

**MINUTES OF A REGULAR MEETING  
OF THE LANDMARKS PRESERVATION COMMISSION  
OF THE VILLAGE OF THOMASTON  
February 8 , 2022**

The Landmarks Preservation Commission met on Tuesday, February 8, 2022 via videoconference at 8:00 p.m. In accordance with applicable law, the meeting was recorded, and the recording and a transcription are to be posted on the Village website.

**Present:** Donald Stern, Chair, Leila Mattson, Deputy Chair, Miriam Chatinover, Gary Noren, Karen Siegel; Village Administrator Denise M. Knowland; Village Attorney A. Thomas Levin.

**Absent:** None

Miriam Chatinover was not present when the meeting was opened, but joined the meeting at 8:11 p.m.

Chairman Stern opened the meeting at 8:08 p.m.

Mr. Stern read the following statement:

Mr. Stern noted that, due to public health and safety concerns related to COVID-19, and pursuant to New York State law, this meeting of the Landmarks Preservation is not being held in person. The meeting will be recorded and a transcription will be provided at a later date, and the recording and transcription will be placed on the Village website and in the Village records.

Mr. Stern also noted that public comment on the question of whether 124 South Middle Neck Road should be designated as a Landmark pursuant to the Village Code had previously been received by the Commission, so that the purpose of the current meeting is for the Commission to determine whether or not so to designate the building, and to approve a report of the Commission's determination to be forwarded to the Village Board of Trustees. Accordingly, there will be no public comment at the current meeting.

Mr. Stern informed the public that, since the Commission's last meeting, he had prepared a draft report (titled "Draft Written Determination") which was intended to reflect Mr. Stern's perception of the consensus of the other Commissioners as to whether or not to designate the building as a landmark, and that he had subsequently discussed this draft on a one-on-one basis with each individual Commissioner to obtain feedback and comments (each such discussion involved only Mr. Stern and a single other Commissioner). A copy of such draft Written Determination was posted to the Village website more than 24 hours prior to this meeting.

**SEORA determination**

**RESOLUTION 22-01**

Upon motion of Miriam Chatinover, seconded by Gary Noren, the following resolution was adopted:

WHEREAS, the Village of Thomaston Landmarks Preservation Commission ("Commission") is considering requests to designate premises 124 South Middle Neck Road, Thomaston, New York, as a landmark property pursuant to Village Code Chapter 120; and

WHEREAS, pursuant to the State Environmental Quality Review Act and its implementing regulations set forth in 6 NYCRR Part 617 (collectively "SEQRA"), the Commission 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 Thomaston Landmarks Commission hereby finds and concludes that consideration and determination with respect to designation of premises 124 South Middle Neck Road, Thomaston, New York 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 the Chair of the Commission, and /or the Village Administrator, be, and hereby are, authorized and directed to give notice of this determination in such manner as may be required by law.

|                                  |                    |     |                |     |
|----------------------------------|--------------------|-----|----------------|-----|
| The vote on this resolution was: | Donald Stern:      | Aye | Leila Mattson: | Aye |
|                                  | Gary Noren:        | Aye | Karen Siegel:  | Aye |
|                                  | Miriam Chatinover: | Aye |                |     |

Mr. Stern then summarized certain portions of the draft Written Determination, and stated his own views as to factors relevant to the determination of Landmark status, as more fully described in the draft. He then called on each member of the Commission for comments. Each Commissioner offered remarks regarding the draft Written Determination and related matters. Commissioner Chatinover pointed out that the language in the draft stating that the Commission's report was subject to "approval or disapproval" by the Village Board of Trustees differed from the corresponding text in the Village Code and requested that it be changed.

### **Designation of 124 S. Middle Neck Road as a Landmark**

RESOLUTION 22-02

Upon motion of Donald Stern, seconded by Gary Noren, the following resolution was adopted:

RESOLVED, that the Written Determination attached to this Resolution and made a part hereof, (which Written Determination is the same as the draft previously circulated to the Commissioners and posted on the Village website, except that the phrase, "subject to the approval or disapproval of the Village Board of Trustees," which appears in two places in the draft Written Determination has been replaced with the phrase "subject to any action taken by the Board of Trustees" in both places), which designates the existing building located at 124 South Middle Neck Road, Thomaston, New York, as a Landmark pursuant to Chapter 120 of the Village Code, is hereby approved by the Commission, and

RESOLVED, that a copy of such Written Determination be attached to the minutes of this meeting, and

RESOLVED, that the Village Administrator shall transmit a copy of such Written Determination to the Village Board of Trustees.

|                                  |                    |     |                |     |
|----------------------------------|--------------------|-----|----------------|-----|
| The vote on this resolution was: | Donald Stern:      | Aye | Leila Mattson: | Aye |
|                                  | Gary Noren:        | Aye | Karen Siegel:  | Aye |
|                                  | Miriam Chatinover: | Aye |                |     |

Mr. Stern then thanked the public and the building's owner for their participation, as well as the staff of the Village, the Village Attorney and the other Commissioners for their service.

### **Adjournment**

At 8:28 p.m., there being no further business, a motion to adjourn was made by Miriam Chatinover, seconded by Gary Noren, and unanimously approved.

|                                  |                    |     |                |     |
|----------------------------------|--------------------|-----|----------------|-----|
| The vote on this resolution was: | Donald Stern:      | Aye | Leila Mattson: | Aye |
|                                  | Gary Noren:        | Aye | Karen Siegel:  | Aye |
|                                  | Miriam Chatinover: | Aye |                |     |

Respectfully Submitted,

Denise M. Knowland  
Village Administrator

**Written Determination of the Landmarks Preservation Commission**  
**of**  
**the Village of Thomaston**

**February 8, 2022**

This document contains the written determination (“Written 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 124 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 has determined that that the Building is hereby designated as such a Landmark, subject to any action of 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 three occasions (each by Webinar, in accordance with New York State law) to consider numerous requests received from the public that the Commission designate the Building as a Landmark. Notice of each such meeting was given in compliance with applicable requirements. Minutes of the first two meetings have been previously posted on the Village website, as have unabridged recordings of those meetings. This Written Determination was approved at the third and final meeting of the Commission (the minutes and unabridged recording of that meeting will be posted to the Village website promptly).

Prior to its first 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 and considered by the Commission.

At its first meeting on November 30, 2021, after public comment and after consideration of alternative firms, the Commission voted to engage the firm Archaeology & Historic Resource Services (“AHRS”), with expertise in historic preservation and cultural resources, to prepare a report regarding whether the Building satisfies the definition of “Landmark” in the Code.

Prior to its second meeting on January 4, 2022, (i) the Commission received the report of AHRS, which was posted to the Village website and considered by the Commission, (ii) the Commission received additional written comments from the public, including from the owner of the Building, all of which were posted to the Village website and considered by the Commission, and (iii) the Commission met by Webinar in executive session with the Village Attorney to receive legal advice relating to its proceedings.

At its second public meeting on January 4, 2022, the Commission listened to a summary by AHRS of its report, and also heard public comment on whether or not it should designate the Building as a Landmark.

A number of written comments were submitted after the January 4, 2022 meeting, including from the owner of the Building, all of which were posted to the Village website and considered by the Commission.

At its third public meeting on February 8, 2022, the Commission voted to approve and adopt this Written Determination, and to submit this Written 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 does satisfy that definition, then to determine whether or not the Commission should "designate" the Building 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?

The report prepared for the Commission by AHRS, and the great bulk of public comment received by the Commission, relate to whether or not the Building satisfies the definition of "Landmark" in the Code.

In relevant part, the portions of that definition in the Code most applicable to the Building are, alternatively: (i) "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," (ii) "Any building or structure where ...economic...or social history of the

community, state or nation is exemplified,” or (iii) “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.”

Based upon the report of AHRS and public comment, it seems clear to the Commission that the Building constitutes a good example of Tudor Revival-style architecture that has remained largely and remarkably intact since its construction around 1930. Whether the architectural characteristics of the Building are “inherently valuable for a representation of a period, style or method of construction,” as required by the Code, is a subjective question, but given the unique nature of the Building in the Village, the remarkable integrity of its historical condition and the other factors brought to the Commission’s attention by AHRS and public comment, the Commission believes, on balance, that the Building satisfies the “inherently valuable” test in the Code. Accordingly, the Commission has determined that the Building satisfies the definition of “Landmark” in the Code, on the basis of architectural value.

The Commission also took note of the fact that the Building has been determined by New York Parks, Recreation and Historic Preservation to be 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 a significant and distinguishable entity whose components may lack individual distinction.” While the corresponding portion of the Village Code requires that a building actually be included on the National Register or other list (not merely recommended, as is currently the case for the Building), the fact that the Building has been determined to be eligible for such inclusion was noted by the Commission as further indication of the Building’s architectural significance.

The Commission also considered evidence as to the historical significance of the Building, particularly that it is associated with the early development of the Village and that it exemplifies the rise of the motor car on suburban Long Island and an associated era in the history of the North Shore of Long Island. (The Commission also understands that the age of a building alone is not sufficient to establish its historical significance.)

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

The Commission considered all of the following factors in answering this question:

- (1) **Importance of Architectural Value.** The Building is a particularly good example of Tudor Revival architecture, the integrity of which appears to have been largely maintained since its construction in the early 1930s. It is the only such building of comparable age, style and history in the Village (other examples of this architecture, arguably of lesser importance, are present in the surrounding community, such as in Great Neck Plaza and Roslyn). The location of the Building, effectively at the entrance to the Village from the

South, 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 and history to the community. The Commission believes that preservation of the Building would particularly benefit the appearance and atmosphere of the portion of the Village in which the Building is located, and also serve as a visual reminder to the public generally of the historical and architectural background of the Village.

- (2) **Community Support for Landmarking.** The Commission noted the strong community support for landmarking the Building. While public sentiment was not dispositive to the Commission's determination of whether or not to designate the Building as a Landmark, the Commission found community input, including reports from experts engaged by residents, particularly helpful in understanding the full architectural and historical significance of the Building. The Commission also noted that requests to landmark the Building arose in the context of a contentious rezoning process in 2021 that was ultimately retracted by the Village Board of Trustees. It seems likely that at least a portion of the community support for landmarking reflects primarily the desire of some near-by residents to prevent or exercise control over construction and/or development at this site generally, rather than a fundamental interest in the architecture or history of the Building. As noted by the owner, no request to landmark this nearly 100-year old structure was ever received by the Village before the rezoning issue arose during 2021. The Commission also noted that a variety of views were expressed in public communications concerning landmarking in general, including consideration of (i) landmarking just the Building at this time, (ii) designating a "Belgrave historical district" encompassing the Building and a significant number of single-family homes and possibly an apartment building in the vicinity, and (iii) landmarking a significant number of single-family houses elsewhere in the Village.
- (3) **Impact of Landmarking.** The Commission considered the impact that landmarking could have on the future of the Building. 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 an additional vacant storefront, the impact on the community would be negative. The Commission took note of the owner's comments that, by raising the cost of development and/or further complicating the process of obtaining approval for development, landmarking could negatively affect the value, salability and/or redevelopment of the property. However, on balance, it appears to the Commission that the risks noted in this paragraph depend much more on the underlying zoning of

the property (discussed below) rather than on the outcome of landmark considerations.

- (4) **Repurposing of Building.** Several residents suggested that any negative impact of landmarking would be minimized because the Building could readily be repurposed for other commercial uses, while maintaining its architectural integrity. However, the following difficulties were noted by the Commission: First, the property on which the Building is located is currently zoned exclusively for residential use, so that the Commission understands that the existing commercial use of the Building (i.e., sale of motor vehicles) is currently a legal non-conforming use. That means, absent a change or variance in zoning, the only permitted commercial (i.e. non-residential) use of the Building by the current or any future occupant of the Building is the sale of motor vehicles. This limits significantly the potential “repurposing” of the Building, regardless of landmarking. For example, retail sales (other than the sale of motor vehicles) are prohibited without a change in zoning or variance. The Commission also noted that the internal vehicle ramps and concrete construction of the Building would likely make repurposing for another use more difficult and expensive, although that would be a consequence of the interior construction of the building, not the exterior elements that are architecturally significant.
- (5) **Impact of Zoning.** As mentioned above, the current use of the Building and the adjoining used- car lot for vehicle sales constitute a legal non-conforming use, so that no other commercial use is currently permitted. The only other permitted use of the property is residential. But there is a complication: part of the property on which the Building is located is zoned in the A-B apartment district, and the remainder is in the R-10 single-family residence district. In fact, the Building itself is partially in each zoning district, i.e., a portion is zoned apartment A-B and a portion is zoned Residence R-10. This means that, if the Building and the property are ever to be used other than for vehicle sales, rezoning is likely to be economically advantageous to permit redevelopment in a unified manner (possibly with a unified multifamily structure). Any such rezoning would require community input and action by the Board of Trustees, separate and apart from any issues relating to the Building’s status as a landmark. Further, while beyond its jurisdiction, the Commission notes that the existing use of the portion of the property adjoining the Building as a used-car lot is not a particularly attractive use (and a different operator in the future could conduct business in an undesirable way), so that rezoning in the future to permit a more attractive use could be beneficial to the community. But those are considerations that would require community input and Village Board of Trustees action in the future, and are independent of landmark considerations. The Commission believes any impediment presented by the existing zoning likely impacts the value, salability and potential redevelopment of the property to a far greater degree than would landmarking the Building. If, in the future, the community and the Village Board of Trustees are in favor of rezoning and/or redevelopment, then coordination among the owner and the Village

Landmarks Preservation Commission would also be necessary in order to satisfy the requirement applicable to designated landmarks in the Village. The Commission believes such requirements could be readily ascertained and satisfied at the time, assuming the objectives of the community, the Village Board of Trustees and the owner were substantially aligned, with due regard to the landmark status of the Building. The Commission stresses that it has no authority with respect to zoning issues, so that that the preceding discussion represents only the opinion of the Commission based on its understanding of legal advice it has received. Zoning determinations are within the exclusive authority of the Code Official of the Village, subject to review as provided in the Village Code.

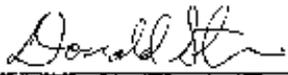
- (6) ***Impact on Village Property Tax Base.*** The Commission considered that designation of the Building as a Landmark could result, over time, in lower property tax revenue to the Village, either because the designation itself might lead to a reduction in assessed value of the Building, or the designation could impede or delay redevelopment of the property that could result in increased property taxes to the Village. Any such reduced property tax revenue would be a “price” that the Village would pay to protect this structure through landmarking. While the benefit of landmarking would primarily be enjoyed by near-by residents, the potential “price” described in this paragraph would be shared by the entire Village, as all residents and other property owners would need to make up the deficit for any reduction in property taxes attributable to the Building. However, the Commission believes that any such reduction in property taxes is likely to be modest, and that the “price” would be justified in light of the benefit to the Village, and particularly to residents in proximity to the Building.
- (7) ***Hardship.*** In correspondence received by the Commission after the second public meeting, the owner of the Building reiterated that landmarking the Building would impose added expense on the upkeep of the property, and that the property as it currently exists would not satisfy the “image compliance” requirements imposed on dealerships by various auto brands. The Commission believes these assertions by the owner are plausible. Further, the owner has asserted that bringing the building into compliance with the requirements of various automobile brands would necessitate either significant modification of the existing Building or construction of a new building satisfying the requirements. The owner points out that the Commission has the authority, 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. However, beyond implying such to be the case, the owner has offered no detailed evidence that key architectural elements of the Building would need to be removed in order for the Building to be altered in satisfaction of dealership requirements. In the context of a specific building permit application in the future, it is

possible that the owner may raise hardship concerns again; and in such event, the Commission would exercise its discretion pursuant to the Code, in light of the facts then presented.

E. Conclusion.

Having considered the report of AHRS, 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.

LANDMARKS PRESERVATION COMMISSION OF THE VILLAGE OF THOMASTON

By:   
Donald Stern, Chair

