

PUBLIC HEARING
September 28, 2016

At 8:00 p.m. Supervisor Schiliro stated that the Public Hearing that was adjourned on July 27, 2016 would reconvene in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of North Castle will hold a Public Hearing on Wednesday, July 27, 2016, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider establishing landmark designation, pursuant to Chapter 195 of the Town Code, entitled Landmarks Preservation, of the Gazebo, the Millennium Wall and the surrounding land within a 50 feet radius of the center of the Gazebo and the land on the west side extending in a width of 100 feet to Maple Avenue. The property is located at Wampus Brook Park, Mt. Kisco Road/Maple Avenue, Armonk, New York and known on the North Castle Tax Maps as 108.01-6-20.

ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the North Castle Town Board
Alison Simon, Town Clerk

Dated: July 6, 2016
Armonk, New York

The Town Clerk noted that four photographs of the Gazebo and two photos of the Millennium Wall were received since the public hearing was opened on July 27, 2016.

Susan Shimer, Chair of the Landmarks Preservation Committee, appeared before the Board and provided information regarding the history, architecture, and characteristics of the Gazebo, as detailed in the Committee's written report. Ms. Shimer said that designating the property as a landmark would enhance the Bedford Road Historic District and ensure that it will have the parkland and the gazebo adjacent to it. Ms. Shimer displayed photographs of the new Gazebo which was reconstructed in 2015, noting that it remains faithful to the design and concept of the original gazebo constructed in 1967. She cited the criteria for a landmark as per its definition in Section 195-2 of the Town Code, stating that the Gazebo is representative of a style of a period, is clearly significant to the community, and has a special character.

Ms. Shimer said that the Landmarks Preservation Committee also seeks to preserve adjacent areas. She said it is vital that the Town has for its future generations not just a structure of the Gazebo, but also the feel of the area and style in which it belongs. Displaying photographs of the Millennium Wall, Ms. Shimer said the Wall should also be saved and noted that it is within the 50 foot radius of the center of the Gazebo. Also displayed was a photograph of the plaque, affixed to the Gazebo, which honors the Armonk Lions Club for its sponsorship of the Gazebo's construction in 1967.

Christine Eggleton, Vice Chair of the Committee, displayed a plan of the Gazebo and adjacent land, and outlined the area proposed for landmark designation which includes the two sides of the Millennium Wall and the brook. In response to a query from Supervisor Schiliro, Ms. Shimer confirmed that the designation would include the 100 foot width to Maple Avenue, to ensure the view of the Gazebo from the street would not be blocked at a future time, but would not include the street. In response to a query from Councilman Berra, Ms. Eggleton confirmed that the bridge in Wampus Brook Park is not included in the surrounding land nominated for landmark designation.

In response to a query from Supervisor Schiliro, Ms. Shimer said that when the main house of the Breezemont Day Camp was landmarked, the front lawn to Cox Avenue was included in the landmark designation.

Councilman DiGiacinto said that while she understood why the Committee wanted to landmark, noting that the Town has historically protected the Gazebo and revered its architecture, she

expressed some concern that the designation could tie the hands of a future Town Board many years from now with regard to what could and could not be done with the park. In response to a query from Ms. DiGiacinto, Town Attorney Roland Baroni said that the wetland buffer is currently 100 feet, and a permit would be needed from either the Town Engineer or the Planning Board to build another structure in front of the Gazebo. Ms. DiGiacinto added that it is sometimes difficult for property owners to move forward with a repair on a landmarked property.

Ms. Shimer said there is no question that land marking ties people down in the future, but its purpose is to preserve the past. She said that the new Gazebo was built largely using materials so that there would not be the deterioration as has been seen with other landmarked properties. She said that while a wetland buffer is required today, with new technology, it may not be required in the future. Ms. Shimer said there is much land in the Town that is open for future generations to do other things. She said to let us save a little of the past which is our future.

In response to a query from Councilman D'Angelo, Ms. Shimer said that if the original gazebo was landmarked and collapsed during its repair and restoration, there would be no obligation to rebuild it. She added that if the Town's Building Inspector certifies that a structure is dangerous, it can be demolished and there would be no obligation to rebuild.

In response to a query from Supervisor Schiliro, Ms. Shimer said if the Gazebo and adjacent land were to be land marked, the approval of the Landmarks Preservation Committee would be required to build a monument within the landmarked area. If the Committee rejected the proposal for a monument, its decision could be appealed to the Town Board which could approve it.

In response to a query from Councilman Berra, Ms. Shimer said that is the position of the present Committee members that it is acceptable to use newer materials to repair a landmark if the resulting appearance were the same. If there were an objection by the Committee to the materials to be used, the objection could be appealed to the Town Board. In response to further queries from Mr. Berra, Ms. Shimer said that land marking is recognition of historic value, and is designed under the ordinance to make it more difficult to forget history. She said it is possible to make changes to a landmark in the future.

Councilman Berra said that the property being considered is very important to many people and the land marking is worthwhile. Mr. Berra said if the Town is asking others to landmark their properties, he thought it should lead by example.

Linda Fernberg, member of the Committee, said that the landmark status provides an extra level of security; and it is not the Committee's intention to impose restrictions. Ms. Fernberg said that if someone wanted to change a landmark in the future they could probably find a way to do it. She said she did not see the harm in land marking and said it may restrict a playground next to the Gazebo which would be an incongruent use.

Sharon Tomback spoke as Co-Town Historian in support of the landmark designation. Ms. Tomback cited the Elijah Miller House as a current example of how historic preservation does not work, noting that the current County administration decided it was not going to put money into it. She said that land marking in the Town does not lock it into anything except for a social or ethical obligation that is important to the people of the Town, rather than a political or legal obligation. Ms. Tomback said that, with regard to historic preservation, the term streetscape refers to the ability to view from the street that which is landmarked, and said that the intention of the Committee is to protect the streetscape. She urged the Board to approve the landmark designation.

Ed Woodyard spoke in support of the landmark designation and said that the Gazebo is a symbol of the Town.

Supervisor Schiliro said he agrees that the Gazebo should be protected and he understands the sentiment to protect the land around it. The Supervisor said his concerns are what the Town may need or want to do in the future which might be prevented or be more complicated, such as deciding that Maple Avenue should be one way, dredging the brook, or other changes that may be considered. Mr. Schiliro said he would like the landmark designation to be thought through as much as possible, and said there may be other locations in the County that have had similar

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situations. He plans to walk and measure the 50 foot radius around the Gazebo and encouraged the Board members to do so the same, and asked the Board to consider the designation further before voting on it.

In response to a query from the Supervisor, Mr. Baroni advised that the road could only be widened within the constraints of the right of way, and it could not extend onto parkland. Councilman Berra said that consideration could be given to including the area up to the brook in the designation, but not including the brook itself.

Mr. Baroni said he is researching whether or not the Town can landmark something that is already on dedicated recreation land. He noted that the Town cannot sell parkland.

In response to a query from Supervisor Schiliro, Ms. Shimer said that ordinary maintenance, such as landscaping and cutting back brush, is expected and required in a landmarked area.

In response to a query from Ed Lobermann, Ms. Shimer said there is a procedure to seek a permit to demolish a landmark which is normally used for a hardship situation.

Mr. Baroni said that he thought a future Town Board through a new public hearing could vote to undesignate a property. Ms. Shimer said it was not in the ordinance, but she agreed with Mr. Baroni.

After all persons were heard who desired to be heard, Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be adjourned at 8:54 p.m. and reconvened at the October 26, 2016 meeting.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Alison Simon, Town Clerk

Dated: October 7, 2016