

# **TOWN OF SOUTHOLD, NEW YORK**



## **LANDMARKS PRESERVATION COMMISSION HANDBOOK**

- For project review on individual Historic Landmarks
- For maintaining the unique character and quality of life in our Town  
that depend on our rich architectural heritage

## INTRODUCTION

The Town of Southold is one of the oldest settled areas of the United States. In recent decades, it has also been one of the fastest growing, causing the historic character of many parts of the Town to be threatened. Recognizing the need to safeguard areas rich in landmark buildings, the Town Board enacted a Landmarks Preservation code in 1983 that was revised and strengthened in 2004. Southold joins over 1,200 other communities across the country with preservation ordinances.

The work of the Southold Town Landmarks Preservation Commission has been gratifying. The commission has encouraged and supported landmark preservation on a town wide basis and its efforts have helped preserve the flavor of historic neighborhoods during the recent upsurge in building activity. The commission is constantly aware that it owes much of its success to the citizens who have recognized the importance of Southold Town's rich architectural heritage. Appointed by the Town Board, the commission is made up of your neighbors who serve without compensation.

It should also be noted that Southold's Town Board has supported the commission and its agenda. They have provided the means for projects that assist the community in achieving its preservation goals. For this, the commission is deeply appreciative.

### **Southold Town Landmarks Preservation Commission**

James F. Grathwohl, *Chairman*

Mel Phaff, *Vice Chairman*

Jon Larry Jungblut, *Secretary*

Douglas Constant

James Garretson

Ronald Rossi

Barbara Schnitzler

*Ex-Officio:* Scott Russell, Supervisor

**August 12, 2008**

**Southold Town Landmarks Preservation Commission Handbook**  
**August, 2008**

This handbook is the official policy and procedure manual of the Town of Southold Landmarks Preservation Commission. For further information, contact the Commission, c/o the Southold Town Building Department, Town Hall Annex, 53095 Route 25, P.O. Box 1179, Southold, NY 11971-0959, or telephone (631) 765-1802. The Commission reviews permit applications for proposed exterior alterations to designated landmarks in the Town of Southold. The applicant is responsible for complying with provisions of the Southold Town Code at the time of application. The applicant must obtain all necessary permits prior to proceeding with any work.

Please review this information during the early stages of planning your project. Familiarity with this material can assist with moving a project quickly through the approval process, saving applicants both time and money. Additional guidelines addressing other building topics are available at the Southold Town Building Department and on the Town's web site at [southoldtown.northfork.net](http://southoldtown.northfork.net).

This manual was coordinated by the Southold Town Landmarks Preservation Commission in conjunction with the Southold Town Building Department. A Commission sub-committee comprised of Barbara Schnitzler, Ron Rossi and Jim Grathwohl wrote and designed the handbook. The Town of Southold Geographic Information System provided the map. Landmarks Preservation Commissioners provided critical comment and review. Damon Rallis, Landmarks Preservation Coordinator in the Building Department, provided additional comment and review. Public input was obtained from the Southold Town Board, Town Attorney, and other local organizations, as well as through a public hearing.

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## PREFACE

*The mandate of the Commission is to preserve and protect the many architectural phases of a community in continual growth from the year 1640. We believe that contemporary structures are an integral part of the architectural landscape of the town and are as worthy of preservation as those structures built in earlier times. We are sympathetic to the needs of current property owners to expand, reduce or otherwise modify their properties. In fact, the philosophical goal of landmark preservation is not to freeze time, but to integrate the necessary and desirable changes that are signs of our neighborhoods' continuing vitality. We perceive our job as Commissioners to be one of balancing the needs of property owners with the unique architectural and historical role of each property.*

Residents of Southold Town have long been aware and proud of the historic character and architectural significance of our hamlets. A recent survey of the town lists approximately 1,200 structures dating to 1900 and earlier. The seven-member Landmarks Preservation Commission reviews applications for any and all alterations or demolition of individual landmark buildings and structures that are listed on the official Landmarks Roster of the Town of Southold. The Commission has developed this handbook in hopes of providing residents with a clear understanding of the process of applying to the Commission.

The Commission is a branch of local government and its decisions are binding under law. The specific town laws that create and govern the Commission are located in Appendix I. The jurisdiction of the Landmarks Preservation Commission is independent of and equal to that of any other local governmental authority, except a court of law upon appeal.

This handbook is divided into two major parts followed by a series of appendices. Part I reviews the application procedures and outlines activities which are regulated under the Landmarks Preservation Code. Part II presents guidelines for appropriate design in the historic context. The Appendices includes enabling statutes and ordinances, Commission

regulations and procedure, and the U.S. Secretary of the Interior's short list of Standards for Rehabilitation.

The content of this handbook is meant to be read and understood within the context of each section. We caution readers against selecting portions of text and taking them out of context.

**PART I**  
**APPLICATION PROCEDURES**

## REGULATED ACTIVITIES

### *General Discussion*

Federal, State and Local laws give the Landmarks Preservation Commission a broad range of responsibilities and powers. The Southold Town Code, Chapter 170-6, A., states that “no person shall carry out... the demolition or removal...” or “the alteration of the facade of landmarks designated as *historic*... without first obtaining a certificate of appropriateness specifically permitting such activity” from the Town of Southold Landmarks Preservation Commission.

For the purposes of Commission consideration, ‘the façade’ shall include such portion of the exterior of a structure as is open to view from a public street.

To fall under the authority of the Commission, a proposed construction activity must be visible from general public street. A building or structure, which is hidden by landscaping, is considered to be in the public view if it would be visible without such landscaping.

The Southold Town Building Department will require a Certificate of Appropriateness, approved by the Commission, before issuing a building permit for any construction activity to a designated Town landmark property. Also, a Certificate of Appropriateness or Administrative Permit may be required even if a building permit is not required. Failure to comply with landmark preservation regulations may result in violations and/or fines being issued to a property owner and his or her agents.

**Property owners will be considered in non-compliance in instances including, but not limited to, the following:**

- *When work occurs before a Certificate of Appropriateness is issued;*
- *When work is not in compliance with the approved Certificate of Appropriateness and the conditions thereof.*

**Any unauthorized construction, as described above, can result in:**

- *A violation issued by the Southold Town Office of Code Enforcement and subsequent fines set forth by the Town of Southold and/or,*
- *A court injunction requiring the removal or change of the work as approved by the Commission and/or.*

The following activities are typical of those that require a Certificate of Appropriateness pursuant to the Town Code of the Town of Southold. We offer this list only to aid the application procedure. It is not a complete and final itemization of all activities that may be regulated by the Commission. Please call the Southold Town Building Department or come to any scheduled meeting of the Commission if there are any questions as to the necessity for application.

***Examples of Regulated Activities Requiring Commission Action***

*Demolition, removal or alteration to the façade of:*

- All principal buildings;
- Accessory buildings including, but not limited to:
  - garages
  - sheds
  - barns
  - greenhouses
  - gazebos
  - wooden well covers
  - historic outhouses
- Architectural elements including, but not limited to:
  - doors & entranceways
  - porches
  - window frames, sash & muntins
  - storm doors

- shutters
- architectural trims & ornament
- siding or roofing
- exposed foundations
- chimneys
- dormers
- skylights
- sunrooms
- awnings
- exterior light fixtures
- gutters

- Site fixtures & structures including, but not limited to:

- decks
- trellises pergolas, & arbors as they relate to the building
- exterior lighting fixtures
- above ground swimming pools
- any visible fixtures associated with in-ground pools
- above ground storage tanks

- Miscellaneous fixtures, structures and utility boxes including, but not limited to:

- solar panels
- wind-powered energy devices
- exterior air conditioning units, exhaust vents, coolers, etc
- utility boxes including electrical service, gas services, etc
- satellite dish, ham radio, and other specialized antennae
- any structure, even if of temporary materials, if left in place more than 180 days

***Examples of Non-Regulated Activities Requiring No Commission Action***

- Construction not visible from any public right of way
- Interior alterations
- Routine maintenance & repair including, but not limited to:
  - painting and choice of paint color
  - masonry repair & repointing which exactly match the existing brickwork
  - siding & roofing repairs which match existing exactly
  - exact replacement of existing architectural and site features
- Landscape planting
- Miscellaneous features including, but not limited to:
  - retaining walls under 18" high
  - walkways for 1- & 2-family dwellings
  - driveways for 1- & 2-family dwellings under 11' in width
  - parking areas for 1- & 2-family residences where not in front yard
  - boats and recreational vehicles
  - flagstaffs attached to building facades
  - storm windows
  - residential patios and terraces on grade
  - in-ground swimming pools
  - residential playground equipment
  - incidental through-roof plumbing vents
  - temporary signs (such as real estate, construction, tag sale, event or political signs)

**Temporary fixtures & structures including, but not limited to:**

- event tent structures in place less than 180 days
- construction dumpsters, trailers, toilets, security fencing, and utilities

## **APPLICATION PROCEDURES**

### ***Pre-Application Procedures***

The Pre-Application Meeting is an optional, informal session with the Commission before a property owner submits a formal application. We offer this meeting to applicants so that we can discuss the general appropriateness of the proposed project. The Pre-Application Meeting is optional, but strongly recommended, particularly with extensive construction projects such as an addition or new house. We ask that the applicant review this handbook in preparation for the meeting, and bring all pertinent materials. Contractors, architects and other consultants are encouraged but not required to come to the meeting. Such meetings are held during the regularly scheduled meeting times. The Pre-Application Meeting must be scheduled, in advance, through the Southold Town Building Department.

#### **The Pre-Application Meeting may include the following:**

- Discussion of proposed scope of work.
- Determination if Certificate of Appropriateness is required.
- Clarification of application procedures.
- Review of preliminary plans, specifications, and/or photos.
- Identification of additional materials necessary for submittal.
- Advice on appropriate design and materials.

Please note that the Commission can make no decision about an application during this initial meeting, other than to determine the need for a Certificate of Appropriateness. The Pre-Application Meeting does not begin the statutorily defined 60-day period for consideration of an application.

### ***Application Form & Submission Materials***

An application for a Certificate of Appropriateness may be obtained at the Southold Town Building Department, or at any regularly scheduled meeting of the Commission.

In order to obtain a Certificate of Appropriateness, the applicant must first submit a building permit application to the Southold Town Building Department, along with a \$50 fee, a survey of the property indicating any additions/alterations, and preliminary drawings reflecting the scope of the proposed work.

We strongly suggest that the applicant request a Pre-Application Meeting before submitting a formal application. Pre-Application meetings are discussed in the preceding section of the handbook. However, this meeting is at the option of the applicant.

A sample application form follows this section of the handbook. In addition to the completed application, applicants **MUST** submit their Notice of Disapproval from the Southold Town Building Department, as well as supporting materials that explain the details of the proposed activity. In most instances, the supporting materials listed below are required:

#### **One (1) set of measured drawings or sketches, to include the following:**

- elevations
- existing/proposed floor plans at 1/4" scale
- a door and window schedule
- sample(s) and/or photo(s) of exterior hardware, lighting, shutters, etc.
- roofing/siding specifications, samples, paint samples/chips (if requested)

Please be aware that the Commission may request other information it deems necessary to make a determination of appropriateness. Supporting material must be filed at the same time as the completed application so that the public and the Commissioners have advance

time to review all details. If an applicant fails to submit the proper supporting materials at the time of application, the public hearing will be tabled until a full review process can occur.

The application will be deemed officially received as of the date of receipt, and the Commission shall schedule a public hearing and render a decision as to appropriateness no later than 60 days after the official receipt.

**SOUTHOLD TOWN LANDMARKS PRESERVATION COMMISSION  
SAMPLE APPLICATION FOR CERTIFICATE OF APPROPRIATENESS**





## **APPLICATION PROCEDURES**

### ***PUBLIC HEARING***

#### *Public Access to Meetings & Records*

The Landmarks Preservation Code requires a public hearing for all applications, except those where an administrative approval can be issued. The Commission must advertise any scheduled public hearing at least once in a newspaper having substantial local circulation at least 10 days before the public hearing. By law, all Commission meetings that constitute a quorum, except executive sessions, must be open to the public and have a posted agenda and adequate public notice. Four members of the Commission constitute a quorum. Public hearings are normally held during the regular meetings of the Commission, although special meetings may be called by the Commission. All records are available for public review at the Southold Town Building Department.

Special meetings may be held for any reason and at any time and location. Special meetings may include workshops, seminars, inter-agency discussions, consultation with experts and consultants, and discussions with private groups and individuals. Special meetings may also be held at the option of the Commission to expedite lengthy proceedings continued over from a regular meeting.

#### *Time & Location of Public Hearings*

Public Hearings are typically scheduled in conjunction with the regular meetings of the Landmarks Preservation Commission which are held on the third Tuesday of every month unless otherwise posted (except holidays) at 3:00 PM at Southold Town Hall, Supervisor's Conference Room, 53095 Route 25, Southold, NY 11971, 631-765-1802.

### *Hearing Procedure*

At the public hearing, the Chairperson will first call the meeting to order. The Secretary/Clerk of the Commission will read the legal notice as advertised. The Chairperson will call on the applicant or agent of the applicant to identify him/her self and explain the proposed work.

Additional supporting material may be presented, and expert consultants and other interested parties (such as neighbors) may be introduced. All public hearings are audio-taped and transcribed into the hearing minutes.

When the applicant's presentation is complete, the Chairperson and Commission members will direct questions to the applicant and his or her representatives. The Commission may also make suggestions as to design modifications. After both the Commissioners and the applicant have finished, the Chairperson will open the meeting to public comment, asking for audience members in favor of the application to speak first. After hearing comments against the application, if any, the applicant will be allowed to respond. At all times during a public hearing, one person shall be allowed to speak at a time. Comments should be directed to Commissioners, not to members of the public.

After comments and rebuttal have been heard, the Chairperson will proceed to the next scheduled application. Once all the applications on the agenda have been heard, the Chairperson will close each individual public hearing and will then close the public hearing section of the meeting. At the Commission's decision, an individual hearing may be allowed to continue open to the next regularly scheduled meeting.

## ***PUBLIC MEETING***

The public meeting section of the regular meeting is closed to public comment. Commission members will deliberate and decide on each application. A minimum of four votes is required to carry a decision. Once all applications are voted upon, the Commission will proceed to other business matters.

The Commission must vote a final decision on an application within 60 days of officially recorded receipt of the application. A vote to table or continue a decision is not a final vote. The applicant may withdraw an application in writing at any regular meeting, or during normal office hours in the Building Department. A withdrawn application may be submitted in the same or revised form at any time thereafter, but for the purposes of determining the 60-day review period, such resubmission shall be considered a new application effective as of the date of re-filing.

### *Determination of Appropriateness*

The Commission is charged with determining the appropriateness of all proposed construction activities that are regulated under the Landmarks Preservation Ordinance. These regulated activities are outlined at the beginning of Part 1 of this handbook. The Commission will make this decision based on the submitted application materials and the duly recorded comments of the public hearing.

**In evaluating the impact of proposed construction activities, the Commission will consider:**

- The relationship of the proposal to its immediate streetscape, and to the neighborhood as a whole, in terms of size, scale, massing and proportions.
- Compatibility with the characteristic styles and building traditions of the subject property itself, and of its immediate neighborhood, and of the town as a whole, in

terms of general design, massing proportion, arrangement, materials, texture, and architectural features.

- The unique architectural and historic contribution of the subject property and its immediate neighborhood.

We refer you to Part II - Design Guidelines of this handbook, which provides an in-depth discussion of both the general objectives and specific criteria used by the Commission to determine appropriateness of design. **While we hope that the following guidelines will assist the applicant, they should not be considered to represent absolute standards that can and must be applied in all instances.** The hamlets of Southold Town encompass nearly 400 years of settlement. Every property is unique and contributes to the evolving community for which the Commission is responsible. The Commission must ultimately use its own judgment to determine appropriateness based on the unique details of the application and the setting and building traditions of the neighborhood or the town.

Decisions granting or denying an application shall be approved by a majority vote of Commission members (four members present shall constitute a quorum). All decisions shall be in writing, may include stipulated conditions for approval, and shall include all reasons for any denial.

### *Decisions*

The Commission is required to hold a public hearing and make a decision on an application within 60 days of the official receipt of application. If an application is withdrawn, any subsequently resubmitted application will be considered to be a new application effective as of the date of the official receipt by the Commission.

If the Commission denies the application, written notice will be sent to the applicant, the Building Official and the Code Enforcement Officer. This notice will state the basis for the denial. Applications that are denied without prejudice may be resubmitted in exact form; denials may not be resubmitted without change.

If the Commission denies the application, written notice will be sent to the applicant, the Building Official and the Code Enforcement Officer. This notice will state the basis for the denial.

The Landmarks Preservation Commission may approve an application, but require changes, as detailed in stipulations attached to the decision. If the applicant does not wish to implement such changes, the applicant's only recourse is to reapply with a modified design proposal, or appeal the Commission's decision to the Town Board.

#### *Certificate of Appropriateness*

Once the LPC approves an application, a Certificate of Appropriateness will be issued to the applicant, with a copy filed at the Building Department. **Construction or demolition may not begin, nor any building permit granted, before a Certificate of Appropriateness is issued.**

**A Certificate of Appropriateness is valid for one year from the date of issuance.** The expiration date will be displayed on both the Certificate of Appropriateness issued to the applicant and the copy filed with the Building Department.

**Work must begin within one year of the date of issuance of the Certificate of Appropriateness. Work must be completed within two years of the date of issuance of the Certificate of Appropriateness.** If work is not completed within two years of the date of issuance of the Certificate of Appropriateness, then the applicant must apply for an extension before the original certificate expires. Requests for an extension should be made to the Southold Town Building Department. Extensions do not require a public hearing or public notice, do not carry a fee and will be considered during the public meeting after the public hearing portion of the regularly scheduled meeting.

Any substantial change in detail or scope of work from that authorized by the Certificate requires approval of a new application by the Commission. A minor change may be allowed as an *amendment* to the original Certificate of Appropriateness. Applicants must discuss these changes with the Building Department or at any regularly scheduled Commission meeting. Any work stipulated as a condition of a Certificate of Appropriateness must be completed in conjunction with other work or the Commission may impose a Notice of Violation. A Notice of Violation may result in both fines and court mandated remedial work.

### *Appeals*

If the applicant does not understand or agree with the decision of the Landmarks Preservation Commission, he or she may contact the Landmarks Preservation Commission for more information and an explanation of the decision. Applicants are also encouraged to attend a regular Commission meeting to informally discuss their questions and concerns with the Commission. Finally, applicants may appeal to the Town Board. An appeal must be made within 30 days from the date of decision.

## ***ENFORCEMENT & NON-COMPLIANCE***

### *Stop-Work Orders & Notices of Violation*

Pursuant to the Town Code of the Town of Southold “all activities conducted and work performed pursuant to a certificate of appropriateness... shall conform to the specific requirements of the certificate of appropriateness.” Should the work performed not conform to the requirements of the Commission or the approved certificate of appropriateness, the property will be considered to be in violation. In addition, any work performed on a landmark property without the benefit of a Certificate of Appropriateness, where one is required, shall also be considered to be in violation.

It shall be the duty of the Code Enforcement Officer and the Building Inspector to periodically inspect properties to ensure compliance. In the event it is determined that

such activities or work are not in compliance with the Certificate of Appropriateness, or the town code with respect to landmark properties, the Code Enforcement Officer or Building Inspector shall issue a stop-work order and all affected activities and work shall immediately cease. No further affected activities or work shall be undertaken while the stop-work order is in effect.

Pursuant to Southold Town Code, such violations shall be punishable by a fine not to exceed \$1,000. Each week's continuing violation shall constitute a separate violation. The Town Attorney is authorized and directed to cooperate with the Code Enforcement Officer to institute any and all actions and proceedings necessary to enforce this chapter. Any civil remedy shall be in addition to and not in lieu of any criminal prosecution or penalty.

We believe that use of this handbook will prevent property owners and the Commission from experiencing this degree of extreme action.

**PART II**

**DESIGN GUIDELINES**

## ***Introduction***

The goal of the Southold Town Landmarks Preservation Commission is to preserve and reinforce the overall character of the town's historic landscape. Southold Town has evolved over time and consists of distinct architectural styles from many different time periods. We have developed these guidelines as a tool to guide our commission and homeowners in renovations, restorations, alterations, and new construction. We understand that current property owners will want to expand, reduce, and alter their property to accommodate modern-day standards of living.

The purpose of these guidelines is to give the Commission a set of standards to use in judging the appropriateness of proposed modifications. These guidelines have been established to set some standards of consistency and provide a degree of predictability for the community.

The following sections are guidelines and not absolute standards for appropriate design. Because of the often individual and sometimes unique aspects of any given proposal, the Landmarks Preservation Commission must, in the end, use its own discretion in determining appropriateness.

## **DESIGN PRINCIPLES**

We recognize the architectural importance of structures from 1640 settlement through present day. We believe that even contemporary structures, such as those built within the last 50 years, play an integral part in the architectural landscape of the town and are as worthy of preservation as those structures built during the 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup> and early 20<sup>th</sup> centuries.

We recommend that new construction be harmonious with its immediate historic environment and should reflect the characteristic scale, massing and building traditions of

the immediate area and the town. We encourage excellence in new design that is compatible with its environment.

We recommend that additions be harmonious with the characteristic massing and architectural features of the original structure. Additions shall respect the main character-defining elements of the original structure and be harmonious with the immediate environment.

We recommend that alterations be consistent with the design of the original structure and any later architectural additions. We discourage alteration or removal of characteristic architectural features, including architecturally significant additions. We encourage, whenever possible, restoration of original features.

We encourage the repair rather than the replacement of deteriorated architectural features wherever practical. In the event that replacement is necessary, we recommend that the new material match the material being replaced in composition, design, color, texture and other visual qualities.

We will not permit demolition of landmark structures unless there is no prudent alternative.

While we do not regulate the use of a property, we encourage the retention or restoration of original building and property use wherever possible. We are supportive of adaptive reuse when it is essential for the practical preservation of a structure. Any changes in use should be compatible with the building and site as to require minimal alteration to both.

## **HISTORIC CONTEXT**

### *Size*

When considering size, we evaluate the width and height of a building. We encourage designs that are similar in size to neighboring buildings. When adjacent buildings are of

various sizes, we would also consider the rhythm of building sizes along the street. Architectural devices can aid applicants in either reducing or enlarging the apparent size of a building. For instance, a gambrel or mansard roof adds another story without adding to the façade height.

### *Massing*

When examining massing, we examine the form of the building, its shape and its proportions. The shape of the roof is an important element of massing. A street's rhythm is often influenced by its characteristic roof forms, so, roof styles become an important element in new designs and additions. Roofs may run parallel or perpendicular to the street. They may be gabled, hipped, gambrelled or many other types. The pitch may be steep, flat, or shallow. Appropriate roof designs will reflect the characteristic roof form of the landmark.

When considering massing we also review the shape of the building, generally the older the building the simpler the shape. Over time some landmark buildings gained porches, bay windows and the like, which have historic value in their own right. These additive modifications are generally smaller in size and an accessory to the more primary form to which they are attached.

Massing can be symmetrical or asymmetrical. Generally eighteenth and early nineteenth century buildings are relatively symmetrical and balanced. Mid to late 19<sup>th</sup> century architecture exhibits a more dynamic and deliberately asymmetrical balance. Symmetry regained popularity during the late 20<sup>th</sup> century.

When considering proportion, we review the relative height and width of the building - is it tall or low, wide or narrow? We encourage design that will reflect the overall proportions of abutting properties and the rhythm of the street at large where appropriate.

### *Scale*

We define scale as the relationship of individual design elements to the structure as a whole and the relationship of the structure to its neighboring structures, street, and topography. The scale of a structure is a primary consideration in determining whether a building is compatible with its setting. A building that is larger in scale than its neighbors requires a larger set back and side lots. Also, the volumes of the building can be broken up into several smaller units. In general public buildings are larger in scale than residential ones.

Scale should be considered in terms of both the structures itself and the space that surrounds it. Characteristic scale typically varies within any historic area, as for instance between residential, commercial, rural and waterfront areas. Moreover, environmental scale may be homogenous or diverse.

Usually the pattern of existing buildings along a street line is basic to establishing scale. An essential factor is whether the neighboring buildings form a consistent pattern or whether in fact they are characterized more by differences.

### *Rhythm*

We define rhythm as a recognizable pattern created by the repetition of design elements along a street or within a single structure. A repetition of similar front porches, roof shapes, dormers or balconies can create a rhythm along a street. The placement of windows on the façade of a single building can create a rhythm. When we consider the rhythm, we examine the pattern of relationships on a street.

### *Orientation*

We define orientation as a building's position on the site in relation to the street. Differences in set back and side lot affect the rhythm of the street. New construction should take neighboring set backs and side lots into account. Generally buildings in our hamlet are set square to the street with entranceways set facing the street. We encourage new designs to follow this pattern.

## **CHARACTERISTIC STYLE**

Our goal is to maintain continuity with the past. Our objective is to maintain continuity with the past and to protect and enhance the heritage as a whole. Designs for additions should be carefully crafted as not to upstage the main portion of the building. We determine appropriateness based not on taste, but on whether the architecture will be harmonious with the characteristic style of its immediate environs and secondly of the overall town.

### **Exterior Architectural Elements**

*Accessory Buildings*

*Chimneys*

*Decks*

*Dormers*

*Fire Exits and Handicapped Access*

*Foundations*

*Front doors, Entranceways and Porches*

*Garage Doors*

*Gutters and Downspouts*

*Landscaping*

*Light fixtures*

*Masonry*

*Roofing*

*Roof Form*

*Shutters*

*Siding*

*Skylights*

*Storm Windows and Doors*

*Sunrooms*

*Trim and Ornamentation*

*Windows*

### *Accessory Buildings*

Accessory buildings such as garages, barns, sheds, and even greenhouses, are all considered important elements of a landmark property. Accessory buildings are afforded the same protection under our guidelines as principal buildings.

Accessory buildings are afforded the same legal protection from demolition as are principal buildings.

Designs for new outbuildings should reflect the style and the roof line of the principal building or the vernacular of our town. New accessory buildings should be compatible, but do not have to “match” the principal building.

### *Chimneys*

Chimneys should be maintained in their original height, form and design. Original decorative elements should be maintained. If a new chimney is constructed, it should be compatible with the existing chimney in style and material.

### *Decks and Terraces*

Any deck proposed should be visually integrated with the main building. Partial roof coverings as well as railing design can help with the visual integration of the deck and main building. Framed latticework around the under deck area will help tie the deck to the building as well as give visual support.

### *Dormers*

Hipped roof and gabled dormers, first popularized with the advent of the Victorian style were used extensively with the Shingle, Craftsman and Tudor styles. The shed roof dormer did not emerge as a roof form until the early twentieth century when its use was

avored with the low spreading roof form of the bungalow. The Craftsman style shed dormer typically involved an exaggerated low profile.

In general both gable and hip dormers may be an appropriate way to use existing attic space. The addition of new dormers on existing architecturally significant roof surfaces is discouraged. Dormers may also be a useful way to reduce the apparent scale of new construction.

#### *Fire Exits and Handicapped Access*

Exterior stairs to upper level entrances are generally inappropriate to the historic context and thus should be concealed from public view. Visible exterior stairs generally will be permitted only when no other practical remedial action meets the safety code. If unavoidable, such exit stairs should reflect the detail and finish of the main structure. In additions, applicants should provide an interior exit.

Retrofitting for handicapped accessibility is difficult to achieve in landmark buildings. Main entrances to landmark buildings may receive special consideration under code as long as a suitable alternative access is provided. Where access ramps must be added to visible sides of a landmark structure, they should be made as discrete as possible by reflecting characteristic details of the main building. Often such ramps can be constructed as landscape terraces to further mitigate the visual impact on the architectural massing of the main structure.

#### *Foundations*

If the design calls for high foundation walls and/or raised basement stories, local building tradition would usually dictate the use of brick facing or traditional stonework.

#### *Front Doors, Entranceways and Porches*

Historically, entryways have been a major character-defining element of a home. The entranceway was often the primary decorative feature of colonial era structures.

Throughout the Victorian era and into the early 20<sup>th</sup> century, the porch remained a characteristic architectural feature.

On earlier Colonial and Federal era houses, the doorway was usually centrally located and was given the highest degree of ornamentation. Colonial doorways had single or double doors without lights. 17<sup>th</sup> and 18<sup>th</sup> century doors consisted of vertical flush boards, mid to late 18<sup>th</sup> century doors had raised panels. Transom and side lights appear after 1780.

Porches were often the most embellished architectural element of a house. We recommend against removing existing porches because the entranceway would be stripped of its primary characteristics. The reconstruction of a lost porch is strongly encouraged and should be based on historic precedence for the style of the building. For new structures, porches are often an appropriate way to relate to the scale of a mid- to late 19<sup>th</sup> century neighborhood. The preservation and restoration of porch detail is crucial and should be considered as part of any appropriate design.

All porch additions should be compatible with the style and detail of the building.

Replacement of historic doors is discouraged. We encourage the repair of existing historic doors or new doors that duplicate the original design.

#### *Garage Doors*

The Landmarks Preservation Commission regulates the design and type of material used in new and replacement garage doors. Barn style and carriage house doors are almost always the first choice with wood paneled as an alternative.

#### *Gutters and Downspouts*

Up until the turn of the century, water drainage systems usually consisted of diversionary rooftop devices or Yankee gutters built into the roof structure. Attached metal gutters that are appropriate for most structures are the half round style. The metal k-style most

commonly used today was introduced in the 50's and is most appropriately used on contemporary homes or as a replacement for similarly styled wood gutters.

### *Landscaping*

The Commission specifies landscaping only when it is needed to obstruct the otherwise unavoidable public view of an inappropriate structure, such as a handicap access ramp.

### *Light Fixtures*

Lighting fixtures should be appropriate to the historic context of the building.

### *Masonry*

Any complete reconstruction of masonry surfaces requires the Landmarks Preservation Commission's review and should be done in a historically compatible manner.

### *Roofing*

Restoration of original roofing materials is always encouraged where practical and we encourage the use of traditional materials characteristic to the neighborhood in new additions.

In some instances, alternative roofing material may be acceptable as a practical replacement to the original roofing material.

### *Roof Form*

The pitch of the roof is a defining element of any building. Typically eighteenth and early nineteenth century houses were built with a pitch of about 8-12 inches in vertical dimension to every 12" horizontally. The introduction of the mansard style is an example where the roof shingle itself is a deliberate decorative element.

Up until the Civil War, roof forms consisted of a single primary shape with most secondary wings or ells with a lower and usually similarly shaped roof. After the Civil

War, the L plan was usually roofed by a single cross-gable form emphasizing both wings equally.

The bungalows of the Craftsman style typically have a gable roof brought forward over a full width front veranda and with the roof punctuated by a central prominent dormer. The Pre-Depression era also saw the emergence of a number of picturesque Tudor revival and medieval houses which emphasized characteristically steep and sometimes flared pitch roofs with multiple cross gables, dormers hipped peaks and the like. They may be gabled, hipped, gambrelled or many other types. The pitch may be steep, flat or shallow. Appropriate roof designs will reflect the characteristic roof form of the neighborhood and the town. When considering massing we also review roof pitch. Roof form and pitch for additions normally should be similar but clearly secondary to the main existing roof form.

Queen Anne, Shingle and American Four-Square houses generally display a relatively steep pyramidal roof and prominent hipped dormers.

### *Shutters*

If installing shutters that are not replacing existing shutters, property owners will be required to obtain an administrative permit from the LPC. The style of shutter installed should be consistent with the style of the house and materials used should match those used during the period of the landmark's original construction.

### *Siding*

During the colonial era, clapboard was the predominant siding material. Typically the spacing was quite narrow with an exposure of around 3 ½ inches but was often narrower on the bottom, started with a flat termite board and were adjusted so that a full clapboard would fall above and below window and door frames. Board and batten style siding was commonly used for barns and other outbuildings. During the Victorian period many homes were covered with a combination of clapboard and decorative wood shingles.

Additions and alterations to existing structures should use building materials original to the structure. Board and batten siding is more appropriate for accessory buildings than a

primary structure. Routine repair of siding of any type does not require an application to the Commission so long as the replacement uses the same material and scale. The Commission will consider approving siding products that are new to market such as cementaceous fiberboard siding if it duplicates the original material in appearance and texture.

### *Skylights*

Historically, skylights were not used because of technical difficulties and therefore should be relegated to parts of the house not visible from the street. A well-designed dormer, where appropriate, will serve the same purpose as well as increasing the living space.

### *Storm Windows or Doors*

Storm windows were developed to keep homes warm. They were typically built of wood and were replaced with wood framed screens for the warmer months. Triple-track storm windows are more commonly used today. Because they do not adversely affect the structure of the building, they are given blanket approval. Storm doors also have blanket approval if they are of a plain, undecorated design.

### *Sunrooms*

Modern day sunrooms evolved from traditional conservatories and should reflect those origins. The architecture of the sunroom should compliment the architecture of the house. As with any other type of addition, we encourage the use of traditional materials.

### *Trim & Ornamentation*

The trim and ornamentation of a building play an important role in defining its character. Landmark houses often have purely decorative applied trim that may be found on windows, doors, porch columns, and eaves.

Original existing trim and ornament should be preserved or repaired in keeping with the original design. Epoxy based wood restoration products can repair damaged or rotted

wood quite nicely. Replacement of lost trim and ornament is encouraged. The addition of trim and ornamentation for which no historic precedence exists is inappropriate.

Trim and ornamentation on additions should display the characteristic use of trim and ornamentation found on the main house. In many instances this may be done in a more simplified fashion than the main structure.

Highly elaborate ornamentation is usually inappropriate for new construction.

### *Windows*

Windows are a major factor in the characteristic style and building traditions of a landmark building. As styles progressed through history, windows became both larger and more frequent. In time, windows became decorative in their own right. By the middle of the nineteenth century, windows were grouped into bays and by the end of that century into horizontal window bands.

The proportion, rhythm, and relative symmetry of entrances and fenestration are the basic design elements. Typically Colonial and Federal era windows had a fixed upper sash and a moveable lower sash. The windows consisted of multiple smaller panes of glass separated by wooden muntins. The earlier the window in general, the more the number of panes in a sash.

Double-sash windows are described by the number of panes per sash. For example, 8 over 12 or 12 over 12 windows are characteristic of the Colonial and Federal Eras. By 1830 larger panes of glass could be produced and one sees for the first time 6 over 6 windows and by 1850 2 over 2 windows. As styles evolved many homeowners of 18<sup>th</sup> and 19<sup>th</sup> century houses updated their windows with newer sash configurations with fewer panes.

Generally windows up to and just after the Civil War were consistent in size throughout the main facades. With the emergence of the Victorian period, windows began to vary

considerably in size. The Shingle Style deliberately scattered different window types within the wall and roof surfaces of the house. High Victorian style dictated more elaborate patterns. The 1920's eclectic revivals continued this romantic ad hoc placement. With the colonial revival, more conservative placement of windows became fashionable again.

By 1850, use of coal allowed for increase in the number and size of windows. Bay windows were introduced at this time.

Additions typically should have fenestration located to reflect the characteristic proportions and rhythms of the landmark. Though they may be diminished in scale to reflect the secondary importance of the addition to the main mass of the building.

Restoration of original windows is encouraged where windows have been removed or where later replacements are historically inappropriate. Some exceptions include later replacements where the replacement itself is historically significant.

In general the Landmarks Preservation Commission encourages the restoration of existing sash, in lieu of replacement. Sample of the proposed windows must be submitted to the Landmarks Preservation Commission for approval.

**APPENDIX I**

**SOUTHOLD TOWN LANDMARKS PRESERVATION CODE**

## **Chapter 170: LANDMARK PRESERVATION**

*[HISTORY: Adopted by the Town Board of the Town of Southold 11-16-2004 by L.L. No. 22-2004. Amendments noted where applicable.]*

### *GENERAL REFERENCES*

*Environmental quality review — See Ch. 130.*

*Fire prevention and building construction — See Ch. 144.*

*Subdivision of land — See Ch. 240.*

*Zoning — See Ch. 280.*

### **§ 170-1. Title.**

This chapter shall be known and may be cited as the "Historic Landmarks Preservation Law of Southold Town."

### **§ 170-2. Purpose.**

A. Within the Town of Southold there exist landmarks of special historic significance, which by reason of their history, antiquity, uniqueness, architecture and/or character contribute to a strong sense of identity within their communities and provide tangible linkages to the Town's historic, architectural and cultural heritage.

B. The Town of Southold believes it important to afford proper recognition to these historic landmarks and to protect them from incompatible alterations or

demolition and maintain them for the continuing recognition, use and enjoyment of current and future residents and visitors of the Town. In doing so, it is also expressly the intent of the Town of Southold not to affect, abridge, limit or change in any way the uses permitted by the zoning regulations as applicable to such properties.

C. By the enactment of this chapter, it is the Town's intention to meet these objectives and those set forth by the Town in its comprehensive planning documents and Local Waterfront Revitalization Program, by:

(1) Emphasizing as a statement of local policy that the conservation, protection, enhancement and preservation of such historic landmarks is necessary to promote the cultural, economic, educational and general welfare of the Town's residents;

(2) Encouraging the identification and recognition of historic resources which represent distinctive elements of historic, architectural and cultural heritage; and

(3) Providing for the careful, thoughtful and informed evaluation of any proposed demolition or removal or alteration of the facade of any historic landmark affected by this chapter;

(4) Promoting heritage tourism; and

(5) Maintaining visual compatibility with the historic character of neighboring properties in public view.

### **§ 170-3. Definitions.**

A. Unless specifically defined below, words or phrases in this chapter shall be interpreted as to give them the same meanings they have in common usage and as to apply this chapter consistent with its statement of purpose.

B. As used in this chapter, the following terms shall have the meanings indicated:

**ADAPTIVE REUSE** — A process that adapts buildings for new uses while retaining their historic features.

**ALTERATION** — Any act, process or work that significantly changes the exterior appearance or exterior architectural features of a landmark, including the renovation, restoration, reconstruction, obstruction, addition to or removal of any part of such a landmark.

**DEMOLITION** — The destruction, razing, disassembly or collapse of a landmark, or the engagement in acts that will necessarily cause such effect.

**FACADE** — The elevations/faces of a landmark visible from a public street.

**HISTORIC** — Those landmarks designated as such pursuant to § 170-10 of this chapter.

**REMOVAL** — Any relocation of a landmark on its site or to another site.

**§ 170-4. Historic Preservation Commission; membership; terms; powers and duties.**

A. There is hereby created a commission to be known as the "Town of Southold Historic Preservation Commission." The Historic Preservation Commission shall consist of no fewer than five members and no greater than seven members, to be

appointed by the Town Board, to the extent available in the community, as follows: *[Amended 8-16-2005 by L.L. No. 13-2005]*

(1) At least one member shall be an architect experienced in working with historic buildings;

(2) At least one member shall have demonstrated significant interest in and commitment to the field of historic preservation; and

(3) All members shall have a known interest in historic preservation and architectural development within the Town of Southold.

B. Members of the Historic Preservation Commission shall serve for terms of four years with the exception of the initial term of one of the members which shall be for one year, two which shall be for two years, and two which shall be for three years.

C. There shall be a Secretary to the Commission who shall be responsible for the keeping of meeting minutes, publication of meeting minutes, posting of public notices and any other relevant duties.

D. The Chair, the Vice Chair and the Secretary of the Commission shall be elected by and from the members of the Commission annually at the first regular meeting of the calendar year, except for the first organizational meeting convened after this chapter is enacted.

E. The powers of the Commission shall include:

(1) Employment of staff and professional consultants as necessary to carry out the duties of the Commission, within the limits of appropriations of the Town Board;

(2) Promulgation of rules and regulations as necessary for the conduct of its business;

(3) Conduct of surveys of significant historic, architectural, and cultural landmarks and historic districts within the Town;

(4) Designation and recommendation of identified landmarks or resources as historic landmarks;

(5) Recommend acceptance to the Town Board of the donation of facade easements and development rights, and the making of recommendations to the Town Board concerning the acquisition of facade easements or other interests of real property as necessary to carry out the purposes of this chapter;

(6) Increasing public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs;

(7) Making recommendations to Town government concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Town;

(8) Recommending acquisition of a landmark by the Town Board where its preservation is essential to the purposes of this chapter and where private preservation is not feasible; and

(9) Approval or disapproval of applications for certificates of appropriateness of demolition, alteration or economic hardship pursuant to this chapter.

F. The Commission shall meet at least monthly, but meetings may be held at any time on the written request of any two of the Commission members or on the call of the Chair.

G. A quorum for the transaction of business shall consist of three of the Commission's members, but not less than a majority of the full authorized membership may grant or deny a certificate of appropriateness.

H. All members shall attend and complete relevant training programs as the Town Board may require.

I. The Commission shall publish and update as needed A Guide to Historic Preservation in Southold Town.

**§ 170-5. Designation of historic landmarks.**

A. Recommendation of landmarks; notice; hearing.

(1) Upon application of the property owner, the Historic Preservation Commission shall have the authority to recommend that the Town Board designate individual landmarks as "historic" and thereby subject to the provisions of this chapter, if such landmarks:

(a) Qualify for inclusion on the State or National Registers of Historic Places; or

(b) Possess significant character or historic, aesthetic or archaeological interest or value as part of the cultural, architectural, economic or social heritage of the community or Town, i.e., those included on the Society for the Preservation of Long Island Antiquities List (SPLIA); or

(c) Are the site of an historic event or are identified with historic personages; or

(d) Possess a unique location or physical characteristic, thereby representing an established and familiar visual feature of the community or Town.

(e) Owners of landmarks that meet the qualifications for designation under any of the above Subsection A(1)(a) through (d) may apply to have their properties granted landmark status and to be covered by this chapter. Those properties currently on the SPLIA list are automatically considered eligible, and may formally request designation.

(2) The Town Clerk shall send notice pursuant to Chapter 55, Notice of Public Hearings, of the Town Code of any such proposed designation to the owner of record of the property proposed for designation, describing the property proposed and announcing a public hearing by the Town Board to consider the designation. Once the Town Board has issued notice of a proposed designation, no demolition or building permits shall be issued with regard to the property until the Town Board has made its decision on the proposed designation.

(3) The Town Board shall hold a public hearing prior to taking action on any proposed designation. The Historic Preservation Commission, owners and any interested parties may present any relevant testimony or documentary evidence at the hearing, all of which will become part of the record. The record may also contain staff reports, public comments, and other evidence offered outside of the hearing.

B. Notwithstanding the foregoing, the landmarks located within the Town of Southold listed, as of the effective date of this chapter, on the Southold Town Designated Landmarks Roster, the state or national registers of historic places, or listed as "contributing buildings or sites" in a state or national register historic district or national landmark district, are hereby designated as "historic" for the purposes of this chapter.

C. Recognition. All owners of designated and approved landmarks in the Town will be awarded a special certificate of recognition and/or a plaque to acknowledge their property as an official Southold Town landmark.

**§ 170-6. Certificate of appropriateness for alteration, demolition or new construction.**

A. No person shall carry out any of the following activities without first obtaining a certificate of appropriateness specifically permitting such activity from the Town of Southold Historic Preservation Commission:

(1) The demolition or removal of landmarks designated as "historic" pursuant to § 170-5 of this chapter; or

(2) The alteration of the facade of landmarks designated as "historic" pursuant to § 170-5 of this chapter.

B. No demolition or building permit shall be issued for such activities without such certificate of appropriateness. The certificate of appropriateness required by this chapter shall be in addition to and not in lieu of any building permit that may be required by any other chapter of the Town Code of the Town of Southold.

**§ 170-7. Application for certificate of appropriateness.**

A. In all cases where a certificate of appropriateness is required by the Historic Preservation Commission, an applicant shall provide the Historic Preservation Commission with the following information on the prescribed form:

(1) Name, address and telephone number of the applicant; location, Tax Map number, and photographs of each side of the landmark; and a brief description of the landmark indicating (approximate) date of construction, name of architect (if known), historic and/or architectural and archaeological significance and a description of its setting, including related grounds, accessory buildings and structures and property boundaries, the nature of the work proposed, and elevation drawings, if available;

(2) History of the recent (i.e., past 10 years) use, occupancy and ownership of the property;

(3) Name, address and telephone number of the individual, contractor, or corporation performing the work;

(4) Application fee receipt; and

(5) Any information required by the Historic Preservation Commission to make a determination on an application.

B. The Historic Preservation Commission shall hold a public hearing within 60 days after receipt of an application completed in accordance with this section. At the hearing, all interested persons shall be provided the opportunity to present their views. Notice of the public hearing shall be published at least once in a newspaper of general circulation in the Town, i.e., the Town's official newspaper, at least 10 days prior to the date of the public hearing. At the hearing, the Historic

Preservation Commission may take testimony and entertain the submission of written evidence from any person.

C. Action on application.

(1) The Historic Preservation Commission shall act to approve, deny or approve with conditions the application for a certificate of appropriateness within 60 calendar days after the conclusion of the hearing except where such time shall be extended by mutual agreement of the Historic Preservation Commission and the applicant. Such determination shall be in writing and accompanied by findings, which findings shall seek to balance, to the extent practicable, the objectives of the applicant with broader issues that may be associated with the value of the historic site or landmark to the community's heritage. Within seven days following the determination, the applicant shall be sent by registered mail either an certificate of appropriateness or a denial and a copy thereof shall be provided to the Building Department of the Town.

(2) In the case of the granting of a certificate of appropriateness, the Historic Preservation Commission shall be empowered to impose reasonable conditions upon the applicant to ensure that the activity is conducted in a manner which is consistent with the spirit and intent of this chapter.

(3) A denial of the application shall be accompanied by a written statement of the reasons for the denial. In the case of denial, the Historic Preservation Commission shall be required to make recommendations to the applicant concerning reuse or restoration of the landmark. The Historic Preservation Commission may also notify a governmental agency with the authority to acquire the property and prevent its demolition through exercise of its power of eminent domain.

**§ 170-8. Criteria for approval of alteration of facades of historic landmarks.**

A. The Historic Preservation Commission, in reviewing an application for the alteration of the facades of landmarks designated as "historic" pursuant to § 170-5 of this chapter, shall not consider changes to interior spaces. In addition to the factors enumerated in § 170-9A, the Commission shall consider the following criteria:

- (1) Whether the proposed alteration is consistent with principles of adaptive reuse, whereby the principal historic features of the landmark are maintained while permitting the use of the landmark for new uses other than its original use;
- (2) The similarity in design, architecture and appearance of the proposed alteration with the historic design, architecture and appearance;
- (3) The necessity for complying with the applicable building codes or other federal or state regulations;
- (4) The necessity of such alteration to allow for a use of the property permitted by the Town Code in the applicable zoning district; and
- (5) The public interest in preserving the historic features of the landmark and its relation to the historic character of the community and Town.

**§ 170-9. Criteria for approval of demolition or removal of historic landmarks.**

A. In passing upon an application for certificate of appropriateness of demolition or removal, the Historic Preservation Commission decision shall consider whether:

(1) The landmark is of such architectural or historic interest that its demolition or removal would be to the detriment of the public interest;

(2) Retention of the landmark in its current form or location is important to the Town's history or character;

(3) The landmark is of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty;

(4) Retention of the landmark would help preserve and protect an historic place or area of historic interest in the Town; and

(5) Retention of the landmark will promote the general welfare by maintaining and increasing real estate values and encourage interest in American and local history and architecture.

B. If the Historic Preservation Commission determines that an application for certificate of appropriateness of demolition or removal should be denied, the applicant may apply for relief on the ground that the determination results in a hardship in accordance with the procedures in § 170-10.

**§ 170-10. Hardship criteria for approval of demolition, removal or alteration of historic landmarks.**

A. If the Historic Preservation Commission denies an application for the demolition, removal or alteration of a landmark designated as "historic" pursuant to § 170-10 of this chapter, the applicant may request approval from the Town Board on the grounds that the prohibition on such demolition or removal will subject the applicant to undue hardship. In evaluating whether such prohibition

will subject the applicant to undue hardship, the Town Board shall consider the following criteria:

- (1) Whether the owner is capable of earning a reasonable return on investment without such demolition, removal or alteration;
- (2) Whether the landmark can be altered, restored, renovated or adapted for any other use pursuant to a certificate of appropriateness under this chapter, either by the owner or a subsequent purchaser, which would enable a reasonable return;
- (3) Whether removal or alteration is necessary or appropriate to preserve the landmark;
- (4) Whether the claimed hardship has been self-created by waste, neglect, or failure to maintain the landmark; and
- (5) The public interest in preserving the landmark and its relation to the historic character of the community and Town.

B. Nothing herein shall be construed to prevent the demolition, removal or alteration of any structure which has been determined by resolution of the Town Board of the Town of Southold to be dangerous or unsafe.

**§ 170-11. Appeals.**

Any person aggrieved by a decision of the Historic Preservation Commission relating to an application under this chapter may, within 30 days of the decision, file a written application with the Town Board for review of the decision. Reviews shall be conducted based on the same record that was before the Commission and using the criteria set forth in this chapter.

**§ 170-12. Enforcement.**

All activities conducted and work performed pursuant to a certificate of appropriateness issued by the Historic Preservation Commission under this chapter shall conform to the specific requirements of the certificate of appropriateness. It shall be the duty of the Code Enforcement Officer to inspect periodically any such activities or work to ensure compliance. In the event it is determined that such activities or work is not being conducted or performed in accordance with the certificate of appropriateness, the Code Enforcement Officer shall issue a stop-work order and all affected activities and work shall immediately cease. No further affected activities or work shall be undertaken while the stop-work order is in effect.

**§ 170-13. Penalties for offenses.**

Any violation of the provisions of this chapter shall be violation of the Town Code and shall be punishable by a fine not to exceed \$1,000. Each week's continuing violation shall constitute a separate violation. The Town Attorney is authorized and directed to cooperate with the Code Enforcement Officer to institute any and all actions and proceedings necessary to enforce this chapter. Any civil remedy shall be in addition to and not in lieu of any criminal prosecution or penalty.

**§ 170-14. Fees.**

An applicant may be charged a fee by the Historic Preservation Commission for the cost of processing and reviewing an application for a certificate of appropriateness including reasonable costs incurred for its private consultants, and for the actual cost of preparation and publication of each public notice of hearing with respect to any application. All such fees shall be in accordance with a fee schedule established and periodically reviewed by the Town Board.

**APPENDIX II**

**THE SECRETARY OF THE INTERIOR'S STANDARDS FOR  
REHABILITATION**

**The Secretary of the Interior's Standards for Rehabilitation** are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

The Standards (**36 CFR Part 67**) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as “certified rehabilitations” eligible for the 20% rehabilitation tax credit.

*The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.*

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**APPENDIX III**

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