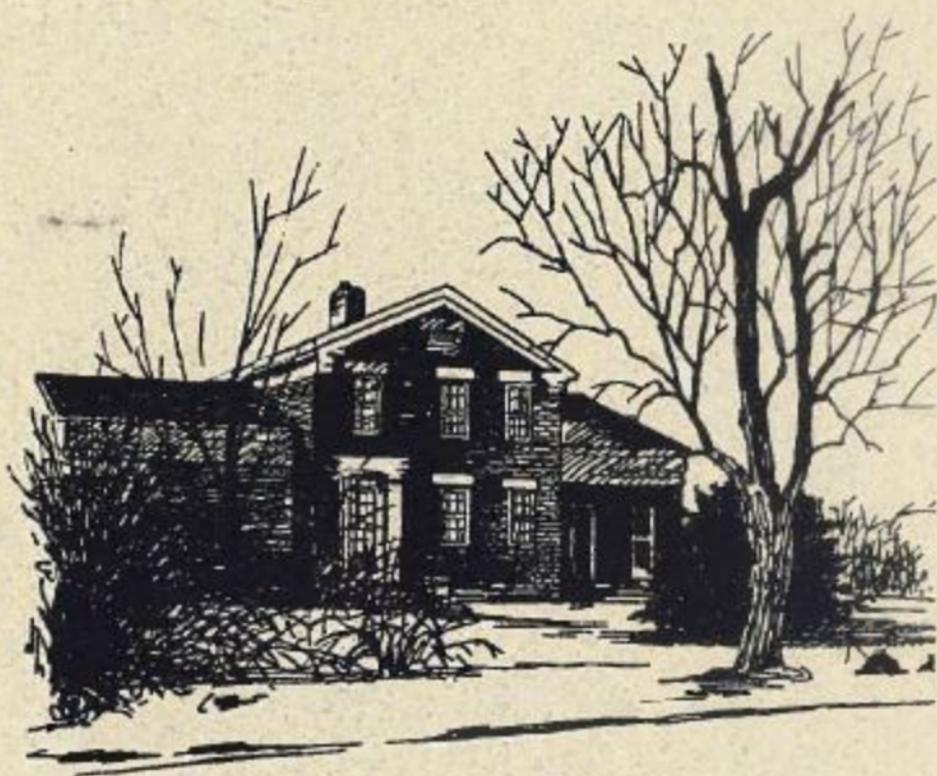


# **Town of Brighton**

## **Guidelines for Historic Properties**



**Brighton Historic Preservation  
Commission**

## What landmark designation means

### **My property has been designated as an historic landmark. What does this mean?**

When your property has been designated as an historic landmark, the Town of Brighton officially recognizes that your property has special historical, cultural and/or architectural value and that your property is an important part of Brighton's heritage.

To protect the Town's landmarks from inappropriate changes or destruction, the Historic Preservation Commission must approve most **exterior** alterations, reconstruction, demolition, or new construction affecting the designated properties.

**How is a property designated?** A request for local landmark designation may be made by any person or organization. This is accomplished by completing an application form obtainable from the Commission Office in the Brighton Building and Planning Department, Brighton Town Hall, 2300 Elmwood Avenue. There is no fee for processing this application.

To be eligible for designation, a property must be significant under one or more of the following:

- A. possesses historic value as part of the cultural, political, economic, architectural or social history of the locality, region, state or nation; or
- B. is identified with historic personages; or
- C. embodies the distinguishing characteristics of an architectural style; or
- D. is the work of a significant designer.

Once an application for landmark status has been accepted, the Commission conducts a public hearing to determine if the property meets one or more of the Standards for Designation. The applicant and the Property owner are notified and encouraged to attend and participate in the hearing.



**My property has been designated as a Town landmark. Do I need the Commission's approval to make changes** Yes, but for exterior changes only. If you want to perform exterior restoration work, new construction, demolition, alterations to designated landscape, or alterations to your property (with the exception of ordinary repairs), you must obtain the Commission's approval before you begin the work. (This step would be in lieu of receiving approval from Brighton's Architectural Review Board)

**Do I need Commission approval to complete ordinary maintenance** You do not need approval from the Commission to perform ordinary and necessary maintenance if it does not include a material change. For example, you do not need approval to replace broken window glass, caulk around windows and doors or repaint the building's exterior.

You can find out whether approval is needed for work you are considering by calling the Brighton Historic Preservation Commission Secretary at 784-5229.

**Can the Historic Preservation Commission make me restore my property to the way it looked when it was first built?** No. The Commission reviews only changes that the property owner proposes to make.

## **Will the Commission make me repair my property?**

To help prevent "demolition by neglect" whereby historic properties are allowed to deteriorate, the Historic Preservation Law requires that designated properties be kept in good repair and meet the minimum requirements of the regulatory codes that apply to all Town properties. If you are interested in making repairs to your designated property you can seek advice from the Commission members.

## **Will landmark designation prevent all alterations and new construction?**

No. Landmark designation does not "freeze" a property. Alterations, demolition and new construction may take place, but the Commission must review the proposed changes and find them to be appropriate. This procedure helps ensure that the special qualities of the designated buildings are not compromised or destroyed.

## **I own a designated property. Should I tell the tenants in my building about the property's landmark**

Yes. You should inform each of your tenants that the property is a designated landmark and subject to the provisions of the Preservation Law. The Commission must approve alterations in advance and issue a Certificate of Appropriateness for each exterior alteration. If a tenant makes alterations without receiving Commission approval before doing the work, the building owner and the tenant may be held responsible.

## **I want to sell my historic property. Must I tell the Historic Preservation Commission'**

No, you do not need to tell the Commission that you are selling your property. Landmark designation places no restrictions on an owner's right to sell the property.

## **If I sell my property, should I tell the new owner that it is a historic landmark?**

Yes, even though the landmark status is a matter of public record, it would be helpful to inform the new owners of the property's designation.

## **May I demolish a designated building or an historic property?**

You must apply for a Certificate of Appropriateness to demolish a building on a designated property. If an application is denied, you may seek hardship relief by showing that the property is incapable of earning a reasonable return; that it cannot be adapted for any other use; and that reasonable effort to sell the property has failed.

## **Are landmarks, owned by not-for-profit organizations, subject to the same regulations as other landmarks?**

Yes. The criteria for approving work on properties owned by not-for-profit owners are the same as the criteria for work on other properties, except if failure to permit demolition would unreasonably interfere with the applicant's charitable purpose.

## **Is being designated as a Brighton Town Landmark different from being listed in the National Register?**

Yes. The National Register of Historic Places is a list of buildings and sites of local, state, or national importance. This program is administered by the National Park Service through the State Historic Preservation Office (SHPO).

The National Register has no connection to the Brighton Historic Preservation Commission, although several of Brighton's individual landmarks are also listed in the National Register. Contact the New York State Office of Parks, Recreation and Historic Preservation for more information: (518) 474-3714.

## **How can I find out more about the effects of local designation?**

We encourage the public to call the Commission Office to discuss questions or concerns about the effects of designation. The Commission Office is located in the Building and Planning Department of the Town Hall. It provides information about the designation process and answers questions about the application process and performing work on designated buildings. If a building owner needs more information, a meeting at the Commission Office can be arranged.

Members of the Brighton Historic Preservation Commission are experienced in working with owners to help them meet their practical needs while preserving the architectural and historic character of the Town's landmarks.



## **Making changes to landmark buildings:**

*When a Certificate of Appropriateness is Required*

### **How do I apply to the Brighton Historic Preservation Commission?**

You may obtain an application form by calling the Commission Secretary or by picking up the materials at the Commission Office. After completing the form and adding your descriptive materials, you may mail or drop off your application. There is no filing fee.

### **What material and information should I include with my application form?**

The descriptive materials needed to complete your application should illustrate the existing conditions of the property and the proposed changes. Depending on the type of work proposed, the descriptive materials should include drawings, photographs, samples of the proposed materials, and/or written specifications. Drawings should be dimensioned and indicate design, materials and finish.

### **What happens after I file my application?**

The Commission members will review the proposal to evaluate the effect of the proposed changes on the architectural and historic character of the structure.

Members may be able to suggest alternatives that would satisfy your practical requirements while maintaining the architectural integrity of the property.

In many cases, the Commissioners discuss and vote on a Certificate of Appropriateness application on the same day that the public hearing is held. However, they may request additional information about the proposal before voting and may continue the matter at the next meeting.

**My project conforms to zoning regulations regarding height and bulk. Does that mean that I don't need the approval of the Historic Preservation Commission?** No, the Commission reviews any exterior alteration or construction plans for changes to a designated landmark. If the project is deemed inappropriate under the provisions of the Town's Preservation Law, even if the project complies with the Zoning Ordinance, the application may be rejected.

**Are there tax incentives for designated historic properties** Yes, (at the time of this printing). The New York State Real Property Tax Law and the Town of Brighton Historic Landmark Property Tax Abatement Law provide designated historic properties exemption from Town (only) Real Property taxation to the extent of any increase in the value attributable to alterations or rehabilitation. The tax abatement is available only for properties that have been designated as landmarks by the Historic Preservation Commission, and the alterations or rehabilitation must be intended for means of historic preservation. Only exterior changes are eligible for consideration. Consult your tax advisor for specific answers to questions concerning tax abatement applicable to your property.

