

**MINUTES  
HISTORICAL AREAS BOARD OF REVIEW  
DECEMBER 11, 2018**

MEMBERS PRESENT: Margaret Raso  
Scott Wheatley  
William Walther  
Loren Plotkin  
Larry Bucciarelli  
Carol Schelin  
Thano Schoppel

ABSENT: NONE

ALSO PRESENT: Deborah Arbolino, Administrative Aide  
Dennis Michaels, Deputy Town Attorney  
Ann Marie Ambrose, Official Stenographer

Margaret Raso, Chairperson, called the meeting to order at 7:00 p.m. Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

<u>APPLICANTS</u>	<u>DECISION</u>	<u>HABR#</u>
<u>CONTINUED ITEMS:</u>		
SCULLY 19 Ludlow Lane Palisades, NY 80.06 / 1 / 29; R-80 zone	MOTION TO APPROVE FAILED TO CARRY	HABR#18-18
BUL KWANG ZEN CENTER 104 Route 303 Tappan, NY 77.07 / 1 / 2; LO zoning district	CONTINUED	HABR#18-19

OTHER BUSINESS:

Palisades Free Library request for a letter in support for an electrical upgrade at the Library stating that the Historic Areas Board of Review would prefer that the CT cabinet remain inside the building instead of the location proposed by O&R on the outside facing Oak Tree Road.

Marjorie Galen, President Board of Trustees and Maria Gagliardi, Director, appeared. The Board asked Ms. Galen and Ms. Gagliardi to return next month with a letter for their approval.

THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 9:00 P.M.

DATED: December 11, 2018

HISTORICAL AREAS BOARD OF REVIEW  
BY: Deborah Arbolino  
Deborah Arbolino, Administrative Aide

TOWN CLERK'S OFFICE  
2018 DEC 19 P 2:10  
TOWN OF ORANGETOWN

DECISION  
**MOTION TO APPROVE FAILED TO CARRY**

TO: Walter Aurell (Scully)  
171 Kings Highway  
Orangeburg, New York 10962

HABR #18-18  
November 13, 2018  
Permit #48163

FROM: HISTORICAL AREAS BOARD OF REVIEW, ("HABR") TOWN OF ORANGETOWN

HABR#18-18: Application of Sean Scully for review of a house that was painted without HABR review and approval, which is located at 19 Ludlow Lane, in the Town of Orangetown, Hamlet of Palisades, New York, pursuant to Chapter 12 of the Code of the Town of Orangetown, Section 12-4(A), Historical Areas Board of Review.

Tax Map Designation: 80.06 / 1 / 29; R-80 zoning district

Heard by the HISTORICAL AREAS BOARD OF REVIEW at meetings held on the following Tuesdays, November 13, 2018 and December 11, 2018 at which time the Board made the following determination:

Walter Aurell, Architect, appeared.

The following documents were presented:

1. A letter dated September 19, 2018 from Walter Aurell, AIA to Mr. Acheson.
2. Three color pictures of the house, one previous to paint, two after paint.

Walter Aurell, Architect, stated that he is here after the fact; that he has done several projects for this client and has appeared before the Historic Board many times; that in his haste to get the project done while the client was in Europe for the summer, he forgot to appear before the Board; that the code is not really clear about paint; that he realized the error when the client was issued a violation; that the color is Golden Zinger by Valspar; that his client was delighted when he returned and saw the color; that historic colors do not need to be subdued and he showed the Board pictures of older structures that were painted with bright yellow family colors; that the color is bright but the house is kind of hidden away on Ludlow Lane; that the house was yellow before it was painted; and he would like a continuance to talk to his client.

Loren Plotkin stated that the job of the Historic Areas Board of Review is to review and approve things that are harmonious with the surrounding areas; that this bright shimmery gold does not harmonize any other house paint in the area.

William Walther suggested that the applicant think about asking for a continuance to plead his case in front of a full Board because two members were absent.

PUBLIC COMMENT:

Carol Baxter, 34 Lawrence Lane, stated that twenty years ago she had to get approved to paint her house and the color had to be harmonious with the neighborhood; that this color is shocking and it would set precedence for other people to choose very bright colors that are not harmonious with existing colors in the area.

TOWN OF ORANGETOWN  
2018 DEC 19 P 2:10  
TOWN CLERK'S OFFICE

December 11, 2018

All Board members were present.

Items submitted for review:

1. Two e-mails in support of the application from neighbors.
2. Four letters in support of the application from neighbors.
3. A petition in support of the application signed by 26 residents of Palisades with an additional five names without signatures.

David Englander, Attorney, Walter Aurell, Architect, and Faye Fleming, Director of Projects and supporting neighbor appeared.

Walter Aurell, Architect, stated that he is responsible for the house getting painted before getting the color approved by the Board; that it was an oversight on his part, that he was trying to get the project done while his client was in Europe; that he has been before this Board many times for other projects and he was mortified when the violation was served; that they would like the Board to address the color as it exists; that after the last meeting he had a discussion with Mr. Plotkin regarding context harmonious and appropriateness; that the criteria for harmony can be looked at in many ways; that the similarity of the architecture, the scale and palate of colors; that it is all contextual; that if he was describing Sneden's Landing to someone that has never been there, he would said that it has a wonderful landscape that is un-manicured and it is unique with a whole range of styles of architecture from old stone homes to extremely modern design homes and the common denominator would be that the area is eclectic, unique, artsy and individualistic; and that when they came for the change in the roof shingles they installed the shingle that the Board requested.

Faye Fleming stated that the historical association of Sneden's Landing with artists and creatives is the very basis of the community's prestige; that the area is known as for its artistic and famous residents; that recently Sean Scully decided to paint his yellow house a richer more intense shade of the color that was there; that in the wider world of international art and culture lovers flock to exhibitions by Sean Scully; that his reputation is as a "Master of Color" with the world's Museum directors and art critics; that he is known for his use of color to reinvigorate historic spaces and he was commissioned to make a holistic reimagining of the 10<sup>th</sup> century Church of Santa Cecilia de Montserrat, Spain; that the character of Sneden's Landing is worth preserving, and this is why its residents are thankful to have a historic board of review to protect this heritage against McMansions and suburban anonymity; that in this case the community is far more enhanced by the presence of such an acclaimed artist and his aesthetic choices than detracted from it; that during the Victorian period multiple colorful colors for exterior houses were used such as strong yellows, blues and reds; that the science of paint analysis has informed us that what we consider historically accurate today, are in fact the results of fading and the loss of the original tones due to sun exposure, oxidation and the passage of time; that some in the community love the choice of yellow that Mr. Scully has used on his house that was built in the 1980's; they love he aesthetic consideration, finding it bold, beautiful and uplifting and others find it garish; and that the Board should realize that taste is entirely subjective.

TOWN CLERK'S OFFICE  
2018 DEC 19 P 2:10  
TOWN OF ORANGETOWN

David Englander, Attorney, stated that the Board keeps saying that harmonizing with the community is what they are charged with; that Palisades is made up of all different kinds of architecture and this Board stated that they will not regulate houses being painted the same color if they were built after 1918 and this house was built in 1986 and it was yellow and was recently painted a new yellow; that Chapter 12-4 paragraph A does not regulate the paint of this house and if the decisions that were rendered in 2013 and 2014 are the reason the paint needed to be reviewed it seems improper; that the property owner pas over \$52,000 a year in property and some would say that he should be able to paint his house any shade of yellow that he chooses; that 32 of his neighbors agree with that; that the sheet in the tax assessor's office show the house as being built in 1986 and the Building Department file showed the house was remodeled in 1986 and since the original house was only 1,000 sq. ft. the addition could not have been a mirror of the original because it is approximately 5,000 sq. ft.' that it seems the only part of the original l house that may have been saved is the chimney; that recently this Board approved a black house that is totally inconsistent with the historic area; that the hose has been embraced by the neighbors; and as the submitted petition shows, many of the neighbors are embracing this color.

Dennis Michaels, Deputy Town Attorney, offered his legal opinion to HABR that the previous HABR approval Decisions for the applicant, HABR# 13-17 dated October 8 2013, and HABR#14-09 dated July 8, 2014 set forth an explicit condition that is applicable to the subject property and grants HABR jurisdiction over the current application(HABR #18-18), which condition stated that "PRIOR APPROVAL OF THE HISTORICAL AREA BOARD OF REVIEW IS REQUIRED PRIOR TO ANY CHANGE OR MODIFICATION OF THE REQUIREMENTS AND/OR CONDITIONS SET FORTH IN THIS DECISION, INCLUDING, BUT NOT LIMITED TO ...SIDING, DECORATIVE SIDING, SOFFITS & FASCIA...TRIM, SHITTERS ...[AND] ANY CHANGE IN THE ABOVE LIST INCLUDING COLOR...."

**Public Comment:**

Brenda Josephs, 120 Ludlow Lane, Palisades, NY, stated that rules should apply to all of us; that she lives on Ludlow Lane and is closer; that the color is jarring and not harmonious; that if you had one hundred strangers walking in the neighborhood they would say that it is jarring; that she passes it 4-6 times a day and it is jarring and she can't get used to it; that it is only fair that everyone follow the rules.

Marjorie Galen, 112 Washington Sprig Road, stated that she lives a few doors down from the house; and that she thinks it looks great with the blue and red house next to it.

Susan Nemesday, 19 Lawrence Lane, stated that Snedens Landing is a kooky bohemian, weird neighborhood with a very artistic vide and a large mix of houses; that she lives in a midcentury modern house that was built in the 1980's and there is a house next door that was built in the 1800's and then there is Cliffside; and the all mesh well together and she is not against the color of the house.

TOWN CLERK'S OFFICE  
2018 DEC 19 P 2:10  
TOWN OF ORANGETOWN

Thano Schoppel stated that he appreciates Walter's apology but he does not agree that this house color harmonizes with the neighborhood; that he dislikes the statement about the location of the house and the trees; that this color is not on a canvas and it is too over the top and jarring.

Scott Wheatley wanted to hear from the owners of the property and wanted them to compromise on the color.

Margaret Raso stated that the color does not harmonize with the neighborhood.

Loren Plotkin stated that it is unpleasant for the Board to tell someone that they need to repaint their house; that the regulations are clear about harmony and keeping within the context of Snedens Landing; that if they say yes because he is an artist, they are compromising the Board; that this color bears no resemblance to anything else in Sendens Landing.

William Walther made a motion to approve the house color as presented; which motion was seconded by Larry Bucciarelli and failed to carry as follows: Margaret Raso, nay; Thano Schoppel, nay, Carol Schelin, aye; Scott Wheatley, nay; Loren Plotkin, nay; Larry Bucciarelli, aye; and William Walther, aye.

**THIS DECISION, INCLUDING THE BOARD'S REQUIRED MODIFICATIONS TO THE APPLICANT'S DRAWINGS AND /OR PLANS, OR CONDITIONS SET FORTH HEREIN, IF ANY, IS GRANTED BY THE HISTORICAL AREAS BOARD OF REVIEW SUBJECT TO ANY SUCH CONDITIONS AND/OR MODIFICATIONS, AND IS LIMITED TO THE SPECIFIC RELIEF REQUESTED HEREIN.**

***\*\* PRE-1918 CONSTRUCTION: PLEASE BE ADVISED: IN THE HISTORIC AREA, ALL CONSTRUCTION REQUIRING A BUILDING PERMIT OR ANY EXTERIOR CHANGES (INCLUDING PAINT COLOR) TO BUILDINGS CONSTRUCTED PRIOR TO 1918, REQUIRES APPROVAL FROM THE HISTORICAL AREAS BOARD OF REVIEW.***

**PRIOR APPROVAL OF THE HISTORICAL AREA BOARD OF REVIEW IS REQUIRED PRIOR TO ANY CHANGE OR MODIFICATION OF THE REQUIREMENTS AND/OR CONDITIONS SET FORTH IN THIS DECISION, INCLUDING, BUT NOT LIMITED TO:**

- ROOFING SHINGLES (IF CHANGING COLOR)
- SIDING
- DECORATIVE SIDING
- SOFFITS & FASCIA
- GUTTERS AND LEADERS
- WINDOWS
- TRIM
- SHUTTERS
- DOORS
- LIGHTING
- LOCATION OF AIR CONDITIONING UNITS

TOWN OF ORANGE TOWN  
2010 DEC 19 P 2:10  
TOWN CLERK'S OFFICE

- WALKWAYS, PATIOS
- POOLS, SPAS AND FENCES
- SIGNS
- ANY CHANGE IN THE ABOVE LIST INCLUDING COLOR, MATERIAL AND/OR MANUFACTURER

**IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT DEBBIE ARBOLINO, CLERK TO THE HISTORICAL AREAS BOARD OF REVIEW AT (845) 359-8410.**

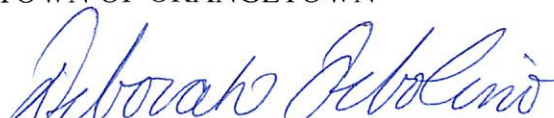
DECISION: In view of the foregoing, and after personal observation of the property, hearing all the testimony before the Board, and reviewing all drawings and plans, and other submissions, correspondence and reports ( if any), a motion to approve the exterior house paint color as shown and requested in the application FAILED TO CARRY and, by default, it is DENIED.

The foregoing motion to approve the exterior house paint color as shown and requested in the application was presented and moved by William Walther, seconded by Larry Bucciarelli, and failed to carry as follows: William Walther, aye; Thano Schoppel, nay; Margaret Raso, nay; Larry Bucciarelli, aye; Carol Schelin, aye; Loren Plotkin, nay; and Scott Wheatley, nay.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

Dated: December 11, 2018

HISTORICAL AREAS BOARD OF REVIEW  
TOWN OF ORANGETOWN

BY:   
Deborah Arbolino, Administrative Aide

DISTRIBUTION:

APPLICANT  
TOWN BOARD MEMBERS  
HABR MEMBERS  
SUPERVISOR  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR- N.A.

TOWN CLERK  
HIGHWAY DEPARTMENT  
TOWN HISTORIAN  
DEPT. OF ENVIRONMENTAL  
ENGINEERING  
HABR, PB, FILE  
PB, ZBA, ACABOR CHAIRMAN

TOWN CLERK'S OFFICE  
2018 DEC 19 P 2:10  
TOWN OF ORANGETOWN