

Historic Preservation Commission
Monday, August 15, 2011
Frank D. Greco Senior Citizen's Building
Minutes

Present - Josh Randall, Michael Sullivan Smith, Barry Benepe, Susan Poretz, Myles Putman

Ex Officio – Audrey Klinkenberg, Town Historian

Liaison – Jimmy Bruno, Town Councilperson

Guests – Gil Hales, Joseph A. Mirabella, Tad Richards, Patricia Richards, Laurie Della Villa Miller, Walter J. Nicklaus, III, D. Nicklaus, William Nicklaus, Jr., Jeremy Hughes, Keith Nicklaus, Gloria Rutulante, Cindy Bell, Kathy Miller, George Barton, John H. Wolfe, Nancy Wolfe, Donna M. Anderson, Gaetana Ciarlante, David Gordon, Cindy Bell, Kathy Miller, George Barton, John H. Wolfe, Nancy Wolfe, Donna M. Anderson, Bob Karcy, Thomas Holmes, Beth Nickerson, Dan Harper, Janet De Bellis, Hans Gunderud, Susan Weeks.

The meeting was called to order by the chair, Josh, at 7:09 pm.

1. Minutes of the July meeting. It was moved by Barry and seconded Susan by that the minutes of the July meeting be approved as corrected. In the last paragraph on page one the name Robert Think should be Lowell Thing, also change SHIPO to SHPO.

Josh distributed copies of the Discover Saugerties, 2011 booklet. The new Historic Preservation pamphlet is published and it was made available to the members.

Josh reported that he has not heard from SHPO regarding the Commission's request to change the publication of the guidelines pamphlet from paper to electronic. There were other changes requested as well. Michael has been asked to send a copy of the most recent guideline booklet to SHPO.

3. Old Business: Barry requested an update of the actions taken by the Commission since 4/17/06, including all designations by the commission by date. Josh then summarized the six certificates of appropriateness approved, etc., two for Wynkoop House, subdivision, driveway and landscaping; one for Ken Snyder; two for the Christian Myer house, the roof and the water.

Ulster County Heritage Week will take place in Saugerties with programs in the Community Room at the public library. The next meeting of the Historic Preservation Commission will take place on September 19 at 7:30. There will be a talk on the history of Saugerties beginning at 6 pm on Wednesday the 21st. In addition a program will be given on Thursday September 22 at 6 pm by Michael Sullivan Smith and at 6 on the 23rd Michael and Myles Putman will present a program on the Flatbush walking tour written by Harry Carle.

4. New Business: Lorraine Weiss will attend the September meeting of the Commission which will be held in the Community room of the Saugerties Public Library.

2. 7:30 pm Public Hearing on Opus 40

The public hearing on the proposed designation of Opus 40 was opened at 7:30 as advertised in the Saugerties Times, on August 4, 2011. Josh read the legal advertisement.

Josh stated that it has been the feeling of the HPC that the entire Harvey Fite Complex on Harvey Fite Road should be designated a local landmark. A portion of the property including the sculpture has already been designated.

Joseph Mirabella, 43 Fite Road. He would like to see the place preserved, and would like to know how that will affect his property.

Gil Hales praised the Commission for its work. He distributed a typed statement to the members of the Commission. He believes Opus 40 is a great place. He has lived here for 22 years. His statement is on file. He is concerned with the government involvement. He strongly supports the designation of Opus 40.

Josh stated that designation does not open any property up to the public. That is a landowner decision. A designation only assists in the protection of what may be added to the property. A certificate of appropriateness must be received from the Historic Preservation Commission. Josh stated that 6 requests have been received. All have been satisfactorily handled.

William J. Nicklaus, III, his property borders the Fite property. He wants to know how it will affect his property

D. Nicklaus, hopes that the property will be designated.

William J. Nicklaus, Jr. 256 Phillips Road, adjoining the property. He asks about a road which appears on the map. Franks Road is a dead end road as is Fite Road. He wants to know about the road between these two roads. It was on a map that came from the town planner, according to Michael Sullivan Smith it is a mistake.

Jeremy Hughes, grandson of William Nicklaus, Jr. lives at 157 Phillips Road, just seeing what this is all about.

Keith Nicklaus, 251 Phillips Road, just seeing what this is all about.

Tad Richards, owner of the property at Opus 40. He is not comfortable with the historic designation for a number of reasons. The Historic Preservation Commission is organization ensures that things stay the same. There is no such tradition at Opus 40.

Laurie Della Villa Miller spoke. She has great news, Tad and Pat Richards and the board have done a great job preserving Opus 40. She is posing an objection to the designation. Unfortunately Opus 40 and the Richards family were not consulted. They received a letter informing of this action, but were not consulted. The stewardship of this property has been impeccable. There is no one in this world who knows better than Tad Richards what Harvey Fite's vision was. Barbara Fite and Tad Richards created the Opus 40, Inc. to maintain the property. Opus 40, Inc. and the Richards family love Saugerties and

have many events that include Saugerties. Some things have been refused by Pat and Tad Richard's because of Harvey Fite's intention for the property. The stewardship of this property is in perfectly safe hands. It is not clear to the owners or to Opus 40, Inc. what rights and assumptions the designation would take out of their hands. Why should those rules be made by others when Tad knows. It is an infringement on property rights. This should have been done in concert with the property owners. They are interested in nothing more than to see that Harvey Fite's work and property is carefully preserved.

They have to object to the designation. Who will be in the seats of the Commission a year from now?

If this property were in the hands of someone who was mistreating it, or going to destroy it, that might be another situation. It has been properly cared for by its current owners.

Josh stated that the Commission members are appointed to specific four (4) year terms by the town board.

Laurie stated that it has not been addressed with the owners as to what rights they might lose as a result of the designation.

Josh stated that he did not go to Opus 40, Inc. about the designation. Laurie would like the group to recognize that this should have been done.

Barry responded that she was concerned that Wolf Trap or another venue would come in. Barry stated that the Commission would not have any say in that.

Cindy Bell, The president of the board of directors of Opus 40, Inc. stated that Opus 40, Inc. would have to approve any sale. There would have to be a written agreement which would be enforced by the board of directors. The property would have to be sold to a not for profit organization. At this point the designation is inappropriate.

Susan Poretz stated that Opus, 40, Inc. has known about this for quite a while, Laurie stated that she begs to differ, that a rumor is not an appropriate way to find out.

Gloria Rutalante, agrees with Laurie

Cindy Bell wants to make a note that the Opus 40 membership has dropped to almost nothing. Laurie asked if there were no budget to fix a road, say, what would the Commission say, and Josh responded that would be the responsibility of the owner. Cindy Bell also wanted to know what the impetus for the designation move is. Michael S. Smith stated that the impetus arose when the property went up for sale, the HPC then began to discuss designation.

Kathy Miller, deferred to Laurie.

Gerald Barton lives at 330 George Sickle Road, he has lived there for 10 years, and have been delighted to have Opus 40 surround him for so many years, used to be three sides, now only on two sides, the northern property was sold about 5 years ago, and a house was erected. He is concerned that a building

might be built that would obstruct the view. Laurie stated that the property was not a part of Opus 40, Inc., Tad stated that it was part of Opus 40, Inc. A house and guest house could be built per the deed.

Tad Richards stated that he understands the value of the Commission with historical expertise, but, about Opus 40, the Commission does not have expertise for that type of property.

Laurie stated - There is no clear mutual understanding of what might happen here.

Nancy Wolf, live on the road to Opus 40, for over 30 years, good neighbors, she worked on Opus 40. Barbara Fite would have wanted Tad to have a say in what happens. And how it would affect Opus 40. She wants to know more about what is going on.

John Wolf, also agreed with Nancy Wolf.

Donna Anderson, lives at 379 George Sickles Road, opposite the Opus 40 property for 26 years. She enjoys the property and hopes it is preserved as it is. She would not like to see anything drastically changed. It would be a shame to have any change. She was under the impression that when something was designated that would be a good thing. But she doesn't know what it means. Josh responded that the external look of the Wynkoop house could not be altered. Barry added that the owner comes to the Commission it is a public meeting which is a safeguard to others living around the property.

Gaetana Ciarlante, Who would own the property? Answer: The owner. She has loved to come on Easter Sunday morning. She has some concerns. What does designation do to impact to the tax payer? Does it take it off the rolls? She stated that designation restricts the owner. She has drastic concerns about that. What does view shed mean and where does it end? People should not lose their property rights.

Dan Harper, 314 George Sickle Road, his property is bordered on three sides. He is against restriction of owner rights.

Janet De Bellis, no comment.

Bob Karcy, recently been elected to the board of Committee to form Opus 40 museum. Chair is Vernon Benjamin. He has been researching and planning the direction of how to continue in the strict spirit of Harvey Fite's legacy. The Committee has become separate from the town and is working on a new direction with the Richards to preserve the entity and develop it. There are a number of plans which the committee is working on to develop it into a successful museum and park, to stay within good taste and sensitivity of Harvey's vision. Making something like this happen is like running a marathon, and having to carry a 20 pound backpack will make it that much harder. He would lie to make a proposal to the Committee, a declaration of peace between all of us, there are enough tensions around, we all have the same goals for Saugerties, "I made my home here, I live here, I have my business here. I don't think that this designation is appropriate at this time." He suggests that the Commission put this designation on hold for a year, let the Committee get moving on it, and come back in a year with a proposal. He will personally keep the Commission informed of the intentions of the Committee. He would like us to be

successful and work together. It has to be run in a business like manner, plan the work and work the plan. He is asking the Commission to delay the designation and he will keep us informed.

Hans Gunderud, a former neighbor back in the 40's, well acquainted with the area. He echoes the sentiments of the Committee to Create and Bob Karcy. They have been working hard as a volunteer board and there are some great ideas, to make it a national designated site. He would like to have the committee come up with a plan and share it with the Commission and hear comments.

Laurie made a clarification on something which many may not understand. There are two boards of directors, Opus 40, Inc. There is also a Committee to Create Opus 40 Museum. When the TOS wanted to purchase Opus 40 they created The committee to create Opus 40 museum. They, the(Committee to Create, are trying to become the stewards and operators of Opus 40. This is the goal of Pat Richards.

Beth Nickerson, shares her sympathy with the owners, who should have been consulted. She believes that we should work together.

Thomas Holmes, came to find out what it is all about. He was extremely impressed with Opus 40. His question is – to the commission – for the owners, what is the benefit. Is this a decision which the commission makes, is it voted on? Josh responded. The Commission will weigh the deliberations and comments and discuss them, a vote will be taken. If designated, the town board will be notified. The town board can do one of two things. They can take no action leading to automatic designation. The town board can, because of some facts that we put forth, declare the facts invalid, give us the opportunity to correct them, and we have to go through the process again. In other words objections to the findings.

Tom asked that for example, if the property was sold and the monument planned to be moved. Josh stated that the Commission could attempt to put road blocks in the way. Tom stated that there is no real urgency. Josh stated for the Commission that Tad and Pat have done a yeomans job of maintaining that property. He has lived here for 40 years. He thinks it is one of the most gorgeous destinations in Saugerties.

A question was asked what the owners could do. Josh responded that the owner can do anything, with a Certificate of Appropriateness. An appeal to the Zoning Board of Appeals can take place if the owner is not satisfied with the outcome.

The Commission is precluded from requiring home owner permission. Laurie wants to know the home owners recourse – to the town board. Or Article 78 can be filed. The Commission has 62 days from today to make a decision.

Bob Karcy comments that the sculpture is already designated. Opus 40 is nationally landmarked.

Cindy Bell asked about landscaping. The response by Michael was that that the Department of Interior states that if a tree dies it is not necessary to plant the exact tree or in the same place.

Susan Weeks, a member of the Committee to Create, has and read their mission statement. What they are thinking includes Tad and Opus 40, Inc. She too would like to have a breather, and see what happens. She does not want an adversarial situation. Barry asked Susan whether she supports designation? She believes that Pat and Tad are feeling insulted. She thinks that she does not support a designation at this time, wait to see what is happening, but does support designation later on."

Thomas Holmes stated that what is being said makes a lot of sense. He is in agreement with the Committee to Create, which wants a breather. It seems to him that there are two groups working to the same end.

Josh thanked the group for their comments. He additionally read a statement from a student of Harvey Fite from New York. Walter Randel, August 14, 2011. He was student 1950-1953 at Bard College, and worked at Opus 40 moving rocks.

Michael stated that the Commission's interest rose when the property went on the market.

Josh thanked every one who came and spoke tonight, all comments will be taken under consideration.

Public Hearing closed at 9:00 pm.

5. Adjournment: The meeting was adjourned at 9:00 pm.

Audrey Klinkenberg

Secretary