

**HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
April 7, 2015
Delancey Hall**

MEMBERS PRESENT: Debby Moore
John Malone
Gail Pantezzi
Linda Gracie
Francis Tuoti, Chairman

MEMBERS ABSENT: Marcia Rockwood
Steve LaRocca

ALSO PRESENT: Amy Rosmarin, Town Board Member
Susie Thompson, Town Historian
Janice Will, Recording Secretary

The Chairman was running late, so Vice Chairwoman Gail Pantezzi opened the meeting.

Approval of minutes: January 6 and March 10, 2015

Susie Thompson requested 2 changes/corrections to the March 10 meeting minutes, which were noted by the secretary.

***Motion by: Debby Moore
Seconded by: John Malone
All in favor.***

NPS display/Rochambeau

Ms. Thomson stated that the latest update indicates that the exhibits will be ready in June.

329 Mills Road

Ms. Thompson plans to meet with the owners to discuss the possibility of historically-designating this property.

Interest was expressed in another property on Mills Road; Linda Gracie will see if the owners are receptive to historic designation of their house/land.

Cat Ridge Cemetery

Ms. Thompson brought a completed application for historic designation of the cemetery. She stated that the Superintendent of Highways, Ward Hanaburgh, was agreeable to the application.

Gail Pantezzi thought Mr. Hanaburgh had expressed concern about further restrictions on the Town's cemeteries.

Ms. Thompson said the concerns were only applicable to the 2 active cemeteries in Town. She asked the HPC if they were ready to accept the application and set the date for a public hearing.

Ms. Pantezzi asked if the application includes photographs and maps, and Ms. Thompson replied that it does.

Chairman Francis Tuoti arrived at this time.

Ms. Pantezzi asked what kinds of stone were used for the grave markers.

Ms. Thompson said granite, sandstone and marble were all used/she will add this information to the application.

Ms. Pantezzi asked about cement covering the vault in the cemetery, and Ms. Thompson said there is some mortar on it.

Chairman Tuoti stated that most old cemeteries have vaults; they were used to store bodies-in-coffins when the ground was frozen/graves could not be dug.

To propose a public hearing be held on May 5 at which time the application for historic designation of Cat Ridge Cemetery and the site of Cat Ridge Baptist Church will be recommended to the Town Board.

Motion by: Francis Tuoti

Seconded by: John Malone

All in favor.

The secretary will compose a Public Hearing Notice to be run in the northern edition of the Journal News and also present a copy of the notice to the Town Clerk, as the Town is the property-owner.

Certified Local Government Program

Chairman Tuoti asked Ms. Pantezzi to lead the discussion of this subject.

Ms. Pantezzi explained that she sent the HPC a memo in March, spelling out the changes to the Town law that will be necessary for compliance with the NYS CLG program. She said she thinks it is a good thing for the local law to be of a high standard, and State Certification will ensure an added layer of protection if, for example, the owner of a landmarked property is ever sued.

Ms. Pantezzi stated that the State has a model law for towns to follow and encourages towns to raise their level of professionalism and legal standards. She noted that the latest version of the model law contains more about demolition than it used to.

Ms. Pantezzi noted that Ms. Thompson had requested that the HPC also recommend a change to the historic roads law at the same time (Definitions/Stone Walls: remove Celts/Irish monks and replace with Native Americans/pre-Columbian explorers.)

Ms. Pantezzi objected to “pre-Columbian”, but Ms. Thompson said the term is a way of dating. Ms. Pantezzi will check with the State about this term.

Ms. Pantezzi stated that the model law uses the word “remove” as well as “demolish” and “re-locate”, commenting that she is not sure what is meant.

The HPC discussed what they considered examples of removal; Ms. Pantezzi said she will ask someone at the State about it.

Ms. Pantezzi said the local law includes the term “adaptive re-use”, but the model law does not. She pointed out that the North Salem HPC does not deal with use; it is a zoning issue, and she doesn’t know why it is included/she will consult the State.

Ms. Thompson offered an example of re-use (church to art studio), but she also noted that the HPC only deals with the exterior of historic buildings.

Ms. Gracie asked if Ms. Pantezzi’s point was to remove the phrase from the local law because the HPC should not be discussing uses.

Ms. Pantezzi said she wants to ask the State about it because she does not know why it is in the local Ordinance.

Ms. Moore wondered if the word is included in the historic landmark law so that the Board of Appeals will be guided in some way.

Ms. Pantezzi said the HPC never even mentions use/re-use in their resolutions. She said she will seek answers to the questions raised and try to have a proposal ready for the next HPC meeting. She added that she will also draft a letter to Roland Baroni (attorney for the Town) to see if he agrees with what the HPC proposes. Ms. Pantezzi thought she might send the letter simultaneously to the State as well.

Ms. Thompson suggested sending the draft letter to the State first and then to the Town Board. She said it will be an advantage to be able to say to the Town Board that the State approves the changes.

Returning to the subject of moving vs. removing, Ms. Moore said the Annex was moved to the Town office campus from Purdys/relocated but not removed from Town.

Ms. Pantezzi said she will e-mail the HPC after she has done further research/gotten some questions answered.

Chairman Tuoti thanked Ms. Pantezzi for her work on the CLG program.

Other – Historic Designation of western Mills Road

Amy Rosmarin explained that the portion of Mills Road from Bogtown Road to Titicus River Road is owned by New York City. She said there are 2 ways to go about historic designation of a road: (1) by petition of 51% of owners of frontage on the road, or (2) direct recommendation by the HPC without consulting property-owners. Ms. Rosmarin

said she consulted Roland Baroni, and he confirmed that the HPC may do this if they want to.

Ms. Pantezzi remarked that it is politically unwise to recommend designation without consent of property-owners.

Ms. Gracie asked if the HPC has ever done this before, and Ms. Rosmarin noted that there is only one other historically-designated road (Baxter Road).

Ms. Thompson commented that the designation of Baxter Road was mostly supported; the few concerns raised were addressed and satisfied for the most part.

Ms. Pantezzi asked why Ms. Rosmarin would suggest the HPC go about the designation this way.

Ms. Rosmarin explained that when she was in touch with the DEP last year, they said they wanted only the right-of-way designated, which would not include the stone walls. She read from their letter that they do not want to be responsible for maintenance/repair of the stone walls or risk being subject to any kind of restrictions if they want to make any changes or improvements, including tree removal to keep the area safe for recreational use. The DEP suggested some kind of land-use permit might be employed if the Town wants to perform any kind of maintenance/repair of the stone walls. She pointed out that the Code includes stone walls in designation of historic roads, but there is nothing about responsibility for maintaining them.

Ms. Thompson thought the designation could be recommended the usual way with inclusion of the DEP paragraph about what they want to be free to do.

Ms. Pantezzi thought the HPC could simply add a statement that the HPC would encourage the DEP to leave the stone walls as they are, adding that no one is likely to repair the walls.

Chairman Tuoti said the DEP might disturb the walls if they wanted to create a new boat access-way.

Ms. Rosmarin pointed out that the walls are on the north side of the road/the boat accesses are on the south side.

Ms. Thompson remarked that the DEP has never been destructive; they remove trees sometimes, but the Town can't stop them.

Ms. Rosmarin said a distance of 35 ft. from the center of the road was wanted for the historic designation; sticking to the right-of-way would be 33 ft.

Ms. Pantezzi counselled against fighting New York City. She said she thought the HPC should accept the DEP's proposal that just the right-of-way be designated, adding that they can't protect the stone walls any way.

Ms. Gracie asked what Ms. Rosmarin had wanted to include that the DEP objected to.

Ms. Rosmarin said the historic designation of the eastern portion of Mills Road is 35 ft. from the center of the road or to the stone walls, whichever is farther. She added that the DEP was not being asked to do anything, but the Town would not want them to take down the stone walls.

Ms. Moore suggested the Town could take responsibility for the stone walls, but Ms. Thompson thought they should not want to do that because the City might require the Town to repair them.

Ms. Pantezzi said the Town would need a separate permit or agreement to repair any stone walls if the City owns them.

Ms. Thompson thought the HPC should just ask, in the resolution, that the walls not be removed, without any requirement to repair them.

Ms. Gracie said it seems as though the DEP does not want to be restricted in any way by the Town.

Ms. Rosmarin said all the HPC needs to do is send them a notice of the Public Hearing, and she handed out copies of a Notice, a draft Resolution and a brief history of the road. She read from the resolution that the boundary is to be the right of way on the north side and to the right of way or to the stone walls, whichever is farther.

Ms. Thompson suggested making the designation to the stone walls; private residents own the land on the other side of the walls.

Ms. Rosmarin pointed out that the stone walls on the south side are not continuous; and, on the north side, there are actually stone walls in the reservoir, left from pre-reservoir times.

Ms. Pantezzi stated that she would prefer to do what the DEP wants and designate just to the right of way. She added that she did not think the Town Board would support the designation without a petition from property-owners (the DEP) requesting that the designated area include the stone walls. Ms. Pantezzi said the HPC could add a paragraph that the Town recognizes that the stone walls created by the City of New York are a beautiful and important aesthetic feature and hope that the DEP would not demolish them or remove stones from them if possible.

Ms. Gracie understood Ms. Pantezzi's point, but she said she did not see the word "hope" having a place in a resolution.

Ms. Rosmarin said a statement like that suggested by Ms. Pantezzi could be included in the brief history of the road.

Ms. Pantezzi said people in the future will refer to the resolution to see what they may and may not do.

Ms. Gracie remarked that the DEP had only said they do not want to be responsible for maintaining the stone walls, but they have not given any indication that they would do anything to them. She supported leaving the stone walls in the resolution.

Ms. Pantezzi thought that the statement she suggested about recognizing the importance of the stone walls should be included also.

Ms. Thompson could not see the point of designating the road if the walls were not to be included.

Ms. Moore said it would be to prevent widening or straightening of the road; others said that could not be prevented.

Ms. Rosmarin commented that the utility cannot be prevented from doing anything that has to do with the safety of the water supply. Ms. Rosmarin thought the HPC should ask for what they want. Ms. Gracie agreed.

John Malone asked if property-owners know they don't own the walls.

Ms. Pantezzi said she thought most people do know.

Ms. Gracie reiterated her position that the stone walls should be included in the designation, as it establishes the Town's acknowledgement of them.

Mr. Malone agreed, saying they should just include a statement to the effect that the DEP does not need to maintain the stone walls, but the Town hopes they will leave them alone. He added that he thought the DEP needed reassurance that they will not have to repair the walls.

Ms. Thompson noted that the stone walls are included in the historic designation of Baxter Road, and no one was made responsible for maintenance of them.

Ms. Rosmarin added that there is nothing in the Historic Roads chapter of the Code about responsibility for maintenance of stone walls. She read that no stone walls or bridges may be removed except as necessary to provide access.

Ms. Pantezzi read from the DEP's letter that they do not want to need approval from the Town if they find they need to make a change for which reason they thought it best to make the historic designation just to the right of way.

Ms. Rosmarin pointed out that boat accesses are all on the north side of the road/the stone walls are all on the south side.

Mr. Malone said that was a good enough reason to include the walls/the stone walls will not prevent the DEP from doing anything on the water side of the road.

Ms. Gracie said that if the DEP comes to the public hearing and objects to inclusion of the stone walls, the designation can be changed.

Ms. Pantezzi recommended informing the DEP in advance of their plan to include the stone walls and ask what they think.

Ms. Rosmarin said that can all come out/be discussed at the public hearing, and Ms. Thompson added that the HPC could wait months for an answer in advance.

Ms. Rosmarin said the DEP could just keep making the area narrower and narrower.

Ms. Gracie thought the designation at the public hearing might not be objected to.

Chairman Tuoti was also not in favor of sending anything in advance to the DEP, saying the public hearing is a chance to ask for changes.

Ms. Pantezzi did not approve of this approach, commenting that the DEP had made their position clear already.

Ms. Moore thought the HPC could just add a sentence that there will be no restrictions placed on the DEP.

Ms. Rosmarin said the Code includes some restrictions.

Ms. Gracie asked why Ms. Pantezzi was against including the stone walls and going ahead with the public hearing.

Ms. Pantezzi was concerned that a situation would arise wherein the Town Board is asked to contemplate the HPC trying to force something that the DEP has made clear they do not want, resulting in bad press and a negative impression of historic preservation. She went on to say that the City of New York does not want any restrictions; designation to the right of way is good and will keep the road dimensions the way they are. Ms. Pantezzi thought the HPC should take advantage of what the DEP is offering.

Ms. Moore pointed out that it had already been said that the DEP cannot be prevented from doing something to the road.

Ms. Pantezzi agreed that this is true, but she felt the historic designation of the right of way would serve as a kind of stop sign/give them pause before they do anything. She said she had never thought they would consider any designation at all, and the HPC should take what's been offered.

The group discussed wording for the resolution.

Ms. Rosmarin read, "North Salem recognizes that the safety of the water in the Titicus Reservoir is of prime importance and that anything the DEP must do to protect that resource would be allowed if Mills Road became a historic road. "

Ms. Pantezzi objected to use of the word allowed/it should not sound like the DEP needs the HPC's permission. She said the DEP also needs to be able to do things relating to recreation on the reservoir.

Ms. Thompson commented that there is only recreational use of the reservoir because the State insisted on it.

Ms. Pantezzi thought there was better wording in the letter from the DEP, and she read from it, "... concerned that restrictions could be placed on the DEP that prevent them from conducting operations needed for water supply purposes."

Chairman Tuoti suggested a way of re-wording it, and Ms. Rosmarin composed another one.

Ms. Thompson suggested Ms. Rosmarin take some time to work on the wording/the HPC does not need to have the public hearing in May. The Commission may look at the resolution again with Ms. Rosmarin in May and plan to hold the public hearing in June.

Ms. Rosmarin referred the HPC to the brief history of western Mills Road written by Ms. Thompson. She said she also wrote up a draft letter from the HPC to the Town Board, using the one for eastern Mills Road as a template.

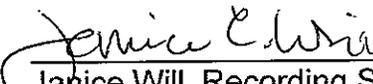
Ms. Pantezzi asked if the application form had been filled out.

Ms. Rosmarin said she did not fill out the form/it wasn't submitted last time.

The Historic Preservation Commission all thanked Ms. Rosmarin for her efforts.

The meeting was adjourned at approximately 6:35 PM.

Respectfully submitted,



Janice Will, Recording Secretary