

LOCAL LAW #2 OF 2017

AMENDING CHAPTER 9 (BOARD OF ARCHITECTURAL REVIEW) OF THE VILLAGE CODE WITH RESPECT TO DEMOLITION OF A SUBSTANTIAL PORTION OF A BUILDING IN THE HISTORIC OVERLAY DISTRICT

(January 31, 2017)

Be it enacted by the Board of the Trustees of the Village of Irvington that Chapter 9 (Board of Architectural Review) of the Code of the Village of Irvington is amended as follows:

Section 1: Subsection B of § 9-11 of the Code of the Village of Irvington is hereby amended to read as follows (new language in *italics*):

- B. Application. An applicant seeking to demolish such building shall provide the following information:
- (1) Legal description, property address and age of building.
 - (2) Names, addresses, e-mail addresses, telephone numbers, and signatures of the applicant and the building owner.
 - (3) Detailed explanation of the reason demolition is requested.
 - (4) All appraisals obtained within the last two years by the owner or application in connection with the purchase, financing or ownership of the property, if any exist.
 - (5) Date the property was purchased and purchase price.
 - (6) Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
 - (a) Any real estate broker or firm engaged to sell or lease the property;
 - (b) Reasonableness of the price or rent sought by the applicant;
or
 - (c) Any advertisements placed for the sale or rent of the property.

- (7) If the reason for demolition relates to the safety of the building, a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the building and its suitability for rehabilitation.
- (8) If the reason for demolition relates to the safety of the building, written detailed cost estimates to restore or repair the structure.
- (9) Economic incentives and/or funding available to the applicant through federal, state, local government or private programs.
- (10) Description of the proposed replacement project in sufficient detail to permit the ARB to visualize the proposed replacement.
- (11) *Where only a portion of the building is sought to be demolished, photographs of the building in its existing condition and of adjacent buildings, drawings depicting what is being removed or modified, and drawings depicting what the building will look like after reconstruction or modification.*
- (12) Such other information as the ARB finds necessary to makes its determination.
- (13) *The ARB may waive the provision of any of the above information if it does not believe it is relevant to its determination.*

Section 2: Subsection D of § 9-11 of the Code of the Village of Irvington is hereby amended to read as follows (new language in *italics*):

- D. Criteria for approval. The Board of Architectural Review shall not approve the application for demolition unless the applicant establishes all of the following:
- (1) For buildings sought to be demolished for safety reasons:
 - (a) The building represents a hazard to the safety of the public or the applicant or owner.
 - (b) The safety hazard cannot be corrected within economic means reasonably available to the applicant or owner.
 - (c) Good faith efforts to find a purchaser interested in acquiring the property and preserving it have failed.

- (2) For buildings sought to be demolished for reasons other than safety:
 - (a) The property is incapable of earning a reasonable return on investment, regardless of whether that return represents the most profitable return possible.
 - (b) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, that would result in a reasonable return.
 - (c) Good faith efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- (3) *Notwithstanding paragraphs (1) and (2), where the demolition is of a substantial portion of the building (see definition of “substantial portion” in the Zoning Code at § 224-197), rather than of the entire building, the applicant must demonstrate that the demolition and its proposed replacement, if any, will not be incompatible with the historic character of the building nor of the historic district.*

Section 3: Subsection E of § 9-11 of the Code of the Village of Irvington is hereby amended to read as follows (new language in *italics*; deleted language ~~stricken~~):

- E. Replacement plan. The ~~ARB~~ *Building Inspector* may not ~~approve~~ *issue a permit for* demolition until a proposal to replace the building *or portion of the building* to be demolished receives all required approvals from the Planning Board and ARB.

Section 4: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 5: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.