

7.4 HISTORIC REVIEW

7.4.1 INTENT

It is hereby declared that the protection, enhancement and perpetuation of landmarks and historic districts are necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as the City of Saratoga Springs has many significant historic, landscape, architectural and cultural resources that constitute its heritage, this Article is intended to:

- protect and enhance the landmarks and historic districts which represent distinctive elements of the City's historic, architectural and cultural heritage;
- foster civic pride in the accomplishments of the past;
- protect and enhance the City's attractiveness to visitors thereby providing support and stimulus to the economy; and
- ensure the harmonious, orderly and efficient growth and development of the City.

In keeping with this intent, the City hereby establishes a coordinated and comprehensive approach to preserve City Landmarks and Historic Districts, and the procedure for maintaining architectural standards in the construction, alteration and removal of buildings and landscapes within these areas.

7.4.2 DELEGATION TO DESIGN REVIEW COMMISSION

The Design Review Commission ("Commission") is hereby charged with the responsibilities of administering and carrying out the intent, process and actions established in this Article and Article 7.5 "Architectural Review".

7.4.3 COMPOSITION OF DESIGN REVIEW COMMISSION

A. Appointments

The Commission shall consist of seven members, to be appointed by the Mayor, to represent to the extent possible a broad cross-section of the community with demonstrated experience in historic preservation, architectural development and local history in addition to the following:

- at least one shall have demonstrated commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field
- at least one shall be an architect or related design professional
- at least one shall be a local realtor or other real estate professional
- at least one shall have construction experience working with historic buildings

All members shall be residents of the City of Saratoga Springs including at least one resident of a Historic District and one resident of an Architectural Review District.

B. Term of Office

The term of each Commission member shall be five years beginning on July 1 and members shall serve on a rotating schedule. Initial terms may be for lesser years so as to effectuate a staggered sequencing of member terms. On an alternating basis, two

member terms will expire one year with one member term expiring the next year. A member whose term has expired may serve until replaced.

C. Vacancy

If a vacancy occurs other than by expiration of a term, it shall be filled by appointment by the Mayor for the unexpired term.

D. Removal

Any member, or alternate member, may be removed by the Mayor for cause and after public hearing.

E. Alternate Members

The Mayor may appoint up to two alternate members to serve in the place of Commission members who are unavailable to attend a meeting due to recusal or other absence.

1. In the selection of alternate members, preference may be given to former Commission members or other residents that demonstrate the experience and knowledge considered for original appointments and as identified in 7.4.3 above.
2. Full Commission attendance is encouraged at all meetings. When fewer than six members are able to attend a meeting, alternate members shall be called upon to serve in the place of an absent member.
3. When serving in the place of a member, the alternate member shall have the full rights and obligations of a member. Alternate members not serving in place of a member may not participate as a Commission member in the discussion of agenda items at Commission meetings or workshops or any subcommittee thereof. In the event a Commission member is available to once again serve with regard to a matter because he/she is no longer absent or recused, the alternate member will no longer serve with regard to said matter.
4. All provisions of law relating to Commission member eligibility, terms, vacancy in office, removal, compatibility of office and service on other boards, training, continuing education, compensation, and attendance shall apply to alternate members, except that there shall be no requirement that an alternate member be a property owner in an historic or architectural review district.

7.4.4 COMMISSION POWERS AND DUTIES

The Design Review Commission shall have and exercise the powers and duties as follows:

1. Review and issue decisions on applications for historic review as required by this Article.
2. Review and issue decisions on applications for architectural review as required by this Chapter.
3. Promulgate rules and regulations for the transaction of Commission business.
4. Submit an annual report of Commission activities to the Mayor and City Council.
5. Submit an annual budget request to the Mayor for approval by the City Council.

6. Employ experts, staff and legal counsel, or appoint such citizen advisory committees as may be required to carry out Commission duties within the Council-approved budget.
7. Administer on behalf, and at the request, of the City Council any full or partial interest in real property that the City may have received.
8. Accept and administer on behalf of the City such grants and funding as may be appropriate for the purposes of this Article.
9. Recommend to the City Council the adoption of ordinances designating properties or structures having special historic, community, cultural or architectural value as landmarks or Historic Districts.
10. Keep a register of all properties and structures that have been designated as landmarks or historic districts including all information required for each designation.
11. Propose or sponsor the nomination of landmarks and historic districts to the National Register of Historic Places and review and comment on any National Register proposed nominations submitted to the City Council or State Historic Preservation Office.
12. Maintain a directory of architectural styles.
13. Develop specific design guidelines for the alteration, construction or removal of landmarks or property and structures within historic districts.
14. Conduct surveys to identify historically and architecturally significant properties, structures, landmarks and areas that exemplify the cultural, social, economic, political or architectural history of the Nation, State or City.
15. Inform and educate the citizens of Saratoga Springs concerning the historic and architectural heritage of the City.
16. Advise and guide property owners on physical and financial aspects of preservation, renovation, rehabilitation and reuse, on procedures for inclusion on the National Register of Historic Places, and on participation in State and Federal historic preservation programs.
17. Confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques or markers.
18. Request advisory opinions from the City Council, the Planning Board and any other body, agency or department of the City on any matter before the Commission.
19. Review and make advisory recommendations on any matter referred to the Commission by the City Council, the Zoning Board of Appeals, the Planning Board and any other body, agency or department of the City.
20. Recommend to the City Council zoning amendments, policy initiatives and programs to protect historic properties and implement the intent and objectives of this Article.
21. Develop a preservation component in the Comprehensive Plan of the City of Saratoga Springs and recommend it to the Planning Board and the City Council.
22. Exercise all other powers conferred upon it by the City Council.

7.4.5 HISTORIC REVIEW OBJECTIVES

The Design Review Commission shall promote the following objectives:

- To prevent the demolition or destruction of significant structures, terrain, landscape or scenic views.
- To eliminate existing incongruous structures or other blighting factors and prevent the creation of any new such conditions.
- To preserve and enhance the historic context and setting within the Historic District.
- To assure architectural compatibility such as aesthetic, historical and architectural values, architectural style, design, arrangement, texture, material and color.
- To encourage and maintain appropriate protective restrictions such as easements, covenants or similar agreements.
- To improve the integrity of the Historic Districts through economic and other incentives.

7.4.6 HISTORIC REVIEW STANDARDS

In pursuit of this Article's objectives, the Design Review Commission shall employ the following standards:

A. Preserve rather than remove

Distinguishing original features of a structure or site are essential to the historic quality and character of that site. Distinguishing original qualities or character of a structure, site and/or its environment shall be preserved and protected to the maximum extent possible. Destruction or alteration of any historic material or distinctive architectural feature should be avoided.

B. Repair rather than replace

Distinctive architectural features that characterize a structure or site shall be repaired rather than replaced whenever possible. If replacement is necessary, the replacement materials should match the original in composition, design, color, texture and other visual qualities.

C. Promote historical accuracy

Repair or replacement of architectural features should be based on historical evidence rather than on conjectural designs or the incorporation of elements from other structures.

D. Recognize the significance of historical time periods

Structures and sites should be recognized and preserved as products of specific historical period(s). Changes that occurred over time are evidence of the history and development of a structure or site and may have acquired historical significance in their own right.

E. Compatible contemporary design may be encouraged

Contemporary design for alterations and additions to existing properties may be encouraged provided it does not destroy significant historical, architectural, or cultural material and is compatible with the size, scale, color, material, and character of the site or surrounding neighborhood. Incompatible alterations shall be discouraged.

F. Structures and sites are to be treated with sensitivity
Archaeological resources affected by any project shall be protected and preserved to the maximum extent possible. Activities that will damage historic building materials or site features shall be discouraged. Historic structures are to be cleaned with the gentlest means possible.

7.4.7 ACTIONS SUBJECT TO REVIEW

The following actions shall be subject to historic review when occurring on City Landmarks or within Historic Districts as identified in this Article:

- A. Construction, rehabilitation, alteration or exterior change to a structure that requires the issuance of a building or demolition permit.
- B. Installation of an awning, sign or sign structure that requires a building or sign permit, or such modification with respect to size, materials, illumination, method of attachment and color.
- C. Installation of telecommunications facilities per Article 6.3.2.
- D. Regardless of the requirement for a building or demolition permit, any material change to the exterior appearance of a structure that affects the historical characteristics and context of the District including:
 - 1. Addition or removal of exterior architectural features.
 - 2. Installation, removal or change of materials on exterior building elements including but not limited to roof, siding, windows, doors, porches, and the like.
 - 3. Enclosure or screening of building openings including but not limited to windows, doors, porches, and the like.
 - 4. Installation of accessory utility, mechanical or miscellaneous structures to the exterior of a building including but not limited to HVAC equipment, solar panels, wind turbines, radio or satellite transmission/reception devices, and the like.
- E. Within a front yard setback:
 - 1. Installation, removal or change in material of drive- or walkways
 - 2. Installation or removal of architectural, sculptural or vegetative screening that exceeds 3 feet in height.
 - 3. Installation of accessory utility structures or radio/satellite transmission/reception devices exceeding 2' in diameter.
- F. Change of the exterior color of any structure within a non-residential Zoning District.

- G. Additional actions as set forth in Section 7.4.18 occurring on or to a City Landmark.

7.4.8 ACTIONS EXEMPT FROM REVIEW

The following actions are exempt from historic review:

1. Ordinary maintenance or repair of any exterior feature that does not involve a change in design, material, color or outer appearance.
2. Installation of accessory freestanding objects including but not limited to sculpture, tree houses, play equipment, clocks, fountains, flagpoles, basketball hoops, and the like.
3. Installation of Individual air conditioning units, and radio or satellite antennas/receivers less than 2 feet in diameter.

7.4.9 DESIGN CONSIDERATIONS

For actions subject to review, the Commission shall evaluate whether the proposed alteration or construction is compatible with the subject structure, site and neighboring properties in the Historic District with regard to:

A. Height

The Commission shall consider whether the height of the proposed structure is compatible with the historic form and context of the site and neighboring properties and with any specific zoning district intent.

B. Scale

The Commission shall consider whether the scale of the proposed structure is compatible with the relationship of the building and its architectural elements to neighboring structures, and character of historic setting.

C. Mass and Open Space

The Commission shall consider whether the relationship of the dimension and mass of a building to the open space between it and adjoining buildings is compatible with the character of the neighboring area and with any specific zoning district intent.

D. Proportion

The Commission shall consider whether the proposed structure and its architectural elements, including front façades, windows, doors and bays, are consistent with the dominant proportion of neighboring structures and site.

E. Directional Expression

The Commission shall consider whether the directional expression of a building and its architectural elements are compatible with the dominant horizontal or vertical expression of the neighboring buildings.

F. Architectural Rhythm

The Commission shall consider whether the architectural, rhythmic pattern resulting from repeated elements such as window and door openings, columns, arches, and

other facade elements is consistent within the subject structure and consistent with neighboring structures.

G. Front Setback

The front yard setback for the building line of all new construction shall be compatible with neighboring buildings and any specific zoning district intent.

H. New Construction and Additions

New construction and additions should be undertaken such that their removal will not impair the original historic form and integrity of the structure and site.

I. Treatment of Major Building Elements

1. Doors. Existing historic doors and door openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered. Where doorways must be altered to meet current building code and safety requirements, doors and entrance ways shall be designed to respect the exterior architectural character of the building.
2. Windows. Existing historic windows and window openings shall be retained and rehabilitated whenever possible. Restoration of historic openings is encouraged where previously altered.
3. Roofs. Features that give a roof its essential historic and architectural character shall be retained and rehabilitated whenever possible. Roof designs for new structures shall be compatible with neighboring buildings. Exterior mechanical equipment shall be minimized and screened from view.

J. Materials

Materials used in new construction shall be compatible with those traditionally used in the neighboring area. Contemporary materials are acceptable provided that the overall texture, color and details of the building are compatible with neighboring buildings.

K. Colors

Architectural features of historic buildings shall be restored with colors and finishes appropriate to the nature of the materials and to the historic character of the building. Where historically documented colors are not used, colors shall be appropriate to the building's predominant architectural style(s). Colors used in new construction shall be compatible with neighboring buildings.

7.4.10 MAINTENANCE AND REPAIR

No owner or person with an interest in real property designated as a City Landmark or included within a Historic District shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the Historic District as a whole or the life and character of the property itself. Examples of such deterioration include:

1. Deterioration of exterior walls or other vertical supports
2. Deterioration of roofs or other horizontal members

3. Deterioration of exterior chimneys
4. Deterioration or crumbling of exterior stucco or mortar
5. Ineffective waterproofing of exterior walls, roofs or foundations including broken windows or doors
6. Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public safety

7.4.11 DEMOLITION

The Commission shall determine whether the proposed structure has architectural or historic significance. "Significance" includes having particular important associations within the context of the architecture, history or culture of Saratoga Springs or region and may include listing as "contributing" on the State and National Registers of Historic Places.

A. Structures with no architectural or historic significance

The Commission may approve an application for demolition if it finds that the demolition is consistent with the intent and objectives of this Article and that the structure proposed to be demolished has no historic or architectural significance.

B. Structures with architectural or historic significance

For the proposed demolition of a structure with architectural or historical significance, the applicant must demonstrate "good cause" as to why such structure cannot be preserved.

1. The applicant shall document "good faith" efforts in seeking an alternative that will result in the preservation of the structure including consultation with the Commission and the Saratoga Springs Preservation Foundation. The relocation of structures may be permitted as an alternative to demolition;
2. The applicant shall document efforts to find a purchaser interested in acquiring and preserving the structure;
3. The applicant shall demonstrate that the structure cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
4. The applicant shall submit evidence that the property is not capable of earning a reasonable return regardless of whether that return represents the most profitable return possible. "Dollars and cents proof" shall be required to demonstrate such hardship.
5. Application for demolition of a structure with historic or architectural significance shall include acceptable post-demolition plans for the site. Such plans shall include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project. The Commission may condition the issuance of a demolition approval on the applicant's receipt of all other necessary approvals and permits for the post-demolition plan.
6. The Commission shall schedule a public hearing on an application for demolition of a structure with historic or architectural significance and shall provide notice as follows.

- a. **Public Hearing Notice**
The Commission shall advertise the hearing in a Saratoga Springs newspaper of general circulation at least five days prior to the date thereof. The applicant shall be responsible for payment for this notice. Prior to the hearing, the applicant shall be responsible for filing with the Commission an affidavit from the newspaper confirming such publication and payment.
- b. **Property owner notification**
 - i. The applicant shall obtain from the City the names and addresses of property owners within a 250 feet geographic radius from the applicant's subject property.
 - ii. The applicant shall receive from the Commission a property owner notification notice and shall send only this notice to the identified property owners by first class mail. This notice shall be postmarked no less than 7 but no more than 20 calendar days prior to the scheduled hearing.
 - iii. Prior to the public hearing, the applicant shall submit to the Commission confirmation of the property owner notification by obtaining a "certificate of mailing" provided by the U.S. Postal Service.
 - iv. Failure to provide notice in exact conformance with these provisions shall not invalidate a Commission determination provided the Commission finds that substantial compliance has occurred.

C. **Determination of Jeopardy to Health, Safety and Welfare of Community**
In cases where an applicant has sought demolition approval on the basis that a structure represents an imminent danger to the health, safety and welfare of the community, the Commission shall refer the application to the Building Inspector for review and report pursuant to City Code Section 118 Unsafe Structures. The Building Inspector's report shall be advisory to the Commission. The Commission shall review the Building Inspector's report and make a determination that the structure can or cannot reasonably be repaired in such a way as to remove the imminent danger.

D. **Demolition of Historic Structures by City**
The City, through its Code Enforcement Officers or other appropriate municipal officials, may seek demolition of a structure listed individually or as a contributing structure in an historic district on the National Register of Historic Places in New York Supreme Court under N.Y. Executive Law 382. Prior to filing such an application, the matter shall be referred to the Commission for an advisory opinion as to whether the structure can or cannot be reasonably repaired in such a way as to remove the cause for demolition. The Commission shall have 30 days to render a written advisory opinion unless extended by mutual consent. The City may also seek advisory recommendations from local preservation organizations.

E. Court action

The Commission shall have no authority to act otherwise in cases where an appropriate legal action or procedure has resulted in a judgment or order by a Court of competent jurisdiction that a structure endangers the health, safety and welfare of the public and shall be demolished.

7.4.12 HISTORIC REVIEW APPLICATION

A. It shall be the duty of the Zoning Officer to refer to the Commission all actions identified in this Article that require historic review approval.

B. The Commission shall not accept any application for review that includes a parcel for which there is an outstanding, unresolved written violation from the Zoning Officer that is not the subject of the application.

C. An eligible applicant for historic review approval must be the owner, lessee or purchaser under contract for the involved parcel. A lessee and purchaser under contract must have the permission of the current property owners to submit an application for historic review approval.

D. The City shall collect a fee for all applications to the Commission as established by the City Council.

7.4.13 ADVISORY OPINION

The Commission may request an advisory opinion of the Planning Board or any administrative department or agency in its evaluation of an application for historic review.

7.4.14 HISTORIC REVIEW DECISIONS

A. In rendering its decision on any application, the Commission shall comply with all applicable provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations.

B. Within 62 days of the determination by the Commission that the application is complete, or the close of the public hearing, a written decision shall be issued. This time frame may be extended by mutual consent of the applicant and the Commission.

C. Four affirmative votes are required to pass a motion regarding an application before the Commission. If four affirmative votes cannot be attained on a motion within this 62-day period, unless extended by mutual consent of the applicant and the Commission, the application shall be denied by default.

D. The Commission may issue any of the following decisions:

1. Approve as submitted
2. Approve with conditions

The Commission may impose appropriate conditions in connection with its approval including those related to:

- Nature and quality of building materials
 - Manner of construction
 - Design and other building elements
3. Preliminary approval
Prior to the granting of final approval by the Commission, an applicant may seek “preliminary approval” for the general “mass and scale” of a proposed structure. This preliminary approval is subject to a SEQRA determination and constitutes approval of the footprint and proportions of the proposed structure, including any proposed rooftop structures, and its compatibility with the surrounding neighborhood. Such preliminary approval does not constitute approval of elevations and other façade and roofline details. Unless so noted within the preliminary approval, an applicant must obtain final approval by the Commission prior to issuance of a building permit.
4. Disapprove
The Commission may disapprove an application provided the Commission finds that such construction, alteration or demolition would be in opposition to the intent and objectives of this Article, and that this finding is not based on personal preference as to taste or choice of architectural style.
- E. Every Commission decision shall be signed and dated by the Commission Chairperson and shall document the circumstances of the case and the findings on which the decision is based.
- F. Every Commission decision shall be filed in the Office of the City Clerk within five business days thereof and a copy provided to the applicant and to the Building Department.
- G. Administrative Approval
The Chairperson shall have the authority to approve minor modifications to existing Commission approvals if the Chairperson deems the changes are not material, substantial or substantive in nature and are not contrary to the intent of the original decision. The Chairperson shall issue all administrative approvals in writing and report them to the Commission.
- H. Building Permits, Inspections and Certificates of Occupancy
1. Upon receipt of Historic Review approval and confirmation of compliance with any required conditions, the Building Department may issue building, sign or demolition permits associated with the Historic Review application. No building, sign or demolition permit shall be issued in the event of Historic Review disapproval.
 2. For actions subject to Historic Review but not requiring a building, sign or demolition permit, the Building Department shall perform inspections as may be necessary to confirm compliance with Commission approval and any required conditions.

3. Upon confirmation of the completion of an approved action requiring Historic Review, and any required conditions, the Building Department may issue a certificate of occupancy.

7.4.15 EXPIRATION

Unless otherwise specified or extended by the Commission, Commission approvals shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started actual construction, or otherwise implemented this approval. Actual construction is defined as the fastening or placing of construction materials in a permanent manner, the excavation of a basement, or the demolition or removal of any existing structure if no new construction is approved.

7.4.16 EXTENSIONS

The Commission may grant up to two 18 month extensions for historic review approval provided that the application for extension was properly submitted prior to the expiration date of either the original historic review approval or the first extension. When requesting an extension, it shall be the applicant's responsibility to demonstrate that there have been no significant changes to the site or neighborhood, and that the circumstances and findings of fact by which the original historic review approval was granted have not significantly changed.

7.4.17 DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

- A. The City Council of the City of Saratoga Springs may designate an individual property as a landmark if it:
 1. Possesses special character or archeological, historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;
 2. Is identified with historically significant individuals;
 3. Embodies the distinguishing characteristics of an architectural style;
 4. Is the work of a designer whose work has significantly influenced a particular architectural period or era; or
 5. Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.
- B. The City Council may designate a group of properties as a Historic District if it:
 1. Contains properties that meet one or more of the criteria for designation of a landmark; or
 2. By reason of possessing such qualities, constitutes a distinct section of the City.
- C. Any proposed designation of landmarks or historic districts shall constitute an amendment to this Chapter and shall be subject to all public hearing, property owner notification and other applicable provisions of this Chapter.
 1. Once the City Council has accepted for review a proposed designation, no building or demolition permits shall be issued until the City Council has made its designation determination.

2. Prior to action on a proposed designation, the City Council shall request an advisory opinion from the Commission. The Commission shall have 30 days to render a written advisory opinion unless extended by mutual consent. The opinion shall contain a favorable recommendation only if the Commission finds that the proposed revision is not contrary to the intent and objectives of this Article.

7.4.18 CITY LANDMARKS AND HISTORIC DISTRICTS

The City Council hereby establishes and designates the following City Landmarks and Historic Districts.

A. CITY LANDMARKS.

1. "Bryan House", 123-125 Maple Avenue, Tax I.D. 165.44-1-31
2. "Drink Hall", 297 Broadway, Tax I.D. 165.67-1-24
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
3. "Canfield Casino", East Congress Street, Tax I.D. 165.00-4-1
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
4. "City Hall", 474 Broadway, Tax I.D. 165.52-4-37
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
5. "Congress Park", Broadway, Tax I.D. 165.00-4-1
Additional actions requiring review: removal, addition or alteration of any park feature such as, but not limited to: Spit 'n' Spat, Italian Gardens, Thorsvalden vases, Spirit of Life and surrounding stonework and landscaping, Trask stairway, War Memorial and Pavilion, Civil War monument, Brackett gates, Congress Spring Pavilion, Columbian Pavilion, Deer Park Spring Pavilion, Morrissey Rose Garden Fountain, reservoir, iron fencing, wrought iron fence surrounding park, configuration of ponds, walks and roadways, topography, Colonial Revival information booth, 1920s era gateposts, street lights, the Grotto (including sundial, pillars and statuary), informational signage, urns by northern pond, trout pond, benches and other park furniture.
Only ordinary maintenance or repair is excluded from review.
6. "High Rock Park", High Rock Avenue, Tax I.D. 165.52-1-76, 165.44-2- lots 6, 22, 23, 24 and 25

Additional actions requiring review: removal, addition or alteration of any park feature such as structures, sculptures, monuments, pavilions, benches, topography, ponds, vegetation, fences, lights, walkways and roads. Only ordinary maintenance or repair is excluded from review.

7. "Central Fire Station", 60 Lake Avenue, Tax I.D. 165.60-2-3
Additional actions requiring review: removal or alteration of any interior feature. Only ordinary maintenance or repair of any interior feature is excluded from review.
8. "Gideon Putnam Cemetery", South Franklin Street, Tax I.D. 165.66-2-38
Additional actions requiring review: removal, addition alteration, or cleaning of any cemetery feature such as grave markers, structures, sculptures, monuments, pavilions, benches, topography, fences, lights, walkways and roads. Only ordinary maintenance or repair is excluded from review.

B. HISTORIC DISTRICTS

1. Commencing at a point in the north line of Fourth Street, 100 feet westerly of the west line of Broadway; running thence in a southerly direction parallel with and 100 feet westerly of the west line of Broadway or extending to the rear lot line of the property facing Broadway, whichever is greater, to a point in the northerly line of Walton Street; thence running southerly along the westerly line of Long Alley to a point in the northerly line of Washington Street; thence southerly on the extension of the line of the east line of Hamilton Street to Congress Street; thence continuing on the east line of Hamilton Street to a point in the southerly line of West Circular Street; thence along the southerly line of West Circular Street and Circular Street to a point which is the westerly boundary of property known as the Batcheller property, now owned by one Turchi; thence southerly along the westerly bounds of Turchi property to an alley; thence easterly along the alley to Whitney Place; thence along Whitney Place to the southerly bounds of property of the Presbyterian Congregation of Saratoga Springs, New York; thence easterly along the southerly bounds of the Presbyterian Congregation of Saratoga Springs, New York, to a point in the westerly line of Regent Street; running thence northerly along the westerly bounds of Regent Street to a point in the northerly line of North Lane; thence easterly along the northerly line of North Lane to Nelson Avenue; thence along the southerly and westerly boundary of property of the New York Racing Association, Inc., to a point in the northerly line of Lincoln Avenue; thence easterly along the northerly line of Lincoln Avenue to the easterly line of Frank Sullivan Place to a point directly across from the northeastern corner of Tax Parcel 179.21-3-5, (Inside District), thence across Frank Sullivan Place to the northeastern corner of said Tax Parcel 179.21-3-5, thence westerly and southerly along the boundaries of said Parcel 179.21-3-5 to the southwest corner of said parcel, thence directly across Wright Street to a point in the southerly line of Wright Street; thence westerly along the southerly line of Wright Street to the easterly line of Nelson Avenue; thence southerly along the easterly line of Nelson Avenue to a point directly across from the northeastern corner of Tax Parcel 179.00-5-5 (Inside District), thence westerly, southerly and easterly along the boundaries of said Tax Parcel 179.00-5-5 to its southeastern corner, thence directly

across Nelson Avenue to a point, thence southerly along the easterly line of Nelson Avenue to the southerly boundary of property owned by the New York Racing Association, Inc.; thence easterly along the southerly line of property of the New York Racing Association, Inc., and Yaddo to a point in the westerly line of Interstate Highway No. 87; thence northerly along the westerly line of Interstate No. 87 to a point in Union Avenue; thence westerly along the center line of Union Avenue to a point, thence northerly, easterly, northerly, and westerly along the boundary of Tax Parcel 166.-3-25 (Outside District) to a point in the southeastern corner of tax parcel 166.14-4-25 (Inside District), thence northerly, westerly and southerly along the boundaries of said tax parcel 166.14-4-25 to a point in the northerly line of Tax Parcel 166.-3-25 (Outside District), thence westerly along the northerly line of said parcel 166.-3-25 to a point in the southeastern corner of Tax Parcel of Tax Parcel 166.14-2-29 (Inside District), thence northerly along the easterly line of Tax Parcel 166.14-4-29 to a point in the southerly line of Fifth Avenue, thence northerly across Fifth Avenue to a point in the southerly line of Tax Parcel 166.14-4-14 (Inside District), thence easterly, northerly, westerly, southerly, westerly, southerly and easterly along the boundaries of said Parcel 166.14-4-14 to a point in the northerly line of Fifth Avenue, thence southerly across Fifth Avenue and along the western boundary of Tax Parcel 166.14-4-29 (Inside District), to a point in the northerly line of Tax Parcel 166.-3-25 (Outside District), thence westerly along the northerly line of Tax Parcels 166.-3-25 (outside District) and 166.-5-1 (Inside District), to a point in the northwesterly corner of said Tax Parcel 166.-5-1, thence southerly along the easterly line of East Avenue to its intersection with Union Avenue, thence westerly along the center line of Union Avenue to the easterly line of Ludlow Street to the easterly line of Ludlow; thence northerly along the easterly line of Ludlow to an alley between Mitchell Street and Union Avenue; thence westerly along said alley and a continuation thereof to a point one hundred fifty (150) feet (plus or minus) east of the easterly line of Nelson Avenue; thence northerly to northern line of George Street; thence easterly to a point 135 feet (plus or minus) east of the eastern line of Ludlow Street; thence northerly to the northern line of the unnamed alley between George Street and Madison Avenue; thence westerly 10 feet (plus or minus); thence northerly 50 feet (plus or minus); thence westerly 25 feet (plus or minus); thence northerly to the northern line of Madison Avenue; thence easterly 200 feet (plus or minus) along the northern line of Madison Avenue; thence northerly to the northern line of the unnamed alley between Fifth Avenue and Madison Avenue; thence easterly to the western line of East Avenue; thence northerly to a point 160 feet (plus or minus) north of the northern boundary of Fifth Avenue; thence westerly to a point 212 feet (plus or minus) east of the eastern line of Ludlow Street; thence northerly to the northern line of Caroline Street; thence westerly to a point 158 feet (plus or minus) east of the eastern line of Ludlow Street; thence northerly 140 feet (plus or minus); thence westerly to a point 47 feet (plus or minus) east of the eastern line of Ludlow Street, thence southerly 63 feet (plus or minus); thence westerly to the western line of Ludlow Street; thence northerly to a point 90 feet (plus or minus) from the northern line of Caroline Street; thence westerly 100 feet (plus or minus); thence northerly 70 feet (plus or minus); thence westerly 200 feet (plus or minus); thence southerly 80 feet (plus or minus); thence westerly to western line of Nelson Avenue; thence northerly to the northern line of Mitchell Place; thence westerly 250 feet (plus or minus); thence northerly to the northern line of Diamond

Street; thence easterly to a point 72 feet (plus or minus) east of the eastern line of the unnamed alley between Marion Place and Nelson Avenue; thence northerly 80 feet (plus or minus); thence westerly to eastern line of unnamed alley between Marion Place and Nelson Avenue; thence northerly along eastern line of alley and continuing straight northerly to the northern line of Lake Avenue; thence westerly to a point 215 feet (plus or minus) from the eastern line of East Harrison Street; thence northerly 100 feet (plus or minus); thence westerly along a line 100 feet (plus or minus) from the northern line of Lake Avenue to the western line of East Harrison Street; thence northerly to the northern line of Spruce Alley; thence westerly 169 feet (plus or minus); thence northerly along the eastern side of the unnamed private drive and extending to a point 90 feet (plus or minus) from the southern line of York Avenue and 120 feet (plus or minus) from the westerly line of East Harrison Street; thence easterly to a point 42 feet (plus or minus) from the eastern line of East Harrison Street; thence northerly to the northern line of York Avenue; thence easterly to the western line of Nelson Avenue; thence northerly 138 feet (plus or minus); thence westerly to a point on the western line of East Harrison Street 152 feet (plus or minus) northerly from the northern line of York Avenue; thence northerly to the southern line of North Street; thence westerly to the westerly line of Circular Street; thence northerly to a point 100 feet (plus or minus) south of the southerly line of the unnamed alley between the head of Henry Street and Circular Street; thence westerly to the eastern line of Henry Street; thence southerly along a line 150 feet (plus or minus) west of the western line of Circular Street to a point 100 feet (plus or minus) north of the northern line of the unnamed alley; thence westerly to the eastern line of Henry Street; thence southerly along the eastern line of Henry Street to the southerly line of the unnamed alley; thence easterly to the western line of Bank Alley; thence southerly along the western line of Bank Alley to the southern line of Spruce Alley; thence westerly to the eastern line of Henry Street; thence southerly along the eastern line of Henry Street 50 feet (plus or minus); thence southeasterly 40 feet (plus or minus); thence southerly 153 feet (plus or minus) to the northern line of Lake Avenue; thence southerly across Lake Avenue to a point 100 feet (plus or minus) east of the eastern line of Henry Street on the southern line of Lake Avenue; thence southerly to a point 135 feet (plus or minus) east of the eastern line of Henry Street on the southern line of Short Alley; thence southerly to the southern line of Caroline Street; thence westerly to the eastern line of Henry Street; thence southerly along the eastern line of Henry Street to the southern line of the alley between Phila Street and Spring Street; thence easterly 98 feet (plus or minus); thence southerly to a point 100 feet north of the northern line of Spring Street; thence westerly along this line 100 feet north of the north line of Spring Street to a point in the easterly line of Putnam Street; thence northerly along the easterly line of Putnam Street and the easterly line of Maple Avenue to Grove Street; thence westerly along the northerly line of Grove Street to a point 100 feet easterly of the east line of Broadway; thence northerly parallel with and 100 feet easterly of the east line of Broadway or the rear lot line of the property facing Broadway, whichever is greater, to a point in the outside corporation line; thence westerly along the corporation line to the center of North Broadway; thence westerly along the northerly line of Fourth Street to the point or place of beginning.

2. Commencing at a point at the southwest corner of the intersection of Van Dam Street and Clinton Street, running westerly 286 feet (plus or minus) along the southern line of Van Dam Street; thence southerly 84 feet (plus or minus) to the northern line of Walton Street; thence across Walton Street to its southern line; thence easterly to a point 100 feet (plus or minus) westerly from the western line of Clinton Street; thence southerly 160 feet (plus or minus) to the southern line of Railroad Alley; thence 24 feet (plus or minus) easterly along the southern line of Railroad Alley; thence southerly 137 feet (plus or minus) to the northern line of Church Street; thence across Church Street to a point on the southern line of Church Street 106 feet (plus or minus) westerly from the western line of Clinton Street; thence 100 feet (plus or minus) southerly; thence 36 feet (plus or minus) westerly; thence 35 feet (plus or minus) southerly; thence 15 feet (plus or minus) westerly; thence 45 feet (plus or minus) southerly to the unnamed public alley between West Harrison Street and Clinton Street; thence southerly along the eastern line of the alley to the northern line of Thomas Street; thence across Thomas Street to a point on the southern line of Thomas Street 100 feet (plus or minus) westerly from the western line of Clinton Street; thence southerly 215 feet (plus or minus) to a point 115 feet (plus or minus) from the northern line of Division Street and 100 feet (plus or minus) from the western line of Clinton Street; thence westerly to a point on the eastern line of West Harrison Street 115 feet (plus or minus) northerly from the northern line of Division Street; thence southerly along the eastern line of West Harrison Street to the southern line of Division Street; thence easterly to the eastern line of Marvin Alley; thence southerly along the eastern line of Marvin Alley to a point 332 feet (plus or minus) south of the southern line of Cherry Street; thence easterly 150 feet (plus or minus) to the western line of Franklin Street; thence south to the southern line of Washington Street; thence westerly 145 feet (plus or minus) along the southern line of Washington Street; thence southerly 86 feet (plus or minus); thence westerly 37 feet (plus or minus); thence northerly 14 feet (plus or minus); thence westerly 49 feet (plus or minus); thence northerly 24 feet (plus or minus); thence westerly 99 feet (plus or minus); thence northerly 79 feet (plus or minus) to a point on the southern line of Washington Street 335 feet (plus or minus) from the western line of Franklin Street; thence westerly 102 feet (plus or minus) along the southern line of Washington Street; thence southerly 62 feet (plus or minus); thence westerly 50 feet (plus or minus); thence southerly 8 feet (plus or minus); thence westerly 56 feet (plus or minus) to a point on the eastern line of Beekman Street 150 feet (plus or minus); from the northern line of Grand Avenue; thence southerly to the northern line of Cobb Alley; thence easterly along the northern line of Cobb Alley to the eastern line of South Franklin Street; thence northerly along the eastern line of South Franklin Street and the eastern line of Franklin Street to a point 60 feet (plus or minus) northerly of the northern line of Congress Street; thence easterly 100 feet (plus or minus); thence northerly 161 feet (plus or minus) to a point on the south line of Washington Street 68 feet (plus or minus) from the eastern line of Franklin Street; thence across Washington Street to a point on the northern line of Washington Street 141 feet (plus or minus) from the eastern line of Franklin Street; thence northerly 46 feet (plus or minus); thence easterly 15 feet (plus or minus); thence northerly 142 feet (plus or minus); thence, easterly 45 feet (plus or minus); thence northerly 159 feet (plus or minus); thence westerly 20 feet (plus or minus); thence northerly 50 feet (plus or minus); thence easterly 100 feet (plus or minus); thence

northerly 205 feet (plus or minus) to a point on the southern line of Division Street 159 feet (plus or minus) easterly from the eastern line of Franklin Street; thence across Division Street to a point on the north line of Division Street 200 feet (plus or minus) easterly from the eastern line of Clinton Street; thence northerly 220 feet (plus or minus); thence westerly 67 feet (plus or minus); thence northerly 290 feet (plus or minus); thence westerly 150 feet (plus or minus) to a point on the eastern line of Clinton Street 120 feet (plus or minus) southerly from the southern line of Church Street; thence northerly along the easterly line of Clinton Street to the northerly line of Church Street; thence easterly along the northern line of Church Street 100 feet (plus or minus); thence northerly 490 feet (plus or minus) to a point on the southern line of Exchange Alley 100 feet (plus or minus) easterly of the eastern line of Clinton Street; thence westerly along the southern line of Exchange Alley to the western line of Clinton Street; thence northerly to the southern line of Van Dam Street or place of beginning.