

**THE REGULAR MEETING OF THE HISTORIC PRESERVATION COMMISSION OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, NOVEMBER 28, 2018 AT THE MONTEBELLO VILLAGE HALL. THE MEETING WAS CALLED TO ORDER AT 8:15 PM, FOLLOWED BY THE PLEDGE OF ALLEGIANCE, ROLL CALL WAS TAKEN.**

Roll call.

Members Present: Lisa Levin, Chairperson  
Rosemary Moccio  
Dorice Madronero  
Matt Moetzing  
William Ellsworth  
Craig Long, Village Historian  
Warren E. Berbit, Village Attorney

Chairperson Levin opened the meeting with the approval of the September 27, 2018 minutes. Member Madronero made a motion for approval, seconded by Member Ellsworth. Motion carried.

Chairperson Levin moved on to discuss the news that the Village Board was discussing the merging of the HPC and the Parks Commission. Mr. Berbit indicated that the decision is still in the discussion phase, however, the result appears to be leaning in the direction of merging the two commissions. Mr. Berbit indicated that discussions were revolving around exactly how to merge the two commissions since the HPC was created by local law (enumerated in the Montebello Village Code) and the Parks Commission was created by a resolution. Mr. Berbit recommended that, assuming the two entities are combined, it is done via local law in the same section that already exists that created the HPC, which has recently been amended to include the Historic and Scenic Road District law. Mr. Berbit indicated that it would have to be restructured a little, but call the new combined commission the Historic Preservation and Parks Commission. He cautioned that he has suggested the name and has not necessarily been accepted by the board yet. Mr. Berbit suggested that within the code, there might be a "Part A" listing of everything that is currently within the scope of the HPC and a "Part B" would be the Parks Commission's function, but both entities would come together under one board. There was discussion regarding the size and composition of the combined board. Mr. Berbit indicated that the Village Board did not want anyone to lose his/her position because of the merger of the two commissions. The Village Board concluded that the size of the combined board would be nine full members plus one ad hoc member. There was also some discussion regarding having dual chairpersons for the first couple of years of the new commission. HPC chair would likely oversee the meetings when the agenda was primarily preservation-related and the Parks chair would likely oversee meetings when the agenda was primarily parks-related. The leadership of the new commission might also evolve into a Chair/Vice Chair situation. Discussion is still ongoing.

Member Ellsworth asked about the reason behind merging the two boards. Mr. Berbit explained that there are growing questions as to why the Village needs a Parks Commission – that it has accomplished what it was formed to do and that all of the parkland has been developed and improved. The Parks Commission would oversee maintenance of the parks, however, other than that function, there is not necessarily a need for a stand-alone commission. The Village Board does appear to be leaning in the direction of combining the HPC and the Parks Commission. If it does go through, the next question would revolve around how the Historic and Scenic Road District law would be affected by the combined commission and how it operates. There is a commonality of attitude between the HPC and the Parks Commission regarding the preservation of the built and scenic resources within the village that make it logical to merge the two commissions.

Discussion about the new trail names for the Ponds Park trails. The HPC was very happy to hear that the final trail name choices related to the history of the Montebello area. Member Madronero suggested that if, in fact the HPC and Parks Commission are merged, perhaps one of our first combined efforts would be to create and install markers or information boards explaining the history of the names chosen for the trails. She also suggested that perhaps we expand upon simply highlighting the names and add more about the overall history of the area since there are a lot of people who frequent the park and it would be a good location for this type of information. This would combine the efforts of the HPC and the Parks Commission in associating the natural area with the history of the village.

Chairperson Levin asked about the potential impact that the combined boards would have on CLG grant applications. She asked if the HPC would then have to coordinate with the Parks Commission about what the HPC would like to do or whether that concern was a bit premature. Mr. Berbit indicated that if the two boards were combined, both entities would have an opinion about what is ultimately submitted for grants. Member Madronero mentioned that a merged board would actually model after the NYSHPO, which is listed under the New York State Parks and Recreation department.

Mr. Berbit fought against disbanding the Parks Commission altogether, so the merging of it with the HPC was a compromise that was palatable to the Village Board. His opinion is that sophistication of the Parks Commission's function will only increase as we find more and more ways to use the facilities and properties that we do have. As an example, Mr. Berbit cited the two houses/properties that were acquired by the Village (on Lake Street) that were severely damaged by the hurricane/flooding. Currently, the houses have been knocked down and the properties are only grass, however, in the future, something park-related could be made of these properties. He also mentioned that there are two acres on Bayard Lane on the river that could be made parkland. There are also environmental matters that need to be monitored each year and maintained with the DEC annually – someone has to be responsible for these items.

Discussion then moved to the issue of whether the Historic and Scenic Road District law triggers anything regarding maintenance of a non-designated building that lies within 250ft of the center line. An example cited by Chairperson Levin is the Blind Players Club house and the adjacent Camp Montebello property. Even though they are not designated and are privately owned, they are not being maintained according to Village Code, including the Historic and Scenic Roads law. Chairperson Levin posed the question because when she met with Linda Mackey (NYSHPO) in September for the annual audit, Linda asked if there were any structures in the Village that the HPC is concerned about. The property has thrown up red flags for the last few years since the fire necessitated boarding up the windows and doors and threw the question of next steps for the property into question. Mr. Berbit indicated that the Village does have the power of eminent domain if the HPC could think of a legitimate public purpose for the property. However, a taking of the property by the Village would have to pay the appraised value of the property and then the question of funding for rehabilitation would be an issue for the Village. Mr. Berbit stated that the first test for a taking would be if there was a proper public purpose that could be suggested for the property. The second test would be the what the property is worth. Mr. Berbit indicated that back in the infancy of the village, there was some discussion of taking that property for Village Hall. Member Ellsworth mentioned that if you take it, you have to maintain it (rehabilitation plus ongoing maintenance). The board agreed that there would have to be a genuinely legitimate reason and proposed use in order to justify the taking. Member Ellsworth stated that we could designate it without the owner's blessing and require owner to maintain the property. Mr. Berbit stated that there is some case law on the issue of adverse/unwilling historic designation that it might represent a taking where the Village would have to pay a loss in value to the owner as then the owner would be limited in what they could do with the

property moving forward and that the property might not be worth as much upon resale. Mr. Berbit continued saying that the other theory is that if a property receives a designation status, one percent might pay more for it but likely 99 percent would pay less for it due to the limitations placed on the property.

Chairperson Levin moved on to update the board on the local historic landmark condition inspections. The building inspector and the Village code enforcer performed their inspection on the Ryan Mansion and has issued his report. Member Madronero commented that the Ryan Mansion is currently on the market. Member Moccio asked if the condition report will lead to repairs of the property. Chairperson Levin answered that yes, the owner has been issued a request from the building inspector that condition issues must be repaired in a timely manner. Building inspector and code enforcer will monitor the progress and report back to HPC regarding remediation.

Chairperson Levin mentioned that the Building Inspector has also scheduled a condition inspection of Village Hall and will issue his report as soon as it is completed. She moved on with an update on the Fant Farm condition remediation. The building inspector, the code enforcer and Spence are monitoring the progress and will return for additional inspections that include the Fant Farm house as well as the barns and property. They will also make sure any additional outbuildings are also flagged for condition issues – basically every historic structure on the property will be inspected for violations. As of now, the entire property is in violation for lack of maintenance. The building inspector has indicated that the next time he does a property inspection, the engineer and code officer will be present and will also be citing the owner for car, debris, etc. that he deems in violation of the landmark conditions mandate. Member Moetzinger suggested that they look at original photos of the farmhouse because there are awnings that need to be restored that simply aren't evident any more. He indicated that the house needs to be restored back to its original state when the property was designated. The HPC agreed. Member Moetzinger remarked that the tarps are still up on the barn and the house (#253) and that currently, the property is like a junkyard with garbage everywhere.

Discussion then moved to the site plan for development on 84-86 Viola Road. Members looked over most recent site plan for large community center building. Presentation to Village Board is pending.

With no further discussion, Member Moccio motioned to adjourn meeting, seconded by Member Madronero.

Meeting adjourned at 9:45pm.