

**BE IT ENACTED BY THE
TOWN BOARD OF THE
TOWN OF PITTSFORD
AS FOLLOWS:
LOCAL LAW NO. _ OF 2018:
THE ADOPTION OF PROPOSED LOCAL LAW NO. _ OF 2018:
AMENDING “ARTICLE VIII. DEMOLITION PERMITS” OF “CHAPTER
64. BUILDING CONSTRUCTION AND MAINTENANCE” OF THE
TOWN OF PITTSFORD MUNICIPAL CODE**

Sec. 1 Title

This Local Law shall be known as Local Law No. _ of 2018: Amending “Article VIII. Demolition Permits” of “Chapter 64. Building Construction and Maintenance” of the Town of Pittsford Municipal Code.

Sec. 2 Amendment to Existing Law

The Pittsford Town Code, Article VIII of Chapter 64, shall be amended to read as follows:

Chapter 64 – Building Construction and Maintenance

Article VIII – Demolition of Buildings; Board Reviews and Permit Required

[§ 64-41. Purpose.](#)

The Town of Pittsford contains structures of historic and/or architectural merit, or which otherwise contribute beneficially to the character of the Town and the neighborhood in which such buildings stand. These structures are or may be threatened by development pressures. The Town wishes to provide for public notice and board review before any such structures are demolished.

[§ 64-42. Demolition permit required; Board review and permit required; Board review exemptions.](#)

A. Demolition permit required. No person may demolish, or demolish more than 50% of, any structure within the Town of Pittsford which requires a building permit to construct, without issuance of a demolition permit by a Code Enforcement Officer.

B. Board reviews and permit required. No person may demolish, or demolish more than 50% of, any non-exempt structure within the Town of Pittsford, without the review of a demolition permit application by the Design Review and Historic Preservation Board, the approval of the application by such Board, and the issuance of a demolition permit by a Code Enforcement Officer authorizing such demolition. The requirement for demolition review shall be cumulative, and shall apply to all applications for demolition following the adoption of this article that, when combined, would result in demolition of more than 50% of any non-exempt structure within any two-year period.

C. Board review exemptions.

1. Dilapidated structures. Structures which, in the sole discretion of a Code Enforcement Officer, are dilapidated by neglect over time, seriously damaged by fire, storm, or other calamity, or are in such poor condition so as to constitute a threat to health, safety, or general welfare, are exempt from board review for a demolition permit.

2. Minor structures. The following structures are exempt from any board review for a demolition permit: 1) temporary structures; 2) appurtenant structures which are less than 180 square feet in size, including but not limited to, sheds, tree houses, decks, and patios, recreational equipment or pools of any size, and fences of any length which are not part of an enclosure surrounding a swimming pool or not subject to review for a certificate of appropriateness under Article XXX of Chapter 185 herein.

§ 64-43. Procedure.

A. Application. Any person seeking Town permission to demolish more than 50% of any non-exempt structure within the Town of Pittsford, shall complete and furnish to the Town Planning Department an application on a form created by the Town Planning Department and providing such information so as to allow the Design Review and Historic Preservation Board to determine whether the standards set forth in this section have been met, and such other information as the Design Review and Historic Preservation Board may reasonably require to assist in its deliberations.

B. Application Requirements. Applications must include information necessary to allow the Design Review and Historic Preservation Board and/or other Town review boards to review the building proposed to replace the demolished structure, if applicable. Such information may include, but is not limited to, building facade elevations, sections, floor plans, site plans, grading plans, landscaping plans and existing and proposed first floor elevations. Any and all zoning variances required for the proposed building shall be specified. All drawings and plans shall show both existing and proposed facade elevations and clearly identify all new construction and label all materials as new or existing. Complete photos of the existing structure's exterior shall be provided. Additional information may be required by the Design Review and Historic Preservation Board and/or other Town review boards as deemed necessary to determine conformity with Town regulations and with the spirit and intent of this article. Such additional information may include, but is not limited to, demolition/development procedures proposed to ensure the protection of the public and surrounding properties. A restoration plan for the property following demolition and/or redevelopment and an estimate of the cost of restoring the site, including the costs of materials, grading, landscaping, and maintenance until the site is fully restored, shall be submitted to ensure that restoration conforms to the approved plan and that landscaping survives in a healthy condition.

C. Referral. Upon determination by the Town Planning Department that the application is complete, it shall promptly refer the complete application to the Design Review and Historic Preservation Board and the Planning Board for their review. The Planning Board shall have twenty (20) days from receipt of the application to render any comments or recommendations to the Design Review and Historic

Preservation Board concerning the approval or disapproval of the application, relying on the standards set forth in this section.

D. Notice and Hearing. Within thirty (30) days from receipt of a complete application, the Design Review and Historic Preservation Board shall hold a public hearing on the application. Notice of the hearing shall be given by newspaper publication, by Town website posting and by posting of a sign at the subject premises. Notice also shall be given by mail to residents whose properties are within 300 feet of the nearest point of the property lines of the structure subject to demolition.

E. Standards and Decision. Within thirty (30) days of the commencement of a public hearing on the application, the Design Review and Historic Preservation Board shall decide in writing to approve, with or without conditions, or to disapprove the demolition application, upon express consideration of the following standards: 1) the need or reasons for the proposed demolition; 2) the description of the replacement structure or use (if no replacement structure or use is proposed, the landscape plan for the site); 3) the historic and architectural significance of the structure, and the effect of demolishing the structure and rebuilding a replacement structure is expected to have on the character of the neighboring community including a Historic District if the building stands within such a district and including any potential Historic District as identified in in the Town's most recent Historic Resource Survey Update. The Board shall consider information derived from the public hearing. Any approval, with or without express conditions, shall be conditioned on compliance with Town and State code provisions regulating demolition activities. Upon approval of the application and compliance with Town and State code provisions regulating demolition activities, a Code Enforcement Officer shall promptly issue the demolition permit.

F. Appeals. Consistent with the provisions of Article IX of this chapter, an appeal of any decision of the Design Review and Historic Preservation Board regarding a demolition application may be made to the Town's Zoning Board of Appeals.