

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Local Law No. _____ of the year 2021.

A local law prohibiting the demolition or alteration of structures containing structural or architectural elements predating the Village’s incorporation date of June 24, 1931, and authorizing the institution of a civil action for violation thereof, and establishing criminal penalties therefor.

Added Language [underlined] Removed Language [~~strikethrough~~]

Be it enacted by the

~~County~~

~~City~~

~~Town~~

Village

Board of Trustees of the Incorporated Village of East Hills, as follows:

Chapter entitled, “Building Construction” is hereby amended by adding new subdivisions “A”, “B”, “C” and “D” to section 223-11 as follows:

Findings and Intent: The Village Board find that preservation of historic structures contributes to the special character and community of the Village, and to the benefit of the Village’s residents. The Village Board desire to maintain, insure, and preserve the special character of neighborhoods that contain historic, unique, or otherwise distinctive structures or architectures or districts that are of special historical or aesthetic interest or value. To those ends, the Village has retained the services of a consultant to review the Village zoning and building codes with an eye towards potential modification thereof, in part, to protect the Village’s architectural and historic heritage.

The Village Board desire to provide for the protection, preservation, enhancement, and perpetuation of historic structures until a survey of historic structures within the Village has been prepared, and until recommendations with regard to identifying such structures as being worthy of preservation and protection are received, and whether it is desirable to create a Historic Preservation Law to that end, and is undertaking such a survey in order to inform itself and the public on the matter.

Inasmuch as property owners have applied or are contemplating applying for permits to demolish or modify existing structures within the Village, some of which are historic in nature or

of other special character, the Village Board find that the unrestricted demolition of such structures may run contrary to the general health, welfare, and environment of the Village and its residents in general, and of the neighborhoods that they reside in specifically.

The Village Board view the present provisions of the Village Code to be inadequate to prevent a landowner from demolishing or otherwise modifying an historically significant structure that is of historic or aesthetic interest or value to the Village or is otherwise worthy of preservation without first having had the structure reviewed and demolition or alteration authorized by permit evidencing such review.

Therefore, in accordance with the authority granted by the Village Law and sections 96-a and 119-dd the General Municipal Law, and pursuant to its police powers in order to protect the general health, welfare, and environment of the Village and its residents, and in accordance with the Municipal Home Rule Law and the Statute of Local Governments, the Village Board hereby declares that:

“A. No person shall demolish, modify, or alter any portion of a structure where any portion of the overall structure contains structural or architectural elements predating the Village’s incorporation date of June 24, 1931, without first having obtained a demolition or building permit from the Chief Building Inspector.

B. The owner of any structure or structures, or the person or entity who performs the demolition, modification, or alteration on any structure, contrary to the prohibitions contained herein shall be subject to an action for both injunction and for damages in the amount of the replacement value, in kind, of the structure or structures as of the date of its demolition, modification, or alteration.

C. In addition to any civil action that may be taken to recover damages identified in subdivision (B) hereof, the violation of this section shall be and hereby is deemed to be a misdemeanor and shall punishable by fine in the amount of \$10,000.00 for each violation hereof, or by imprisonment not exceeding one year, or both.

D. No application for demolition, construction, subdivision, site plan review, building permit or other approval from the building division or board of the Village shall be processed or entertained in the event that a criminal prosecution or civil action has been commenced by the Village for a violation of this section in regard to the real property which is the subject of the application.”

This law shall become effective upon adoption and notwithstanding that it has not yet been filed with the Secretary of State.