

CHAPTER 6: PROPOSED ALTERATIONS AND NEW CONSTRUCTION OF STRUCTURES AND LANDSCAPES IN THE RIVERDALE HISTORIC DISTRICT.

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6-01 INTRODUCTION. The purpose of these rules is to establish the Landmarks Preservation Commission's regulatory policy in the Riverdale Historic District.

The Riverdale Historic District which was developed as an early railroad suburb is characterized as a distinct area of the city by its dramatic and verdant topography and its fine examples of nineteenth and early twentieth century dwellings and carriage houses. The houses and other buildings in the district are harmoniously sited within the landscape and are separated from each other by Landscape Improvements.

Landscaping in the Riverdale Historic District provides the picturesque setting which is a defining element of a romantic style suburb of the nineteenth century. Landscape Improvements such as trees, stone walls and hedges, used to define property lines, and additional plantings within the expansive gardens and alongside the houses, add to the special character of the Historic District.

The district contains 34 buildings of varied type and age. The development of the Riverdale Historic District is important in understanding the district's historical character. Originally, the area was comprised of only seven estates which were served by a common carriage alley (Sycamore Avenue). All of the estates were developed in the 1850's. Several early estate houses remain, as well as stables and carriage houses (later converted for residential use). The configuration of these estates remained intact until 1935, when the original parcels began to be subdivided for development. Four new houses were built between 1935 and 1938. No new buildings were built thereafter until 1950. From 1950 to 1980 twelve new structures were constructed. These newer structures are stylistically diverse but are generally compatible with the older buildings in terms of their placement, height, materials and finish.

6-02 DEFINITIONS. As used in these Rules the following terms shall have the following meanings:

Addition. "Addition" shall mean an extension or increase in the floor area or height of a building that increases its external dimensions.

Commission. "Commission" shall mean the New York City Landmarks Preservation Commission as established by Section 3020 of the New York City Charter.

Demolition. "Demolition" shall mean the dismantling or razing of all or part of an existing Improvement or significant Landscape Improvement.

Improvement. "Improvement" shall mean any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment other than a Landscape Improvement.

Landscape improvement. "Landscape improvement" shall mean a physical betterment of real property or any part thereof, consisting of natural or artificial landscaping, including but not limited to grade, terrace, body of water, stream, rock, hedge, plant, shrub, mature tree, path, walkway, road, plaza, wall, fence, step, fountain, or sculpture.

Landmarks Law. "Landmarks Law" shall refer to New York City Charter Section 3020 and Chapter 3 of Title 25 of the Administrative Code of the City of New York.

Landmarks Preservation Commission. "Landmarks Preservation Commission" shall mean the Commission acting in its agency capacity to implement the Landmarks Law.

Mature tree. "Mature tree" shall mean any tree with a trunk diameter of 12" or greater.

Modification. "Modification" shall mean any work to an existing improvement or landscape improvement other than (a) ordinary maintenance or repair; or (b) any Addition.

Permit. "Permit" shall mean any permit other than a Notice to Proceed issued by the Landmarks Preservation Commission in accordance with the provisions of the Landmarks Law.

(a) "PMW" shall mean a Permit for Minor Work as defined by Section 25-310 of the Landmarks Law.

(b) "CNE" shall mean a Certificate of No Effect as defined by Section 25-306 of the Landmarks Law.

(c) "CofA" shall mean Certificate of Appropriateness as defined by Section 25-307 of the Landmarks Law.

Pre-1940 building. "Pre-1940 building" shall mean any building in the Riverdale Historic District built, in whole or in part, prior to January 1, 1940 including buildings which have undergone subsequent remodeling and alterations.

Post-1939 building. "Post-1939 building" shall mean any building in the Riverdale Historic District built on or after January 1, 1940.

Public thoroughfare. "Public thoroughfare" shall mean any publically accessible right of way including, but not limited to a street, sidewalk, public park, and path.

Significant architectural feature. "Significant architectural feature" shall mean any character-defining external component of a building including, but not limited to, the kind, color and texture of the building material and the type and style of any window, door, light, sign, and other fixture appurtenant to any Improvement.

Significant landscape improvement. "Significant landscape improvement" shall mean any landscape improvement which is a character-defining element in its historic district, contributing to the special aesthetic and historic character for which the district was designated, and including but not limited to those landscape improvements identified as landscape features in the designation report.

Special Natural Area District. "Special Natural Area District" shall refer to a Special Purpose District designated by the New York City Planning Commission pursuant to Article X, Chapter 5 of the New York City Zoning Resolution which is mapped in areas where outstanding natural features or areas of natural beauty are to be protected.

6-03 STATEMENT OF REGULATORY POLICY. (a) In regulating modifications and additions to any existing Improvement and construction of any new structures or any work affecting landscape improvements in the Riverdale Historic District, the Landmarks Preservation Commission seeks to preserve the Riverdale Historic District's important landscape qualities and special architectural and historic character.

(b) In the Riverdale Historic District, the Landmarks Preservation Commission finds that the houses and other structures which make an important and significant architectural contribution to the Riverdale Historic District are those built, in whole or in part, before 1940.

(c) In assessing whether proposed work is compatible with the special characteristics of the Riverdale Historic District in terms of the placement, style, size, material and finish of such work, the Landmarks Preservation Commission shall consider such work's proximity to any significant landscape improvement or pre-1940 building and how it may physically or visually impact the building or landscape improvement. The Landmarks Preservation Commission shall also consider the extent of the proposal's visibility from a public thoroughfare.

6-04 MODIFICATIONS OF AND ADDITIONS TO EXISTING BUILDINGS.

(a) Applications for proposed work. An application shall be filed for any proposed modification or addition to any existing improvement or the construction of any new structure within the Riverdale Historic District for review by the Landmarks Preservation Commission and no work shall commence until the Landmarks Preservation Commission has issued a permit approving such work.

(b) Pre-1940 buildings. (1) The Landmarks Preservation Commission shall issue a CNE or a PMW for the following:

(i) Any addition to an existing structure which does not result in damage to or cause the demolition of a significant landscape improvement and which is to be situated in such a way as not to be visible from a public thoroughfare.

(ii) Any modification to an existing structure which:

(A) does not result in damage to or cause the demolition of a significant architectural feature or significant landscape improvement; and

(B) which is compatible with the existing structure's special architectural characteristics in terms of the placement, style, size, materials and finish of such modification.

(2) The Landmarks Preservation Commission shall consider an application for any of the following types of work as a request for a Certificate of Appropriateness (CofA) and shall hold a public hearing on such application:

(i) Any addition which is visible from a public thoroughfare.

(ii) Any modification or addition which does not meet the criteria for issuance of a PMW or CNE set forth in Subsection 6-04(b)(1) above, including any modification or addition which would result in damage to or cause the demolition of a significant architectural feature or significant landscape improvement.

(c) Post-1939 building. (1) The Landmarks Preservation Commission shall issue a CNE or a PMW for the following:

(i) Any addition to an existing structure which does not result in damage to or cause the demolition of a significant landscape improvement and which is to be situated in such a way as to not be visible from a public thoroughfare.

(ii) Any addition to an existing structure which:

(A) although visible from a public thoroughfare does not result in damage to or demolition of a significant landscape improvement; and

(B) is compatible with the special characteristics of the Riverside Historic District in terms of placement, height, roof line, materials and finish of such addition.

(iii) Any modification to an existing structure which:

(A) does not result in damage to or cause the demolition of a significant landscape improvement; and

(B) is compatible with the special characteristics of the Riverside Historic District in terms of its materials and finish.

(2) The Landmarks Preservation Commission shall consider an application for any of the following types of work as a request for a Certificate of Appropriateness and shall hold a public hearing on such application:

(i) Any addition or modification which results in damage to or causes the demolition of a significant landscape improvement.

(ii) Any addition or modification which does not meet the criteria for the issuance of a PMW or CNE set forth above in subsection 6-04(c)(1).

6-05 REGULATION OF LANDSCAPE IMPROVEMENTS.

(a) Actions not Subject to Regulation. (1) The Landmarks Preservation Commission shall not regulate ordinary and beneficial landscaping activities which are in accordance with accepted horticultural practice such as pruning, planting of seasonal flower beds or vegetable gardens, or planting of ornamental shrubs or trees.

(2) The Landmarks Preservation Commission shall not regulate the placement of portable garden furniture nor the installation of any temporary enclosures such as a tent for a party or reception.

(b) Modification of Landscape Improvements. (1) The boundaries of the Riverdale Historic District lie entirely within the Riverdale Special Natural Area District. These rules are intended to work with and complement the Riverdale Special Natural Area District zoning.

(2) The Landmarks Preservation Commission shall regulate any modification to the landscape of the Riverdale Historic District which involves the installation of any permanent fixture or the construction of any structure or paved area or which would cause the demolition of, or have an impact on, any significant landscape improvement. Such work shall include:

(i) modification to or construction of any wall, step, path, drive, railing, fence, gate and gate post, permanent garden structure and pavilion, sidewalk and street gutter;

(ii) any change which affects or impacts upon a hedge or Mature Tree as well as any excavation or fill in a slope exceeding 15 percent; and

(iii) the installation of a new paved area, patio or deck.

(3) The Landmarks Preservation Commission shall issue a CNE or a PMW for the following landscape modifications:

(i) Work which does not result in damage to or demolition of any significant landscape improvement.

(ii) Work which in terms of placement, style, size, material and finish is compatible with the special characteristics of the Riverdale Historic District.

(4) The Landmarks Preservation Commission shall consider any application for a proposed landscape modification which does not meet the criteria for a CNE or PMW set forth above in subsection 6-05 (b)(3) as a request for a Certificate of Appropriateness (CofA) and shall hold a public hearing on such application.

(c) Applications for Proposed Work. An application shall be filed for any proposed work having an effect on any landscape improvement within the Riverdale Historic District for review by the Landmarks Preservation Commission and no work shall commence until the Landmarks Preservation Commission has issued a permit approving such work.

6-06 CONSTRUCTION OF NEW STRUCTURES. Any application for a new structure shall be considered as a request for a Certificate of Appropriateness and shall be reviewed at a public hearing. In determining the appropriateness of any new structure the Landmarks Preservation Commission shall take in to consideration such new structure's location, its proximity to and impact on any pre-1940 building or any significant landscape improvement, its placement into the landscape, and its compatibility with the visual and architectural character of the Riverdale Historic District. Additional considerations shall include the new structure's proximity to a public thoroughfare and the extent of its visibility from a public thoroughfare.