

# CITY OF HUDSON

## ARCHITECTURAL AND HISTORIC BOARD OF REVIEW

### ADMINISTRATIVE RULES

The following Rules (the “Rules”) shall govern the meetings of the Architectural and Historic Board of Review of the City of Hudson as established pursuant to Section 9.06 of the Charter and as modified pursuant to Section 2.06 of the Conditions of Merger:

1. Meetings. Meetings of the Board are scheduled to allow compliance with required notice provisions of the Zoning Code and the Charter. All meetings shall be open to the public, and notice shall be given in accordance with the provisions of City Ordinance No. 94-22.
  - (a) Regular Meetings shall normally occur on the second and fourth Wednesday of each month at 7:30 p.m. in the Meeting Room of the Town Hall. The Board may at any time and by vote, change the time or place of, or cancel, its regular meetings.
  - (b) Special Meetings shall be scheduled by the Chair for hearings or reviews requiring additional time or meeting space. The date, time, and location of any such Special Meeting shall be as determined by the Chair.
  - (c) Work Sessions shall be scheduled by the Chair for purposes of education and enrichment. Topics and/or speakers shall be chosen by the Chair. No business shall be conducted, nor shall any application be reviewed or acted upon at a Work Session. The date, time, and location of any such Work Session shall be as determined by the Chair.
2. Attendance. Board members shall attend all Board meetings. Board members unable to attend any Board meeting shall notify the Chair or the Community Development Office staff (the “Staff”), so that the Chair can verify that a quorum will be present at said meeting. If a

Board member is absent from three (3) or more consecutive regular meetings without justifiable excuse as determined by the Chair, the Board may, by vote, recommend that Council pursue removal of said member pursuant to Section 10.01 of the Charter.

3. Officers - Chair. At the first regular meeting in each calendar year, the Board shall elect one of its members as Chair, one of its members as Vice-Chair, and one of its members as Secretary, and such officers shall serve in such capacity until the first regular meeting of the following calendar year. In the event of a vacancy before the expiration of the term for which the Chair, Vice-Chair, or Secretary is elected, the office shall be filled by vote of the Board at the next regular meeting after the vacancy has occurred.
4. Subcommittees. As the same meeting at which officers are elected, the Chair shall appoint two (2) members to the Design Subcommittee for development in District 6 and 8, which shall function as required in the Zoning Code. The Chair may from time to time appoint additional subcommittees as the Chair deems desirable. Unless otherwise given a definite duration by the Chair, a subcommittee shall be deemed dissolved at the end of the calendar year. The Chair, however, may dissolve a subcommittee at any time. For the purpose of these rules, subcommittee meetings shall be considered as and shall be subject to the same notice requirements and sections of these rules as the special meetings of the Board and shall be scheduled by the subcommittee chair.
5. Action. Except as otherwise provided in the Zoning Code or these Rules, and subject to any quorum requirements thereof, action of the Board on any application shall require a concurring affirmative vote of a majority of the members present and voting on that application.
6. Order of Business. All meetings of the Board shall be open to the public. The business of a regular meeting of the Board shall be taken up for consideration and disposition in the following order:

- a) Call to Order. The Chair or, in the absence of the Chair, the Vice-Chair, or in the absence of both the Chair and Vice-Chair, the Board member present who has served on the Board for the longest number of years, shall take the chair at the hour appointed for the meeting and shall immediately call the Board to order and shall serve as Chair pro-tempore for the meeting.
- b) Roll Call. The Chair or its designee shall then call the roll of the members in random order, except that the Chair shall be called last, and the names of those present and those absent shall be entered in the minutes.
- c) Public Comment. The Chair shall then call on any person in attendance who wishes to comment on any item on that meeting's agenda. The Chair may limit the amount of time any person may speak. The Board is not obligated to respond to any questions or comments.
- d) Consent agenda
- e) Old business;
- f) New business;
- g) Other business;
- h) Minutes;
- i) Staff Update;
- j) Adjournment.

The order of business of a special meeting or work session of the Board shall be as determined by the Chair. The order of business of any meeting of the Board shall be reduced to writing by the Staff under the heading "Agenda" and shall be posted as may be required by applicable City ordinances. Applications, of any kind, may be included on an agenda only when all applicable application requirements, including without limitation, those listed in the Zoning Code, Zoning Resolution, Submittal Requirements, Subdivision Regulations, those contained in these Rules, and have been met in full by a date no later than one (1) week prior to the date of the meeting.

- 7. Reading and Approval of Minutes. Unless a reading of the minutes of the prior meeting is requested by a member of the Board, such minutes may be approved without reading if each member has been previously provided a copy.

8. Procedure for Applications.

- (a) All applications shall be in writing and filed with the Zoning Inspector as required in the Submittal Requirements as most recently approved by the Board.
- (b) All applications shall be accompanied by the documents and other information required by the Submittal Requirements, and such additional documentation or information required in the Zoning Code, Zoning Resolution, and Subdivision Regulations.

(c) Submissions shall be made in accordance with the requirements of the Planning and Zoning Code of the Codified Ordinances. Unless all required plans, drawings, and exhibits are complete, staff may refuse to place an item on the agenda.

- (d) Prior to placement of an application for new construction on an agenda, the City Engineer shall review the item for compliance with drainage and other site requirements as outlined in the Codified Ordinances. Unless the City Engineer is satisfied that the drainage and other site requirements as outlined in the Codified Ordinances have been complied with, an application shall not be placed on an agenda.

- (e) No application shall be heard by the Board until the applicant has complied with the above conditions.

9. Burden of Proof; Representation; Discussion.

- Standards;
- (a) The burden of proof is on the applicant to establish compliance with all applicable rules and requirements, including without limitation, the Architectural Design Standards;
  - (b) The applicant may appear in person or be represented by another person;
  - (c) The Chair shall determine the procedure for debate, discussion, and other consideration of any application or other item of business properly before the Board at any meeting or work session. Without limiting the generality of the foregoing, the Chair may at any time and from time to time:
    - (i) limit the length of time or the number of times an applicant, its designated representative, or other person may speak in any meeting or work session; and
    - (ii) declare any speaker out of order and prohibit any further comment from such speaker during such meeting or work session.

Subject to the foregoing provisions, given the volume of applications and the need to allocate time in a way so that all applicants have reasonable access to the Board, the Chair may limit consideration at a meeting of each application or other item properly before the Board to five (5) minutes. Further procedures for and limits on discussion and questioning by Board members shall be as determined by the Chair.

10. Public Hearings.

When required by any applicable rules or requirements, the Board shall convene a public hearing (“Public Hearing”) at which the following procedures shall be followed. The following procedures shall apply only at a Public Hearing and shall not apply to the

conduct of other meetings or work sessions of the Board, which meetings and work sessions are governed by other provisions of these Rules.

- (a) The Chair shall swear, either jointly or individually, all persons or witnesses giving any testimony or making any appearance or presentation on any matter at a Public Hearing, by asking the following question: “Do you swear that the testimony you shall give on this matter is true, correct and pertinent to the best of your knowledge and belief?” The Chair shall verify that each person or witness has been so sworn.
  
- (b) Subject to Section 12(c) hereof, business of the Board conducted at a Public Hearing shall commence in the following order:
  - (i) report or comments from the Staff;
  - (ii) presentation or comments from the applicant;
  - (iii) questioning of the applicant and Staff by the Board;
  - (iv) further comments by the applicant, if any;
  - (v) comments from the public, if any;
  - (vi) discussion among Board members; and
  - (vii) Board action.
  
- (c) Notwithstanding any provision herein to the contrary, the Chair shall determine the procedure for debate, discussion and other consideration of any application or other item of business properly before the Board at a Public Hearing. Without limiting the generality of the foregoing, the Chair may at any time and from time to time:
  - (i) limit the length of time or the number of times an applicant, its designated representative or other person may speak; and
  - (ii) declare any person or witness out of order and prohibit further comment from such speaker during a Public Hearing.

- (d) The Staff shall be responsible for compliance with all legal notice requirements applicable to the Public Hearing. The Board shall determine whether all legal notice requirements have been satisfied.
- (e) The applicant, if any, shall be solely responsible for production and presentation at the Public Hearing of any necessary witnesses, exhibits or evidence.
- (f) The burden of proof on any matter that is the subject of a Public Hearing shall rest with the applicant to establish compliance with all applicable rules and requirements, including, without limitation, the Uniform Architectural Criteria.

11. Conduct

The Commission shall act as a body and not through its individual members. Commission members shall be free to speak publicly and express views and opinions as citizens on any issue, but shall not presume to communicate in any official capacity, whether as a Commission member, for other Commission member(s), or for the Commission as a whole. The Commission may, however, appoint a spokesperson to communicate or represent the official actions of the Commission on a particular issue.

12. Conflict of Interest.

A member who believes he or she has a conflict of interest, whether financial or otherwise, in voting on an application shall notify the Chair upon introduction of said application before the Board and shall, further, physically excuse himself or herself from any and all meetings or parts therein where said application is discussed. A member may choose to present the remaining members of the Board with his or her reasons for believing such conflict of interest exists.

13. Miscellaneous.

- (a) Review of Applications at Regular Meetings.

Subject to Section 11 (c) hereof, applications for Board approval at regular meetings of the Board shall commence in the following order:

- (i) review and recommendation, if any, from the Staff;
- (ii) Board questioning of the Staff and/or the applicant; and
- (iii) Board action.

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~~(b) Voluntary Public Attendance Record. At each meeting or Public Hearing, the Staff shall provide voluntary sign-in sheets with spaces for name, signature, and address for public observers and participants in attendance at such meeting or Public Hearing; provided, however, no public observer or participant shall be required to register or sign in on such sheets.~~

14. Motions; Decision of Board.

An applicant may withdraw an application at any time until a motion and second have been made. Upon review of an application before the Board, any member may make a substantive motion. The motion shall include not only direction (see below), but also a recitation of the findings which support the motion. A second shall be required. Other members may move to amend the motion, with a second and affirmative vote required for any amendment to be included, but the motion may be withdrawn only by the member making the motion. A motion or amendment shall fail for lack of a second.

(a) In the case of applications concerning Historic District areas or Historic Landmark buildings, the Board shall grant or deny a Certificate of Appropriateness for the application. Upon receipt of the recommendation of the Historic District Subcommittee, the Board shall either:

- (i) take a roll call vote on a motion to approve, approve with conditions or modifications, or disapprove the recommendation of the Historic District Subcommittee

- to grant or deny a Certificate of Appropriateness for the application; or
- (ii) table the application until the next regular meeting, except as such action to table may be limited by the Zoning Code.

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- (b) In the case of all other applications, the Board shall either:
  - (i) take a roll call vote on a motion to approve, approve with conditions or modifications, or disapprove the application; or
  - (ii) table the application until the next regular meeting, except as such action to table may be limited by the Zoning Code.
- (c) A member voting against or abstaining from voting on a motion shall state the reason(s) for doing so. An abstention from voting on a motion shall not be counted in the calculation of votes on said motion.
- (d) The Chair or its designee shall then call the roll of the members on the motion at hand, in random order, except that the Chair shall be called last, and the names of those voting for and against, and abstaining from voting on the motion shall be entered in the minutes.
- (e) Where a motion to disapprove an application shall have been defeated, a member in the initial majority shall make a motion to approve either alone or with conditions or modifications. In the event neither a motion to approve or disapprove the same application receives sufficient votes to be carried, the application shall be deemed disapproved, and a member supporting such disapproval shall enter the reasons for such disapproval into the minutes.
- (f) A decision of the Board shall be reduced to writing, and such writing shall set forth the Board's findings in the decision. Each original written decision shall be filed with the record

copy of the minutes of the meeting at which the decision is made, and a copy shall be issued to the applicant upon issuance of the Zoning Certificate associated therewith.

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- (g) A decision of the Board shall be final and effective as of the date when the minutes of the meeting at which the decision occurred are approved and signed as provided herein.

15. Record of Proceedings.

- (a) The minutes shall be submitted to the Board in writing for formal approval by the members provided that, after decisions included therein are signed by the Chair and the Secretary, any person may act in reliance upon the same.
- (b) On any occasion that the Chair determines it advisable, any evidence may, in addition to the formal minutes, be recorded by a court reporter to reflect the full testimony and evidence submitted in support of any matter before the Board. A court reporter may interrupt the proceedings at any time to obtain a speaker's name, to require repetition of any statement, or for any other reason that helps to ensure an accurate record of the proceedings.

16. Robert's Rules of Order.

Subject to the other provisions contained herein, for any matters not specifically covered by these Rules, the Board may follow Robert's Rules of Order, but only as they pertain to motions, seconds, discussion, and voting. In the event of any conflict between these Rules and Robert's Rules of Order, these Rules shall govern.

17. Public Comments by Members.

The Board shall act as a body and not through its individual members. Board members shall be free to speak publicly and express views and opinions as citizens on any issue, but shall not presume to communicate in any official capacity, whether as a Board member, for other Board member(s), or for the Board as a whole. The Board, may, however, appoint a spokesperson to communicate

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or represent the official actions or views of the Board on a particular issue.

18. Amendments or Supplements to These Rules.

The Board may at any time make amendments or supplements to these Rules by motion and vote, only after said amendment or supplement has received no less than two (2) presentations to the Board at two (2) separate public meetings of the Board and has been reviewed and approved by the City Solicitor's Office as to legal form.

Amended Rules Effective: \_\_\_\_\_, 2022.

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John Caputo, Chairman

Reviewed and Approved:

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Marshall M. Pitchford, City Solicitor