

TOWN OF CHARLTON, COUNTY OF SARATOGA
STATE OF NEW YORK

LOCAL LAW #2 of the Year 1973

A LOCAL LAW RELATING TO THE CREATION OF AN HISTORIC ZONING DISTRICT
AND OF AN HISTORIC ZONING COMMISSION FOR THE TOWN OF CHARLTON

BE IT ENACTED by the Town Board of the Town of Charlton as follows:

SECTION 1: SHORT TITLE

This Local Law may be cited as the Charlton Historic Zoning Local Law.

SECTION 2: LEGISLATIVE INTENT

Pursuant to the provisions of Section 261 of Article 16 of the Town Law, it is hereby declared that the preservation and protection of the Hamlet of Charlton, New York, its buildings and open spaces are a public purpose of the Town of Charlton and the purpose of this Local Law is to:

- A. Recognize the unique and valuable resource which the present Hamlet of Charlton represents in the economic, social, political and cultural history of Saratoga County and in the Pre-Civil War and later periods of American Architectural Development.
- B. Protect and preserve those buildings and open spaces having architectural and/or historic value in themselves, or those that form an organic part of the whole.
- C. Insure that future growth and development of the area shall not impair the distinctive architectural and historical character of the Hamlet.
- D. Promote the use of the Historic District for the education, pleasure, prosperity and general welfare of the citizens of the Town of Charlton and others.
- E. Allow architectural advice to be given, as requested, on renovation, restoration and additions, whether a building permit is required or not.
- F. Establish an Historic District Commission to help carry out the purposes of this Local Law.

SECTION 3: BOUNDARIES OF HISTORIC DISTRICT

The Historic District shall be the area shown and bounded as such on the map entitled "Zoning Map of the town of Charlton." Saratoga County, New York, dated April 16, 1973, as may be amended, and made a part of this Local Law and generally described as follows: the area contained within lines running parallel to the center line of County Road #51 located 40 rods (660 feet) north and 40 rods (660 feet) south from the center of County Road #51 bounded on the west by a line 40 rods (660 feet) to the west of and parallel to the center line of Jockey Street, bounded on the east by a line 40 rods (660 feet) to the east of and parallel to the center line of Stage Road.

See Appendix A

SECTION 4: REGULATED CONDUCT

A. APPLICATION

This Local Law shall apply to external features within the Historic District which require a building permit. Changes in any external feature, including but not limited to construction, reconstruction, alteration, restoration, removal or demolition shall not be made except as hereinafter provided.

B. EXCEPTION

Nothing in this Local Law shall be construed to prevent the ordinary maintenance and repair of any existing external feature in the Historic District. Nothing in this Local Law shall be construed to prevent repair and reconstruction of any external feature required by public safety because of dangerous or unsafe conditions.

C. RELATION TO OTHER ORDINANCES

Any provisions of the zoning ordinance or subdivision regulations related to land use or subdivision and other controls shall remain in force to the extent they do not conflict with the intent and purpose of this Local Law. In the event of conflict, this Local Law shall control.

SECTION 5: REGULATION OF SIGNS, OUTDOOR LIGHTING, AND PUBLIC WAYS

1. Signs erected in the Historic District shall conform to the requirements as established by the Town of Charlton Zoning Ordinance. They shall have the approval of the Zoning Administrative Officer who is authorized to take into consideration the aesthetic criteria established by the Historic District Commission.
2. The design of street lighting shall be approved by the Zoning Administrative Office who is authorized to take into consideration the aesthetic criteria established by the Historic District Commission as it pertains to the atmosphere of the Historic District. This shall specifically pertain to street lighting and the establishment of any future lighting district.

3. The homeowners of the Historic District shall retain the right to submit a petition to either the Town Board of the Town of Charlton or the Saratoga County Board of Supervisors regarding the establishment and/or changes in any rights of way under the jurisdiction of either the Town of Charlton or the County of Saratoga within the Historic District expressing their disapproval of such establishment and/or changes.

SECTION 6: LIMITING THE USE, ARRANGEMENT AND ARCHITECTURAL STYLE OF BUILDINGS IN THE HISTORIC DISTRICT

1. There is established hereby a Historic District as specified herein, wherein, in addition to the requirements of the Town of Charlton Zoning Ordinance, the sole principal use permitted shall be a single family dwelling which is defined as a residential structure designed for and occupied exclusively by one family.
2. Notwithstanding the provisions of Paragraph 1 immediately above, the provisions of Article IV Section 4 (nonconforming uses) of the Town of Charlton Zoning ordinance are incorporated by reference herein.
3. In reviewing any plans, the Historic District Commission shall give consideration to:
 - i. The historic and architectural significance of the structure and its relationship to the historic character of the surrounding area.
 - ii. The general appropriateness of exterior design and arrangement proposed to be used; and
 - iii. Any other factors, including aesthetic, which are deemed pertinent.
4. In addition to the foregoing general standards, the following specific standards shall apply in appropriate cases:
 1. Alterations and Additions

Alterations and additions to existing buildings should either be made consistent with their architectural style or should alter the structure to an appropriate appearance consistent with the architectural styles existing in the Historic District.
 2. New Construction

New construction shall be approved by the Zoning Administrative Officer who is authorized to take into consideration architectural standards adopted by the Commission which reflect styles of historic character existing within the Historic District.

3. Demolition

Demolition should be prohibited in the case of a structure of historic value unless the Zoning Administrative Officer is satisfied that the retention of such structure constitutes a hazard to the public safety and the identified hazard cannot be eliminated by economic means available to the owner. Such prohibition shall in this case be effective for no more than one year from the date of application for a permit to demolish. During this year the Commission shall endeavor to work out with the owner a feasible plan for the preservation of such structure. Moving of a dwelling of historic or architectural value may be allowed as an alternative to demolition.

SECTION 7: HISTORIC DISTRICT COMMISSION

1. Creation of Commission:

In order to execute the purposes declared in this Local Law, there is hereby created a commission to be called the Historic District Commission.

2. Membership of Commission:

The Historic District Commission shall consist of five members, property owners in the Town of Charlton. at least three of whom shall reside in the Historic District. Further, only one member of any family may be permitted to serve at any given time. They shall be appointed by the Town Board, Town of Charlton for terms of office of three years provided that two of the initial members shall be appointed for one year, two for two years, and one for three years, and subsequently members shall be appointed for terms of three years as terms expire. Members of the Commission may be reappointed for succeeding terms. Members should be selected based on interests which coincide with the purpose and intent of this Local Law.

A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the Town Board of the Town of Charlton for the unexpired term. The Commission may make recommendations respecting the filling of a vacancy.

The members of the Commission shall serve without compensation.

SECTION 8: DUTIES AND POWERS OF THE COMMISSION

It shall be the duty of the Commission to exercise advisory aesthetic judgment to maintain the desirable character of the Historic District and to encourage construction or alteration to be in harmony with existing buildings insofar as bulk, style, materials, line, proportions, detail and relation to open spaces and other external features are concerned, and thus to prevent degeneration of property, safeguard public health, prevent fire and promote safety and preserve the beauty and character of the Historic District.

Further, it shall be the duty of the Commission to review all plans for the construction, alteration, or demolition of structure in the Historic District, and it shall render advisory opinions to the Zoning Administrative Officer regarding such plans before a permit for such activity can be granted, provided that the Commission shall pass only on such exterior features of a structure, as are visible from the public way, and shall not consider interior arrangements.

In addition to the aforementioned duties, the Commission shall:

1. Adopt and publish rules of procedure which it deems necessary to carry out the Local Law.
2. Prepare a list of architectural criteria to insure the relatedness of development within the Historic District which may serve as a guide for the information of persons contemplating work within the Historic District and as an aid to the Commission in reviewing applications.
3. Maintain a directory of suitable architectural styles.
4. Hold public hearings upon 1, 2 and 3 above.
5. Conduct surveys of buildings and open spaces in the Historic District for the purpose of acquiring data concerning historic, architectural or cultural significance about them and formulating recommendations concerning them to the Town Board.
6. Advise owners of buildings within the District, if requested, on preservation and restoration of historic structures.
7. Accept funds, donations, grants or services in kind which assist the Commission in carrying out the duties described.

The Commission shall issue a Recommendation of Appropriateness if it approves the plans submitted to it for its review. The Zoning Administrator shall have discretion to accept or not accept the opinion of the Commission in making his decision whether or not to issue a building permit.

Application for a Recommendation of Appropriateness shall be made to the Commission in duplicate upon forms prescribed by the Commission. If it deems it necessary, the Commission may require additional plans, data, samples, etc. to facilitate proper evaluation of the project.

SECTION 9: RULES OF THE COMMISSION

The Town Board annually shall appoint from the membership a Chairman. A Vice-Chairman shall be elected by the membership. The Chairman shall preside over the Commission and shall have the right to vote. The Vice-Chairman shall, in cases of absence or disability of the Chairman, perform the duties of the Chairman.

The Commission shall appoint a secretary who shall keep a record of all resolutions, proceedings and actions of the Historic District Commission.

Three members of the Commission shall constitute a quorum for the transaction of business. The Commission shall adopt rules for the transaction of its business meetings. They shall provide for the calling of executive meetings by the Chairman or by at least two members of the Commission. All hearings of the Commission shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the Commission before it reaches its advisory decision.

The Commission shall keep a record, which shall be open to the public review, of its resolutions, proceedings and actions. The concurring affirmative vote of three members shall constitute approval of plans before it for Review, or for the adoption of any resolution, motion or other action of the Commission. The Commission shall submit an annual report of its activities to the Town Board and make such recommendations to the Town Board as it deems necessary to carry out the purposes of the Local Law.

SECTION 10: PROCEDURE FOR THE REVIEW OF PLANS

Applications for a building permit to construct, alter, move or demolish any structure in the Historic District shall be made to the Zoning Administrator. The application shall state that the property is in the Historic District. Plans, elevations and material specifications shall be submitted showing the structure in question and also giving its relation to adjacent structures.

Upon the filing of such application, the Zoning Administrator shall notify the Historic District Commission of the receipt of such application and shall transmit it together with accompanying plan and other information to the Commission within 72 hours.

The Historic Commission shall meet within fifteen days after notification by the Zoning Administrator of the filing, unless otherwise mutually agreed upon by the applicant and Commission, and shall review the plans according to the duties and powers specified herein. In reviewing the plan, the Commission may confer with the applicant or his authorized representative for the building permit.

The Commission shall approve or disapprove such plans, and if approved shall issue a Recommendation of Appropriateness, which is to be signed by the Chairman, attached to the application for a building permit and transmitted to the Zoning Administrator. The Chairman shall also stamp all prints submitted to the Commission signifying its advisory approval.

If the Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefore in writing to the Zoning Administrator and to the applicant. The Commission may recommend what it thinks is proper if it disapproves of the plans submitted. The applicant, if

he so desires, may make modifications to his plans and shall have the right to resubmit his application at any time after doing so.

The failure of the Historic District Commission to render an advisory opinion regarding such plans within 30 days from the date of application for the building permit shall be deemed to constitute approval and the Zoning Administrator may process the application without regard to a Recommendation of Appropriateness.

After the Recommendation of Appropriateness has been transmitted and the building permit granted to the applicant, the Zoning Administrator shall from time to time inspect the construction, alteration or repair approved by such opinion and shall take such action as is necessary to enforce compliance with the approved plans. The Commission shall assist the Zoning Administrator within the scope of the Commission's responsibilities.

SECTION 11: VARIANCES TO THIS ARTICLE AND APPEALS

Any person or persons jointly or severally aggrieved by a decision of the Zoning Administrative Officer shall have the right to appeal to the Board of Appeals for a review of such decision as provided by the Town of Charlton Zoning Ordinance and seek such other remedies as may be provided for by this Local Law or general law.

SECTION 12: SEVERABILITY OF PROVISIONS

The provisions of this Local Law shall be deemed to be severable, and if any of its provisions shall be held unconstitutional or invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 13: EFFECTIVE DATE

This Local Law shall take effect upon being filed in the office of the Secretary of State, as provided in Section 27, subdivision 3 of the Municipal Home Rule Law and upon being posted and published as provided in Local Law #1 of the Year 1973 of the Town of Charlton.

PASSED: September 11, 1973

Moved by: Justice Gilmore

Seconded by: Justice Stafford

	AYE	NO
Voting: Justice Gilmore	x	
Justice Stafford	x	
Councilman Adams	x	
Councilman Murray	x	
Supervisor Hequembourg	x	