

**HISTORIC PRESERVATION COMMISSION  
MEETING MINUTES**

**June 1, 2010, 7:30 p.m.  
Delancey Hall**

**MEMBERS PRESENT:**    **Bruce Buchholtz**  
                                  **Debby Moore**  
                                  **Gail Pantezzi**  
                                  **Marcia Rockwood**  
                                  **Steve LaRocca**  
                                  **Susie Thompson**  
                                  **Francis Tuoti, Chairman**

**MEMBER ABSENT:**     **David Talbot**

**ALSO PRESENT:**        **Cynthia Curtis, Planning Board Chairperson**  
                                  **Janice Will, Recording Secretary**

Chairman Francis Tuoti called the meeting to order.

Bruce Buchholtz asked the secretary to add David Talbot's concern about the proposed cell tower on Route 22 to the May 4, 2010 meeting minutes.

To approve the minutes of the May 4, 2010 meeting with addition noted.

***Motion by:***            ***Bruce Buchholtz***

***Seconded by:***      ***Debby Moore***

***All in favor.***

The Chairman thanked everyone, especially Mr. Buchholtz and Susie Thompson, for their efforts to get 3 Spur Street designated an historic landmark.

Stone Chambers

Ms. Thompson said Kay Spear, owner of a stone chamber on Peach Lake Road, has decided not to seek landmark status for the chamber at this time.

Ms. Thompson stated that she spoke to Tim Purdy about a stone chamber on the Homestead property, and he was delighted with the idea of having it designated. Mr. Purdy would prefer not to have the barn designated because he leases the property. Ms. Thompson said she will work on an application with Mr. Purdy if the HPC approves.

Everyone supported the idea.

Ms. Thompson said she has a list of 17 stone chambers in Town.

Gail Pantezzi asked if all the owners have been approached about having the chambers designated historic landmarks.

Ms. Thompson said they have not. She mentioned some people she thinks would be interested, but she also added that some people mistakenly fear that landmark designation will be an encumbrance if they put their property up for sale.

Ms. Pantezzi said it is a good time to send a letter to all the owners of stone chambers, suggesting they consider historic landmark designation of just the chambers and a small perimeter area. She added there is no reason to put these chambers at risk.

The Chairman asked if Ms. Pantezzi would draft a letter, but she replied that she thinks it is up to the Chairman to do this.

Ms. Thompson stated that in Kent all the stone chambers are registered with the State as prehistoric sites, which puts them on a list in Albany/the State becomes aware if they are threatened in some way. She said this can be done without involving property-owners. She commented that this would not make news in Town, but it would put the chambers on the State record. If someone wanted to do something that would threaten a chamber in some way, a red flag would go up in Albany.

Chairman Tuoti asked if the stone chambers are prehistoric.

Ms. Thompson replied that they usually are, but no hard and fast proof is required to register them with the State.

The Chairman asked if it wouldn't aggravate property-owners if the HPC went ahead and listed their stone chambers with the State.

Ms. Thompson answered that it should not, unless someone wanted to remove one.

Ms. Pantezzi commented that Andrea Goode discovered a stone chamber on her property when she was clearing brush. Ms. Goode mentioned that she wanted to plant something on or around it to highlight it, but Ms. Pantezzi advised her not to, as the roots could be harmful to the chamber. She added that now that Ms. Thompson has raised awareness, it would be great to register the stone chambers with the State and send letters to the property-owners about landmarking them.

Ms. Rockwood wondered how Albany would know if a stone chamber was being threatened or even removed by a property-owner.

Ms. Thompson said they wouldn't know under those circumstances, but if the threat was from outside, the State would know.

Chairman Tuoti asked what the difference would be between putting the stone chambers on the State list and designating them locally.

Ms. Thompson said no one except the owners would be aware if the chambers were registered with the state, but if they were designated local landmarks they would be on the list of North Salem landmarks.

Ms. Pantezzi said being on the state registry would only come up in an instance of proposed development and a SEQRA review.

Ms. Thompson said the HPC could do both, and she has the paperwork for registering in Albany. She added that she feels contacting all the stone chamber owners in Town might be a little pushy, and she will start with Tim Purdy.

Chairman Tuoti asked who should register the stone chambers with the State, and Ms. Thompson replied that anyone may do so.

The Chairman thanked Ms. Thompson for her efforts.

#### Potential Historic Landmark

Mr. Buchholtz said he was recently approached by John Caralyus, member of the WECS school board, about the school building. Mr. Buchholtz asked if the school is of any architectural significance.

Ms. Thompson answered that it is not architecturally significant, but it is the site of the first centralized school district in the State which is historically very significant.

Ms. Pantezzi said the school is nearly a prototype of a type of school that was built for years.

Ms. Moore said she has some information about the centralized school district.

Mr. Buchholtz said he thinks Mr. Caralyus will handle the application for historic landmark designation himself.

Ms. Moore said the school board must agree.

Mr. Buchholtz said he has a checklist of things to include in the application which he will share with Mr. Caralyus.

Chairman Tuoti said he thought a completed application for another landmark would be helpful to a new applicant, and Mr. Buchholtz said he will provide a copy of the application for the Mahoney house (Brockmeyer).

#### Next Meeting

The members decided not to meet in July and hold their next meeting on Tuesday, August 3.

#### Historic District Law Revisions

The group discussed including the Purdys train station on the District map. It was decided that as the building is new and not in the original location, it should not be included.

Cynthia Curtis said the Purdy family owned all the land in the vicinity of the train station and there is a condition that if there is no train stop, the land reverts back to the Purdy trust.

Ms. Pantezzi felt this was of historic significance.

Mr. Buchholtz said the current map excludes the tracks and 684.

Ms. Curtis said she thinks the deed restriction runs with only 1 of 4 lots.

Regarding the draft Chapter 132, Ms. Curtis said she feels the question is what is an historic district and why write a new chapter of the law. She pointed out that the existing law (Chapter 130) defines historic districts and regulates them, stating what may and may not be done and providing the procedure for doing anything within a district.

Ms. Curtis explained that she had been working on the Purdys district map with Mr. Buchholtz, and he mentioned the new chapter. She asked why he was working on a new chapter when the existing law already covers historic districts, and Mr. Buchholtz told her that the draft new chapter eliminates regulation and restriction.

Ms. Curtis said that if this new chapter uses the phrase "historic district" there will be a contradiction, because Chapter 130 states what an historic is and how it is regulated, and the proposed Chapter 132 states what an historic district is and that it will not be regulated. Ms. Curtis said using the phrase "area of historic significance" for Purdys and asking the Town Board to designate it as such by resolution would be one thing. Using the terminology "historic district" would be covered by Chapter 130 because it already contains a definition of "historic district". The proposed Chapter 132 implies that Chapter 130 is to be undone. She suggested that if people are resistant to the restrictions of an historic district, the HPC could come up with something in between.

Ms. Moore asked to see a copy of Chapter 130, which Ms. Curtis gave to her.

Ms. Thompson pointed out that she provided copies of the chapter with the sections pertaining to historic districts highlighted in yellow to all the HPC members 3 times and implored them to read the existing law.

Ms. Curtis read parts of Chapter 130 which pertain to historic districts, including the requirement that residents who wish to make changes to their properties must first be granted a Certificate of Appropriateness. She suggested that the HPC could modify the requirements or completely remove them by writing a new chapter. Ms. Curtis said the proposed Chapter 132 might not be acceptable because the Code is about regulation, and Chapter 132 proposed not to regulate things.

Ms. Moore said the paragraph about C of A requirements for all properties within an historic district is the only problem with the existing law and asked if it can't be changed.

Ms. Curtis said it may be, but if it is modified to the point where all conditions are removed, what remains will not be an historic district per the definition in Chapter 130.

Ms. Moore suggested adding a statement that each district will be judged on its own merit and with its own restrictions. She pointed out that Purdys residents are in favor of the district if there are no restrictions.

Ms. Curtis suggested that if a Purdys historic district were created with no restrictions, others in Town will want the same arrangement in the future. She stated that the area could be acknowledged for its historic significance without being designated an historic district.

Chairman Tuoti asked Mr. Buchholtz what he thought.

Mr. Buchholtz responded that he and Chris Brockmeyer (Purdys resident and a lawyer) looked at Chapters 130 and 131 and also researched what other towns do regarding historic districts.

The Chairman asked if other towns have historic districts without restrictions.

Mr. Buchholtz said some have a lot of restrictions, but the HPC as a group didn't like the limitations/felt people would resist being included in such a district. He suggested that maybe people in other towns are more public-minded and feel the designation is good and enhances their property values.

Ms. Curtis suggested starting with a much smaller area in Purdys where 3 designated landmarks already exist and try to expand from there.

Mr. Buchholtz said there is one property right in the middle whose owner will not go along with current restrictions.

Ms. Curtis said perhaps the HPC could lessen the current restrictions somewhat and try to do the whole area.

Ms. Thompson said that is exactly where the HPC started by trying to make inclusion in an historic district more appealing. After talking to people in Purdys, Mr. Buchholtz and Ms. Moore said they learned that property-owners would not go along with any restrictions at all. She said an alternative would be to create a district that does not include all properties.

Ms. Curtis added that the area could be called something else.

Ms. Pantezzi said she liked the idea of calling it something else and leaving the law alone.

Ms. Thompson added that then the new law would not be needed; the HPC would just ask the Town Board to pass a resolution agreeing with them that Purdys is of historic significance.

Ms. Rockwood asked what use such a lesser designation would be, and Ms. Curtis replied that it raises a little red flag. She added that if something were happening in the area (like the proposed cell tower on Route 22), the Planning Board could raise the issue of its proximity to a designated area of historical significance.

Mr. Buchholtz commented that there was more response to the proposed historic district because of the cell tower than at any other time.

Ms. Pantezzi said some kind of threat often gets people interested in historic designation. She said she was loathe to change the existing law because it gives the HPC the power to designate historic districts; in the future there may be a real district that would be protected like historic landmark properties. Ms. Pantezzi suggested calling the current proposal something else.

The Chairman said he liked Ms. Curtis' suggestion that it be called an area of historical significance.

Ms. Pantezzi said even "Historic Purdys Hamlet" would be alright; they simply should not call it an historic district.

Ms. Moore said she would be disappointed not to have a sign stating "Purdys Historic District". She added that she still felt it was simply a matter of changing one chapter in the existing law.

Ms. Curtis said that is not the case: historic landmarks and historic districts are together all through the chapter.

Ms. Moore said she wants a sign; it was pointed out that there may be a sign as long as it does not state "historic district".

Chairman Tuoti asked how this would be handled.

Ms. Curtis said the HPC would request a declaration from the Town Board in the form of a resolution. She added that she will ask Roland Baroni (Town attorney) about it. She said there may be a place for this kind of designation in the Code, but not as a stand-alone chapter. She suggested it might go in "Policies and Procedures". She said she felt that if the Purdys residents want no restrictions at all, the HPC should not pursue historic district designation, but rather some other form of recognition.

Ms. Curtis commented that she told the applicants for the cell tower on Route 22 that an historic district was to be designated soon.

Ms. Pantezzi asked Ms. Curtis where things stand with the cell tower

Ms. Curtis stated that the applicants have not come back to the Planning Board yet, adding that she thinks they are looking at other sites.

Ms. Curtis handed out copies of the latest version of the map of the historic Purdys area, asking for suggestions and changes.

The group discussed what to call the area, and agreed on "Historic Purdys".

Ms. Thompson mentioned that David Talbot should order the plaque for Spur Street Cottage. The secretary will e-mail him.

Ms. Curtis asked if the HPC wants her to speak to Mr. Baroni about the procedure for recognizing Historic Purdys.

The Chairman responded that they do, asking if they need the residents' approval for this kind of designation.

Mr. Buchholtz said residents don't even need to agree to an historic district.

To table the writing of a new Code chapter and ask the Town Board to designate Historic Purdys/not an historic district.

**Motion by: Gail Pantezzi**  
**Seconded by: Steve LaRocca**  
**All in favor.**

Ms. Moore said she still feels the existing historic district law is too restrictive.

Ms. Pantezzi said the Purdys residents should be told that the HPC is doing the best they can with the designation of Historic Purdys, because an historic district requires what is in the law.

Other

Ms. Curtis asked if the HPC is going to get the existing local law certified.

Ms. Thompson said they made some revisions but were waiting to see whether they would also be changing the law so they would only have to go to the Town Board once.

Ms. Curtis asked if the revisions were voted on, and Ms. Thompson said they were. She explained that compliance with CLG requirements only called for a few changes.

Ms. Curtis said either she or Mr. Baroni could put the changes into the form of a local law to be approved by the Town Board as long as the HPC has voted on the changes.

Returning to a topic raised at the last meeting, Ms. Pantezzi said Mr. LaRocca looked but did not find a copy of the annual letter the HPC used to send to landmark-owners, reminding them of their responsibilities and obligations. She said there should be a copy in the HPC files and asked the secretary to look.

Mr. LaRocca said that if a copy of the old letter is not found, he will try to draft a new one to be used.

**Ms. Pantezzi made a motion to adjourn at 8:50 p.m.**  
**All in favor.**

Respectfully submitted,

  
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Janice Will, Recording Secretary