

Bedford Hills, New York  
May 15, 2012

A hearing was held by the Town Board of the Town of Bedford on May 15, 2012 at the Town Offices, 321 Bedford Road, Bedford Hills, New York to consider the appeal of Daryl and Carlos Benaim concerning a decision of the Historic Building Preservation Commission regarding property located at 44 Holly Branch Road, Katonah. The meeting was called to order at 7:00 P.M. by Supervisor Roberts.

<b>Present:</b>	Lee V. A. Roberts	: Supervisor
	Peter Chryssos	: Councilman
	Francis T. Corcoran	: Councilman
	Chris Burdick	: Councilman
	David Gabrielson	: Councilman
	Lisbeth Fumagalli	Town Clerk
	Joel H. Sachs	: Town Attorney
	Harry Girdlestone	: Sole Assessor
	Amy Pectol	: Receiver of Taxes
	William Hayes	: Chief of Police
	Edward Ritter	: Town Comptroller

And fifteen (15) residents/observers.

Mrs. Roberts called the meeting to order and advised that five (5) letters and one (1) email had been received concerning this matter. Five (5) of the correspondence received supporting overturning the decision of the Historic Building Preservation Commission and one (1) that did not and felt the appeal should be denied.

Mr. Sachs gave an overview of the appeal process for the Town Board, citing the decision is based on Article III of Chapter 71 of the Code of the Town of Bedford. He noted that the Town Board had received a record of the proceedings of January and March of 2012 of the Historic Building Preservation Commission and the decision that this body had rendered.

Alfred DelBello, attorney representing the applicants Daryl and Carlos Benaim, gave a brief overview of what had transpired over the last several months for his clients.

Daryl Benaim read a prepared statement to the Town Board.

John Stockbridge, Chairman of the Historic Building Preservation Commission addressed the Town Board and expressed the view of that board.

On a motion by Mrs. Roberts, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes:	Roberts, Chryssos, Corcoran, Gabrielson, Burdick
Nays:	None
Absent:	None

RESOLVED that the Town Board shall go into executive session to discuss the appeal of Daryl and Carlos Benaim, relative to a decision rendered by the Historic Building Preservation Commission concerning property at 44 Holly Branch Road, Katonah, in the Town of Bedford.

Minutes of Executive Sessions - Town Board of the Town of Bedford - May 15, 2012

On May 15, 2012 at approximately 7:40 p.m., the Town Board after hearing the appeal of Carlos and Daryl Benaim in regard to the March 28, 2012 determination of the Town of Bedford Historic Building Preservation Commission voted to go into Executive Session to discuss threatened litigation by the Benaims in regard to the property at 44 Holly Branch Road. Attending the Executive Session were Supervisor Roberts, Councilpersons Chryssos, Corcoran, Burdick and Gabrielson. Also attending were Town Attorney Sachs and Town Planner Jeff Osterman.

At the outset of the Executive Session, Town Attorney Sachs was voted Acting Town Clerk for the purpose of the session.

There was discussion at the Executive Session among the Board members, Mr. Osterman and Mr. Sachs concerning the appeal of the Benaims to the Town Board. A draft resolution was presented to the Town Board by Mr. Sachs and Mr. Osterman. No decisions were made and no votes were taken.

At approximately 8:05 p.m. the Town Board voted to return to its public session in the Town House meeting room.

Joel H. Sachs  
Acting Deputy Town Clerk

On a motion by Mrs. Roberts, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Gabrielson, Burdick  
Nays: None  
Absent: None

RESOLVED that the Town Board of the Town of Bedford does hereby adopt the following resolution:

**Conditions for Partial Demolition Approval  
for  
“The Belfry” 44 Holly Branch Road, Bedford, New York**

A demolition permit shall be granted to the Applicant for the existing structures on the property at 44 Holly Branch Road, which property is also known and designated on the tax assessment map of the Town as Section 50.12, Block 1, Lot 1 (the “Property”), subject to the following conditions:

- 1) The Applicant shall not demolish the main tower of the existing home referred to hereinafter as the “Belfry”. The Belfry includes main entry hall, living room and bedrooms, and ancillary spaces directly above the living room, as shown on the attached Diagram “A” and more particularly in “Diagram B”, both prepared by Stephen Tilly, Architect, dated May 11, 2012.
- 2) Demolition, relocation / preservation, and any new construction on the Property shall occur in the following order:
  - a) The Applicant shall demolish the existing buildings on the Property but for the Belfry. Existing buildings or portions thereof to be demolished include two garage structures, and the east and south wings of the main house (the “Demolition Portion”);
  - b) Following demolition of the Demolition Portion, the Applicant may relocate the Belfry. If the Applicant chooses not to relocate the Belfry, the Applicant may or may not incorporate the Belfry in the construction of a new dwelling on the Property subject to the issuance of a building permit or building permits from the Town;
  - c) If the Applicant chooses to relocate the Belfry, following demolition of the Demolition Portion and relocation of the Belfry, the Applicant may commence construction of a new dwelling on the Property and the restoration of the Belfry concurrently, subject to the issuance of a building permit or building permits from the Town. No certificates of occupancy shall be issued for any new residence prior to the issuance of a certificate of occupancy for the Belfry. If the Belfry is relocated (rather than preserved in its current location), only then shall conditions 3, 4, 5 and 6 below be applicable.
- 3) The Belfry shall be relocated generally to the area shown in the attached Diagram “C”, prepared by Stephen Tilly, Architect, and dated May 11, 2012. The precise area of the relocation of the Belfry and any new construction on the Property shall be shown on

demolition and/or construction drawings which shall be submitted to the Building Department of the Town.

- 4) The new location of the Belfry on the Property (the "Relocation Site") shall be determined in consultation with the Applicant's arborist who has evaluated the condition of the principal trees in the vicinity of the Relocation Site and the relocation path.
- 5) The Belfry and any new residence to be constructed on the Property shall be sited in accordance with the requirements of Section 125-12 of the Zoning Code of the Town of Bedford which permits two main buildings and their accessory structures on the Property provided that all main and accessory buildings conform to all lot requirements established by the Zoning Code as if such buildings were placed on two separate and independent parcels of land.
- 6) Prior to relocating and restoring the Belfry, a performance bond or other security shall be posted for the purpose of securing the cost of the relocation and restoration in accordance with the approved plans. The amount of the bond or other security shall be in an amount sufficient to secure the cost of the relocation and restoration. If the Belfry is not relocated, a performance bond or other security shall be posted for the restoration.
- 7) All restoration work to the exterior of the Belfry shall be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings. Compliance with those standards shall be determined by a licensed Architect with the following qualifications:
  - a) Licensed in the State of New York.
  - b) Ten years of experience in projects on properties listed on the National Register of Historic Places.
  - c) Two projects completed on National Historic Landmarks.
  - d) Five projects reviewed and approved as meeting the Secretary of the Interior's Standards for Rehabilitation by the NY State Office of Parks Recreation and Historic Preservation.
- 8) This resolution and the conditions hereto shall run with the land and be binding on, and inure to the benefit of, the property owner, its successors and assigns. This resolution shall be recorded in the Office of the Westchester County Clerk, Division of Land Records at the sole cost and expense of the Applicant.
- 9) The Applicant shall be responsible for reimbursement to the Town for any costs incurred by the Town in connection with the Town's engagement of John Milnes Baker, R.A, for oversight of the relocation and restoration of the Belfry.

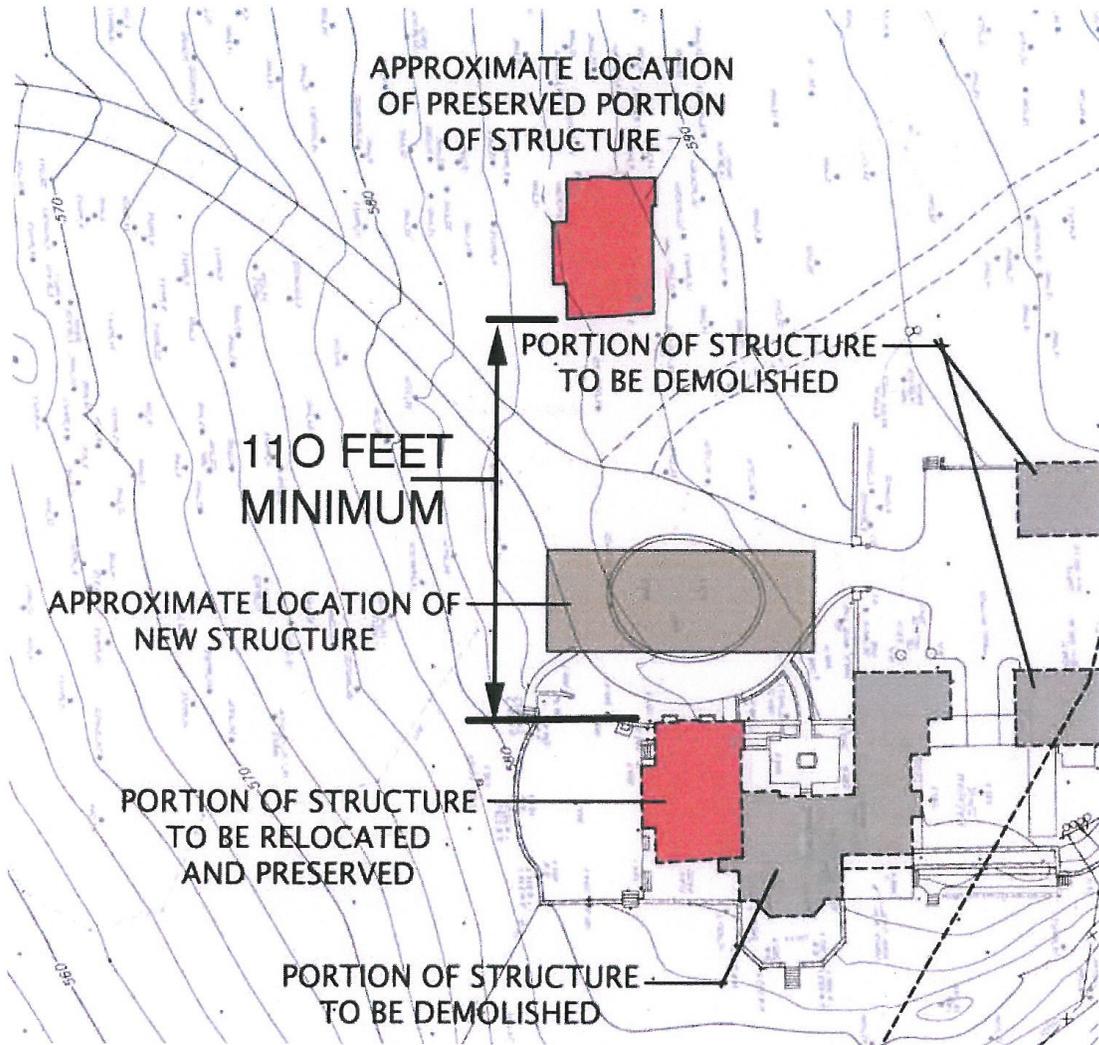
**DIAGRAM A: 44 HOLLY BRANCH ROAD BEDFORD, NY**

Showing demolition of portions of the existing buildings, portions to remain, and proposed general location to which the remaining portion will be relocated.





**DIAGRAM C: 44 HOLLY BRANCH ROAD BEDFORD, NY**  
Showing the location of the portion of the existing primary building to be moved.



prepared by Stephen Tilly, Architect  
May 11, 2012  
stillyarchitect.com

There being no further discussion the hearing was adjourned at 8:06 pm.

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Lisbeth Fumagalli, Town Clerk