A local law to create a new chapter 235 to the Town Code of the Town of Greenburgh to provide for the designation of historic districts and landmarks under New York State Constitution Article IX, and the New York Municipal Home Rule Law § 10.

§ 1. Enactment of Chapter 235.

A. § 235-1. Purpose; findings.
D. § 235-4. Duties of the Board.
F. § 235-6. Rescission of Landmark or Historic District Designation.
G. § 235-7. Limitation on Activities Regarding Property Proposed for Landmark or Historic District Designation.
J. § 235-10. Review by Zoning Board of Appeals.
L. § 235-12. Maintenance; Removing Dangerous Conditions.

§ 2. Severability.

§ 3. Supersession.

§ 4. Effective Date.
§ 1. The Town Board of the Town of Greenburgh hereby adopts a new Chapter 235 entitled “Historic and Landmarks Preservation” as follows:

A. § 235-1. Purpose; findings.

(A) The Town Board of the Town of Greenburgh hereby finds and declares that it is desirable to take measures to provide for the designation of historic districts and landmarks in furtherance of the following public purposes, which are found to promote the economic benefits, the cultural and educational advantages, and the general welfare of the Town of Greenburgh:

(1) To provide for the protection, enhancement, perpetuation and use of those districts, sites, buildings, structures and objects which are illustrative of the growth and development of our nation, our state and our Town and which are of particular historic or aesthetic value to the Town of Greenburgh.

(2) To foster civic pride in those elements of the Town's past which have given the Town of Greenburgh its unique character and set it apart from other communities.

(3) To recognize and ensure the preservation of those elements of the Town's past which represent the many and varied architectural, artistic, technological and cultural achievements, which cannot be duplicated or otherwise replaced.

(4) To promote the use and preservation of landmark buildings, historic districts, structures, sites and objects as a means of providing enjoyment and unique educational benefit by perpetuating the physical evidence of the Town of Greenburgh's past.

(5) To stabilize and improve property values of such historic districts, buildings, structures, sites and objects and otherwise promote their reuse.
(6) To protect and enhance the Town's attractions to tourists and visitors thereby providing support and stimulus to business and industry.

(B) The Town Board of the Town of Greenburgh hereby further finds and declares that demolition or decay of historic landmarks and inappropriate or poor quality of design in the exterior appearance of landmarks or buildings erected in potential historic districts adversely affects the desirability of the immediate area and neighboring areas, impairs the benefits of occupancy of existing property, impairs the stability and value of both improved and unimproved real property, leads to demolition and decay, and reduces the taxable value of real property in relation to the cost of municipal services provided for the benefit of such real property.


As used in this chapter, the following terms shall have these meanings, as indicated:

ALTERATION - Any act or process which changes one (1) or more of the features of a structure, building, site or object designated as a landmark or any structure, building, site or object in a historic district.

BOARD - The Town of Greenburgh Historic and Landmarks Preservation Board.

BUILDING - A structure, inclusive of residential, commercial, institutional, municipal, etc., wholly or partially enclosed within exterior walls, or within exterior or party walls and a roof, which may afford shelter to persons, animals or property.

CERTIFICATE OF APPROPRIATENESS - A certificate issued by the Historic and Landmarks Preservation Board pursuant to Section 8 herein.

CONSTRUCTION - Any act of erecting an addition to an existing structure, building, site or object or the erection of a new principal or accessory structure on a lot or property.
DEMOLITION - Any act or process that contributes to the neglect of and/or destroys, in part or in whole, a structure, building, site or object within a historic district or a building, site or object designated as a landmark.

EXTERIOR ARCHITECTURAL FEATURES - The architectural style, design, general arrangement and components of all the outer surfaces of any building, structure, site or object, including but not limited to the kind, color and texture of the building materials and the type, size and style of all windows, doors, lights, signs and other fixtures appurtenant to said building or structure, and trees, landscaping, artwork, sidewalks, steps, driveways, paving, stone walls, gates and gateposts, and fences to the extent they are an integral part of the architectural, or historic nature of the building, structure, site or object.

HISTORIC DISTRICT - Any geographical area of the Town designated pursuant to the criteria set forth in this chapter (see Section 5 for explanation of characteristics).

INTERIOR ARCHITECTURAL FEATURES - The architectural style, design, general arrangement and components of, or on all of, the interior surfaces of an interior landmark, including but not limited to the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to said building or structure.

INTERIOR LANDMARK - An interior, or part thereof, of a building, structure or object which is customarily open or accessible to the public, or to which the public is customarily invited and which has a special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the Town, state or nation, and in which has been duly designated as an interior landmark pursuant to the provisions of this chapter.

LANDMARK - A building, structure, site, object or parcel of land, designated pursuant to this chapter, which may or may not be located in a designated historic district (See Section 5 for explanation of characteristics).
MATERIAL CHANGE IN APPEARANCE - Any change that will affect either the exterior historical, architectural or environmental features of a landmark or that will impact upon an historic district or any change that will affect the interior architectural or historic features of an interior landmark.

PUBLIC BUILDING - Buildings that are operated predominately through public funding and are open to the public.

REMOVAL - Any relocation of a building, structure or object on its site or to another site.

REPAIR - Any mechanical or physical alteration to a building, structure or object that does not involve a change in design, material, texture, color, or outward appearance.

SITE – A lot or an assemblage of tax lots, designated on the Official Assessment Map of the Town of Greenburgh, owned by one property owner. If any part of this assemblage is designated a landmark or is in an historic district, then the entire assemblage is subject to the regulations governing the landmark or historic district.

STRUCTURE - Any assembly of materials forming a construction framed of component structural parts for occupancy or use, including buildings.

STYLES OF ARCHITECTURE – A style recognized by one (1) or more of the following:

1. The National Register of Historic Places
2. The Historic American Building Survey
3. The Historic American Engineering Record
4. The New York State Office of Parks, Recreation and Historic Preservation
5. The National Trust for Historic Preservation
6. The Society of Architectural Historians


(A) There is hereby created a Historic and Landmarks Preservation Board for the Town of Greenburgh. The Town Board shall solicit resumes of candidates to fill
open, vacated and expiring Board positions. This solicitation shall include advertising in the official newspapers of the Town at least 30 days prior to an appointment. All candidates shall submit resumes in order to be considered for an appointment. Vacated and expired positions shall be filled expeditiously.

(B) Board membership; support staff:

(1) The Board shall consist of seven (7) members appointed by a majority vote of the Town Board. When selecting members, the Town Board shall endeavor to achieve geographic representation from all areas of the Town of Greenburgh. All Board members must be residents of the Town of Greenburgh and must have a demonstrated interest, competence or knowledge of historic preservation techniques and the Certified Local Government (CLG) Standards administered by the Field Services Bureau of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). The Board shall consist of the following, to the extent available in the community:

(a) At least one (1) Board member shall have demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in an established local historic preservation group or employment or volunteer activity in the field of historic preservation.

(b) To the extent that such professionals are available, board members should represent the disciplines of history, architectural history, architecture, archeology and other historic preservation related professions. At least one (1) shall be a planner, landscape architect or engineer with experience working with historic buildings.

(c) At least one (1) shall be a registered architect.
(d) At least one (1) shall be a licensed real estate professional.

(e) At least one (1) shall be an owner/occupant in an historic district (if such a district has been designated at the time of the appointment).

(2) The Commissioner of Conservation and Community Development (hereinafter “Commissioner”) or the Commissioner’s designee shall be an ex officio non-voting member of the Board, and the staff of the Planning Department shall serve as staff to the Board for the purpose of conducting and coordinating studies and research and providing other material and information necessary for the Board to exercise its powers and duties.

(C) Board members will be strongly encouraged to avail themselves of training in historic preservation standards and in the duties of the Board.

(D) Each member shall serve a term of three (3) consecutive years, except for the first appointments to the Board, of whom two (2) members shall serve three (3) years, two (2) members shall serve two (2) years, and three (3) members shall serve one (1) year. Members shall serve on the Board without compensation. All members shall continue to hold office until their successors have been appointed and qualified. All resignations from the Board shall be submitted in writing to the Chairperson of the Board and forwarded to the Town Board. Persons shall be appointed by the Town Board to fill unexpired terms.

(E) Once the Board is constituted, the Chairperson and Vice Chairperson of the Board, shall be elected by a majority of the Board members. The Vice Chairperson shall be Acting Chair of the Board in the absence of the Chairperson.

(F) The Board shall set meeting dates and adopt such procedures pertaining to its duties as are necessary for it to properly perform its functions as set forth herein and as are consistent with the laws of the nation, state and Town.
(G) All meetings of the Board shall be held in accordance with the applicable provisions of the New York State Public Officers Law and Open Meetings Law. Every rule, regulation, guideline, amendment or repeal thereof and every order, requirement, decision or determination of the Board shall be filed with the Planning Department and the Town Clerk and shall be a public record.

(H) Meetings of the Board shall be held once a month, if needed, but no less than four (4) times a year, on a date agreed upon by all Board members and avoiding conflict with the meeting dates of other established Town boards and umbrella civic associations. Four (4) members shall constitute a quorum, and actions may be taken by a vote of a majority of members present and voting, except that the affirmative votes of four (4) or more members shall be required to recommend designation of an historic district or landmark, to refuse to grant a Certificate of Appropriateness, to grant a Certificate of Appropriateness or to grant a Certificate of Appropriateness with conditions, or to act pursuant to Section 8 of this chapter.

(I) Board members shall be required to exempt themselves from voting on any project in which their own, a member of their immediate family's, or a relative's financial interests, as defined by Chapter 570 of the Code of the Town of Greenburgh, are directly involved. Board members shall complete the annual disclosure statement required under the Town of Greenburgh Code of Ethics.

D. § 235-4. Duties of the Board.

The Town of Greenburgh Historic and Landmarks Preservation Board shall perform the duties as described herein:

(A) Prepare reports for and recommendations to the Town Board on nomination or rescission of areas, buildings, structures, sites or objects as landmarks or historic districts.

(B) Issue or deny Certificates of Appropriateness for buildings, structures, sites or objects in historic districts or designated as a landmark.
(C) Maintain and revise annually public listings of historic sites, buildings, structures, objects or districts and data about them in a manner and form that are consistent with that established by the New York State Office of Parks, Recreation and Historic Preservation.

(D) Establish procedures for identification and nomination, of historic districts and of buildings, structures, sites and objects as landmarks.

(E) Formulate design guidelines for landmarks and historic districts to be approved and adopted by the Town Board. These guidelines shall conform to the standards set forth in “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” prepared by the U. S. Department of the Interior, National Park Service and The Treatment of Historic Properties.

(F) Formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architecturally significant buildings, structures, sites, objects or districts, including proposals for the installation and care of such historic markers.

(G) Formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Town's historic and/or architectural features and resources.

(H) Cooperate with and advise the Town Board, the Planning Board, the Zoning Board of Appeals and other Town boards, agencies, departments, bureaus and offices as well as civic associations regarding matters involving historic and/or architecturally significant sites, buildings, structures and objects including signs.

(I) Encourage and promote education about historic landmarks and districts within the Town of Greenburgh.

(J) Cooperate with and enlist assistance from the National Park Service, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and other
state, national or local public or private agencies or
groups concerned with historic buildings, structures, sites,
objects or districts.

(K) Provide advice and guidance to property owners, and any
and all government agencies, about historic buildings,
structures, sites or objects and on issues of preservation
relating to their properties.

(L) Advise the Town Board of gifts and grants available to
the Town that would contribute to the preservation of
historic artifacts and landmarks and that would further
historic preservation planning and documentation.

(M) File an annual report regarding its activities with the
Town Board.

(N) Work in cooperation with the Planning Board, Town staff
and other state, county and local historic preservation
agencies toward the goal of promoting and preserving the
Town's rich cultural heritage.

(O) Adopt rules and regulations as necessary for the conduct
of its business.


(A) In order to promote the general welfare through the
preservation and protection of buildings, structures, sites,
objects and areas of historical or architectural interest,
historic districts and landmarks shall be designated as
provided herein.

(B) The Board may recommend that the Town Board
designate an individual structure, building, object or site
as a landmark if it possesses one or more of the following
characteristics:

(1) Is associated with persons or events of historic
significance to the Town, region, state or nation.

(2) Is illustrative of historic growth and development of
the Town, region, state or nation.
(3) Embodies distinctive characteristics of an architectural type, period or method of construction.

(4) Is the work of a designer whose work has significantly influenced an age.

(5) Contains unique architectural, archaeological or artistic qualities.

(6) Has been duly included on the National Register.

(C) The Board may recommend that the Town Board designate an area of the Town as an historic district if it:

(1) Possesses the following characteristics:

   (a) Has special character and special historic value by virtue of its inclusion of properties that meet one or more of the criteria for designation as a landmark; and

   (b) Represents one (1) or more periods or styles of art or architecture typical of one (1) or more past eras; and

   (c) Geographically combines such factors in a distinct and identifiable portion of the Town so as to constitute a discernable entity; or

(2) Has been duly included on the National Register of Historic Places maintained by the United States Secretary of the Interior; or

(3) Has been duly included on the New York State Register of Historic Places maintained by the New York State Office of Parks, Recreation and Historic Preservation.

(D) A proposal for the designation of a building, structure, site or object as a landmark or an area as an historic district may be submitted to the Board by any person or any public or private entity. The proposal shall be in writing and include the following:
A proposal to designate a building, structure, site or object for preservation as a landmark shall include:

(a) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure, site or object, including a consideration of design, scale, material, workmanship and spatial qualities, as relevant.

(b) A concise statement of how the building, structure, site or object meets the designation criteria of "landmark" as provided in Section 5B of this chapter.

(c) Exterior photographs of the building, structure, site or object, where feasible, and a site map illustrating the characteristics enumerated in Section 5B in this chapter.

(d) The name and address of the property owner(s), including section, block and lot number(s) as designated on the Official Map of the Town of Greenburgh.

(e) The name, address and telephone number of the person, agency, organization or entity, which submitted the proposal and the person, organization, agency, or entity represented.

A proposal to designate areas for preservation, as historic districts shall include:

(a) A concise statement of the physical elements which make the area an historic district and a description of all buildings, structures, sites and objects located within the proposed district, with special note of types, architectural styles and periods represented.

(b) A concise statement of how the district meets the criteria of "historic district" as provided in Section 5C of this chapter.
(c) A map showing the boundaries of the proposed district and the location of landmarks, buildings, structures, sites or objects therein.

(d) A justification of the boundaries of the district.

(e) Exterior photographs of buildings in the proposed district.

(f) The name and address, including section, block and lot number(s), of every property owner within the proposed district.

(g) The name, address and telephone number of the person, agency, organization or entity, which submitted the proposal and the person, organization, agency, or entity represented.

(E) The owner(s) of the property shall be notified when the application meets the basic filing requirements as set forth above.

(F) The Board shall determine the precise method by which all proposals to designate historic districts and landmarks are processed so long as the mandatory requirements of this chapter are satisfied.

(G) In connection with its review of a proposed designation of a landmark or historic district, the Board may obtain professional expertise before submitting its recommendations to the Town Board. The Board may seek assistance from staff, universities, private preservation organizations, the New York State Office of Parks, Recreation and Historic Preservation and other review commissions or private consultants.

(H) The Board shall issue a report of its findings. Any report shall include a statement of how the building, structure, site, object or district complies with or fails to comply with applicable designation criteria as set forth within this chapter. Such report shall be directed to the Town Board if the report recommends designation of a proposed landmark or historic district.
(I) If the Board recommends designation of a proposed landmark or historic district, the Town Board shall review the recommendation of the Board. The Town Board's review shall be based on the record that was before the Historic and Landmarks Preservation Board and the designation criteria contained in this chapter.

(J) After receiving a report that proposes a designation from the Board, the Town Board shall refer the report and proposal to the Planning Board for its recommendations and advice as to the proposed landmark’s or district’s compatibility with the Town's Comprehensive Plan, Town’s Open Space Plan, Urban Renewal Plans and/or other relevant reports and documents.

The Planning Board shall submit its recommendation to the Town Board within sixty (60) days or within such additional time period that shall be determined by mutual consent of the Town Board and the Planning Board.

(K) Should the Planning Board find the Historic and Landmark Preservation Board's recommended designation warrants further consideration, the Town Board shall hold a public hearing on the proposed designation. Legal notice of the public hearing shall be published in the official newspaper of the Town.

(1) The legal notice of the public hearing regarding a proposed landmark shall include the name of the owner(s) of record, contact person or agent, and the address, including section, block and lot number(s), of any building, structure, site or object proposed to be a landmark. A copy of the legal notice shall be sent by registered mail, return receipt requested, to the owner(s) of record.

(2) The Legal Notice of the public hearing regarding a proposed historic district shall contain a map or tax map clearly delineating the boundaries of the proposed district and a description listing the tax section, block and lot number(s) within the proposed district. A copy of the legal notice shall be sent by registered mail, return receipt requested, to all property owners within the proposed district,
the president of any civic, business or other such similar organization(s) known to exist and represent the area in which the proposed district is located.

(L) The Town Board, after holding a duly noticed public hearing may

(1) Accept the report of the Board and designate one (1) or more landmarks or historic districts.

(2) Remand the report to the Board outlining its concerns and its reasons for the remand.

(3) Reject the report of the Board and refuse to designate one (1) or more landmarks or historic districts.

F. § 235-6. Rescission of Landmark or Historic District Designation.

Landmark or historic district designation may be rescinded by the Town Board, after a public hearing, as follows:

(A) Upon written recommendation from the Board in which the Board states that the landmark or historic district no longer meets the eligibility criteria established in this chapter; and

(B) After full compliance with the legal notice requirements of Section 5(K) of this chapter.

G. § 235-7. Limitation on Activities Regarding Property Proposed for Landmark or Historic District Designation.

No alteration may be made and no application for approval of a zone change, variance, special permit, subdivision, site plan, building permit, demolition permit or sign permit shall be granted for any property proposed as a landmark or as part of a proposed historic district from the date of the filing of the proposal with the Board until the Board recommends to deny the proposed designation or the final disposition of the Town Board. However, if such application is for alteration, removal or demolition necessary to protect the public health, welfare or safety that is jeopardized by the imminent danger of collapse of a building, structure or any part thereof, the Board may hold a special
meeting to address the issues. In no event shall any complete designation proposal application as defined in Section 5 of this chapter, be delayed more than one hundred eighty (180) days.


(A) Notwithstanding any other law, ordinance, code, rule or regulation concerning the issuance of building, demolition, subdivision, or other permits or approvals, none of the following activities shall be commenced without the issuance of a Certificate of Appropriateness:

(1) Any alteration, which causes any material change in appearance of any exterior feature of a building, structure, site or object in a designated historic district or of a designated landmark.

(2) Any new construction in a designated historic district or on the site of a designated landmark.

(3) Any demolition or removal of a building, structure, site or object in a designated historic district or of a designated landmark.

(B) The Certificate of Appropriateness required by this section shall be in addition to, and not in lieu of, any building, sign or other permit that may be required by any state or local requirement or regulation. Nothing in this chapter shall preclude compliance with all other applicable state and local requirements, including but not limited to the necessity of obtaining a building permit. A Certificate of Appropriateness must be granted before the issuance of the building permit by the Building Department.

(C) An application for a Certificate of Appropriateness shall be submitted to the Board in such form and include such written information and data and such plans, elevations, drawings, schedule for completion, etc., as the Board or the Board’s professional staff may require. The Board shall commence review of said application within ninety (90) days of receipt of an application which complies with the requirements of the Board given the scope of the application.
(D) In passing upon an application for a Certificate of Appropriateness, the Board shall not consider changes to interior spaces, except in cases where the interiors have been duly designated as interior landmarks.

(E) Within ninety (90) days after an application is certified as meeting the requirements of Section 8C, or within such additional time period as the Board and the applicant may agree, the Board shall hold a meeting open to the public and shall vote on whether the proposed change will be appropriate to the preservation of the district or the landmark in view of the purposes of this chapter.

(1) Regarding landmarks, the Board shall apply at a minimum, the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and shall consider, in addition to any other pertinent factors, the historical and architectural style, general design arrangement, texture, material and color of component(s), sign(s), landscaping, extraneous buildings and/or artwork involved.

(2) Regarding historic districts, the Board shall base its decision upon the following principles:

(a) Properties which contribute to the character of the historic district shall be retained. The Board shall apply, at a minimum, the United States Secretary of the Interior's Standards for Treatment of Historic Properties and shall consider, in addition to any other pertinent factors, the historical and architectural style, general design arrangement, texture, material and color of component(s) or sign(s) involved and the relationship thereof to other buildings, structures, sites or objects in the district.

(b) Any alteration of existing property shall be compatible with its historic character, as well as with the character of the district in which it is located.
(c) New construction shall be compatible with the district in which it is located. In terms of the principle of compatibility, the Board shall consider the following:

(i) Height. The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.

(ii) Proportion of front façade. The relationship of the width to the height of the front elevation or any elevation on a public way shall be visually compatible with buildings, public ways, and places to which it is visually related.

(iii) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade or any facade on a public way of a building shall be visually compatible with buildings and places to which it is visually related.

(iv) Rhythm of spacing and buildings on streets. The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be visually compatible with the buildings and structures to which it is visually related.

(v) Rhythm of entrances and other projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the predominant materials used in the buildings and structures to which it is visually related.

(vi) Roof shapes. The roof shape of a building shall be visually compatible with the buildings to which it is visually related.

(vii) Walls of continuity. Building facades and appurtenances, such as walls, fences, and landscape masses, shall be visually...
compatible with the buildings and places to which such elements are visually related.

(viii) Scale of building. The size and mass of building and structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the buildings and places to which they are visually related.

(ix) Directional expression of front elevation. A building shall be visually compatible with the buildings and places to which it is visually related in its directional character whether this is vertical character, horizontal character or non-directional character.

(F) All decisions of the Board shall be in writing and filed with the office of the Town Clerk, Department of Conservation and Community Development and the Building Department within five (5) business days. A copy of the decision shall be mailed to the applicant.

(1) If the Board approves the application, the Board shall issue a Certificate of Appropriateness describing any reasonable conditions the Board deems necessary to carry out the intent and purposes of this chapter. A Certificate issued pursuant to this section shall relate solely to proposed plans and representations included in or accompanying the application. If a Certificate of Appropriateness has been approved, a building permit or any other approval issued by any other agency of the Town for the same work or activity shall be consistent with the terms and requirements of the Certificate of Appropriateness. It shall be unlawful to deviate from the representation and plans, including any modifications required as a condition for the issuance of such Certificate, unless and until an amended Certificate shall be applied for and issued.

(2) If the Board determines that a Certificate of Appropriateness should not be issued, the Board
shall notify the applicant, in writing, of such determination, and of the Board's reasons therefor. Unless the action of the Board is reversed on appeal, no building permit, permit for a sign, permit for demolition or removal or other permit shall be issued in an historic district or involving a landmark if a Certificate of Appropriateness has been denied.

(G) Nothing contained in this chapter shall be construed as authorizing the Board, when acting with respect to an application for a Certificate of Appropriateness or when adopting regulations in relations thereto, to waive any code, ordinance, regulation or law of the Town of Greenburgh. In exercising its powers and performing its functions under this chapter regarding the construction, reconstruction, alteration, removal, repair, demolition or use of any building, structure, site, object or sign, the Board may impose determinations or conditions which are more restrictive than those prescribed in other applicable codes, ordinances, regulations and laws.

(H) Any Certificate of Appropriateness shall expire twelve (12) months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve-month period; and further, such Certificate shall also expire and become null and void if such authorized work is suspended and abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such Certificate is stayed, due to judicial action, shall be excluded from the computation of the twelve (12) months.

(I) The Building Department shall issue a Certificate of Occupancy or Certificate of Completion, or Certificate of Compliance when the work or activity authorized in the Certificate of Appropriateness has been completed according to the terms and requirements contained therein. The Board shall be given advance notice of the completion of the work or the Building Department’s intent to accept the work performed in compliance with the Certification of Appropriateness.

(J) The minimum fee for a Certificate of Appropriateness application is set forth in the fee schedule which may be
amended from time to time. All fee payments shall be made payable to the Town of Greenburgh.

(K) The Board may adopt a list of types of activities of lesser impact for which the Commissioner or designee may grant Certificates of Appropriateness, and may establish procedures for this purpose. The Commissioner or designee may exercise discretion within such listed activities to grant or deny Certificates of Appropriateness or to determine that an action should instead be referred to the Board. An applicant may not apply to both the Board and Commissioner regarding the same action. The applicant may appeal the Commissioner’s (or designee’s) determination to deny a Certificate under this section to the Board.


(A) Notwithstanding section 8 above, an applicant may apply for relief from the requirements of this chapter or conditions imposed by the Board on the grounds that such requirements or conditions will result in an economic hardship. The applicant, in this instance, should as part of the application to the Board, provide the support data set forth below.

(B) In order to prove the existence of hardship, an applicant shall establish, with objectively verifiable data, that in the case of income-producing properties he/she is unable to make any economically viable use of the property, or in the case of residential property, the property is incapable of beneficial occupancy.

(C) In order to prove the existence of hardship, with respect to a proposed demolition, an applicant shall establish that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

(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,
regardless of whether that return represents the most profitable return possible.

(3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(4) The hardship is not the result of any act or omission of the applicant.

(D) A hardship applicant whose primary purpose or mission is philanthropic, eleemosynary, religious or charitable, and whose request for a Certificate of Appropriateness was made in furtherance of philanthropic, eleemosynary, religious or charitable purposes, shall establish that compliance with the established standards would seriously interfere with the applicant's ability to continue the current use of the property and seriously interferes with the applicant's philanthropic, eleemosynary, religious or charitable purposes.

(E) No building permit or demolition permit shall be issued unless the Board makes a finding that a hardship exists.

(F) The applicant shall provide evidence that the applicant has consulted in good faith with the Board, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property and compatibility with the established design criteria.

(G) The Board may solicit expert testimony or require that the applicant make submissions concerning any or all of the following information before it makes a determination on the application:

(1) An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the decision of the Board.

(2) A report from a licensed engineer or architect with demonstrated qualifications and experience in rehabilitation as to the structural soundness of any
structures on the property and their suitability for rehabilitation.

(3) The estimated market value as determined by a licensed appraiser of the property:

(a) In its current condition.

(b) After completion of the proposed construction, alteration, demolition or removal.

(c) After any changes recommended by the Board.

(d) In the case of a proposed demolition, after renovation of the existing property for continued use.

(4) In the case of a proposed demolition, the applicant shall submit an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation regarding the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(5) The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(6) If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation and annual cash flow before and after debt service, if any, during the same period.

(7) The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years.
(8) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, financing or ownership of the property.

(9) Any listing of the property for sale or rent, the price asked and offers received, if any, within the previous two (2) years.

(10) The assessed value of the property according to the two (2) most recent assessments.

(11) Real estate taxes for the previous (2) years.

(12) The form of ownership or operation of the property, whether sole proprietorship, for-profit or Not-for-profit Corporation, limited partnership, joint venture or other.

(13) Any other information deemed necessary by the Board to make a determination of economic hardship.

(H) All decisions by the Board with respect to hardship applications shall be in writing. The Board’s decision shall state the reasons for granting or denying the hardship application. A copy shall be sent to the applicant by mail and a copy filed with the Town Clerk’s office, the Department of Conservation and Community Development, and the Building Department.

(I) Upon a finding by the Board that, without the granting of the relief requested, all reasonable use of or return, whether that return represents the most profitable return possible, from a designated landmark or property within an historic district will be denied a property owner, then the Board shall grant the relief requested with appropriate conditions for mitigation.

J. § 235-10. Review by Zoning Board of Appeals.

Any person aggrieved by a decision of the Town of Greenburgh Historic and Land Preservation Board may, within thirty (30) days from the date when the decision of the Town of Greenburgh Historic and Land Preservation Board was filed with the Town
Clerk, appeal to the Zoning Board of Appeals for a review of the decision. Notice of such appeal shall be in writing and shall include a certified copy of the Board’s decision. The ZBA shall schedule a hearing within sixty (60) days of its receipt of the Notice of Appeal. Such hearing shall be upon written notice to the appellant and the Historic and Landmarks Preservation Board. Following such hearing and a review of the record that was before the Town of Greenburgh Historic and Landmarks Preservation Board, the Zoning Board of Appeals shall have the power to affirm or reverse the decision appealed. If an application for hardship is granted, the ZBA will direct the Historic and Landmarks Preservation Board to approve such work as is necessary to alleviate the hardship.


Any person aggrieved by a decision under this chapter may apply to the State Supreme Court pursuant to Article 78 of the CPLR. Such proceeding shall be instituted within 30 days from the filing of the decision with the Town Clerk.

L. § 235-12. Maintenance; Removing Dangerous Conditions.

(A) Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior or interior architectural feature of a landmark or property within an historic district. However, the maintenance and/or repair shall not involve a change in design, texture, material, color or outward appearance. No person with an interest in real property designated as a landmark or included in an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Board, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such include:

(1) Deterioration of exterior walls or other vertical supports.

(2) Deterioration of roofs or other horizontal members.

(3) Deterioration of exterior chimneys.
(4) Deterioration or crumbling of exterior stucco or mortar.

(5) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.

(6) Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for the public safety and welfare.

(B) In any case where the Building Inspector shall order or direct the construction, removal, alteration or demolition of a landmark or building, structure, site or object in an historic district for the purpose of remedying conditions determined to be dangerous to public health, welfare or safety, nothing contained herein shall be construed to make it unlawful for any person, without prior issuance of a Certificate of Appropriateness, to comply with such order or direction. The Building Inspector shall give the Board as early notice as is practicable of any such proposed order or direction for buildings or structures or any part thereof, that are in imminent danger of collapse.


(A) It shall be unlawful for any person, public or private entity, firm or corporation to construct, alter, remove, demolish, equip, change the appearance of any building, structure, site or object or a portion thereof and/or allow a structure to fall into disrepair which is a duly designated landmark or is located in a duly designated historic district hereunder in violation of any provision of Article I of this chapter or to fail in any manner to comply with a notice, directive or order of the Board or the Building Inspector hereunder or to construct, alter, use, occupy or destroy any building, structure, site or object or part thereof in a manner not permitted by an effective Certificate of Appropriateness, building permit or Certificate of Occupancy, Certificate of Compliance or Certificate of Completion properly issued hereunder.
(B) It shall be unlawful to do any work or alteration on landmarks or in historic districts in a manner other than as authorized in a Certificate of Appropriateness issued under Article I of this chapter. It shall be the duty of the Building Inspector to inspect periodically any such work to ensure compliance. In the event that work is found that is not being performed in accordance with the Certificate of Appropriateness or upon notification of such fact by the Board, the Building Inspector shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the property as long as a stop-work order is in effect. Any person, public or private entity, firm or corporation failing to comply with a written order of the Building Inspector within the time fixed for compliance therewith shall be liable pursuant to the applicable penalties in the Code of the Town of Greenburgh, as well as those set forth in Section 14 herein.


(A) Any person, public or private entity, firm or corporation convicted of any of the provisions of this Chapter shall be liable for a fine of not less than $250 nor more than $1,000.00, for each day the violation continues.

(B) Any person, public or private entity, firm or corporation undertaking to demolish, alter, repair, remove or construct a building or structure in violation of Article I of this chapter may be required by the Board to restore the building, structure, site or object to its appearance prior to the violation. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 2. Severability. If any clause, sentence, paragraph, section or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each section of this law are hereby declared to be severable.
§ 3. Supersession. Pursuant to Municipal Home Rule Law § 22, this local law is intended to supersede any inconsistent provision of law.

§ 4. Effective Date. This law shall take effect immediately upon filing in the office of the Secretary of the State of New York in accordance with the provisions of the Municipal Home Rule Law.