

THREE THOUSAND THREE HUNDRED SEVENTH
LIMITED AGENDA MEETING

Trustees' Room
Village Hall
July 24, 2018

A Limited Agenda Meeting of the Board of Trustees of the Village of Scarsdale was held in the Trustees' Room in Village Hall on Tuesday, July 24, 2018 at 8:30 A.M.

Present were Mayor Hochvert, Trustees Arest, Callaghan, Crandall, Finger, Ross, and Veron. Also present were Village Manager Pappalardo, Deputy Village Manager Cole, Village Attorney Martin, Assistant Village Manager Richards, Deputy Village Attorney Garrison, Village Treasurer McClure, Village Clerk Conkling, and Assistant to the Village Manager Ringel.

The minutes of the Board of Trustees Regular Meeting of Tuesday, July 10, 2018 were approved on a motion entered by Trustee Finger, seconded by Trustee Crandall and carried unanimously.

Bills & Payroll

Trustee Callaghan reported that he had audited the Abstract of Claims dated July 24, 2018 in the amount of \$1,078,065.66 which includes \$37,745.00 in Library Claims previously audited by a Trustee of the Library Board which were found to be in order and he moved that such payment be ratified.

Upon motion duly made by Trustee Callaghan and seconded by Trustee Finger, the following resolution was adopted unanimously:

RESOLVED, that the Abstract of Claims dated July 24, 2018 in the amount of \$1,078,065.66 is hereby approved.

Trustee Callaghan further reported that he had examined the payment of bills made in advance of a Board of Trustees audit totaling \$219,882.31 which were found to be in order and he moved that such payments be ratified.

Upon motion duly made by Trustee Callaghan and seconded by Trustee Ross, the following resolution was adopted unanimously:

RESOLVED, that payment of claims made in advance of a Board of Trustees audit totaling \$219,882.31 is hereby ratified.

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Mayor

Upon motion entered by Mayor Hochvert, and seconded by Trustee Finger, the following resolution regarding the Findings of the Village of Scarsdale Board of Trustees In Connection with the Appeal Application of 6 Fenimore Road, Scarsdale, New York was approved by the vote indicated below:

WHEREAS, The property known as 6 Fenimore Road, Scarsdale, New York is a two story “French Norman” style house with a cottage and detached garage. This single family home was designed by architect Andrew J. Thomas, constructed in 1921, and used by Mr. Thomas as his personal residence. The cottage, also designed by Andrew J. Thomas, was constructed in 1924. In 1950 the detached garage was constructed; and

WHEREAS, By application dated October 19, 2017, the property owners, YT Resolution Services, LLC and Tak Hawaii Inc. (hereinafter the “applicant”), submitted an application to the Committee on Historic Preservation (CHP) seeking approval to demolish the above described buildings and garage; and

WHEREAS, In a decision dated November 21, 2017, after applying the criteria found under Scarsdale Village Code (SVC) §§182-5 and 182-6, the CHP found that the building was of substantial historical importance to the community and denied the request for a Certificate of Appropriateness requiring the preservation of the building; and

WHEREAS, SVC §182-11 provides that any applicant aggrieved by a determination of the CHP may appeal to the Village Board of Trustees. The SVC also provides that during the appeal, the Board of Trustees shall not be bound by the record adduced by the CHP; and

WHEREAS, By letter dated December 21, 2017, the applicant appealed the denial determination of the CHP to the Village Board of Trustees; and

- WHEREAS,** By letter dated January 26, 2018, the applicant requested an adjournment of the scheduled January 29, 2018 hearing before the Village Board of Trustees; and
- WHEREAS,** On June 26, 2018 the Village Board of Trustees held a de novo hearing to determine whether the buildings and garage meets the criteria under SVC §182-5 requiring its preservation; and
- WHEREAS,** during the hearing, the applicant was represented by Lucia Chiochio, Esq. of Cuddy & Feder LLP, White Plains, New York and Philip E. Karmel, Esq. of Bryan Cave Leighton Paisner LLP, New York, New York, and the CHP was represented by Terry Rice, Esq., Suffern, New York; and
- WHEREAS,** the record of proceedings relating to the application includes expert reports by Andrew Scott Dolkart, Professor of Historic Preservation at the Columbia University Graduate School of Architecture, retained by the Village; and
- WHEREAS,** the record also includes reports by George E. Thomas, Ph.D. and Susan Nigra Snyder of the firm CivicVisions and Emily T. Cooperman, Ph.D. of the firm PS&S, retained by the applicant; and
- WHEREAS,** the Village Board of Trustees is familiar with the facts, has reviewed the record, including such expert reports and has visited the site; now therefore be it
- RESOLVED,** in considering the level of significance in American history, architecture, archeology, engineering and culture present in the buildings, as well as the integrity of location, design, setting materials and workmanship, in addition to applying the criteria specified under SVC §182-5, the Village Board of Trustees agrees with many of the conclusions of Professor Dolkart and makes the following findings of fact:
1. That 6 Fenimore Road is a significant architectural structure and is a fine example of a French Norman style house with additional significance in the stylistically compatible original outbuilding, also referred to as the cottage. The two structures display important French Norman features, including the use of rubblestone, steeply sloping roofs, and picturesque massing. The Village Board further finds that the buildings are sophisticated in their use of motifs that present a sense of antiquity, as illustrated in the juxtaposition of the medieval-looking rubblestone wing

with brick facades on the rest of the house, in the use of vitrified burned bricks in the design of the front door with its “ancient” iron details, and in the use of seemingly hand-hewn woodwork with pegs.

2. The Village Board further finds that 6 Fenimore Road has historical significance in location, design and setting. It is located in the Fox Meadow section of Scarsdale that was among the earliest developed with middle-class suburban houses following the electrification of the Harlem Line railroad. From Fenimore Road, the house appears almost exactly as it did when completed in 1921. The cottage or outbuilding remains largely intact. The lot is intact and important features of the planned landscape are still present, including a well and well head, walls and stairs.
3. That 6 Fenimore Road uses materials in a creative manner that is appropriate to a French Norman house and for a house intended to appear as if it had been standing for centuries and had grown over time. The architect’s design combines vitrified brick, a few clinker bricks, rubblestone walls, wood shingles, and extraordinary woodwork, especially at the main entrance and around the windows. Both the materials and workmanship are significant to the appearance of a French Norman style house.

With regard to the additional criteria enumerated in SVC §182-5, the Village Board makes the following findings of fact:

- A. *Whether the building is associated with events that have made a significant contribution to broad patterns of Village, regional, state or national history:*

The Village Board finds that while 6 Fenimore Road was constructed at a time wherein the suburbanization of Scarsdale was taking place after the electrification of the Harlem Line railroad, the record does not support a finding that 6 Fenimore Road has had an important association with events that have made a significant contribution to the suburbanization of Scarsdale. Accordingly, a sufficient nexus does not exist between the building, 6 Fenimore Road, and the suburbanization of Scarsdale to support a finding to warrant landmarking of the building.

- B. *That the building is associated with the life of a person or persons of historical significance.*

Based upon the record, the Village Board finds that 6 Fenimore Road is associated with the life of architect Andrew J. Thomas and that he is a person of historical significance to warrant landmarking of the property. Andrew Thomas was one of the most prominent architects of the 1920's. He specialized in the design of housing, particularly apartment buildings for middle-class and working-class families. Mr. Thomas was a self-taught architect who rose to prominence in his profession. He established himself as a practitioner in the field of planned housing with his innovative work for the Queensboro Corporation. Mr. Thomas is credited as the developer of the "garden apartment." Thomas' six complexes in Jackson Heights have all been recognized as local New York City landmarks and are listed on the National Register of Historic Places, within the Jackson Heights Historic District. In addition to middle-class apartment houses, Thomas designed model tenements for working-class households, many for John D. Rockefeller, including the Dunbar Apartments in Harlem, a complex in Bayonne, New Jersey, and a building on the Grand Concourse in the Bronx that was named after its architect – Thomas Gardens. Both Dunbar Apartments and Thomas Gardens are local landmarks and are listed on the National Register of Historic Places. Thomas also designed a significant number of freestanding houses, including several others in Scarsdale and a large country house for his own use in Montauk, Long Island. He was also responsible for eighty-one houses based upon nine designs, all in the Norman style, for John D. Rockefeller, Jr. in Cleveland Heights, Ohio. All eighty-one houses are listed on the National Register of Historic Places.

In the early years of the twentieth century, few self-taught architects became members of the American Institute of Architects (AIA). However, Thomas became a member of the AIA in 1921, the year that 6 Fenimore Road was constructed. Few self-taught architects were also elected to fellowship status in the AIA, yet Thomas received fellowship status in 1932. Thomas also received a number of prestigious architectural commissions from important clients such as John D. Rockefeller and the Queensboro Corporation. He was the recipient of awards from the New York Chapter of the AIA and was appointed to an important housing commission by New York State. Additionally, a prestigious architecture award is named after Thomas.

Based upon the foregoing and contrary to the applicant's claim, the Village Board finds that Thomas, although a self-taught architect, was more than a rent collector, cost estimator and builder who exploited a loophole and began calling himself an architect before New York State required a registration exam. (See Transcript pages 16-17 and CivicVisions report page 12). In fact, he referred to himself as an architect three years before New York State required a registration exam for architects. Accordingly, the applicants

attempt to denigrate Andrew J. Thomas and his reputation as a prominent architect must be rejected.

Having established that Andrew J. Thomas as an architect and a person of historical significance, the Board finds a sufficient nexus between 6 Fenimore Road and Mr. Thomas's life. It is undisputed that in 1921 Andrew J. Thomas designed 6 Fenimore Road and used it as his primary residence. In fact, the applicant's submission supports the fact that Mr. Thomas designed and resided at 6 Fenimore Road and that he was active in the community, and not transient. (See Cuddy & Feder submission dated December 21, 2017, Exhibit I). Thomas resided at 6 Fenimore Road for more than six years before relocating to New York City. (See Cuddy & Feder submission dated December 21, 2017, Exhibit I; and submission dated June 26, 2018, Exhibit #1, page 33). Based upon the foregoing, 6 Fenimore Road is associated with the life Andrew J. Thomas, a renowned architect of historical significance.

The applicant claims that SVC §182-5(A)(1) is modeled after the similarly phrased criteria found in the National Historic Preservation Law and that the National Register Bulletin provides *insight* on how to apply this criterion. The applicant further claims that that insight should be applicable here. First, the section being addressed herein is SVC §182-5(A)(2), not SVC §182-5(A)(1). Further, while the criteria may appear to be similar, it is not the same and the Village Board has never adopted the National Historic Preservation Law or its guidance. Therefore, the applicant's presumption that the National Historic Preservation Law's guidance is applicable herein is misplaced.

Assuming arguendo that the National Historic Preservation Law guidance or insight is applicable, the guidance suggests that to meet the requirements of SVC §182-5(A)(2), the person must be individually significant within a historical context; properties eligible under this criterion are *usually* those associated with a person's productive life, reflecting the time period when he or she achieved significance. "*In some instances this may be the person's home*; in other cases, a person's business office." Further, the guidance provides that each property associated with an important individual should be compared to the other associated properties to identify those that best represent the person's historic contributions. "The *best representatives usually* are properties associated with the person's adult or productive life." (See Cuddy & Feder submission dated December 21, 2017, Exhibit G).

Here, the guidance suggests that Andrew J. Thomas meets the criterion under SVC §182-5(A)(2). First, the guidance states the person must be

significant within a historical context. There is no question, and the record supports the finding, that Andrew J. Thomas, a self-taught architect, was a prominent architect renowned for designing and pioneering “garden apartments.” He was a fellow with the AIA; received numerous awards from the New York AIA chapter; has numerous of his designs on the National Registry, including eighty-one French Norman style single family residences in Cleveland, Ohio; received prestigious commissions from John D. Rockefeller and the Queensboro Corporation; and was appointed to a special housing commission by New York State.

Based upon the above guidance and the record before it, the Village Board finds that Andrew J. Thomas, as an architect, is individually significant within an historical context. The Village Board further finds that 6 Fenimore Road is associated with the productive life of Andrew J. Thomas as 6 Fenimore was designed by Andrew J. Thomas and used as his personal residence or home for more than six years while he served as an architect designing projects within New York State and elsewhere. Further, in comparing 6 Fenimore Road to some of the other single family residences designed by Andrew J. Thomas, including, but not limited to, an English cottage located at 21 Fox Meadow Road and another located at 8 Fenimore Road, 6 Fenimore Road is distinguished from those residences as it is the only French Norman style single family residence designed by Mr. Thomas in Scarsdale, and it served as his primary residence. There is no evidence in the record that he resided in any of the other French Norman or other styled single family residence designed by him in Scarsdale. Since 6 Fenimore Road is associated with Andrew J. Thomas’ adult and/or productive life as an architect, it meets the above guidance and satisfies the requirements under SVC §182-5(A)(2).

Contrary to the applicant’s claim, to meet the requirements under SVC §182-5(A)(2), the applicable guidance does not suggest that the building must be the architect’s preferred style or must be associated with what the architect is known for, in this case “garden apartments.” Instead, the requirements and guidance simply suggest that the “building” be *associated* with a person of historical significance. Having established that Andrew J. Thomas is a person of historical significance, 6 Fenimore Road, which was designed by Mr. Thomas and served as his personal residence for more than six (6) years is unequivocally associated with his life during the years that he was a prominent and productive architect and satisfies the requirements under SVC §182-5(A)(2).

The applicant’s reliance on the Village Board’s decision in 270 Fox Meadow Road in 2001 is misplaced. In 2001, the Village Board made a determination,

based solely on the record before it at that time, that Andrew J. Thomas's, architectural contribution was limited to garden style apartments. At the time that determination was made, the record before the board regarding Mr. Thomas's architectural work was limited. The information available to the Village Board at that time came in the form of a few newspaper articles. Based upon that record, now established to have been incomplete and with limited information, the Village Board concluded Mr. Thomas' contributions were limited to the design of the "garden apartment."

The record in this instance includes the testimony of two expert witnesses who research and specialize in historical properties. The information provided by both experts, to varying degrees, proves the prominence and historical significance of Mr. Thomas. Specifically, the record includes testimony that Mr. Thomas, a self-taught architect, established himself as a practitioner in the field of planned housing with his innovative work for the Queensboro Corporation. Mr. Thomas's six complexes in Jackson Heights have all been recognized as local New York City landmarks and are listed on the National Register of Historic Places, within the Jackson Heights Historic District. In addition to middle-class apartment houses, Thomas designed model tenements for working-class households, many for John D. Rockefeller, including the Dunbar Apartments in Harlem, a complex in Bayonne, New Jersey, and a building on the Grand Concourse in the Bronx that was named after its architect – Thomas Gardens. Both Dunbar Apartments and Thomas Gardens are local landmarks and are listed on the National Register. Thomas also designed a significant number of freestanding houses, including several others in Scarsdale and a large country house for his own use in Montauk, Long Island. He was also responsible for eighty-one houses based upon nine designs, all in the French Norman style, for John D. Rockefeller, Jr. in Cleveland Heights, Ohio. These properties are listed on the National Register. He became a member of the American Institute of Architects (AIA) in 1921 when few self-taught architects became members. Mr. Thomas was also elected to fellowship status in the AIA 1932, another honor that few self-taught architects received. Mr. Thomas also received a number of prestigious architectural commissions from important clients such as John D. Rockefeller and the Queensboro Corporation. He was the recipient of awards from the New York Chapter of the AIA and was appointed to an important housing commission by New York State. Mr. Thomas was renowned for his design and pioneering of "garden apartments."

Accordingly, the applicant's reliance on the Village Board's determination in 270 Fox Meadow Road, a matter decided based upon limited information almost 18 years ago, is misplaced. In light of the record in this case and

including the new credible evidence and information provided by the experts, to rely upon the determination in 270 Fox Meadow would be in derogation of the record before the Village Board in this case which establishes Andrew J. Thomas's prominence and reputation, and his association with the property in this instance which was his own personal residence.

The applicant also erroneously suggests that the exclusion of 6 Fenimore Road from the 2012 Scarsdale Reconnaissance Level Cultural Resource Survey Report is dispositive of its insignificance. Without conferring with the author, the applicant incorrectly articulates reasons as to why 6 Fenimore Road was excluded from the 2012 Scarsdale Reconnaissance Level Cultural Resource Survey Report. (See Cuddy & Feder submission dated June 26, 2018, Exhibit #5, page 23.) As the Village Board has articulated in many of its prior historic preservation decisions, the Reconnaissance Level Cultural Resource Survey Report was intended to be a “*snapshot*” of some potential historic properties and structures within the Village of Scarsdale, but not all potential historic properties or structures. The report was not intended to be an all-inclusive detailed report. Rather, the report was intended to be an initial review of buildings and structures in anticipation of a potentially more expansive and inclusive report. (See Village Board Decisions in 3 Claremont Road, dated February 13, 2018; 24 Morris Lane, dated July 11, 2017; and 26 Cooper Road, dated October 10, 2017). Thus, the failure to include 6 Fenimore Road in the Reconnaissance Level Cultural Resource Survey Report is not dispositive of its lack of historical or architectural significance.

Moreover, Professor Dolkart, in his hearing testimony before the Village Board explained how and why 6 Fenimore Road was excluded from the 2012 Scarsdale Reconnaissance Level Cultural Resource Survey Report. He explained that the 2012 study was a “phase one survey”, and as was stated in it, “there was a lot more to be found.” He further stated, “I had done a lot of research in architectural periodicals looking for buildings in Scarsdale, and this was published but it’s listed in Hartsdale and so that, of course, got missed.” (See Cuddy & Feder submission dated June 26, 2018 Exhibit #5, page 46). Finally, Professor Dolkart stated, “if information that 6 Fenimore Road was a personal design by Andrew J. Thomas, it would have been included as a proposed individual landmark”, in the Reconnaissance Level Cultural Resource Survey Report. (See Dolkart Report, dated January 2018, page 3).

For all of the reasons stated above, the Village Board finds that 6 Fenimore Road is associated with the life of Andrew J. Thomas, a renowned and prominent architect and a person of historical significance, as it served as his primary residence in Scarsdale for more than six years. Thus, 6 Fenimore

Road warrants preservation based upon the criteria specified in SVC §182-5(A)(2).

C. That the building is the work of a master and embodies the distinctive characteristics of a type, period or method of construction that possess high artistic values.

Based upon information contained in the record, the Village Board finds that 6 Fenimore Road is the work of a master and embodies the distinctive characteristics of a type, period or method of construction that possess high artistic values. The first prong requires determining whether Andrew J. Thomas is a master. A master is defined as a person recognized for greatness in their field and is considered a craftsman of consummate skill whose work rises above and is distinguished from others. (See Village Board Decisions in 3 Claremont Road, dated February 13, 2018; 24 Morris Lane, dated July 11, 2017; and 26 Cooper Road, dated October 10, 2017).

In reviewing the record detailing the life of Andrew J. Thomas, the Village Board finds that Mr. Thomas, a self-taught architect, established himself as a practitioner in the field of planned housing with his innovative work for the Queensboro Corporation. Mr. Thomas's six complexes in Jackson Heights have all been recognized as local New York City landmarks and are listed on the National Register of Historic Places, within the Jackson Heights Historic District. In addition to middle-class apartment houses, Thomas designed model tenements for working-class households, many for John D. Rockefeller, including the Dunbar Apartments in Harlem, a complex in Bayonne New Jersey, and a building on the Grand Concourse in the Bronx that was named after its architect – Thomas Gardens. Both Dunbar Apartments and Thomas Gardens are local landmarks and are listed on the National Register. Thomas also designed a significant number of freestanding houses, including several others in Scarsdale and a large country house for his own use in Montauk, Long Island. He was also responsible for eighty-one houses based upon nine designs, all in the French Norman style, for John D. Rockefeller, Jr. in Cleveland Heights, Ohio. These properties are all listed on the National Register of Historic Places. He became a member of the American Institute of Architects (AIA) in 1921, wherein few self-taught architects became members. Mr. Thomas was also elected to Fellowship status in the AIA in 1932, another honor that few self-taught architects received. Thomas also received a number of prestigious architectural commissions from important clients such as John D. Rockefeller and the Queensboro Corporation. He was the recipient of awards from the New York Chapter of the AIA and was appointed to an important housing commission by New York State. Mr. Thomas was renowned for his design and pioneering of “garden apartments”. While less

known for his single family residences, in designing such he incorporated a diversity of styles, paying attention to the landscape as done in his apartment buildings. The Village Board finds that Andrew J. Thomas is a person recognized for greatness in the field of architecture and is a craftsman of consummate skill that rises above and is distinguished from others. Accordingly, Andrew J. Thomas is a master.

The applicant's claims intended to denigrate Andrew J. Thomas are unsupported and must be rejected. The applicant suggests that because Mr. Thomas was self-taught that he possessed no talents as a designer. In his testimony before the Village Board, the applicant stated that because Andrew J. Thomas was a self-taught architect he could not have drawn on the breadth of cultural knowledge that his contemporary architects had and concludes that he had a lack of design skills and a general lack of architectural knowledge. This assertion is not supported by any evidence and reflects, at best, the applicant's opinion. Moreover, the reality of Thomas's buildings and work belies the accuracy of this statement.

Further, the applicant's experts in their reports and their counsel dismiss Andrew J. Thomas's houses as being architecturally and historically significant, including 6 Fenimore Road, because they are not buildings for which he is best known. Using the National Register criteria, it defines a master as a figure of generally greatness in a field (a description that applies to Andrew J. Thomas) and that a property must express a particular phase in the development of the master's career (evident in the design of the freestanding, suburban French Norman style house at 6 Fenimore Road). Nowhere in the text of the National Register does it state that a building has to be representative of the type of work for which the architect was famous or that Mr. Thomas's detached houses should be dismissed because they are not representative of his most notable achievements.

Also not supported by any evidence is the applicant's claim that, "...*young kids, graduates from Columbia, who come in and work for a couple of years. And my sense is they're the ones who are doing these houses as they come through the office. This isn't Thomas. Thomas tells you that. He tells you with his pride, I'm not an architect, in a sense. I'm not a designer. I am this guy who bootstrapped my way up into money and wealth.*" (See Cuddy & Feder submission dated June 26, 2018, Exhibit #5, page 30). The applicant further speculates by stating the following, "*And again, my guess is that he's got somebody in the office doing these designs.*" (See Cuddy & Feder submission dated June 26, 2018, Exhibit #5, page 31). These claims are tantamount to speculation and are unsupported by any credible evidence that Andrew J. Thomas was not responsible for the design, and therefore could not be considered a master. Such claims ignore that Mr. Thomas was

the architect of record and was ultimately responsible for every design from his office, irrespective of who actually drafted the design. Thus, the Village Board finds that the record establishes that Andrew J. Thomas is a master.

The record establishes that 6 Fenimore Road embodies the distinctive characteristics of a type, period or method of construction that possesses high artistic values. Having reviewed the record and visited the site, the Village Board finds that 6 Fenimore Road is a significant architectural structure and is a fine example of a French Norman style house with additional significance in the stylistically compatible original outbuilding (cottage). The two structures display important French Norman features, including the use of rubblestone, steeply sloping roofs, and picturesque massing. The rubblestone is a feature that occurs on many French Norman houses, providing the illusion that the stones were assembled on the site and used in construction. The contrasting brick is given a burned or vitrified finish, and includes a few modest clinker bricks giving the house an aged quality. The Village Board further finds that the buildings are sophisticated in their use of motifs that present a sense of antiquity, as illustrated in the juxtaposition of the medieval-looking rubblestone wing with brick facades on the rest of the house, in the use of vitrified burned bricks in the design of the front door with its “ancient” iron details, and in the use of seemingly hand-hewn woodwork with pegs. The overall quality of the brickwork is significant and illustrates a method of construction that possess high artistic values.

Further, the alterations to the house and outbuilding (cottage) do not detract from the overall quality of Thomas’s design and 6 Fenimore’s high artistic value. In fact, the building from Fenimore Road visually appears the same and remains intact as it did at the time of construction, in 1921. Additionally, the applicant’s claim that the composition of the house and cottage are “haphazard” and “poorly composed” is without merit.

The applicant’s reliance on the Village Board’s Decision in 24 Morris Lane to suggest that a building containing a mixture of design styles is indicative of an inferior design is also misplaced. In 24 Morris Lane, we held that “the merging of four different styles does not *automatically* [emphasis added] render a property unfit for meeting the high artistic value requirement. Instead, to determine whether the inclusion of each style rises to the high artistic value threshold, the overall blending must be evaluated on a case by case basis to assess whether high artistic value is achieved.” Here, we find that the inclusion of elements that are not traditional to French Norman do not impact the appearance of the readily identifiable French Norman style, particularly as viewed from Fenimore Road. Unlike some other French

Norman houses, 6 Fenimore Road does not have a tower. It should be noted that none of the eighty-one French Norman houses designed by Mr. Thomas in Ohio have a cylindrical tower, but all eighty-one houses are listed on the National Register of Historic Places. Thus, the exclusion of a cylindrical tower does not render the design or the subject property inferior.

Based upon the above, the Village Board finds that 6 Fenimore Road is the work of a master, embodies the distinctive characteristics of the French Norman style or period, and employs a method of construction that possesses high artistic values. Accordingly, 6 Fenimore Road meets the criteria specified in SVC §182-5(A)(3) and warrants preservation under this provision, as well.

D. That the building has yielded or may likely yield information important in prehistory or history.

The Village Board finds nothing in the record that suggest the building yielded or may yield information important in prehistory or history; and be it further

RESOLVED, the Village Board finds that the detached garage built in 1950 and located on the property of 6 Fenimore Road is not architecturally of historically significance; and be it further

RESOLVED, the Applicant's request to continue the hearing is denied. The Applicant's claim that it was not given ample time to present its case is unfounded. In fact, during the hearing both of the applicant's attorneys and their expert witness were given the opportunity to present their case and arguments to the Village Board. It was not until they completed presenting their case did the Village Board ask questions of counsel and their expert. A review of the transcript and audio from the hearing clearly demonstrates that the applicant was given ample opportunity to present its case and respond to questions. In fact, the applicant spent approximately one hour, if not more, presenting its case. The transcript also reveals that counsel for the CHP and its expert were given significantly less time to present their case and arguments.

At the close of the hearing, both sides were given the opportunity to submit post hearing briefs and include any additional arguments.

It should be noted that in January, 2018 the applicant was provided with a copy of the CHP's expert witness report. Upon receipt of that

report, the applicant requested an adjournment of the hearing. On May 1, 2018, during the adjournment period, the applicant retained additional expert reports, which were not shared with their adversary, counsel for the CHP, until June 26, 2018, the afternoon of the hearing date. However, since both sides were given the opportunity to submit post hearing briefs neither side can assert a claim of prejudice. Further, the post hearing briefs do not raise new issues to warrant the continuation of the hearing or additional submittals; and be it further

RESOLVED, based upon the foregoing and having found that 6 Fenimore Road meets the requirements of SVC §§182-5(A)(2) and 182-5(A)(3), the Village Board denies the request for a certificate of appropriateness to demolish the building and cottage. Having found that the garage is not a building of architectural or historical significance, the Village Board grants a certificate of appropriateness permitting the demolition of the garage, subject to all other requirements of the Scarsdale Village Code and the Building Inspector.

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Trustee Arest	None	None
Trustee Callaghan		
Trustee Crandall		
Trustee Finger		
Trustee Ross		
Trustee Veron		
Mayor Hochvert		

Trustee Callaghan stated that he would vote ‘aye’ for the foregoing resolution; however, with the reservation that signed drawings of the subject residence are not available. He noted that he was also concerned as to whether the building, as it currently exists, is habitable.

Future Meeting Schedule

- *Tuesday, August 14, 2018* – Agenda Committee Meeting – 7:30 P.M. – Trustees’ Room
- *Tuesday, August 14, 2018* – Village Board Meeting– 8:00 P.M. – Rutherford Hall
- *Tuesday, August 28, 2018* – Limited Agenda Meeting– 8:30 A.M. – Trustees’ Room
- *Wednesday, September 12, 2018* – Joint Law & Sustainability Committees – 6:00 P.M. – 3rd Floor Meeting Room

- *Thursday, September 13, 2018* – Finance Committee Meeting – 6:00 P.M. – Trustees’ Room
- *Thursday, September 13, 2018* –Personnel Committee Meeting – Trustees’ Room
- *Tuesday, September 25, 2018* –Law Committee Meeting– 6:00 P.M. – Trustees’ Room
- *Tuesday, September 25, 2018* – Agenda Committee Meeting – 7:30 P.M. – Trustees’ Room
- *Tuesday, September 25, 2018* – Village Board Meeting– 8:00 P.M. – Rutherford Hall
- *Tuesday, October 9, 2018* – Municipal Services Committee Meeting – 7:30 P.M. – Trustees’ Room
- *Tuesday, October 9, 2018* – Agenda Committee Meeting – 7:30 P.M. – Trustees’ Room
- *Tuesday, October 9, 2018* – Village Board Meeting– 8:00 P.M. – Rutherford Hall
- *Tuesday, October 23, 2018* – Land Use Committee Meeting – 6:00 P.M. – 3rd Floor Meeting Room
- *Tuesday, October 23, 2018* – Agenda Committee Meeting – 7:30 P.M. – Trustees’ Room
- *Tuesday, October 23, 2018* – Village Board Meeting– 8:00 P.M. – Rutherford Hall

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There being no further business to come before the Board, on a motion entered by Mayor Hochvert, seconded by Trustee Crandall and carried unanimously, the meeting adjourned at 9:40 A.M.

Donna M. Conkling
Village Clerk