

MEMORANDUM

To: Village of Salem Dissolution Study Committee
From: Laberge Group
Date: July 15, 2014
RE: Local Laws and Land Use Regulations Summary

The following summary report describes the existing local laws and land use regulations currently in effect in the Village of Salem. This report was provided to the Village of Salem Dissolution Study Committee for discussion of the potential future impacts of dissolution on existing the Village laws and regulations and the community.

Zoning

The Village of Salem Zoning Law was enacted on September 3, 1975, in order to promote health, safety, morals, and general welfare of the community. In accordance with the Village General Development Plan, the Zoning Law is designed to lessen congestion in the streets, secure safety from fire, floods, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.¹ The Village has created the following eight (8) districts in order to fulfill the purpose of the Zoning Law:

- Agricultural (A)
- High-Density Residential (RH)
- Medium-Density Residential (RM)
- Low-Density Residential (RL)
- Commercial (C)
- Industrial (I)
- Floodway (FW)
- Floodplain (FP)

¹ Village Zoning Law, 1975

Zoning Board of Appeals

The Village of Salem Zoning Board of Appeals (ZBA) is a three member voluntary board that has the power to make interpretations of the Zoning Law, issue or deny Special Use Permits, and issue or deny variances. All ZBA procedures are outlined in Article VII of the Village Zoning Law. There is no budgeted cost for this voluntary board.

Salem Historic District

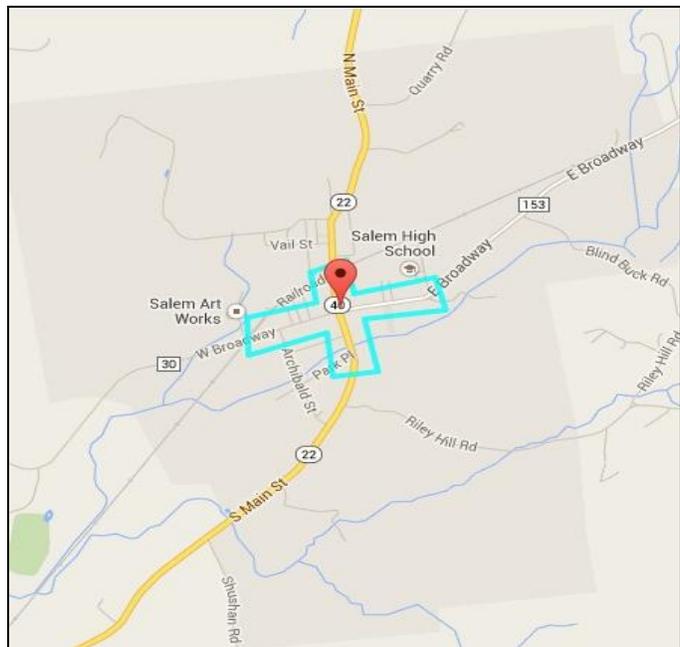
The Salem Historic District was listed on the National Register of Historic Places in 1975. The Salem Historic District forms the shape of a cross in the heart of the Village. At the center of the Village a north-south highway, New York State Route 22, is intersected by an east-west highway, county route 30. Route 22 is known as Main Street while Route 30 is Broadway.

The Historic District consists of properties lining both sides of Main Street from the Delaware and Hudson railroad tracks at the north which includes the Baltz and Son Shirt shop at the corner of Park Place. It also includes properties lining both sides of Broadway from the Delaware and Hudson railroad tracks on the west to, and including, the Washington County Courthouse on the east. The district boundary runs behind all structures at a distance of two hundred feet from the center of the road. The district contains seventy-nine (79) residences, commercial buildings and churches.

Approximately ten (10) of these are twentieth century structures. The majority of the remaining sixty-nine (69) structures were built in the second half of the nineteenth century.

Main Street is the commercial artery of the Village. Some of the earliest buildings here were destroyed by fire in 1840 and were replaced by frame structures. The buildings range from one to three stories in height and accommodate business on the first floor with apartments above. Architecturally and visually, the scale of the Main Street buildings is harmonious despite the variety of motifs and periods represented.

Map of Village of Salem Historic District Boundaries



Source: www.livingspaces.com

One of the most dominant structures of the district is the Proudfit Building, which stands on the corner of West Broadway and South Main Street. Built in 1890, the exterior is brick and stucco with a row of arched windows, the building now houses the Bancroft Library, Village Hall and the Salem Fire Department.

Historic Preservation Law & Commission

In 2008, the Village of Salem adopted the Historic Preservation Law and appointed the five members Historic Preservation Commission. In summary, the Commission has the power to, among other things, review applications proposing alteration, construction, demolition, or relocation of any individual landmark or resource located in the Historic District, as well as grant, or deny certificates of appropriateness. No building permit that affects a designated resource within the Historic District may be issued without a certificate of appropriateness from the Historic Preservation Commission. The Village of Salem appointed the Village Historian to assist and advise the Historic Preservation Commission with the application review process.

Certified Local Government (CLG)

The Village worked with the NYS Office of Parks, Recreation & Historic Preservation (OPRHP) to become a Certified Local Government (CLG). The CLG program benefits the Village by making it eligible to receive a variety of services from OPRHP, including: technical preservation assistance and legal advice; identifying additional properties that may be eligible for listing in the State and National Registers of Historic Places; training opportunities for historic preservation; and, grants designated exclusively for CLG projects.

Other Local Laws

The following is a list of all other Local Laws that are currently in effect in the Village of Salem:

- No. 1 of 1972: Swimming Pools—in ground pools must be fenced for safety.
- No. 1 of 1981: Games of' Chance—providing for the conduct of same in the Village.
- No. 2 of 1985: NYS Uniform Fire Prevention/Building Code administration passed to County.
- No. 1 of 1987: Flood Damage Prevention—supersedes No. 1 of 1984 and No. 1 of 1985.
- No. 2 of 1987: Prohibiting coin operated amusement devices, juke boxes, and game rooms.
- No. 2 of 1989: Adding basis for establishing areas of special flood hazard to No. 1 of 1987.
- No. 1 of 1991: Solid Waste Treatment and Disposal in the Village.
- No. 1 of 1994: Providing for the creation of a records management program.
- No. 2 of 1994: Prohibiting snowmobiles or ATVs on streets, sidewalks, or Village property.
- No. 4 of 1994: 30 MPH speed limit in the Village, 15 MPH in a school zone.
- No. 2 of 1995: Amending No. 2 of 1994 (snowmobiles).
- No. 3 of 1995: Closing Thomas Street Extension and Parking Restriction.

- No.1 of 2003: Public Nuisance.
- No.2 of 2003: Restrictions on Garbage, Debris, and Waste.
- No.3 of 2003: Restrictions on abandoned, discarded, dismantled, junked and/or unlicensed/unregistered vehicles.
- No.4 of 2003: Restrictions on the Possession of Open Containers of Alcoholic Beverages in Public Places.
- No.5 of 2003: Loitering.
- No.6 of 2003: Regulations of Mobile Homes, House Trailers, Mobile Home Parks and House Trailer Parks in the Village of Salem.
- No.7 of 2003: Local Law Regarding Dogs and Pets.
- No.8 of 2003: Trespassing.
- No.9 of 2003: Parking.
- No.10 of 2003: Speeding and driving infractions.
- No.11 of 2003: Vending Licenses within the Village of Salem.
- No.12 of 2003: Regulation of Offsite Commercial Signs.
- No.1of 2004: Amending No.3 of 2003.
- No.1of 2005: Restricting parking during snow emergencies.
- No.2 of 2005: Prohibiting outdoor wood, burning furnaces.
- No.1of 2008: Historic preservation/certified local government.
- No.1of 2012: Zoning Law.
- Village of Salem Water Rules, Regulations, and Construction Standards, June 2003. Amended May, 2008.

Post Dissolution Conditions

All Village laws and ordinances will remain effective for up to two years after the date of dissolution. At any point during this two year period, the Town Board may review existing laws and consider any and all laws for adoption by the Town and may revise them as necessary at their discretion. If no action is taken by the Town Board within the two year period, the law(s) will automatically be repealed.

As with all other local laws, the existing Village Zoning Law will remain effective for up to two years after the date of dissolution. The Town Board may consider the law as is for adoption, or revise it where necessary at their discretion. The Town Board may also consider forming a special “hamlet” zoning district to address land use and historic preservation within the former Village. This new district will allow the Town to effectively oversee land use issues within the former Village without impacting land use outside the former Village. The Town Board must follow the procedures outlined in Article 16 of NYS Town Law, and at the completion of the adoption procedure, it will be necessary for the Board to provide for the enforcement and interpretation of the Town’s zoning regulations for the “hamlet” area by appointing an enforcement officer and a board of appeals. The zoning enforcement officer bears the primary responsibility in handling individual inspection, and enforcement against violations. The zoning officer’s decisions are subject to appeal

to the Town's zoning board of appeals, and ultimately to the courts. If no action is taken by the Town Board within the two year period, the Zoning Law will be repealed.

Upon dissolution the existing Historic Preservation Law and Certified Local Government status will cease to exist. The Town Board should determine whether or not it will pursue the creation of a local Historic Preservation District Law, and consult with the NYS Office of Parks, Recreation and Historic Preservation to understand how dissolution may affect the existing status of the Historic District.