

**HISTORIC PRESERVATION COMMISSION  
MEETING MINUTES**

January 5, 2010, 7:30 p.m.  
Delancey Hall

**MEMBERS PRESENT:** Bruce Buchholtz  
Gail Pantezzi  
David Talbot  
Steve LaRocca  
Susie Thompson  
Francis Tuoti, Chairman

**MEMBER ABSENT:** Debby Moore  
Marcia Rockwood

**ALSO PRESENT:** Janice Will, Recording Secretary

Chairman Francis Tuoti called the meeting to order. He asked if there were any comments on the minutes of the December 1, 2009 meeting.

Gail Pantezzi requested some changes for clarification, which the secretary will make. Ms. Pantezzi also asked what map was used when the HPC outlined the potential Purdys historic district because she felt there were errors on the map.

Bruce Buchholtz said they used the tax map, adding that it might not have been up to date.

Susie Thompson said it would be easy enough to get a new one.

Approve December 1, 2009 meeting minutes with requested corrections.

**Motion by:** Gail Pantezzi  
**Seconded by:** Bruce Buchholtz

**All in favor.**

Announcements/Miscellaneous

Ms. Thompson stated that she received a call from Chris Brockmeyer (Purdys resident and former Town Board member) offering to help the HPC with the Purdys historic district and also to help interested Purdys residents with historical research. Ms. Thompson said she would like to invite Mr. Brockmeyer to a meeting so he can tell the HPC what he can do to help, if the others agree.

Ms. Thompson next informed the other members that the group proposing a cell tower for a site in Purdys are moving forward, and they will go before the Planning Board this week. She explained that they will also be making application to the Board of Appeals for a variance. Ms. Thompson stated that members of the HPC should go to the Board of

Appeals hearing to speak out against the variance application. She added that there has been no balloon test yet, but the HPC should go and observe once a test is scheduled. Chairman Tuoti thanked Ms. Thompson for bringing the group up to date, and he asked if the HPC should vote to invite Mr. Brockmeyer to a meeting.

It was agreed that Ms. Thompson will keep Mr. Brockmeyer up to date, but the HPC will not invite him to a meeting until they are farther along with the historic district law.

The Chairman stated that the latest 2 drawings by Mike Bonelli (D.D. Smith House and Margaret M. Mahoney houses) are done, and the secretary has them in her office. Chairman Tuoti asked if the drawings should be framed.

It was pointed out that none of the other drawings have been framed because the Town Board did not approve the allocation of funds to do so.

Chairman Tuoti said the drawings should all be kept in one place.

Ms. Pantezzi said she would like to inspect any storage locations considered, and Ms. Thompson said the drawings will be safe in the file cabinet in her office.

Ms. Thompson said the vault at the Highway Department would also be quite safe, and it is climate-controlled.

The Chairman asked if the HPC needs permission to store things in the vault, and Ms. Thompson replied that they do not/she can use the vault when she wants to.

Ms. Pantezzi said she will look into purchasing an acid-free box to place the drawings in for storage.

Chairman Tuoti asked the secretary to bring the 2 new drawings to the next meeting so the HPC members may see them.

The Chairman said the HPC needed to vote for a Chairman and Vice Chairman. He asked the others if they wanted to form a nominating committee and vote at the next meeting or just vote at this meeting.

Ms. Pantezzi asked if Chairman Tuoti and Vice Chairman Bruce Buchholtz would be willing to continue in their positions, and both replied that they would.

Nominate Francis Tuoti and Bruce Buchholtz to serve as Chairman and Vice Chairman, respectively, of the Historic Preservation Commission for the year 2010.

**Motion by:** *Gail Pantezzi*  
**Seconded by:** *Steve LaRocca*

***All in favor.***

### Changes to Historic Preservation Law to Include Historic District

Chairman Tuoti said the HPC would next focus on changes to the historic preservation law.

Ms. Thompson pointed out that the HPC already approved the changes necessary for Certified Local Government status, but they still need to send the proposed changes to the Town Board. Now they must decide whether to add historic district law to the existing law or write a separate law chapter.

Chairman Tuoti said the existing law describes historic district already, but Ms. Thompson pointed out that it does not address the questions of those who might participate in such a district.

Ms. Pantezzi mentioned that the HPC had gone over Mr. Buchholtz's work on the subject at the December meeting. Based on what was said by Debby Moore (a Purdys resident), it was felt that general guidelines would be more amenable to other Purdys residents than strict requirements.

Chairman Tuoti commented that Mr. Buchholtz's draft historic district law was Purdys-specific.

David Talbot said he recalled that the HPC members present at the meeting thought it would be best to offer guidelines but not specific limitations.

Ms. Thompson said these kinds of guidelines are already mentioned all throughout the existing law.

Mr. Talbot said they should see if, based on Mr. Buchholtz's work, there is anything that should be added to the existing law.

It was agreed that the law should state that boundaries of an historic district need to be delineated and approved.

Mr. Buchholtz said he spoke to numerous experts on the subject, and there are 4 important factors: (1) the historic district must be designated by the HPC; (2) the boundaries must be delineated; (3) participation should be voluntary; and (4) most existing laws include contributing and non-contributing buildings and sites. Mr. Buchholtz said the HPC could choose to exclude from the map properties whose owners do not wish to participate in the historic district as an alternative to creating a district comprised of contributing and non-contributing properties.

Ms. Thompson expressed concern about lots within the district not participating, commenting that their owners could do anything they choose with their property.

Ms. Pantezzi asked how some properties could be skipped, and Mr. Buchholtz reiterated that either the district boundaries may be altered or properties may be listed as contributing or non-contributing.

Mr. Buchholtz said he thought that if it is easy to participate in the district, people would want to do so.

Mr. LaRocca pointed out that the existing law states that anyone with property within an historic district must apply for a Certificate of Appropriateness for any proposed construction.

Ms. Pantezzi said this was the kind of thing that Ms. Moore said would be a problem when dealing with Purdys residents.

Chairman Tuoti asked how the HPC would handle properties whose owners do not want to participate.

Mr. Buchholtz explained that some towns define which lots within the district boundaries are participating.

The Chairman asked if all included must be historic buildings, and Mr. Buchholtz said no.

Mr. Buchholtz stated that he would prefer listing non-contributing properties to drawing the boundaries around such properties to eliminate them.

Chairman Tuoti said the HPC must either alter the existing Chapter 130-6 (Certificate of Appropriateness) or consult the Town Attorney (Roland Baroni) to see just what it means for property-owners.

Ms. Pantezzi suggested that either they offer Mr. Baroni specifics or ask someone like Julian Adams (NYS Office of Parks, Recreation and Historic Landmarks), who is an expert on historic designation.

Mr. Buchholtz said he has spoken to Mr. Adams, who told him historic districts can be handled either by incorporation into existing law or by addition of a separate chapter.

Chairman Tuoti said the HPC needs to know how to handle those who do not wish to participate.

Mr. LaRocca reiterated that the existing law states that a Certificate of Appropriateness is required for any new construction within a historic district.

Ms. Thompson commented that that may be too stringent even for those who wish to be in the district.

Mr. Talbot said the requirements for districts and historic landmarks should be different. He suggested asking for a Certificate of Appropriateness application while also stating that approval will not reasonably be withheld. He said the purpose is to issue guidelines but not to enforce requirements (see Chapter 130-5 I). Mr. Talbot said non-landmark property-owners could come to the HPC for guidelines, but the HPC would not enforce them.

Ms. Thompson commented that the HPC members need to study the parts of the existing law that pertain to historic district before they decide on changes/additions.

Mr. Talbot pointed out that the law says nothing about enforcement, but it needs to be clear what a non-landmark property-owner may do on property that is within an historic district.

Mr. Buchholtz said that when a property-owner applies for a Building Permit, the Building Inspector would notify the HPC, who would then ask for a Certificate of Appropriateness application.

Mr. Talbot said that would be as strict as the requirements for landmark-owners, and nothing in the existing law relates to non-participating properties.

Ms. Thompson said the HPC will need to be able to tell people what they can and cannot do within an historic district.

Mr. LaRocca said he would prefer to go with voluntary participation and alter the boundaries accordingly, so that all properties within the district must co-operate/provide C of A's. He also mentioned that the current law doesn't cover "visibility".

Mr. Talbot said the HPC could keep compliance voluntary, but ask people to co-operate; if a property is in the historic district but is not a landmark, the HPC could offer guidelines/recommendations instead of requiring a C of A. He added that altering the boundaries of the district would require dealing with each individual property.

Ms. Pantezzi suggested asking Julian Adams for definitions for contributing and non-contributing properties within a historic district.

The Chairman said he thought this would be better than having an irregular district boundary.

Mr. Talbot agreed, saying that altering the boundaries would detract from the district designation. He stated that all properties should be included, but the choices available to non-contributing properties need to be decided upon.

Chairman Tuoti asked if everyone preferred contributing/non-contributing properties to an irregular boundary.

Ms. Thompson said Chapter 130-5 I is pretty reasonable as is; the HPC could write the guidelines ahead of time so residents of the potential district will know what will be required.

Mr. Talbot agreed, saying that the HPC should make the district designation firm but provide guidelines that are merely recommendations.

The Chairman commented that there could be a need for different guidelines for each district to be designated.

Ms. Thompson stated that 130-6 A's requirement that all properties within a historic district get Certificates of Appropriateness for all construction is too much to ask. She said maybe it would be necessary to make the law kinder to districts than to individual properties.

Ms. Pantezzi said it would be easiest to say that non-contributing property-owners do not have to get C of A's.

Mr. Talbot said the guidelines could be described as suggestions and not enforceable.

Mr. LaRocca commented that he always thought that guidelines were for the HPC to use.

Re configuration of the district, Ms. Thompson commented that the Town Board would probably prefer that all properties within the boundary be included.

Mr. Talbot said the HPC could issue a C of A for contributing properties and guidelines for non-contributing properties.

Ms. Pantezzi said the HPC must make the district law easy to understand.

Chairman Tuoti asked why a property-owner would choose to be contributing if they will be included in the historic district anyway.

Ms. Thompson suggested asking Chris Brockmeyer to help with these issues as he is a lawyer and historic landmark-owner as well as a Purdys resident.

It was agreed that Ms. Thompson will call Chris Brockmeyer, and Chairman Tuoti and Mr. Buchholtz will meet with him to discuss the historic district aspect of the law. The secretary will provide them with the minutes of this meeting.

Mr. LaRocca listed the main points:

- Make participation voluntary but maintain the district boundary.
- Those who voluntarily participate are considered contributory and will get Certificates of Appropriateness.
- Those who do not volunteer to participate in the district are considered non-contributory and will be offered guidelines (or be left to do what they wish?).

Mr. Talbot said it needs to be added that inclusion in the historic district is not voluntary, but different procedures will be followed within the district.

Mr. Buchholtz offered to e-mail copies of other towns' laws to the rest of the members.

The Chairman said he will call Mr. Brockmeyer to arrange the meeting.

Mr. LaRocca said that structuring the law so that property-owners may be contributing or non-contributing should ease the way for creation of the historic district.

Ms. Pantezzi commented that people get emotional and not rational. She said they fear government interference with their rights as property-owners.

Ms. Thompson expressed concern that they could end up with a historic district composed of 4 contributing and 20+ non-contributing property-owners.

Ms. Pantezzi said it is a place to start. She added that people don't realize that historic designation provides protection by the local government against cell-towers, etc.

Mr. Talbot agreed, saying historic designation is a protection rather than a restriction.

It was agreed that the Chairman and Mr. Buchholtz will try to meet with Chris Brockmeyer before the next HPC meeting.

#### Other

Ms. Pantezzi told the group of her concern over the fate of St. John's Chapel, which the Catholic Church ultimately intends to sell because a new church is to be built at Kennedy High School in Goldens Bridge. The Church thinks the chapel should sell for around \$1 million. Ms. Pantezzi said the chapel, built around 1916, has beautiful stained glass windows and a large mural.

While it was agreed that it would be a shame to lose the chapel, it was also felt that the Archdiocese would be most unlikely to permit the HPC to designate it a landmark.

Chairman Tuoti said given that the Archdiocese wants \$5 million raised in pledges and will then help the local churches secure a loan of \$10 million for a total estimated construction cost of \$15 million, it will probably be several years before anything happens.

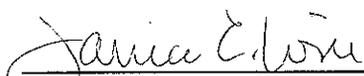
Next Meeting: Tuesday, February 2, 2010.

The Chairman stated that the revisions to the historic preservation law will be submitted to Julian Adams for approval or advice on changes at some time after the meeting with Chris Brockmeyer.

Gail Pantezzi moved to adjourn the meeting at approximately 9 p.m.

All in favor.

Respectfully submitted,

  
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Janice Will, Recording Secretary