

## Chapter 9.0

# COMMUNITY APPEARANCE and HISTORIC PRESERVATION

Bedford has the necessary and basic ingredients for being and remaining an extremely attractive suburban residential community. Its many streams and ponds, the varied topography of its countryside, its abundant wooded areas, frequent rock ledges and other topographic features are gifts of nature which rival in appearance those of any town in the metropolitan area. The town's name dates to 1683, but recorded history predates this with the initial 1640 purchase of land in the town by white settlers from Indians, the more significant 1680 purchase of the "Hopp Ground" from Chief Katonah and five other Indian chiefs, and six more purchases ending with the 1722 "Northeast Corner" purchase. This heritage has left Bedford with such physical assets as the Indian place names of Katonah, Cantitoe, and Succabone, the historic places and structures of Bedford Green, Bedford Court House, the John Jay Homestead, Caramoor, the 1920 Bedford Hills Community House, and the 1927 Town House, and the vital hamlets of Katonah, Bedford Hills, and Bedford Village. Together, these features are an important influence in the town's character.

### 9.1 Business Areas

Even with these attractive characteristics, there remain some areas within the community which are either unsightly or do not measure up to the character of the rest of the town. For the most part, these are in the town's commercial areas. The town should consider undertaking the following in all four of the town's business areas to improve their appearance. These are:

- Underground burial of all existing and future utility lines, with the continuation of requiring that utilities be buried during construction of any new road.
- Greater employment of trees, benches, and landscaping materials in front of buildings, along roadsides and within medians, and in existing as well as new off-street parking areas.
- Improved design of all new buildings and of signs, awnings, and streetlamps.
- Coordination of site layouts for adjoining developments so as to improve the functioning of and provide a greater sense of order in the business centers, thereby making them more attractive and pleasant places for shopping.
- Minimization of light pollution in order to maintain a high quality of life and rural ambiance, through use of downlights on commercial properties, externally lit commercial signs, hours of illumination for signs, and reduction in the brightness of highway lights.
- Improvements of property and roads that act as gateways in the hamlets, with new or improved land use, building design and signs, benches and landscaping. For example, the quality of the streets around the Village Green in Bedford Village has deteriorated due to the many (and necessary) road signs.

- Improve existing health and safety regulations to better enable the town to enforce high property standards.

Bedford needs to determine how to handle privately-owned properties that are allowed to become derelict or are abandoned. While such structures are not common in Bedford, one such structure in a prominent place can cast a pall on the surrounding area and make neighborhood preservation or hamlet development difficult.

## **9.2 Residential Areas**

Bedford is now and will remain predominantly a town of single-family residences. The residential areas lie in rural parts of the town and in historic hamlets, both kinds of areas scenic and valuable in unique ways. Bedford's main emphasis in protecting community appearance should be the preservation of this mixed character of rural and closely settled areas. In the rural areas, the town should continue to save during development the most attractive features (streams, rock outcrops, and wooded areas) and those features which are most visible (stone walls, areas along roadsides, and ridge lines), and preventing inappropriately large homes that would be visible from the road. The preservation of existing tree growth, stone walls, large horse farms and other features along main roads will be particularly important, since in driving through a town, one's impression of it is largely based on the appearance of its roadsides. It will also be important to lay out all future roads so that they will fit in with the natural landscape to the maximum possible degree. These rural areas surround neighborhoods that are more closely settled. Bedford also needs to control development in these areas. The hamlets will continue to remain vital if the town focuses on the size and appearance of new development on infill lots and home expansion, and protection of historic structures and areas.

Chapter 4.0 discusses specific recommendations on preserving open space from development to further the community's goals of protecting environmentally sensitive areas, historically important areas, and maintaining Bedford's rural quality.

## **9.3 Historic Preservation**

Bedford's history is physically present throughout the town. Within the hamlets, traditional settlement patterns can be found in Katonah's 1898 layout, the railroad village character of Bedford Hills (known as Bedford Station until 1910), and the clustering of homes, businesses, and community buildings in Bedford Village around the Green. In the outlying rural areas there are old farm and dairy properties with a main house and small buildings, such as housing for hired help, barns, stables, or coops, typical of a farming community. These features – the historic hamlets, individual distinguished structures, groups of adjacent historic buildings, and remnants of a farming past - are important to the town's visual appeal. Buildings and other special features of historical significance in the town should be preserved and maintained not only for historic reasons, but because they are aesthetically important to the town's character.

### **Historic Districts**

The town has pursued preservation of historic features primarily through the establishment of his-

toric districts. After being chosen for inclusion on the National Register of Historic Places, parts of Bedford Village and Katonah were established as local historic districts in 1972 and 1986, respectively. Both are administered under Chapter 71, Historic Districts of Bedford's town code. The district review commissions are both charged with maintaining the character of their respective historic districts through working cooperatively with the Town Board and through regulating individual construction applications filed by property owners for buildings or structures within the district. The commission do not have responsibility for structures outside the historic districts, nor do they seek such an expansion of their powers and duties.

In the Bedford Village district, the review commission regulates the construction of new buildings and the reconstruction, alteration, and demolition of existing buildings. This also covers outbuildings, walls, fences, steps, signs, paving, earthworks, landscaping, and topographical features. The commission is empowered to consider exterior architectural style, materials, color, and detail. It may approve or deny an application certificate, with the property owner having no recourse to the Town Board if the application is denied. The commission's decisions are binding, not advisory, and no public hearing is required.

The Katonah review commission is also a regulatory body, whose decisions are binding. However, the commission's purview is somewhat different than that of Bedford Village's. A property owner of a building with the district must submit an application for major changes to exterior appearance that a) requires a special use permit, use variance, or site plan review, b) involves the demolition of a principal or accessory structure or a portion of such, c) involves the new construction of a principal or accessory structure, d) adds an enclosed addition to an existing structure, e) involves the addition or removal of a deck or porch to an existing structure, or f) is done by a government agency or public utility and affects the appearance of a scenic landmark (primarily the Katonah Greens). The purview of the Katonah commission covers historical and architectural value, significance, architectural style, general design, arrangement, texture, and materials of the exterior architectural features, related and involved landscaping, and the relationship to the exterior architectural features of other structures in the immediate neighborhood. The review commission must hold a public hearing on each application. The applicant may appeal a denial from the commission to the Town Board.

Last, the town is unusual in having a historic tree, the Bedford Oak. The Tree Advisory Board is charged with overseeing historic and significant trees.

## **Demolition of Structures**

The two review commissions are charged with approving the demolition of structures within their respective historic districts. However, the current Chapter 71 does not set forth minimum maintenance standards that would prevent demolition by neglect. The town should adopt such standards. The town may also wish to consider requiring that demolition permits of notable structures – whether within or outside a historic district - be subject to a public hearing held by the Town Board. This is important in both the hamlets and the large areas of town that lie outside the protection of a historic district, where the rural character of the town is defined not just by its landscape but also by old houses, barns, and other structures reminiscent of a rural past. In order to provide additional protection to historic or significant structures outside the two historic districts,

Bedford may require a third entity, such as a town-wide historic district or the creation of special character district, or a landmarks designation process. These are described below.

### **Special Character District**

Bedford can look to three examples in other Westchester municipalities for zoning districts that provide detailed design guidelines for areas with special character. While the guidelines are not mandatory, they clearly inform property owners about the town or village's preferences regarding how new construction and alterations are expected to mesh with existing buildings and enhance the overall appearance.

In Scarsdale, the commercial Village Center area is designated a special design district. The Planning Board refers all applications in the Village Center to the Board of Architectural Review (BAR) for its recommendations. The BAR is directed by the zoning code's design guidelines to review architectural character, landscaping, streetscaping, and lighting.

In Pleasantville's zoning code, a Special Character Overlay District exists to "encourage the protection, enhancement, perpetuation and reasonable use of land and buildings in the village which have a special historical, architectural, cultural, aesthetic or similar interest or value, as well as to conserve existing neighborhoods which impart a sense of the village's cultural and historic heritage[.]" The overlay district uses supplementary design guidelines that apply to new construction and alterations of all uses within the district; the design guidelines are enumerated in the zoning text and administered by Pleasantville's Board of Architectural Review.

In the neighboring town of Lewisboro, five special character districts – Old Goldens Bridge, Cross River, Mead Street, South Salem, and West Lane/Elmwood Road - have been identified in the zoning code. These "encompass relatively large land areas that contain a substantial number of contiguous buildings and common landscape elements reflective of a period of Lewisboro history. Each area presents a unique setting which can be protected while allowing for new development if detailed attention is given to the enhancement of the special characteristics." While, the separate areas have their respective design guidelines for building construction, the general language of the special character overlay district enables the town to also control grade alterations, removal of stone walls, erection of walls or fences, and the removal of live trees. The district controls and the review process are administered by the Architecture and Community Appearance Review Council.

The comprehensive plan recommends that the town establish a committee to study special character districts, the necessary local laws, and powers and duties of the Planning Board (or other board) that would regulate development in these districts. If Bedford were to create special character districts, these would be definition not include historic districts and would serve to protect areas of town that lie outside a historic district, may not have sufficient remaining historic quality to become a district, and yet retain a special overall character worth preserving.

### **Landmarks Designation**

Outside the historic districts, Bedford has historic or significant structures that stand alone, not surrounding by similarly historic structures. These individual structures should be protected through

local landmark designation, in addition to placing them on the National Register. The National Register of Historic Places is the official listing established and maintained by the federal government for identifying properties in the United States worthy of preservation because of their historic value. The National Register is prestigious, but it offers little real protection against inappropriate additions or changes in building material, windows, or doors, or demolition and only imposes restrictions on state and federal agency actions involving the structures.

To remedy this, Bedford should consider designating individual structures or buildings as local landmarks. This would be based on the town-wide survey of buildings or structures of historic, architectural, or cultural significance, and the creation of local landmark designation process. The Town Board members could create a local landmarks board or commission to issue certificates of appropriateness for alterations and demolition. A property owner's proposed changes to the exterior appearance of such a building could be reviewed to ensure that changes are architecturally appropriate. Local landmark designation would offer the community greater protection of its historic assets as it guides individual property owners towards proper exterior alterations of their buildings. There are no financial incentives available to property owners who buildings are landmarks, unless the property is income-producing; in that instance, the owners may use a tax credit against their federal income taxes.

The town historian's office and the Bedford Historical Society are working on an important first step towards local landmarking, by creating an inventory of historic properties within Bedford. The primary criterion for inclusion in the inventory is the age of the structure, with current efforts focused on the 1851 map of the town that identifies homes by owner's name. Once completed, the inventory will list those homes or structures that have survived for 150 years. From this earliest map, the work will proceed through the remaining historic maps, those of 1867, 1877, 1898, 1901, and 1908, in order to complete the inventory of sites potentially worthy of historic preservation. When the initial 1851-based inventory is completed, the town should then consider ways of protecting individual sites through landmark designation, and protecting groups or communities of structures through the creation of new historic districts. While this work is proceeding, the town could proceed on a designation mechanism for local landmarks.

***Overall Recommendations on Historic Character.*** Effective local government preservation programs have four basic components: 1) a survey of historic resources, 2) historic preservation legislation, 3) public education, and 4) coordination of preservation with other community planning policies. Bedford has made substantial headway on most of these components, and yet has more that it can do. Bedford must seek to promote the understanding of its rich architectural heritage of styles and history, unique and significant architectural elements, historical craftsmanship, materials and finishes, techniques for sensitive and effective restoration, sensitivity to scale and texture, and an awareness of how all of these factors contribute to the overall beauty of the natural and man-made environment of the hamlets and rural byways. More so than historic district legislation, special character district legislation, and landmark designation, the cultivation of a deep, communal knowledge and appreciation of the town's historic resources is the most effective preservation tool.

Bedford could create an advisory committee with representation from the two historic district commissions, the three historical societies, the Town Historian, and other town representatives whose duty would be to advance local residents' awareness of historic preservation issues. The

historic district commissions alone cannot do this. The primary duties might be landmarking of historic structures, oversight of special character districts, stone wall protection, and public education. Some of the necessary elements of such education are: 1) research and prepare inventories, listings and markers for historic properties, 2) provide technical assistance to local property owners, 3) pursue grants and funding for preservation programs and projects, 4) collaborate with state historic preservation office and other governmental agencies, community organizations, and cultural institutions in pursuit of preservation programs and goals, 5), recommendations for town acquisition of endangered properties, 6) retain professional expertise or consultants, 7) file an annual report on the commission activities, 8) develop educational programs, maps, and brochures, 9) sponsor tours, brochures, publications, lectures and workshops, 10) produce and distribute style guides, guides to historically significant features (porches, siding, windows and doors, roofing and dormers, chimneys and masonry, plaster and paint, interior woodwork, mantels, flooring), 11) coordination of preservation with other community planning policies, and 12) coordinate with transportation, housing and economic development planning.

The following tools and resources are listed here for the reference of the town's historic district commissions and all interested residents:

- Federal tax credits are available for qualified historic preservation projects.
- Preservation easements: Bedford could create a preservation easement program, perhaps using the National Trust model and have a qualified non-profit organization accept the easements.
- Certified Local Government Program: Bedford's participation in this program would provide it with access to grants, technical assistance, and training for review boards and commission members.
- New York State Office of Parks, Recreation and Historic Preservation: This state office provides municipalities with planning, funding, technical and educational assistance. Westchester County Department of Planning can provide examples of preservation legislation and programs in the region, survey assistance, and access to local resources.
- The National Trust: This federal office provides municipal assistance through its Forum and Main Street programs.

#### **9.4 Fences and Stone Walls**

Fences and stone walls that are visible from the road become part of the streetscape and can contribute or detract from an attractive streetscape. Bedford regulates these in Section 125-15 of the zoning ordinance, which prohibits fences and walls in residential districts from being taller than four feet within 20 feet of the front lot line or taller than six feet beyond the 20-foot line. The town should encourage property owners to construct fences or walls that are aesthetically in keeping with the overall character of the neighborhood, whether that is within the historic hamlets or in the surrounding rural areas. If the town decides to further regulate the design and height of fences along street frontage, the Zoning Board of Appeals should be involved given their expertise in variance decisions.

The old stone walls of Bedford are one of its threatened treasures. Most walls lie on private property and were originally laid up to define property boundaries. When a wall is beyond the owner's

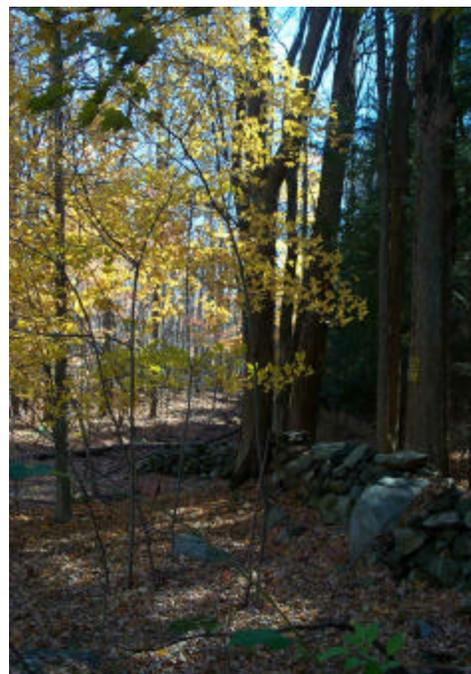
functional fencing, it can become a neglected part of the landscape. Some Bedford homeowners may not know the historic and aesthetic value of their walls or how to go about rebuilding or repairing them. Even when a homeowner is aware, wall rebuilding is expensive, and homeowners may not be able to afford to completely rebuild an old wall. The overall impression of Bedford's stone walls is also threatened by the construction of new walls, gates, and fences designed to complement the architecture of a new home rather than the established rural quality of the specific road and the general character of local old stone walls.

Bedford informally protects its stone walls. During the subdivision process, the Planning Board encourages the applicant to preserve stone walls on the property by limiting the number of driveway cuts and by drawing lot lines to correspond to stone walls. The Superintendent of Highways tries to avoid widening town roads where there are stone walls, and when necessary, tries to avoid undercutting the walls. Where stones have fallen, the road crews either put them back near the wall or take them to the town crusher. Wherever possible, the stones should be left on the homeowner's property near the wall, to avoid the extra future expense of wall rebuilding and to maintain the original look of the walls.

Despite town government's concern for keeping stone walls intact, there are active threats and passive threats to stone walls.

*Active threats.* Walls and stones from walls are sometimes lost due to:

- Removal of stones by homeowner, for use elsewhere or to dismantle the wall
- Theft of stones
- Replacement of old walls by veneered or mortared walls
- Road maintenance practices, such as removal of walls during road widening, undercutting of walls during road cleaning and scraping, widening of drainage ditches, and removal of stones that fall into the road.
- Electric and telephone line maintenance practices, such as damage to walls from falling branches, and heavy equipment resting on walls.



*Passive threats.* Walls and stones from walls are sometimes lost due to:

- Frost heaves
- Vibrations from heavy trucks
- Trees falling on walls
- Poor construction
- Deer dislodging stones when they jump over walls
- Homeowner neglect

**Recommendations.** To alleviate some of these threats, Bedford should undertake the following:

- Adopt the recommendations made in Chapter 8.0, Transportation on scenic road designation, as stone walls are one of the features that make roads scenic in Bedford.
- Amend the zoning ordinance and subdivision ordinance to include old stone walls as items that need to be shown on all site plans and subdivision plats, with effort made by the applicant to preserve these walls or to rebuild where the stone walls have been removed or have fallen. Similar actions have been taken elsewhere with examples available from Connecticut, Massachusetts, New Hampshire, Kentucky, and Tennessee.
- Amend the historic districts ordinance to include stone walls as a protected historic feature. It would state the town's recognition of the historic and aesthetic importance of stone walls, list best practice guidelines to telephone, power, cable, and road crews regarding stone walls, prohibit the removal of stone walls bordering a road, limit the number of cuts into a stone wall during subdivision or site development, and require property owners to pick up walls that are in danger of falling into a road and to keep the walls in good repair. Repeat offenders could be fined. The ordinance should recommend that all new or rebuilt stone walls be dry walls (no mortar) or invisibly mortared, be of natural and native stone, not be cut and fitted, and be consistent with the historic and rural characteristics of its neighborhood.
- Create educational materials for property owners explaining the historic significance, styles, and construction of stone walls, listing reliable local contractors and wall builders, encouraging wall owners to pick up their walls as stones fall out, and identifying destructive vegetation (such as vines and bayberry) that should be removed from walls.
- Institute "Wall Days," similar to the Bedford Riding Lanes Association Trail Days, when key walls are picked up.
- Consider appointing a Wall Advisory Board or expanding the Conservation Board to cover this concern, similar to the Tree Advisory Board, to oversee questions about walls and reinstating the position of Wall Watcher or Fence Viewer.