches, cornices, window and door surrounds, or similar architectural features ~~shall~~ ***should*** not be enclosed, obscured, or removed so that the character of the structure is substantially changed.
 - (c) Deteriorated building features ~~shall~~ ***should*** be repaired rather than being replaced and, if not repairable, ~~shall~~ ***should*** be replicated in design, materials, and other historic qualities.

- (d) New buildings in the HDLO ~~shall~~ *should* have a top-floor cornice feature and first-floor architectural articulation, such as an architecturally emphasized entrance doorway or porch, to accent the central body of the building.
- (e) Architectural features and windows shall be continued on all sides that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls.
- (f) New HDLO buildings shall have a front entrance door facing the primary street and connected to the sidewalk.
- (g) Primary individual window proportions shall be greater in height than width, but the approving body may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass and all-glass walls, except greenhouses, shall not be permitted. Any shutters shall match the size of the window opening and appear functional.
- (h) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, smooth-finished fiber-cement siding, or other materials deemed acceptable by the approving body. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic rough-cut stone, synthetic brick, synthetic stucco, exterior insulation and finishing system (EIFS), direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.
- (i) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.
- (j) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front façade of new buildings or additions.

If you have any questions, please feel free to contact me.