

Determination Regarding Application for Certificate of Appropriateness for
675 Skippers Lane, Orient NY

Date: May 21, 2019

Re: 675 Skippers Lane, Orient, NY 11957; SCTM# 1000-24-02-01

Owners: Louis Potters and Lenore Brancato

RESOLUTION:

WHEREAS, 675 Skippers Lane, Orient, New York is listed on the Town of Southold and National Register of Historic places, and

WHEREAS, as set forth in Section 170 of the Southold Town Code (Landmarks Preservation Code), all proposals for material changes/alteration or demolition must be reviewed and granted a certificate for appropriateness by the Southold Town Historic Preservation Commission prior to the issuance of a Building Permit, and

WHEREAS, an application was submitted on June 28, 2018, to demolish the historic landmark at 675 Skippers Lane, Orient, NY, replace the original portion of the structure in kind with the addition of a newly designed two-story wing on the side adjacent to the park and

WHEREAS, Commissioners made a visit to the site to inspect the proposed project, and later met with the owners and their architect. On multiple occasions the Commission reviewed and commented on plans and later amended plans for a proposed demolition of the existing structure and construction of the new home on the site, and

WHEREAS, a duly advertised public hearing for the purpose of considering approval of the proposed demolition was held on November 20, 2018, that hearing exceeded its allotted time, was adjourned for completion, and

WHEREAS, on April 10, 2019, the Commission held a further public hearing on the application proposing the demolition of the home at which time written and oral evidence were presented prior to the close of the hearing, and

WHEREAS, At that time the owners application for demolition of 675 Skippers Lane offered, and the Commission accepted, a home inspection report by Robert O' Brien dated January 8, 2019, which does not indicate the structure must be demolished, as well as his oral testimony regarding the current

condition of the structure, and the possibility of its complete demolition, that the commissioners deem inadequate, and

WHEREAS,

based upon the testimony, documentation and other evidence, the Commission has made the following findings of fact concerning the property and the proposal:

675 Skippers Lane is a registered landmark property and a contributing element of the Orient Village National Register Historic District.

Although the applicant termed the proposed new structure as an "in kind" replacement, as set forth below, the proposed new structure is vastly different from the existing structure and therefore constitutes a proposed alteration to the existing facades subject to the criteria of Sections 170-8 and 170-9.

The buildings on the property consist of the existing 1-1/2 story, 1880-square foot residence and a 373 square-foot, two-car garage. A one story gable roofed addition was added to the original cottage in the 1957. The 13,817 square-foot property fronts both Skippers Lane to the north and Harbor Road (formerly State Street) to the west. The back of the property faces Poquatuck Park to the south. Three facades are visible to the public from the streets and are also visible in two directions from Poquatuck Park. Additionally, the house can be also seen from the causeway on Route 25 before entering the Village from the west.

The subject property, originally belonged to Edward S. Vail and his wife Agnes Vail. Edward Vail, who came from one of the oldest families in Orient, was a 4th generation fisherman who sailed the family's fleet of boats along with his father, George Sumner Vail. A December 27, 1918 news item in the *County Review* newspaper noted, "Edward S. Vail has been discharged from the army and has returned to Orient where he and his wife are domiciled in their cottage recently built on State Street" (now Skippers Lane). The cottage, sold in 1938 to Hobart Van Nostrand and his wife Florence, remained in the Van Nostrand family for four generations until recently purchased by the applicants.

The property is significant within the context of other properties in the Orient Historic District, which together reflect the history and growth of the early village from a farming and fishing community to a prominent year round and summer residential district.

The subject property, although altered over the years, represents a worthy example of the rural regional vernacular style typical of

bay cottages in the early part of the 20th Century. At one time, these cottages, which belonged to tradesmen and baymen, dotted the waterfront in Orient.

In its evaluation, the Commission has considered how, and if, the proposal to demolish 675 Skippers Lane and replace it with a completely new structure meets the criteria outlined in Section 170-8 Criteria for the Historic Preservation Commission for approval of alteration of facades of historic landmarks, as well as Section 170-9 of the Southold Town Code, Criteria for Approval of Demolition or Removal of Historic Landmarks.

WHEREAS,

pursuant to § 170-8 the Historic Preservation Commission considered the enumerated criteria for approval of alteration of facades of historic landmarks and made the following findings:

- (1) **Whether the proposed alteration is consistent with principles of adaptive reuse, whereby the principal historic features of the landmark are maintained while permitting the use of the landmark for new uses other than its original use.**

Both the current structure and the structure with proposed alterations are to be occupied as single family homes. There has been no use proposed other than as a single family residence. Therefore, the principle of adaptive reuse would not be applicable to this determination.

- (2) **The similarity in design, architecture and appearance of the proposed alteration with the historic design, architecture and appearance.**

The property owner has proposed demolition of the existing residence and the new construction of an enlarged structure. The proposed new structure pays homage to the 1918 cottage and is melded to a proposed addition modeled after vernacular, 19th-Century residences in Orient Village. This addition combines details only found in the 19th-Century such as 2 over 2 windows (Italianate style), low-pitched rooflines, Yankee gutters (c. 1870-1900) in flat soffit overhangs, etc.

The proposed alterations are not similar in design, architecture and appearance to the historic design, architecture and appearance of the original structure. The two wings taken together, form a completely new house and bear only some superficial resemblance to what exists now. This is, essentially, a completely new structure from the roof to foundation, larger in almost all respects. Additionally, the new building does not maintain visual

compatibility with the historic character of neighboring properties in public view.

For example, the design of the addition facing Poquatuck Park was conceived to relate to the rear façades and rear façade additions of neighboring houses. Those earlier approved additions were not required to conform to the current, correct town code standard at the time of construction, which only considered the street facade instead of what lies within public view. Consequently, claiming relevance to non-conforming backside additions is simply not an acceptable or relevant design approach.

While the average house in Orient Village is approximately 2,000 square feet, the proposed reconstruction and expansion of the 1,880 square-foot existing house will result in a two story 3,328 square-foot structure. This is a 77% increase to the existing home on a third of an acre. There is more building-added designed space than is compatible with the property's size in relationship to the existing community. In terms of scale, massing and size, the project is incompatible with the existing fabric of the historic district.

While not written specifically into our code, the Secretary of the Interiors Standards apply to all National Register Historic Districts and are referenced as a resource in Southold's Historic Preservation Commission Handbook. The Standards provide recommendations, which are used as guidelines in National Register Districts throughout the United States. The Standards discourage mimicry and even encourage additions that differentiate themselves from the existing while still being compatible. This goes to the significance of the layers of history on a landmarked house. The Secretary's Standards recommend that additions be subordinate to the existing building. In the case of 675 Skippers Lane the historic house will read as the subordinate wing to the larger addition. The inappropriate scale, massing issues, and inchoate forms of the proposed project are not compatible with the historic district.

(3) The necessity for complying with the applicable building codes or other federal or state regulations.

The original portion of the existing structure was constructed prior to the Town's adoption of a Building Code. The subsequent alterations are in compliance with the building codes applicable at the time of the alterations. The applicant has not submitted sufficient evidence to establish that the proposed alterations are

necessary for compliance with the applicable building codes or other federal or state regulations as they relate to a structure of this age.

- (4) **The necessity of such alteration to allow for a use of the property permitted by the Town Code in the applicable zoning district.**

The original portion of the existing structure was constructed prior to the Town's adoption of a zoning code and therefore has a prior non-conforming use. The property is currently zoned for a single family home and the use of the as built structure is in compliance with the applicable zoning district. The applicant has not submitted sufficient evidence to establish that the proposed alterations are necessary to allow for a use of the property permitted by the Southold Town Code in the applicable zoning district.

- (5) **The public interest in preserving the historic features of the landmark and its relation to the historic character of the community and Town.**

The property is significant within the context of other properties in the Orient Historic District which together reflect the history and growth of the early village from a farming and fishing community to a prominent year round and summer residential district. There are few examples of this type and size home left in Orient. Its demolition would significantly change the character of Skippers Lane and the Historic District as a whole.

WHEREAS,

pursuant to § 170-9 the Historic Preservation Commission considered the enumerated criteria for approval of demolition or removal of historic landmarks and made the following findings:

- (1) **The landmark is of such architectural or historic interest that its demolition or removal would be to the detriment of the public interest.**

The subject property, although altered over the years to be relevant for its time, represents a fine example of the rural regional vernacular style typical of bay cottages in the early part of the 20th-Century. At one time these cottages, which belonged to tradesmen and baymen, dotted the waterfront in Orient. Today, the significance of 675 Skippers Lane rests in the fact that it is one of the few representative bay cottages remaining from that era in Orient's history. Therefore, the proposed alterations do not promote the public interest in preserving the

historic features of the landmark and its relation to the historic character of the community and Town.

- (2) **Retention of the landmark in its current form or location is important to the Town's history or character.**

The property is significant within the context of other properties in the Orient Historic District which together reflect the history and growth of the early village from a farming and fishing community to a prominent year round and summer residential district. There are few examples of this type and size home left in Orient. Its demolition would significantly change the character of Skippers Lane and the Historic District.

- (3) **The landmark is of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty.**

Although not of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty, it nonetheless has historical significance that would be lost following the proposed demolition. While the home at 675 Skippers Lane is not historically significant because of its design, its type, a small, rather plain and unadorned workman's or fisherman's home of the early 20th century, makes it an important contributor to the overall streetscape and history of the Historic District. There are few examples of this type and size home left in Orient. Its demolition would significantly change the character of Skippers lane and the Historic District.

- (4) **Retention of the landmark would help preserve and protect an historic place or area of historic interest in the Town.**

675 Skippers Lane is a registered landmark property and a contributing element of the Orient National Register Historic District. As such, it significantly contributes to the general historic ambience and attractiveness of not only Orient Village, but also the entire Town of Southold.

- (5) **Retention of the landmark will promote the general welfare by maintaining and increasing real estate values and encourage interest in American and local history and architecture.**

Properties in Orient, especially in the historic district, continue to be sought after as both year round and summer homes. Even in a turbulent real estate market, the value of historic homes have generally not decreased and some have even increased over non-historic properties. As a registered landmark, 675 Skippers Lane

contributes to the historic nature and overall attractiveness of the hamlet that draws new homeowners and visitors to the area.

The official policy of the Landmark Preservation Commission is adverse to demolition of a landmark structure unless there is no prudent alternative. The Commission cannot allow a registered landmark to be demolished under circumstances where the structure can be renovated and altered to accommodate the need of an applicant.

The Commission notes that there is a design alternative (see Town of Southold Historic Preservation Commission (HPC handbook, Part II: Design guidelines for Appropriate Design in the Historic Context) and that the owners can accomplish their goals without demolishing this historic structure.

The Southold Town Historic Preservation Commission (HPC) adheres to the Secretary of the Interior's Standards for Rehabilitation (see HPC Handbook, Appendix, II.) The Standards are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for a reasonable chance to meet new needs. We reiterate, the owners can accomplish their goals without demolishing this historic structure.

NOW THEREFORE IT BE RESOLVED, that Southold Town Historic Preservation Commission determines that the proposal as presented at the public hearing on April 10, 2019,

Will have a substantial adverse effect on the aesthetic, historical and architectural significance of the Orient National Historic District, and

- (1) Does not meet the criteria for approval under Section 170-8 Criteria for the Historic Preservation Commission for approval of alteration of facades of historic landmarks
- (2) Does not meet the criteria for approval under Section 170-9 (A) of the Southold Town Code, Criteria for Approval of Demolition or Removal of Historic Landmarks and,

BE IT FURTHER RESOLVED, that the Southold Town Historic Preservation Commission denies the application for a Certificate of Appropriateness for the demolition and facade alteration of 675 Skippers Lane, Orient, NY. with the following conditions: the applicant may apply for relief on the ground that the determination results in a hardship in accordance with the procedures in Section 170-10.

Record of vote:

Yes:

No:

Recused:

This Resolution was duly adopted (-).

Signed _____

Date: _____

Chairman, Historic Preservation Commission