

**MINUTES OF A REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF THOMASTON
September 11, 2023**

The Board of Trustees met on Monday, September 11, 2023 at the Village Hall, 100 East Shore Road, Great Neck, New York at 7:30 p.m.

Present: Mayor Steven Weinberg, Deputy Mayor Burton S. Weston, Trustee Jay W. Chagrin, and Trustee Aaron Halpern.

Absent: Trustee Nancy Sherman

The Mayor opened the meeting at 7:33 p.m.

In memory of all those who lost their lives on September 11, 2001 and those who have died in the days, weeks, months, and years since then as a result of this heinous act of terrorism, including: the pilots, flight attendants, passengers, workers in the Twin Towers, police, fire, and emergency first responders, residents and workers in the vicinity who passed away, or continue to give their lives due to 9/11 illnesses, Mayor Weinberg asked everyone in attendance to observe a moment of silence.

Approval of Minutes:

RESOLUTION 23-74

Upon motion of Trustee Halpern, seconded by Deputy Mayor Weston, and unanimously approved, the following resolution was adopted:

RESOLVED, that the minutes of the Board of Trustees meeting held on August 14, 2023 are hereby approved and accepted as presented.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Aye
	Trustee Sherman:	Absent		

Public Hearing on Landmarks Preservation Commission determination for 46 S. Middle Neck Road

Mayor Weinberg noted the following: (i) the purpose of the public hearing is to affirm or modify the report and recommendation of the Landmarks Preservation Commission (Commission) after hearing public comment (ii) the Commission's report and recommendation is dated July 24, 2023 (iii) the members of the Board of Trustees have reviewed the Commission's minutes, report and recommendation (iv) the report stated that the building at 46 S. Middle Neck Road fits the definition of a landmark pursuant to Chapter 120 of the Village Code (v) Village residents present at the Commission's public hearing were in favor of preserving this building (vi) the existing use of the building as a church is conforming use and the land is zoned in a district for residential homes and apartment buildings (vii) the Commission, in its report, weighed the following factors: architectural and aesthetic significance, and community support for landmarking. (viii) the Commission also weighed factors on the impact of landmarking on: the community, hardship to the owner, repurposing of building, zoning, the village tax base, and religious use. (ix) any future proposal may be subject to: the Commission's input; community input; and other Village boards with respect to zoning or use variances.

Mayor Weinberg opened the public hearing to consider the Landmarks Preservation Commission determination for 46 S. Middle Neck Road at 7:38 p.m.

The public hearing was transcribed stenographically, and the transcript is on file in the Village office.

The following members of the public spoke in favor of affirmation of Landmark Preservation Commission's determination:

Leila Mattson and Miriam Chatinover (Members of the Landmarks Preservation Commission)

No members of the public spoke in opposition of affirmation.

The Board discussed the Commission's Determination and noted that the Commission was unanimous in its adoption of the Determination and the owner of the property did not raise any objections or hardships during the public proceedings held by the Commission.

After all interested parties were heard, the public hearing was closed at 7:45 p.m.

RESOLUTION 23-75

Upon motion of Deputy Mayor Weston, seconded by Trustee Halpern, and unanimously approved, the following resolution was adopted:

RESOLVED, the public hearing to consider the Landmarks Preservation Commission determination for 46 S. Middle Neck Road is hereby closed.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Aye
	Trustee Sherman:	Absent		

RESOLUTION 23-76

WHEREAS, the Village of Thomaston Landmarks Preservation Commission ("Commission") heretofore has considered a request to designate premises 46 South Middle Neck Road, Thomaston, New York ("the Premises"), as a landmark property pursuant to Village Code Chapter 120; and

WHEREAS, the Commission has issued its determination ("Determination") dated July 24, 2023 recommending designation of the Premises as a landmark; and

WHEREAS, pursuant to Village Code Chapter 120 the Board of Trustees ("Board") of the Village of Thomaston is vested with the authority, after a public hearing, to approve or modify the Determination; and

WHEREAS, the Board has reviewed and is familiar with the record of the public proceedings held by the Commission preceding the adoption of the Determination; and

WHEREAS, on September 11, 202, the Board duly held and concluded the public hearing required by Village Code Chapter 120; and

WHEREAS, the members of the Board have given due consideration to the proceedings held before the Commission and the Board; and

WHEREAS, pursuant to the State Environmental Quality Review Act and its implementing regulations set forth in 6 NYCRR Part 617 (collectively "SEQRA"), the Board is required to give consideration to potential environmental impacts of such landmarking action, to the extent applicable pursuant to SEQRA; and

WHEREAS, pursuant to 6 NYCRR 617.5(c)((38) "designation of local landmarks or their inclusion within historic districts" is classified as a Type II Action, and

WHEREAS, matters which are classified as Type II Actions are not required to undergo any separate environmental impact review,

NOW, THEREFORE, BE IT

RESOLVED, that the Board hereby finds and concludes that its consideration of the Determination which designated the Premises as a landmark property pursuant to Village Code Chapter 120 is a Type II Action pursuant to SEQRA; and it is further

RESOLVED, that no further separate review of environmental impacts is required with respect to the proposed action, and SEQRA review of the proposed action hereby is concluded; and it is further

RESOLVED, that upon review of the information received and proceedings held before the Commission, and the information adduced at the public hearing before the Board, the Board finds and concludes that the Determination by the Commission was reasonable and proper based upon the proceedings held by and before the Commission; and it is further

RESOLVED, based upon the foregoing proceedings before the Commission and the Board, and for the reasons stated by the Commission in the Determination, the Board further concludes that the Determination of the Commission should be, and hereby is, approved.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Aye
	Trustee Sherman:	Absent		

Tree Trimming and Removal Bid

The Board reviewed a draft bid package for a tree trimming and removal contract trees in the right-of-way within the Village.

RESOLUTION 23-77

Upon motion of Trustee Chagrin, seconded Deputy Mayor Weston, and unanimously approved, the following resolution was adopted:

RESOLVED, that the Board of Trustees approves the proposed contract, instructions to bidders, specifications, bid form and legal notice , and it is further

RESOLVED, that the Board of Trustees hereby ratifies the action of the Mayor in directing the Village Administrator is directed to publish and post a legal notice, to be published on September 6, 2023, soliciting sealed bids for Tree Trimming and Removal for the 12-month period with options for year two (2) and three (3), in the Village’s official newspaper (Great Neck Record), to be opened on September 29, 2022 at 10:00 a.m. prevailing time.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Aye
	Trustee Sherman:	Absent		

New Business

The Mayor updated the Board on the recent activities of the Department of Public Works and informed the Board that the Village’s consultant from Nelson and Pope will making a site visit on Wednesday, September 13, 2023.

Vouchers

RESOLUTION 23-78

Upon motion of Deputy Mayor Weston, seconded by Trustee Halpern, and unanimously approved, the following resolution was adopted:

RESOLVED, that the vouchers, in the aggregate amount of \$71,272.72 (as itemized on the Abstract of Vouchers dated Monday, September 11, 2023), are hereby approved for payment, all allocated to the General Fund.

A copy of the approved voucher list is attached to these minutes.

The vote on this resolution was:	Mayor Weinberg:	Aye	Deputy Mayor Weston:	Aye
	Trustee Chagrin:	Aye	Trustee Halpern:	Aye
	Trustee Sherman:	Absent		

Adjournment

At 8:05 p.m., there being no further business, a motion to adjourn was made by Deputy Mayor Weston, seconded by Trustee Chagrin, and unanimously approved.

Respectfully Submitted,

Denise M. Knowland
Village Administrator

VILLAGE OF THOMASTON**AUDITED VOUCHERS****August 15 through September 11, 2023**

Type	Date	Num	Name	Amount
Check	08/16/2023	4433	NATIONAL GRID	-63.49
Check	08/16/2023	4434	NATIONAL GRID	-52.84
Check	08/16/2023	4435	NATIONAL GRID	-38.13
Check	08/16/2023	4436	NATIONAL GRID	-41.42
Check	08/18/2023	ACH	MICHAEL F. MCNERNEY ARCHITECT PLLC	-1,000.00
Check	08/22/2023	4438	PSEGLI	-56.33
Check	08/22/2023	4439	PSEGLI	-59.43
Check	08/22/2023	4440	PSEGLI	-747.51
Check	09/01/2023	4442	OPTIMUM	-13.00
Check	09/01/2023	4443	VERIZON WIRELESS	-62.44
Check	09/01/2023	4444	VERIZON	-122.35
Check	09/06/2023	4445	PSEGLI	-11.78
Check	09/06/2023	4446	PSEGLI	-271.83
Check	09/06/2023	4447	MANHASSET-LAKEVILLE WATER DISTRICT	-35.60
Check	09/06/2023	4448	MICHAEL F. MCNERNEY ARCHITECT PLLC	-1,156.25
Check	09/11/2023	4449	B & R PLUMBING & HEATING OF L.I. INC.	-457.97
Check	09/11/2023	4450	AUTO BARN	-219.18
Check	09/11/2023	4451	WINTERS BROS. HAULING OF LI, LLC	-300.00
Check	09/11/2023	4452	FELDMAN LUMBER	-53.74
Check	09/11/2023	4453	W.B. MASON CO., INC.	-7.90
Check	09/11/2023	4454	CHIEF FIRE & SAFETY EQUIP DISTRIBUTORS	-165.00
Check	09/11/2023	4455	COSTELLO'S HARDWARE	-39.57
Check	09/11/2023	4456	STAPLES CONTRACT & COMMERCIAL	-84.26
Check	09/11/2023	4457	ANTON MEDIA GROUP	-71.50
Check	09/11/2023	4458	KOEPPEL MARTONE & LEISTMAN, LLC	-5,500.00
Check	09/11/2023	4459	GLENCO SUPPLY INC	-495.00
Check	09/11/2023	4460	BIENER FORD	-336.00
Check	09/11/2023	4461	BUSINESS CARD	-107.47
Check	09/11/2023	4462	BUSINESS CARD	-995.86
Check	09/11/2023	4463	WEX BANK	-585.00
Check	09/11/2023	4464	JORDAN ASSOCIATES	-430.50
Check	09/11/2023	4465	GENERAL WELDING SUPPLY CORP	-8.00
Check	09/11/2023	4466	TOWN OF NORTH HEMPSTEAD-SWMA	-852.79
Check	09/11/2023	4467	HOME DEPOT CREDIT SERVICES	-153.00
Check	09/11/2023	4468	PARAMOUNT PEST MANAGEMENT	-225.00
Check	09/11/2023	4469	NYS EMPLOYEES' HEALTH INSURANCE	-8,802.69
Check	09/11/2023	4470	NYSPSP	-4.19
Check	09/11/2023	4471	LOOKS GREAT SERVICES INC	-9,025.00
Check	09/11/2023	4472	FINE DETAILING	-200.00

Check	09/11/2023	4473	ANTON MEDIA GROUP	-76.70
Check	09/11/2023	4474	MEYER, SUOZZI, ENGLISH & KLEIN, P.C.	-2,604.00
Check	09/11/2023	4475	MEADOW CARTING CORP	-35,740.00
				-71,272.72
TOTAL				-71,272.72

Determination of the Landmarks Preservation Commission
of
The Village of Thomaston

July 24, 2023

This document contains the determination (“Determination”) of the Landmarks Preservation Commission of the Village of Thomaston (“the Commission”), as to whether or not the existing building (“the Building”) located at 46 South Middle Neck Road, Great Neck, New York, in the Village of Thomaston (“the Village”), should be designated as a “Landmark” pursuant to Chapter 120 of the Village Code (“the Code”).

For the reasons identified below, the Commission designates the Building as a Landmark, subject to any action taken by the Village Board of Trustees pursuant to Chapter 120-3(B)(1) of the Code.

A. Procedure followed by the Commission.

The Commission met in public session on June 13, 2023 and July 24, 2023 to consider requests received from the public that the Commission designate the Building as a Landmark. Notice of such consideration was given in compliance with applicable requirements. Minutes of the June 13, 2023 meeting have been previously posted on the Village website. On July 17, 2023, prior to the July 24, 2023 Commission meeting, a draft of this Determination was posted on the Village website. This Determination was approved at the July 24, 2023 Commission meeting (the minutes of which meeting will be posted to the Village website as required by the Open Meetings Law).

Prior to the June 13, 2023 meeting, the Commission received a number of written communications from the public relating to the potential landmarking of the Building, all of which were posted to the Village website prior to the meeting and considered by the Commission. Also prior to that meeting, the Commission requested a review of the Building by the New York State Office of Historic Preservation (“SHPO”), and the response of SHPO was posted to the Village website prior to the June 13, 2023 meeting and considered by the Commission.

At the June 13, 2023 public meeting, the Commission heard public comment on whether or not it should designate the Building as a Landmark. (While this meeting was a public meeting, it was not a public hearing. Nevertheless, the Commission invited public comment, and the notice of such meeting had indicated that public comment would be welcome at the meeting.)

At the public meeting on July 24, 2023, the Commission completed its discussion of the landmarking request, and voted to approve and adopt this Determination and to submit this Determination to the Village Board of Trustees.

B. Legal Context of the Commission's Determination

Based on the advice of the Village Attorney, the Commission understands its function as twofold: (1) first, to determine whether or not the Building satisfies the definition of "Landmark" in the Code, and (2) second, if the Commission finds that the Building (or a portion) does satisfy that definition, then to determine whether or not the Commission should "designate" the Building (or such portion) as a Landmark pursuant to the Code. The two questions are distinct: there is no requirement in the Code that a building satisfying the definition of "Landmark" automatically be "designated" as such by the Commission. Instead, the Commission has discretion, and may or may not so "designate" as a Landmark a building satisfying the definition, after taking into consideration such factors as the Commission reasonably deems appropriate.

The two questions are addressed separately below.

C. Does the Building Satisfy the Definition of "Landmark" in the Code?

In relevant part, the portions of the definition of "Landmark" in the Code potentially most applicable to the Building are, alternatively: (i) "Any ... building of particular historic or aesthetic significance to the Village, the Town of North Hempstead, the County of Nassau, the State of New York or the United States, (ii) "Any building or structure which embodies the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction," (iii) "Any building or structure that is a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced an age, or (iv) "Any site within the Village and included in the National Register of Historic Places, the Historic American Building Survey or any similar list maintained by the State of New York."

The Commission believes that the Building constitutes a good example of the Colonial and Classical Revival-styles of architecture that has remained largely and remarkably intact since its construction around 1926. Whether the architectural characteristics of the Building (i) are of "particular aesthetic significance to the Village," or (ii) are "inherently valuable for a

representation of a period, style or method of construction,” which are alternative requirements in the Code, is a question that was carefully considered by the Commission.

The Commission finds that the Building, located at 46 South Middle Neck Road, embodies the fundamental architectural characteristics attributed to Colonial Revival Architecture, which was very popular from the late 1800s to the mid 1900s, and is an American architectural style paying homage to the architecture of colonial America through the implementation of various architectural details and forms.

Various religious buildings listed in The Book of Great Neck (edited by Devah and Gil Spear, 1936) indicate the diversity of religious groups in Great Neck during that time period. Each of those buildings embodies specific architectural revival styles (Federal, Tudor, Colonial, etc.) which represented the values of each respective religious group. It is not surprising that any religion founded in America in the 1800s would implement a very American architectural style for their church in the late 1920s. The Building is an excellent architectural example of this time period that was carefully executed; it also has been very well maintained with minimal modification for almost 100 years except for the 1958 reading room addition. The reading room, even though a later addition, was constructed in the same colonial revival style, and carefully implemented the details and forms of the original 1926 church building.

As part of its evaluation, the Commission requested that SHPO determine if the Building would be eligible for National Register listing, since the criteria for that listing are substantially (although not completely) aligned with the Code definition of “Landmark.” SHPO advised that the Building is eligible for inclusion in the National Register of Historic Places, on the basis that it “embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.” The fact that the Building has been so determined by SHPO to be eligible for inclusion in the National Register is noted by the Commission as further indication of the Building’s architectural significance.¹

Given the unique nature of the Building in the Village, the remarkable integrity of its original 100-year old structure, the report of SHPO and the other factors, the Commission believes, on balance, that the Building satisfies the “particular aesthetic significance” and “inherently valuable” tests in the Code. Accordingly, the Commission determines that the Building satisfies the definition of “Landmark” in the Code on this basis.

The Commission next considered whether alterations to the original 1926 building have occurred to such an extent that the aesthetic elements/integrity of the original building were

¹ The definition of “Landmark” in the Village Code includes, “any site within the Village and included in the National Register of Historic Places, the Historic American Building Survey or any similar list maintained by the State of New York.” The Commission notes that, despite SHPO’s recommendation for inclusion, the Building is not currently included in the National Register, and so does not qualify as a “Landmark” within the meaning of the Code by reason of the SHPO report alone.

significantly altered or otherwise adversely impacted. Apart from the 1958 addition, no material building permit application or other record of any alteration was found in the building department files of the Village of Thomaston, which date back to 1931. After consideration, the Commission concludes that, while significant, the 1958 addition did not materially impact the appearance of the aesthetic elements of the original 1926 church building, so that the entire Building (inclusive of the 1958 addition) fits within the definition of “Landmark” in the Code.

For completeness, the Commission also considered whether the Building would satisfy other criteria for “Landmark” within the Code, specifically the “historic significance” and/or “master architect” criteria. For the reasons noted below, the Commission concludes these criteria were not satisfied. However, since the Commission has herein determined that the Building does satisfy the “aesthetic significance” and “inherently valuable” criteria, as described above, the Building still fits within the meaning of “Landmark” in the Code.

The Commission notes that the SHPO report stated that the architectural design of the original 1928 Building “is attributed” to Robert Tappan, without providing any definitive source for this statement. Resident comments also indicated that Robert Tappan was the architect. However, nothing that the Commission learned during its research concerning the Building pointed conclusively to the architect of the Building as being Robert Tappan (a well-known architect who designed churches in Queens in the 1920s in a similar style). Accordingly, the Commission cannot conclude, based on the evidence available to the Commission, that the Building was the work of a “master architect” within the meaning of the Village Code.

The Commission also conducted research to determine the historic significance of the Building, for purposes of the requirements of the Village Code. Among the sources consulted were the following: Village of Thomaston History pamphlet (published in 1976 and authored by Leila Mattson, Village of Thomaston Historian and a member of the Commission), Great Neck pamphlet (published in 2013 and co-authored by Leila Mattson and Alice Kasten), the building files of the Village of Thomaston, the website of the Great Neck Historical Society and reference materials at the Great Neck Public Library, digital newspapers, Library of Congress digital records, National Park Service Reference documents (NPS) and Sanborn maps.

Apart from a colorized picture post card of uncertain date, and contemporaneous announcements of construction of the Building, the Commission found no reference to the historical significance of the Building. Accordingly, the Commission cannot conclude that the Building is of particular “historical significance” within the meaning of the Code.

D. Should the Commission “Designate” the Building as a Landmark?

The Commission considered the following factors in answering this question:

(1) Architectural and Aesthetic Significance

The Building is a particularly good example of Colonial Revival architecture, the integrity of which appears to have been remarkably maintained since its construction in 1926 (apart from the 1958 addition). It is the only such building of comparable age, style and history in the Village. The location of the Building, along the busy thoroughfare of Middle Neck Road, increases the visual exposure of the Building and therefore increases the importance of the Building and its style to the community and the suburban landscape. The Commission believes that preservation of the Building would particularly benefit the appearance and building environment of the portion of the Village in which the Building is located.

According to available Village records, some modifications have been made to the property, with the most significant being the addition of a reading room in or about 1958. The reading room was constructed in a manner that utilized the same architectural elements of the main church building, and integrated and referenced the main structure without modifying the overall symmetry and geometry. Although not as old as the original building, traditionally the intent of reading rooms is to allow members of the public to access a quiet public space to read/study religion. This reading room is typical of many Christian Science Churches, and provided an integral function of the church and religious outreach. Today, this addition is used in a similar fashion.

A question the Commission considered regarding the significance of the reading room addition was if this alteration detracted from the architectural and historic value of the main church building. Removal or alteration of the reading room could detract from the architectural and aesthetic elements of the original structure, which was of concern to the Commission. Even though the 1958 addition predates the National Historic Preservation Act of 1966, the design nevertheless followed the traditional style of Colonial Revival, and has been connected to the main building for almost 70 years.

(2) Community Support for Landmarking

The Commission noted community support for landmarking the Building, with no opposition at the public meeting or in public comment. However, public sentiment is not dispositive of the Commission's determination of whether or not to designate a building as a Landmark. For example, at least one member of the Commission is aware that some members of the public favor landmarking of the Building not primarily for reasons of architectural or aesthetic significance, but instead as a means to discourage potential future redevelopment of the site as multi-family housing.

(3) Impact of Landmarking on Community

The Commission considered the impact that landmarking could have on the future of the community. The Commission noted that landmarking could raise the cost to the owner of maintaining, repurposing and/or redeveloping the Building, and that an owner could potentially

allow a landmarked structure to fall into neglect rather than incur the expense of maintenance/repurposing/redevelopment in compliance with landmark regulations. A large number of retail vacancies have existed for some years along Middle Neck Road in the community, and if the Building were to become vacant, the impact on the community would be negative. However, it appears to the Commission that the risks described above would largely be present in any event, as a result of the existing zoning restrictions applicable to the property (described below), whether or not the Building is landmarked.

(4) Hardship of Landmarking to Owner

The Commission would consider very seriously any hardship anticipated to be imposed on a property owner by reason of landmarking. However, in this case, the Commission did not receive any comments on behalf of the owner of the Building in opposition to landmarking. The Commission notes that it has the authority in the future, pursuant to Section 120-8(C) of the Code, to relax the requirements of the landmarking sections of the Code if necessary to prevent “unnecessary financial hardship” to the owner. In the context of a specific building permit application in the future, it is possible that the owner may raise hardship concerns; in such event, the Commission could exercise its discretion pursuant to the Code, in light of the facts then presented.

(5) Repurposing of Building

The Commission considered whether any negative impact of landmarking could be minimized because the Building could be repurposed for another use, while maintaining its architectural integrity. However, the following difficulty was noted by the Commission: the property on which the Building is located, as currently zoned, could not be used for retail or commercial office uses (religious, educational and home office uses are permitted, but not retail or commercial office). Accordingly, zoning ordinances - - separate and apart from landmark restrictions - - limit the potential “repurposing” of the Building.

(6) Impact of Zoning

As noted above, the current use of the Building as a church constitutes a lawful use. Subject to the provisions of the Village zoning regulations, the property potentially could be redeveloped for residential use (in addition to, or in lieu of religious use), but there is a complication: as was the case with the Belgrave Motors building, part of the property on which the Building is located is zoned in the Apartment B district, and the remainder is in the R-10 single-family residence district. Accordingly, if the Building and the associated land are in the future to be used for a multifamily use, rezoning or other zoning relief is likely to be economically advantageous to permit redevelopment in a unified manner (possibly a unified multifamily structure). Any such rezoning or rezoning relief would require community input, and action by

the Board of Trustees or the Board of Appeals, separate and apart from issues relating to the Building's status as a landmark. If, in the future, the Village Board of Trustees or Board of Appeals is in favor of rezoning and/or redevelopment, then coordination among the owner and the Village Landmarks Preservation Commission would be necessary in order to satisfy the requirement applicable to designated landmarks in the Village.

(7) Impact of Landmarking on Village Property Tax Base

The Commission considered that designation of the Building as a Landmark could result in lower property tax revenue to the Village, if that designation delayed or adversely impacted the future transfer of the property to a non-exempt owner (this issue would not arise unless the property lost its present tax exemption). However, any change in exempt status or possible impact of landmarking on future property taxes is highly speculative at this time, and is likely to be years away at a minimum.

(8) Impact of Landmarking on Religious Use

Based on the advice of legal counsel, the Commission understands that properties used for religious purposes in the State enjoy special rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA) and other laws which must be recognized and protected. Based on such legal advice, the Commission further understands that (a) religious properties may be landmarked by the Commission, but that (b) in considering landmarking, or whether to permit alterations or improvements in the future on a landmarked religious property, consideration must be given to several factors, including whether regulation constitutes an "undue burden" on the exercise of religion, and whether the religious property is being subjected to burdens not imposed on other, similarly situated properties.

E. **Conclusion.**

Having considered public comment including comments from the owner of the Building, and the factors described above, the Commission hereby determines that the Building should be, and hereby is, designated a Landmark pursuant to the Code (subject to any action taken by the Village Board of Trustees, as provided in the Code). The Commission points out that, pursuant to Section 120-6(B) of the Code, the Commission's designation impacts future activities only to the extent relating to or affecting the exterior features of the Building visible from a public street.

ADOPTED BY THE LANDMARKS PRESERVATION COMMISSION OF THE VILLAGE OF THOMASTON
ON JULY 24, 2023

1 INCORPORATED VILLAGE OF THOMASTON

2 BOARD OF TRUSTEES

3 SEPTEMBER 11, 2023

4 7:30 P.M.

5
6 PUBLIC HEARING OF THE BOARD OF TRUSTEES TO REVIEW THE
7 LANDMARKS PRESERVATION COMMISSION'S DETERMINATION TO
8 DESIGNATE 46 S. MIDDLE NECK ROAD, THOMASTON, NY, AS A
9 LANDMARK PROPERTY PURSUANT TO CHAPTER 120 OF THE VILLAGE
10 CODE.

11 P R E S E N T :

12 STEVEN WEINBERG, MAYOR

13 BURTON S. WESTON, DEPUTY MAYOR

14 JAY W. CHAGRIN, TRUSTEE

15 AARON S. HALPERN, TRUSTEE

16 DENISE KNOWLAND, VILLAGE ADMINISTRATOR

17
18
19
20
21
22 JENNIFER DEVLIN
23 COURT REPORTER
24

1 MAYOR WEINBERG: We will now open -- it
2 is now 7:38. We will open the public hearing
3 on the Landmarks Preservation Commission
4 determination for 46 S. Middle Neck Road.

5 The purpose of this public hearing is to
6 affirm or modify the report and
7 recommendation of the Landmarks Preservation
8 Commission after hearing public comment. The
9 Commission's report and recommendation is
10 dated July 24, 2023. The members of the
11 Board of Trustees have reviewed the
12 commission's minutes, report and
13 recommendation.

14 The report stated that the building at 46
15 S. Middle Neck Road fits the definition of a
16 "landmark" pursuant to Chapter 120 of the
17 Village Code. Village residents present at
18 the Commission's public hearing were in favor
19 of preserving this building. The existing
20 use of the building as a church is a
21 conforming use. And the land is zoned in a
22 district for residential homes and apartment
23 buildings.

24 The commission in its report weighed the

1 following factors: architectural and
2 aesthetic significance and community support
3 for landmarking. The Commission also weighed
4 factors on the impact of landmarking on the
5 community, hardship to the owner, repurposing
6 of the building, zoning, the village tax
7 base, and religious use.

8 Any future proposal may be subject to the
9 Commission's input, community input and other
10 village boards with respect to zoning or use
11 variances. Before I continue with the
12 statement -- it was item VI -- the existing
13 use of a building as a church is a conforming
14 use.

15 VILLAGE ADMINISTRATOR KNOWLAND: Is
16 conforming use. Yes, right.

17 MAYOR WEINBERG: I just wanted to double
18 check. As oppose to a nonconforming use.
19 Again, I guess I'll take the prerogative as
20 mayor.

21 Following that statement -- and those
22 were the factors that the Commission
23 considered, and the Commission in their
24 minutes had deliberated about -- the

1 Commission then made a recommendation that
2 was presented by the report dated July 24,
3 2023.

4 The report examining those factors is
5 extremely well written, well thought out, and
6 summarizes in great detail the deliberative
7 process that the Commission went through
8 during its meetings on the request to
9 landmark 46 S. Middle Neck Road.

10 It is for all the reasons stated in this
11 report, I would recommend to this Board that
12 -- and we will discuss this. We can weigh
13 all the factors -- but that we affirm this
14 report in totality. And because in addition
15 to which it lays out not only the factors
16 that you would examine in this case, but it
17 also gives you a framework to examine in the
18 -- in any future applications that may come
19 the way of the Village.

20 With that in mind I will open the public
21 hearing. And we will ask if there's any
22 public comment from the public that's here
23 tonight.

24 MS. MATTSON: I happen to be a member of

1 the Commission. And I came because I wanted
2 to hear the public response. And obviously
3 I'm very much in favor of naming this
4 building a landmark. I don't think there's
5 any problems. And the owner who -- really is
6 I don't think even running it exactly as a
7 religious institution right now anyhow. And
8 when it's a religious institution there are
9 no taxes collected. So that issue -- so I
10 see no reason why this can't be approved.

11 MAYOR WEINBERG: Since we are taking a
12 transcript of the comments, would you please
13 state your name and address for the record.

14 MS. MATTSON: My name is spelt L-E-I-L-A.
15 Mattson, M-A-T-T-S-O-N. And my address --
16 you -- my address? Is that what you said?

17 VILLAGE ADMINISTRATOR KNOWLAND: Address.

18 MAYOR WEINBERG: Yes.

19 MS. MATTSON: My address?

20 MAYOR WEINBERG: Yes.

21 MS. MATTSON: 13 Linden, L-I-N-D-E-N,
22 Street. Thomaston.

23 MAYOR WEINBERG: Anyone else from the
24 public that wishes to be heard?

1 MS. CHATINOVER: All I would like to say
2 is echo what you have just said about the
3 report, that I had told the people who had
4 written the report that I was so impressed by
5 the report, how clear it was. And for
6 someone who has no background in architecture
7 or in this area, I was just amazed that it's
8 -- that it spelt it out so beautifully. And
9 I was just so impressed with it. And I thank
10 them for it.

11 MAYOR WEINBERG: Okay.

12 There being no other members of the
13 public present tonight --

14 VILLAGE ADMINISTRATOR KNOWLAND: She can
15 state her name too.

16 MAYOR WEINBERG: Please state your name
17 and address for the record.

18 MS. MATTSON: Miriam, M-I-R-I-A-M.
19 Chatinover, C-H-A-T-I-N-O-V-E-R. I live at
20 22 Avalon Road.

21 MAYOR WEINBERG: Thank you. Okay. It is
22 now 7:45. And we will close the public
23 hearing. And now it is -- we will have a
24 motion.

1 VILLAGE ADMINISTRATOR KNOWLAND: To close
2 the hearing first.

3 MAYOR WEINBERG: We need a motion.

4 VILLAGE ADMINISTRATOR KNOWLAND: We need
5 a motion to close to public hearing.

6 TRUSTEE WESTON: I'll make that motion.

7 MAYOR WEINBERG: Okay. Is there a
8 second?

9 TRUSTEE HALPERN: Second.

10 MAYOR WEINBERG: Any comments, questions
11 or discussion?

12 Hearing none, all those in favor?

13 TRUSTEE HALPERN: Aye.

14 TRUSTEE WESTON: Aye.

15 TRUSTEE CHAGRIN: Aye.

16 MAYOR WEINBERG: Aye.

17 Any opposition or abstention?

18 There being none.

19 (Time noted: 7:46 p.m.)

20 * * *

21 CERTIFIED THAT THE FOREGOING IS A TRUE AND ACCURATE
22 TRANSCRIPT OF THE STENOGRAPHIC MINUTES IN THIS HEARING.

23 _____
24 JENNIFER DEVLIN
Court Reporter