

**February 28, 2024**

**TUCKAHOE HISTORIC PRESERVATION COMMISSION**

**Village Hall – 6:30 p.m.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

<b>Present:</b>	Jennie Steinhagen	Chairperson
	Peggy Belles	Member
	Greg Luisi	Member
	Samara Abrams	Member
	Ladislao Castellanos	Member

**Also In Attendance:**

Gary Gjertsen	Village Attorney
John Sullivan	

**Chairperson Steinhagen announced the agenda as follows:**

**Item #1** – Approval of minutes from the January 3, 2024 meeting

**Item #2** – To determine the approval or denial of the Certificate of Hardship application for 230 White Plains Rd a/k/a “The Ward House”

**Item #3** – Public Hearing to consider the landmark nomination for 1 Generoso Pope Place a/k/a/ “Historic Village Hall” & “The Generoso Pope Building”

**Item #1**      **Approval of minutes from the January 3, 2024 meeting**

**Chairperson Steinhagen requested a motion to approve the minutes from the January 3, 2024 meeting.**

**Member Belles motioned to approve the minutes from the January 3, 2024 meeting.**

**Member Abrams seconded the motion, which was carried unanimously with a vote of 5-0.**

**Item #2        To determine the approval or denial of the Certificate of Hardship application for 230 White Plains Rd a/k/a “The Ward House”**

**Chairperson Steinhagen asked if there was a resolution on the approval or denial of the Certificate of Hardship application for 230- White Plains Road, a/k/a “The Ward House”**

**Member Belles offered the following resolution in the form of a motion.**

## **CERTIFICATE OF HARDSHIP RESOLUTION**

Action by the Tuckahoe Historic Preservation Commission

Resolution Date: February 28, 2024

A RESOLUTION TO DENY THE CERTIFICATE OF HARDSHIP FOR THE TUCKAHOE LOCAL LANDMARK AT:

230 White Plains Road, Tuckahoe, NY 10707

a/k/a: “The Ward House”

We, the duly appointed members of the Tuckahoe Historic Preservation Commission, do this 28th day of February 2024, adopt the following resolution:

WHEREAS on June 9, 2022, the Tuckahoe Historic Preservation Commission voted unanimously in favor of recommending to the Tuckahoe Village Board of Trustees that the property at 230 White Plains Road be designated a Tuckahoe local landmark and on August 8, 2022, the Tuckahoe Village Board of Trustees voted unanimously in favor of designating the property at 230 White Plains Road as a Tuckahoe local landmark; and

WHEREAS on July 20, 2023, the Tuckahoe Historic Preservation Commission voted unanimously to deny a certificate of application for the demolition of 230 White Plains Road that had been received by the Tuckahoe Building Department on April 10, 2023; and

WHEREAS, per Section 9(a) of the Tuckahoe Historic Preservation Legislation, “an applicant whose certificate of appropriateness for a proposed demolition, removal, relocation, or alteration of a landmark, resource, or property has been denied may apply for relief on the grounds of economic hardship;” and

WHEREAS, the Tuckahoe Historic Preservation Commission received a completed certificate of hardship application for 230 White Plains Road from the Tuckahoe Building Department on September 27, 2023 and announced the opening of a Public Meeting for review and discussion of the application at its meeting on September 28, 2023; and

WHEREAS Public Meetings on the certificate of hardship for 230 White Plains Road were held on October 25, 2023, and January 3, 2024 at Tuckahoe Village Hall; and

WHEREAS, in order to prove the existence of economic hardship, the applicant is required to document each of the eight different criteria provided in Section 9(a);

WHEREAS, the Tuckahoe Historic Preservation Commission has made the following findings of fact concerning the proposed application:

“Insufficient and inadequate information was presented to the Tuckahoe Historic Preservation Commission to substantiate claims that the structure at 230 White Plains Road, Tuckahoe, NY, a/k/a the Ward House, qualifies for relief on the grounds of economic hardship. Specifically,

- 1) CRITERIA: *“The landmark is in a serious state of disrepair, which is not due to the waste or neglect of the property owner”*

FINDING - On July 20, 2023, the Tuckahoe Historic Preservation Commission determined that no credible information was presented to substantiate claims that the structure at 230 White Plains Road presents an imminent and unavoidable threat to the public health, safety, and welfare. To the contrary, information was provided by a qualified historic preservation architect, from a review of the certificate of appropriateness application and additional materials, that the structure is stable. This assessment that the structure is stable was confirmed by the architectural firm hired by the owner of 230 White Plains Road at the Tuckahoe Historic Preservation Commission’s Public Meeting on May 24, 2023.

- 2) CRITERIA: *“The alleged hardship is not self-created (a hardship is self-created when the applicant acquires the property subject to the restrictions from which the applicant seeks relief), which factor alone shall not preclude the approval of a certificate of appropriateness”*

FINDING - The following is the timeline of events leading up to the designation of the Ward House as a Tuckahoe local landmark:

- Concordia College announces it will close – January 28, 2021
- Tuckahoe Board of Trustees begins public discussions at their monthly meetings on the fate of the historic Ward House, a Concordia-owned property since the 1940s. The Tuckahoe Board of Trustees agrees to look into creating a Historic Preservation Task Force – March 8, 2021
- Tuckahoe Board of Trustees approves a resolution creating Tuckahoe’s Historic Preservation Task Force – May 10, 2021
- Tuckahoe’s Historic Preservation Task Force publishes online a list of sites that it will specifically consider for designation as local landmarks. Included on this list is the Ward House – May 19, 2021
- Tuckahoe’s Historic Preservation Task Force and members of the Tuckahoe Village Board attend a meeting with the NY State Historic Preservation Office to discuss creation and passage of historic preservation legislation – June 23, 2021
- Tuckahoe’s Historic Preservation Task Force submits draft historic preservation legislation for review by the Tuckahoe Board of Trustees (multiple drafts) – Summer 2021
- Tuckahoe Board of Trustees passes a six-month Historic Buildings Moratorium preventing demolition of all structures designated in Tuckahoe’s Comprehensive Master Plan as historic. Included in this list is the Ward House – August 31, 2021
- The Ward House is purchased by Biggest Fish LLC as one of a bundle of multiple properties (later subdivided) – September 1, 2021

- Tuckahoe Board of Trustees opens a Public Hearing to consider the draft historic preservation legislation presented by the Tuckahoe Historic Preservation Task Force – November 8, 2021
- Tuckahoe Board of Trustees passes Tuckahoe’s Historic Preservation legislation. The Tuckahoe Historic Preservation Task Force becomes the Tuckahoe Historic Preservation Commission – January 10, 2022
- NY State Historic Preservation Commissioner announces, after analysis of documentation detailing the historical, architectural, and cultural significance of the Ward House, that the Ward House is deemed eligible for listing on the National Register of Historic Places and the NY State Register of Historic Places – January 20, 2022
- The Ward House is nominated as a Tuckahoe local landmark – February 10, 2022
- Tuckahoe’s Historic Preservation Commission recommends that the Tuckahoe Board of Trustees designate the Ward House as a local landmark – June 9, 2022
- Tuckahoe Board of Trustees designates the Ward house as a local landmark (exterior) – August 8, 2022

- 3) *CRITERIA: “The local landmark, and the lot upon which it was situated at the time of designation, is incapable of earning a reasonable return as demonstrated by competent financial evidence”*

FINDING - In August 2021, Biggest Fish LLC acquired 230 White Plains Road as part of a bundle from Concordia College as Concordia proceeded with dissolution. The purchase of 230 White Plains Road included the structure at 230 White Plains Road a/k/a the Ward House, which is Section 31, Block 3 Lot 13, as well as an adjacent, vacant, and separate buildable parcel, which is Section 31, Block 3 Lot C. For both the Ward House and the vacant parcel the Town of Eastchester records show that a purchase price of \$651,000 was paid. In June 2022, Biggest Fish LLC transferred the vacant lot to another LLC entity for no consideration. The Tuckahoe Historic Preservation Commission has no information as to the value of the adjacent lot and therefore must assume that it does have value as it is a buildable lot by right. This is important as the Tuckahoe Historic Preservation Commission must determine whether the applicant can realize a reasonable return from the Ward House and the land it sits upon. Since it is unknown how much of the \$651,000 purchase price was allocated specifically to the Ward House, this Commission is unable to conclude exactly what would earn a reasonable return. Insufficient financial evidence in the form of property value appraisals or other related documentation has been provided to the Tuckahoe Historic Preservation Commission for 230 White Plains Road. Insufficient documentation has been provided to the Tuckahoe Historic Preservation Commission to indicate that attempts have been made or offers considered to recuperate the amount paid for the structure, what the structure was worth at the time of purchase, or what the structure might be valued at presently as the basis for earning a reasonable return.

- 4) *CRITERIA: “The landmark cannot be adapted for any other use, whether by the current owner or by a purchaser, that could earn a reasonable return”*

FINDING - Insufficient evidence was provided to the Tuckahoe Historic Preservation Commission to demonstrate that the local landmark and the lot upon which it is situated are incapable of earning a reasonable return either in its current state or after being adapted for any other use, whether by the current owner or a purchaser. The Ward House is located in Residence A-5 District Zone, which permits as of right the following uses: one-family dwellings; municipal parks and playgrounds; places of worship, including parish houses and religious school buildings and schools. The Ward House in its exact same location served for nearly eight decades as faculty and student housing for Concordia College with gallery and exhibit space that was sometimes

open to the public. Prior to that it had served as a residence, a post office, a meeting place for religious services, Loyalist military headquarters during the American Revolution, and a tavern with lodging facilities.

- 5) *CRITERIA: "The alleged hardship is unique and does not apply to other landmarks"*

FINDING - The provisions of the Tuckahoe Historic Preservation legislation are applied to all current and future Tuckahoe local landmarks. 230 White Plains Road is located in a residential zone. 101 Main Street a/k/a "The Washington Hotel," also a Tuckahoe local landmark, has a business on the first floor and also houses residents on the second and third floors. One Generoso Pope Place a/k/a "The Generoso Pope Building," pending a vote for local landmark designation, is a business and cultural facility. It is by no means unique for a single family residence or a business or a cultural facility to be designated a local landmark (or a state or national landmark) and there are many, many examples of such in the United States, New York State, and Westchester County. All of these are required to comply with the legislation once designated as Tuckahoe local landmarks.

- 6) *CRITERIA: "That demonstrated efforts to find a purchaser interested in acquiring the property have failed, including:*

- a) Any listing of property for sale or rent, price asked, and offers received within the previous two years; and*
- b) Testimony and relevant documents regarding: any real estate broker or firm engaged to sell or lease the property, reasonableness of price or rent sought by the applicant, or any advertisements placed for the sale or rent of the property"*

FINDING - Efforts to find a purchaser interested in acquiring the property were deficient and incomplete, specifically because:

- a) the short-term listing of the property was restricted in ways that made it impossible to be found or known to anyone without a special MLS key therefore excluding an unknowable number of potential buyers; and no documentation was provided of offers solicited or considered or rationale provided for why any offers received may not have been considered; and
- b) no testimony or relevant documents were provided regarding reasonableness of price or rent sought by the applicant, or any advertisements placed for the sale or rent of the property

- 7) *CRITERIA: "Cost estimates for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a certificate of appropriateness"*

FINDING - No evidence was provided to the Tuckahoe Historic Preservation Commission to demonstrate that the local landmark could be altered in order to earn a reasonable return other than in a way (the "Restoration Budget") that would result in a financial cost based on the complete gutting and reconstruction of the property in its entirety and in extreme and destructive ways that are inconsistent with the Secretary of the Interior's Standards for Rehabilitation and that are therefore in violation of Section 7(c) of the Tuckahoe Historic Preservation legislation. No other alternatives were presented despite requests from the Tuckahoe Historic Preservation Commission for demonstration of ways to earn a reasonable return.

- 8) *CRITERIA: "Demonstrated attempts to apply for or be qualified for economic incentives and/or funding available to the applicant through federal, state, city, or private programs"*

FINDING - Although some preliminary research was presented to the Tuckahoe Historic Preservation Commission regarding possible grant and economic opportunities, none of these were initiated or followed through upon.

Further, per Section 8(b) of the Tuckahoe Historic Preservation Legislation, ‘no owner or person with an interest in a local landmark or property...shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect upon the property or the character of a historic district as a whole...’ It is incumbent upon the owner of the Tuckahoe local landmark at 230 White Plains Road to ensure that the property does not fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect upon the property.

This Commission has thoughtfully, carefully, and thoroughly considered the provisions stipulated in the Tuckahoe Historic Preservation Legislation and has taken every measure and effort to apply them fairly to the landmark in question within the scope of our abilities and requirements.”

NOW THEREFORE BE IT RESOLVED, that we, the duly appointed members of the Tuckahoe Historic Preservation Commission do this 28th day of February 2024 determine that the Certificate of Hardship for 230 White Plains Road, Tuckahoe, NY, is denied.

**Member Abrams seconded the motion, and upon the roll, the resolution was passed with a vote of 4-1.**

**Item #3          Public Hearing to consider the landmark nomination for 1 Generoso Pope Place a/k/a/ “Historic Village Hall” & “The Generoso Pope Building”**

**Chairperson Steinhagen gave a presentation that touched on the historic value of 1 Generoso Pope Place to the Village of Tuckahoe, while also explaining how the structure meets the criteria for gaining local historic landmark status according to the Tuckahoe Historic Preservation Legislation.**

**Chairperson Steinhagen invited residents to comment on the landmark nomination of 1 Generoso Pope Place.**

Edward Powers expressed his support for preserving the structure at 1 Generoso Pope Place.

Elizabeth Lecky expressed her interest in seeing the Old Village Hall preserved.

David Fuller said he is in favor of preserving the structure at 1 Generoso Pope Place.

Sal Provenzano expressed his support for preserving the structure at 1 Generoso Pope Place.

Edward Powers recounted his memories of President Nixon’s visit to Tuckahoe and 1 Generoso Pope Place.

**Chairperson Steinhagen said that the Commission will keep the public hearing open through the next meeting.**

**There being no further business before the Commission, upon motion duly made, seconded, and unanimously carried, the meeting was adjourned.**