

## **SECTION 4 Process and Procedures**

### **Introduction**

The Village of Palmyra rightfully calls itself the Queen of Canal Towns. Founded in 1789 and incorporated in 1824, the village boasts more than 200 properties on the National Register of Historic Places. The array of Erie Canal era structures include residential, commercial, civic and sacred. The location of four still active main line churches at the intersection of New York State Routes 21 and 31, Canandaigua Street and Main Street, and the Palmyra Village Hall set the tone of the village's character.

In 2007, the Palmyra Village Board passed Local Law #4 establishing the first Preservation Ordinance in Wayne County, and with it the Palmyra Historic Preservation Commission. Two years later, having achieved Certified Local Government status, the village's East Main Commercial and Market Street Districts were incorporated into a larger Palmyra Historic District in 2009.

The objectives of these guidelines are:

- To safeguard the heritage of the Village of Palmyra by preserving the historic architecture of the village, which represents and reflects elements of its cultural, social, economic, political, and architectural history.
- To protect and enhance the attractiveness of the village to homebuyers, visitors, shoppers, and residents, and thereby provide economic benefits to the village and its citizens.
- To conserve and improve the value of property within the village.
- To foster, encourage, and advise the preservation, restoration, and rehabilitation of structures, areas, and neighborhoods.
- To promote the use of the historic architecture for the education, enjoyment, and welfare of the citizens of the village.
- To foster civic pride in the beauty and history of the past as represented in the

### **What is the Historic Preservation Commission?**

The mission of the Historic Preservation Commission (HPC) is to preserve the village's historic resources and historic character. In addition to administering the guidelines, the HPC also educates the community on the value and care of historic buildings. The five appointed members of the HPC review applications once a month to consider the appropriateness of proposed changes to designated buildings. Board members are also available as a resource to help property owners develop both practical and architecturally appropriate additions and alterations.

The Village Code grants the HPC the following powers and duties:

1. **Review of plans.** It shall be the duty of the HPC to review, and approve or disapprove, all plans and building permit applications for the construction, reconstruction, removal, restoration, alteration, or demolition of any exterior architectural feature within the District. The HPC shall have the power to pass upon such activity before a Certificate of

Appropriateness is granted, provided that the HPC shall pass only on the exterior features of a building or structure as are visible from the public street or waterway, and shall not consider interior arrangements. In deciding upon all such plans, the HPC shall be guided by the Secretary of the Interior's Standards for Rehabilitation and local standards as enumerated in Chapter 116-3 through 116-13, and shall give consideration to any factors it may deem pertinent, including but not limited to:

- The historic, cultural, or architectural value and significance of any building or structure.
- The appropriateness and authenticity of the proposed exterior design, arrangement, texture, or material and fenestration proposed.
- The relationship of the proposed exterior design and design features to the historic value and architectural style and character of buildings and structures in the surrounding area and in the District.
- The extent to which the action proposed in the permit application will promote the purposes of this article.
- The relationship of the building or structure to open spaces, public ways, signs, landscaping, and accessory uses located at and nearby the premises being considered.

2. **Investigate and report.** The HPC may investigate, report, testify, and recommend to the Planning Board, the Zoning Board of Appeals, the Village Board of Trustees, and any Village Department or official on matters, permits, authorizations, and other actions that affect buildings, structures, and places within the District.

3. **Surveys and studies.** The HPC may undertake the survey and study of neighborhoods, areas, sites, places, buildings, and structures that have historic, architectural, cultural, or aesthetic value. Pursuant to such survey and study, the HPC may propose regulations, special conditions, and restrictions, as may be appropriate to serve the purposes of the Preservation Code.

4. **Retain specialists.** The HPC may retain such specialists, consultants, or experts to aid in its duties, and to pay for their services, not exceeding, in all, the appropriation made by the Board of Trustees. The HPC may call upon available Village staff members, as well as other individuals, for technical advice.

5. **Assist property owners.** The HPC may advise owners of property or structures within the Historic District on the physical and financial aspects of preservation, renovation, rehabilitation, and reuse.

6. **Other powers.** The HPC may undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the advancement of the purposes set forth in the preservation code.

### **Initial Actions for the Applicant**

Any new construction or any change in the appearance of the exterior of an existing building that can be seen from a public street or from the Erie Canal requires HPC approval prior to the commencement of the project. Such changes require a permit. HPC approval must be obtained before the permit can be issued. Since applications for permits and HPC approval

are made through the Village Office, you are urged to contact the Village Code Enforcement Officer early in your planning process for assistance.

Plans for many prospective changes must be presented in advance to the Palmyra Historic Preservation Commission (HPC). The Board meets once a month to determine whether proposed changes are compatible with the building under consideration and with its neighbors. The Board's decision to approve, approve with conditions, deny, or table is given in writing, within 25 working days of the application. You can pick up a copy of the Village of Palmyra Zoning and Preservation Code at the Village Hall, 144 East Main Street, or view it on the village website at [www.palmyrany.com](http://www.palmyrany.com)

This publication has been developed to assist village residents and property owners in navigating the HPC review process. Accurate plans, photographs, material specifications, and your own research information are all important components that should be included with your application to the HPC. You can also schedule and attend an HPC meeting for "information only" prior to submitting a formal application. This approach is particularly useful if you are planning significant or sizable additions and/or alterations and would like to get an idea on what direction to pursue with your plans, as this may save you time and expense later on.

## **Application Procedures and Requirements**

**Certificate of Appropriateness** - The most important day-to-day duty of the HPC is the approval or disapproval of applications for a Certificate of Appropriateness. A Certificate of Appropriateness is required for any exterior alteration, restoration, new construction, reconstruction, demolition, or moving of a structure, land, trees, or plantings upon property designated a landmark or property within the architectural preservation district. No property owner may make any material changes to the appearance of a property that is visible from a public street, other right-of-way, or park, and which may affect the appearance of the historic district, without first obtaining a Certificate of Appropriateness from the HPC. A member of the HPC determines what is visible from the public way. Because landscaping is usually seasonal and temporary, a building hidden by summer foliage is considered visible.

## **Application Process**

1. All exterior changes visible from a public way require HPC review. Early in the project planning process, the property owner should review preliminary plans with the Village Code Enforcement Officer. The Code Enforcement Officer will determine if the proposed project requires HPC review and a Certificate of Appropriateness prior to issuance of a building permit. The Code Enforcement Officer may determine that the change involved does not require a Certificate of Appropriateness (for example, if the project involves only interior work). If a Certificate of Appropriateness is not required, a building permit may be issued. In these situations, construction drawings and specifications may still be required by the Code Enforcement Officer for a building permit. Early consultation with the Code Enforcement Officer may also provide an opportunity to identify design issues that will be closely scrutinized during the HPC's review.

2. Consult with the Village Code Enforcement Officer or village staff at the earliest opportunity. Repairs and renovations requiring demolition, or major repairs in-kind, may require review, even if you are replacing in-kind, to insure that significant architectural or historic resources/ features will not be irreparably lost.

3. If the Code Enforcement Officer determines that a Certificate of Appropriateness is required or may be required, complete the form entitled; "Application to the HPC for a Certificate of Appropriateness," which can be obtained at the Village Office or downloaded from the village website. Submit this application by the deadline that is indicated on the meeting schedule.

4. In some instances, the Code Enforcement Officer may determine that your project is subject to other approvals, such as zoning. The Code Enforcement Officer will work with you early in the process to determine which approvals may be required, and in what order. In the case of large and/or complex actions, where multiple board approvals will be required, the applicant, or the Code Enforcement Officer, may request a Development Review Committee (DRC) meeting to sort out overlapping and interrelated issues concerning multiple board approvals. The DRC is comprised of one representative from each of the three Village Boards, the Village Board of Trustees, the Planning and Zoning Board of Appeals (PZBA), and the HPC, as well as the Code Enforcement Officer, and, if needed, the Village Attorney. The DRC meeting is designed to help the applicant seek preliminary information and coordinate the multiple approvals required in an effort to expedite the process.

5. Monthly HPC meetings are held at 7:00 PM at the Village Hall on the third Thursday of each month, unless otherwise noted in the meeting schedule. You may request to be on the agenda for "information only," to discuss a project concept before submitting a fully detailed application. This often saves time and expense by answering questions and addressing issues at an early stage. An "information only" discussion is recommended for large-scale projects. The more information the HPC has on the existing conditions of the buildings (usually photographs showing all exterior areas where work is proposed) and the proposed work item(s), the easier the process will be. A formal application must include the name, address, and telephone number of the applicant, as well as a tax map designation of the property. The application should include photographs of both the existing building and its setting, and photographs of the surrounding neighborhood, to establish the project's context. The application should also include a site plan showing location of improvements, and plans and elevations illustrating the design of the proposed improvements. The drawings should show the relationship of the proposed work to the existing building. Samples of materials and colors to be used are useful supporting materials. For new construction or extensive additions, the drawings and site plans should show the relationship to the surroundings. If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, dimensions and colors, a description of materials to be used, and a plan showing the sign's location on the property/building should be submitted. Typically, each HPC member will make an individual site visit to view the property prior to the meeting.

6. The hearing order of the applications will be outlined on a meeting agenda that will be mailed to each applicant. At the discretion of the Board chairperson, the public may comment at the hearing, as can any design and historic preservation professionals retained by the applicant. This is an opportunity for any neighbors or other interested parties to register their comments on the application. The HPC may deny an application, or require changes in plans as a condition of its approval. It may also direct that the execution of landscape screening be a part of the approved plan. The HPC must approve, deny, or approve the application with modifications within 60 days of receipt of a completed application, unless the applicant agrees to an extension. In some instances, the HPC may table a decision until the next meeting, or schedule a special on-site meeting, if more research or other information is needed to make an informed decision. The HPC's decision is

conveyed verbally to the applicant at the meeting. An approval, approval with conditions, or denial letter will be mailed to the applicant.

7. Consult with the Village Code Enforcement Officer for regulations concerning the follow-up and enforcement of HPC decisions, penalties for noncompliance, and appeal procedures. Any subsequent changes to the application approved by the HPC must be resubmitted to the HPC for further discussion and approval by the HPC.

**When considering an alteration, please keep these factors in mind:**

- If you are unsure if the alteration you are planning requires review by the HPC, contact the Code Enforcement Officer. There is nothing else that the Code Enforcement Officer dislikes more than stopping a project once underway. Don't let that happen to you.
- Do not rely exclusively on the knowledge or awareness of your contractor for fulfilling the submission requirements for a Certificate of Appropriateness or the need for a building permit for improvements and repairs made on a property within the village.
- Placement and screening of any utility equipment, such as an air-conditioning compressor or an emergency power generator, requires approval by the HPC before installation, even if it is not in view from a public way.
- Contact the HPC in advance for information and assistance. Often, homeowners are not aware of potential solutions for repair, replacement, and maintenance issues, and the HPC can help.
- The HPC is not motivated by the ability to control or dictate taste. Board members are volunteer residents who appreciate historic architecture and the quality of life the Village of Palmyra affords. Board members put in the time and effort to assist residents and property owners in developing appropriate improvements as required by our Code.