1. Call to Order

Supervisor LaGrange called the hearing to order at 6:45 PM regarding proposed Local Law D of 2019 – Historical Preservation. Tonight we won’t be able to do anything as far as action because we haven’t heard back from Albany County yet and we also need to hear anything tonight.

Alan Kowlowitz thanked the Town Board for considering this law. Mr. Kowlowitz advised that he is the President of the New Scotland Historical Association. He couldn’t emphasize too strongly how important visible evidence of our history is to our sense of community, quality of life, and development of our town. I think the Town has recognized that in our master plan. Goal 9 states that preservation enhancing is important to visual, historical, and cultural resources as a goal within the Town’s master plan. On the survey done for the master plan, 75 percent of the Town’s residents believe that historic preservation is important, very important, or extremely important. The proposed law forged these goals by helping to ensure that historic structures in our communities are identified and preserved in a way to enhance community character without infringing on property owners’ rights or requiring public expenditures. For those of you not aware, this law was originally developed by a committee of the New Scotland Historical Association. It was a grassroots effort that involved members of the community and an open invitation to attend meetings published in the Enterprise. Originally this law was based on one that was passed in the town of Clifton Park and modeled by the State Historic Preservation. It’s been changed to modify and meet the needs of New Scotland and the Village of Voorheesville. The principle that our committee followed to try and put this law together was that the law would be independently passed by the Village of Voorheesville and the Town of New Scotland creating a commission that would be a joint commission. This would be unique in the state. This would be something we are pioneers on in that the law would be consistent and supportive of the Town Master Plan and a desire to maintain community character and open spaces. We also felt that the law needed to be cautious, incremental, and take a realistic approach to preservation that relied on the private sector and positive incentives and that it would have zero impact to town and village finances but conserve to bring resources into our communities by supporting and even meeting in grant applications. It would have zero requirements on property owners. The establishment of the commission was to be advisory and depend on established authority within the town and the village so the administrative footprint of the law will be very light. It would use existing structures and it wouldn’t add any requirement. It would not assert or step on the functions of existing historic association, societies, or appointed historians within the town or village. The town and village historians will be de facto members of the commission. The commission would serve as a central point for expressing and addressing historic preservation concerns, and it leaves the door open for further aspiration of potential preservation tools such as historic preservation easements tied to voluntary historic zoning. I believe the present proposal addresses all of these goals. The modifications through the law are mostly technical with two substantive ones. One reduces the size of the commission from seven to five. I think there is a concern about getting volunteers to serve. As a head of a volunteer organization, I get that. The other change was expanding the time period for the commission to look at historic preservation zoning and easements from one year to two years. That makes sense given the volunteer nature of the Board. Volunteer boards don’t have a lot of time to work and expanding it to two years I think was a good idea. As I said, the Association and I and many of our members are very supportive of this law and thank the Town for considering it, and hopefully it will pass when it’s reviewed by the County and both the Village and the Town.
Timothy Stanton said that he lives in the historic district which is already designated in New Scotland. A lot of people don’t realize that there is a historic district. It follows the Onesquethaw Valley basically by all of the stone houses. Supervisor LaGrange is in that district too.

My family and I are all about historic preservation but we are also about property rights. I heard Mr. Kowlowitz say that this law is not going to have any impact on property owners but yet there is one part in here that says an owner of property on the historical register has no restriction on the use or maintenance of the property as a result of the designation. Then two paragraphs below it talks about how demolition of any building or structure more than 70 years old has to go through a review process. On one hand you’re saying you’re not going to have any effect on people who have these buildings and in the next paragraph you’re saying it has to be reviewed. You say what difference does that make? Well the difference is there are a lot of 70-year-old houses out there that need to come down and I would like to see them come down. I really think that you might be making a hindrance to them coming down by making the process longer. Be careful because there are three abandoned houses that I passed right here, abandoned houses that are 70 years old that need to come down and need to go. You’re just putting one more step in that process and I think that’s a real concern. The other concern I have is the make-up of the committee. It lists something that people should have. I look at it and I’m not qualified for that committee yet I live in a historic district and I live in a historic home. I also farm land all throughout the historic district and yet there is nothing in there that says I would be a good person on there. I’m not just saying that about me. I think it’s a little too restrictive when it says they should be an architect or a professional historian. Supervisor LaGrange said that that is a point and you would have an opportunity because it’s a person who lives in the historical district. There is another one where you can get as generalized as someone who has demonstrated significant interest in this. It’s pretty well covered. Mr. Stanton said that if that’s the case than why do you put that other stuff in there that it should be an architect or list all of those other things. Supervisor LaGrange said that he thinks those other things were intended to bring some expertise on but not limit it. That’s my impression. As far as the 70 years and the building coming down was just to make sure everyone understands that there is a 30-day window. We were concerned about those ourselves. Of course, an emergency is something separate. I believe that’s about the number of days it takes to get a demolition permit and have it reviewed and get it out of the building department. Mr. Stanton asked if this commission was going to meet on a special case. It has to go through the review board, right? Are they going to meet at a special time for that to get it done in 30 days? Every time someone wants to tear down a building that’s more than 70 years old that commission has to meet then. Councilperson Leinung said that they meet monthly and it’s at the call of the chairman. Mr. Stanton asked if it’s not going to make the process any longer at all? Councilperson Leinung said that it shouldn’t. It should be within those 30 days. Mr. Stanton said that it isn’t or it shouldn’t. Supervisor LaGrange said that that’s our intent. Mr. Stanton said that from where he’s coming from it’s another step and another hoop to jump though.

Mr. Stanton then asked where the 70 years came from? Mr. Kowlowitz replied that it came from the State. He thinks it could be expanded to 100. Supervisor LaGrange said that it’s a good question. Mr. Stanton said that an awful lot of houses were built in the 1950s that I don’t call historical. I just want to make sure we’re not stepping on anybody’s property rights even though it does try to say that in there.

George Koch had a couple of questions. First, what makes a 70-year-old building historic? If it was built in 1950, that’s post war. My second question is about the historic district or sites. Are they already designated? Does this in any way call for an architectural review on any building proposed in a designated historic site or districts that are vacant land? For instance, the Bender Melon Farm, are you going to try to put an architectural review board in and they will have to conform more? Supervisor LaGrange said that this would only apply if there is a structure that met the criteria. Mr. Koch said that there is no structure there so they would be free. Mr. Koch wondered if this was opening a door to an architectural review board. Supervisor LaGrange replied no. Mr. Koch said that it would be if they were altering any historic buildings. Supervisor LaGrange said that there are no restrictions of additions. This is solely for demolition.

Scott McManus said I’m not a resident of New Scotland. My wife and family are currently interested in the Tuohy Estate which is a very historic property. My wife and I have all the intentions in the world to keep that property in beautiful condition or to bring it back to beautiful
Christopher Albright said that anything that would be done from his understanding is voluntary. There is nothing that is going to be mandated that you can or can’t do.

Mr. McManus said that if this goes into effect he probably can’t put vinyl siding on. Mr. Albright replied no. If you want to put vinyl siding on you could, but there may be ways of benefiting from not doing that. Mr. McManus said that he certainly doesn’t want to. Supervisor LaGrange said that the main focus of this is demolition. You could put an addition on without any restrictions or concerns. Mr. McManus said that agri-business or the location would be wonderful for a wedding venue and that would need ZBA approval. Mr. Albright said that that has nothing to do with this law. Mr. McManus said that in the law it says they are providing guidance to those people. Mr. Albright added not mandating but providing guidance. Mr. McManus said that he would expect the guidance would be taken into consideration. Supervisor LaGrange said that it would, of course. We as the body are taking it into consideration. They are a Board or committee that will give their opinion. The Boards, which ever one that’s dealing with a subject, will take that into consideration but there is no mandate that we have to follow their direction. To him we are basically wrapping our heads around what we have in the community and if something comes up where something major is happening it’s good to at least have an awareness of what it’s happening to or not. Mr. McManus said that he appreciates the dialog.

Anne Carson apologized for being late and asked if anyone stated the reason why we need this extra law when there is already a State law. Supervisor LaGrange said that we can answer some of those questions when this comes up on the agenda. Mrs. Carson asked if the Board would be voting on this tonight. Supervisor LaGrange said that they can’t because they want to hear any input to consider and we haven’t heard back from County Planning yet.

2. Adjourn
Councilperson Leinung made a motion to close the hearing, seconded by Councilperson Greenberg. The hearing closed at 7:04 P.M.

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Diane R. Deschenes, Town Clerk