LEGAL NOTICE OF
PUBLIC HEARING

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Plandome Heights will hold a public hearing, at 7:00 PM on Monday, November 2, 2026, at the Village Hall, 37 Orchard Street, Manhasset, New York 11030, with respect to:

Bill 3 of 2026, a proposed local law to amend the Village Code of the Village of Plandome Heights to add a new Chapter 71, "Landmarks and Historical Preservation," to establish a process for the designation and protection of historical sites and structures within the Village.

All interested parties may attend the hearing or send written communication to Village Office to be heard. Anyone requiring special assistance to attend should notify Village Clerk-Treasurer Marie Brodsky, at least 48 hours prior to hearing. All persons attending will be given an opportunity to be heard.

Dated: Plandome Heights, New York
October 6, 2026

By Order of the Board of Trustees
Village of Plandome Heights
Marie Brodsky, Village Clerk

Local Law Filing

New York STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
~~Town~~ of Plandome Heights
Village

Bill 3— of 2026–

Local Law _____ of the year 202_

(Insert Title)

A local law amending Village Code to add new Chapter 71, "Landmarks and Historical Preservation," to establish process for designation and protection of historical sites and structures within Village

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

~~County~~
~~City~~
~~Town~~ of Plandome Heights
Village

Section 1. Legislative Findings and Intent. The Board of Trustees (the "Board") of the Village of Plandome Heights (the "Village"), has determined that that the preservation of historical structures within the Village fosters a greater stability within the Village, creates an appreciation of our historical heritage, and furthers the education of our future generations. Therefore, preservation of historical structures will further the general health, safety, and welfare of our residents. The Board finds that owners of structures located within the Village should be provided the opportunity to pursue designation by the Village of such structures, and the lots upon which they are situated, as an historical site, upon application to the Village and after a public hearing on such application. Furthermore, a duly authorized board or commission of the Village may on its own motion propose that such a structure and the site upon which it is located be designated as an historical site, provided that, in such event, no such designation shall be effective with respect to the subject structure or site unless the owner of such site or structure consents to such designation.

The Board recognizes that there are few structures existing in the Village that, based upon their antiquity, historical significance, or uniqueness of architectural or cultural characteristics, are reasonably likely candidates for designation as historical structures, and so the Board finds that any Village body tasked with the responsibilities contemplated under this Chapter will have only very infrequent opportunities to engage in the contemplated function. As a result, many years may intervene between meetings of such a Village body. Due to such expected infrequency of meetings and minimal need for the Landmarks Preservation Commission function, the members of a separate such Commission will likely not have the opportunity to become familiar with relevant property and land use issues within the Village or in neighboring jurisdictions, but would be burdened by the obligation to satisfy annual training requirements for Village land use boards that will rarely be put to use. However, the members of the Board of Trustees collectively meet regularly to address the many issues that arise in the Village, including those that pertain to property and land use issues. The Trustees receive briefings and presentations relating to property, zoning and land use matters from time to time from the Village Attorney and the Village Building Inspector. In addition, through the Village's membership in the New York Conference of Mayors and the Nassau County Village Officials Association, the Trustees have access to property, zoning and land use materials and information from those organizations. Furthermore, in a small Village like Plandome Heights, there is an inherent difficulty in identifying and securing residents who are ready, willing and able to serve the Village in a voluntary, uncompensated role such as that of member of a separate commission to perform the function contemplated hereunder. Therefore, the Board finds that the interests of the Village and its residents will be best served if the Board of Trustees as constituted from time to time shall serve as the Landmarks Preservation Commission created hereunder.

Section 2. A new Chapter 71, "Landmarks and Historical Preservation," is hereby added to the Code of the Village of Plandome Heights, to read in its entirety as follows:

" Chapter 71 Landmarks and Historical Preservation

§ 71-1 **Findings and intent.**

A. The Board of Trustees finds that the preservation of historical sites and structures within the Village fosters greater stability within the Village, creates an appreciation of our historical heritage, and furthers the education of our future generations. Therefore, preservation of historical sites will further the general health, safety, and welfare of our residents.

B. It is the intent of this Chapter to set forth procedures and criteria to designate certain structures of significance to the Village based upon their antiquity, historical significance, or uniqueness of architectural or cultural characteristics, and the sites upon which they are situated, as historical sites, when determined to be significant in the history of the Village on any of those bases, and to restrict exterior alterations thereof, and to avoid the active or passive destruction of sites and structures so designated.

§ 71-2 **Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

ALTERATION

Any act or process, including but not limited to demolition, alteration, construction, or relocation of a structure, which changes, at a historical site, one or more of the exterior architectural features of a structure.

ARCHITECTURAL CONSULTANT

An architect, licensed in the State of New York, with experience and familiarity with historical structures and design, to be designated by the Mayor, subject to the approval of the Board of Trustees, to serve as consultant to the Commission. The architectural consultant shall serve for a one year term that shall coincide with the Village's official year; provided, however, that the Mayor is authorized to appoint an alternate architectural consultant to consult with the Commission in connection with any application before the Commission whenever the duly appointed architectural consultant is unavailable for any reason. The architectural consultant shall not have any vote with respect to any application before the Commission.

~~[Note: include LPC consulting architect *[not LPC members]* in Village Code Section 1-19, "Residency Requirements," as exception to Village residency requirement.]~~

ARCHITECTURAL FEATURES

The architectural style, design, general arrangement, and components of all the exterior surfaces of any structure, including, but not limited to, the kind, color, and texture of the building material and the type and style of all windows, doors, fences, lights, signs, and other fixtures appurtenant to the structure.

BOARD OF TRUSTEES

The Board of Trustees of the Village.

COMMISSION

The Landmarks Preservation Commission created by this Chapter, which shall be comprised of the duly elected and acting members of the Board of Trustees.

COMMISSIONER

The Landmarks Preservation Commissioner of the Village.

HISTORICAL SITE

Any premises or structure of historical value by reason of its antiquity, historical significance, or uniqueness of architectural or cultural characteristics of the Village, town, county, state, or nation.

HISTORICAL SITE MAP
A map to be prepared and maintained by the Board of Trustees identifying the location of all designated historical sites in the Village.

PERSON
An individual, partnership, unincorporated association, corporation, or any other legal entity or organization.

STRUCTURE
Any building or other assembly or combination of materials, whether or not intended for occupancy or use and whether or not actually being occupied or used.

STYLES OF ARCHITECTURE
A style recognized by any one of the following organizations:

A. The National Register of Historic Places;
B. Historic American Buildings Survey;
C. Historic American Engineering Records, U.S. Department of the Interior National Park Service;
D. Division of Historic Preservation, New York State Office of Parks and Recreation;
E. Nassau County Museum;
F. National Trust for Historic Preservation; and
G. Society of Architectural Historians.

BUILDING INSPECTOR
The Village Building Inspector.

VILLAGE
The Incorporated Village of Plandome Heights.

§ 71-3 **Establishment, membership, powers and duties of Commission.**

A. ~~Appointment of~~Board of Trustees to constitute members; ~~and~~ terms of office. The Commission shall consist of seven members, who shall be the duly elected and acting members of the Board of Trustees, including the Mayor~~,~~. The Mayor, or any other ~~One~~ member ~~shall be~~ designated by the Mayor, with the approval of the Board of Trustees, shall serve as the

Landmarks Preservation Commissioner, who shall serve as chairman for a one-year term. The Building Inspector shall act in an advisory capacity without voting power.

B. Vote necessary for decision. No decision shall be made by the Commission without the concurring vote of at least a majority of the members of the full Commission.

C. Meetings. The Commission shall meet as required at the call of the Chairman or any three members.

D. Powers and duties of the Commission. In addition to the other powers and duties granted to the Commission by this Chapter, the Commission shall have the following powers and duties:

(1) To determine whether any subject structure and the site at which it is located, should be designated as an historical site.

(2) To determine whether any applications or requests for alterations to any historical site be approved or disapproved.

(3) To retain qualified consultants, including, but not limited to, technical experts, engineers, architects and historians, to advise in the preparation of any plans or projects, or to render assistance and advice in connection with any project to fulfill the duties of the Commission. Any contract to retain such consultants which involves the expenditure of Village funds shall be subject to the approval of the Board of Trustees.

(4) To accept grants, private donations, and other funds, and spend such funds for the purposes for which the Commission was created, such spending to be subject to the approval of the Board of Trustees.

§ 71-4 **Procedures for designation of historical sites.**

A. Any owner of property within the Village may request designation of such property as an historical site by written application to the Commission. Such written application shall be in a form provided by the Board of Trustees for that purpose, or such other form as is acceptable to the Commission. Each such application by an owner requesting designation of property as an historical site shall be accompanied by a nonrefundable fee, in an amount to be established from time to time by resolution adopted by the Board of Trustees, together with such deposits to pay for all Village expenses in connection with such application, as are established from time to time by resolution adopted by the Board of Trustees.

B. The Commission may, on its own motion, initiate proceedings for the designation of an historic site, in which case the owner of the property concerned will be notified immediately by certified mail, return receipt requested, and by first-class mail. Any determination to designate an historic site initiated on the Commission's own motion shall require the signed, written consent of the owner of the subject property in order for such designation to be effective.

Historical site designation may be awarded to the property only after a public hearing by the Commission within a period of 90 days after the public hearing is finally closed unless an owner of the subject property grants the Board of Trustees additional time.

C. The owner of the property under consideration for historical site status shall be sent written notice of all hearings affecting such property, at least 20 days prior to the scheduled hearing.

D. When the Commission approves or denies an application, the Building Inspector -and the owner or owners of the subject property shall be notified in writing by the Village Clerk.

E. When the Commission approves an application for historical site status, the Village shall provide to the owner of the subject property a plaque or monument, the size, shape, style, material and content of which shall be determined by the Board of Trustees, evidencing such status so approved, to be erected at the subject property or on a structure at the subject property and visible to passers-by.

F. When the Commission approves an application for historical site status, the Village shall provide to the owner of the subject property, and the owner shall execute before a notary public and deliver to the Village for recording against the subject property, an instrument prepared by the Village Attorney, in form suitable for recording, evidencing the historical site status assigned to the subject property, which status shall run with the land, along with any related documents required to be signed by the owner to enable the instrument to be made of record against the subject property.

§ 71-5 **Permits for alterations within proposed historical sites.**

A. Upon receipt of notice that the Commission is considering a site or structure for designation as an historical site, the Building Inspector shall not issue any permit for the alteration of said site or structure for a period of 120 days unless prior to the expiration of said period there is a final determination by the Commission that said site or structure has not qualified as an historical site. If within said period the Commission designates the property in question as an historical site, then no building permit shall be issued, except pursuant to § **71-6** of this Chapter.

B. Upon notification that the Commission has designated a site as an historical site, the Building Inspector shall cause such property to be so designated on the Village Zoning Map.

§ 71-6 **Alterations, improvements and new construction in historical sites.**

A. The exterior of any site or structure designated as an historical site shall not be altered except in compliance with the requirements set forth in this Chapter.

B. Any owner of property within the Village that has been designated as an historical site may request to make alterations to such historical site by written application to the Commission. If the Commission does not act upon the application and forward its recommendation to the Board of Trustees within 90 days after the application has been filed, then the application will automatically be submitted to the Board of Trustees for consideration. Such written application shall be in a form provided by the Commission for that purpose, or such other form as is acceptable to the Commission. Each such application by an owner requesting approval to make alterations to an historical site shall be accompanied by a nonrefundable fee, in an amount to be established from time to time by resolution adopted by the Board of Trustees, together with such deposits to pay for all Village expenses in connection with such application, as are established from time to time by resolution adopted by the Board of Trustees. The Commission shall review all plans for the alteration of sites or structures designated as historical sites. No building permit for the proposed activity shall be granted without the approval of the Board of Trustees.

C. It shall be the duty of the Commission with respect to any application to exercise sound historical and architectural judgment to maintain the desirable character of all of the historical sites and to prevent any alteration which is out of harmony with the existing structures, insofar as style, materials, color, line, and detail are concerned, and to prevent any change to the topography or landscaping which would subvert the intent of this Chapter, and thus to prevent degeneration of property, safeguard public health, prevent fire, promote safety, and preserve the beauty and character of the historical sites. In considering any application, the Commission shall take into account, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, materials and colors of the exterior architectural features involved and the relationship thereof to the exterior architectural features of other structures in the immediate vicinity.

D. Moving of structures designated as historical sites may be allowed as an alternative to demolition.

E. Nothing in this section shall be construed to prevent ordinary maintenance or repair with like materials of similar quality and color, of any place, site, or structure designated as an historical site, or to require any remediation of natural aging and weathering of any structure, or portion

thereof that occurs in the ordinary course and that does not impair the function or stability of such structure or portion thereof.

F. New construction shall be consistent with the architectural styles of historical value at the historical site. However, the Commission may approve the construction of structures which have a dissimilar architectural style to that of the historical site, if the Commission determines that such new construction will be in the best interests of the historical site.

G. The Commission shall act upon all plans relating to the exterior features of a structure, for the purpose of approval or disapproval of such proposed exterior features, but shall have only advisory jurisdiction, when requested by the property owner, over interior walls, interior arrangements, and interior structures.

H. Procedures for the review of plans:

(1) Application for a building permit for alterations to any place, site, or structure designated as an historical site shall be made to the Building Inspector, except as provided hereinafter. The application shall state that the property is an historical site. Plans shall be submitted showing the structure in question and also giving its relation to adjacent sites, or structures and the alteration sought to be accomplished. Submissions shall be in such form and quantity as may be reasonably required by the Building Inspector.

(2) The Building Inspector shall forward the application and the plans to the Commission.

(3) The Commission shall then review the plans according to the provisions of this Chapter. In reviewing the plans, the Commission may confer with the applicant or the applicant's authorized representative concerning the building permit.

(4) Notwithstanding any other provisions of this Chapter, if the applicant establishes to the satisfaction of the Commission that there is unnecessary hardship in the strict application of the provisions of this Chapter:

(a) A notice to proceed will be granted if the applicant provides proof acceptable to the Commission that the following facts and conditions exist:

[1] The land or improvement in question cannot yield a reasonable return if the proposed alteration is not permitted; or

[2] That:

[a] The hardship of the applicant is due to unique circumstances; and

[b] The proposed alteration will not alter the essential character of the area; and

[c] The hardship is the result of the application of this Chapter and is not the result of any act or omission by the applicant; and

[d] Any relief granted shall be consistent with the objectives of this Chapter.

(5) The Commission shall make its determination to approve, modify and approve, or disapprove such application and plans within 90 days after receiving the application and said plans, in a written decision setting forth its relevant findings, which shall be provided to the Building Inspector and the applicant. If the Commission fails to act within 90 days of receipt of the application, then the application shall be deemed to have been approved, unless an owner of the property grants the Commission an extension of time to act.

I. This Chapter shall not apply in any case where the Building Inspector or any authorized Village enforcement agency orders or directs the alteration of any improvement in an historical site for the purpose of remedying conditions determined to be unsafe or dangerous to the life, health, safety or property of any person.

J. Any person who causes, suffers or permits the demolition, alteration, erection, construction, reconstruction, repair, conversion, maintenance, or use of any site or structure in violation of the provisions of this Chapter shall immediately restore same to the condition in which same existed before such unauthorized demolition, alteration, erection, construction, reconstruction, repair, conversion, maintenance or use took place.

§ 71-7 **Required maintenance and repair**

A. No owner or person with an interest in a parcel of real property designated as an historical site shall cause, permit, suffer or allow the property, or any portion thereof, or any structure therein or thereon, to deteriorate, decay or to fall into a state of disrepair so as to result in the deterioration or decay of any exterior feature, or of any structural component, which would, in the judgment of the Commission, have a detrimental effect upon the character of the historical site within which the structure is located, or which would, or would be reasonably likely to, threaten the viability or structural integrity of any structure therein or thereon, or any portion of any such structure. Nothing herein is intended or shall be deemed to require any remediation of natural aging and weathering of any structure, or portion thereof that occurs in the ordinary course and that does not impair the function or stability of such structure or portion thereof

B. Every owner and occupant of a parcel of real property designated as an historical site shall maintain in good repair:

(1) All of the exterior portions of any structure on such parcel; and

(2) All interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair.

C. The following shall constitute instances of disrepair or deterioration to a structure that, if caused, permitted, suffered or allowed by an owner or occupant of a designated historical site, shall constitute a violation of this Chapter:

(1) Deterioration or disrepair of exterior walls or any exterior or interior vertical supports;

(2) Deterioration or disrepair of roof or other horizontal members or any portions thereof;

(3) Deterioration of chimneys;

(4) Deterioration of exterior finishes, including walls, fenestration, architectural features;

(5) Water damage to exterior walls, roofs or foundations;

(6) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors; or

(7) Deterioration of any feature of any structure so as to create a condition reasonably likely to threaten the viability and safe condition of the structure or any portion thereof.

D. The provisions of this section shall be in addition to, and not in lieu of, all other provisions of law requiring any such property or structure to be maintained in good repair and safe condition.

§ 71-8 **Penalties for Offenses**

A. Each and every violation of, or failure to comply with, any provision of this Chapter shall constitute a violation, punishable as follows: for a conviction of a first offense, by a fine not more than $_____, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment; for a conviction of a second offense, both of which were committed within a period of five years, by a fine not less than $_____, nor more than $_____, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment; and for a conviction of a third or subsequent offense, all of which were committed within a period of five years, by a fine not less than $_____, nor more than $_____, or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment.

B. The imposition of the penalties in this Chapter shall not preclude the Village Attorney from instituting any appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, demolition, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation (including, but not limited to, requiring a person who violates this chapter to repair, reconstruct and/or replace the place, site, building or structure as it existed before the violation took place) or to prevent an illegal act in violation of this chapter at any premises within the Village."

Section 3. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.