

Historic Preservation Commission (HPC)

October 6, 2014 Minutes

Meeting called to order at 7:30 pm.

Roll Call

Present

Absent

Jack Bolan  
Randy Brewster  
Deborah Grob  
Gus Vasiliadis, late 7:45  
Carol Greene  
Anne Powley  
Leda Dunn Wettre  
Ron Wohlberg  
Yvonne Beatrice, Alternate I  
Barbara Shanley, Chair

Marc Foner, excused

**Sunshine Law:** The secretary read the Sunshine Law.

**Flag Salute**

**Public Session:** Mrs. Grob moved to open the Public Session and Mr. Wohlberg seconded the motion. All approved.

The Chair recognized Mr. Jerry Schwartz, 38 Great Hall Road, Mahwah, NJ and Mr. Andres Alvarez, 56 Bramshill Drive, Mahwah, NJ. Mr. Alvarez is the owner of One Farmstead Way, Mahwah, NJ better known as the Winters Farmhouse, and Mr. Schwartz is the realtor representing Mr. Alvarez, and Mr. Richard Greene, 800 Ramapo Valley Road, Mahwah, NJ. Mr. Greene, represents R.C. Greene Construction Consultant, 127 Pleasant Avenue, Upper Saddle River, NJ 07458.

Mr. Alvarez stated that he and Mr. Schwartz had originally attended the HPC August meeting to request the demolition of the Winters Farmhouse, because of the poor condition that it is in; and at that time, submitted a structural assessment report completed by Optimized Engineering Associates in regards to the Winters Farmhouse condition. Since then, they have talked to Planning Board members and the Mayor regarding the Winters Farmhouse. Mr. Alvarez suggested that in order to maintain the historic significance of the property he would like to propose removing the structure itself and maintaining the footprint of the house and the beautiful stone wall and renaming it the Winters garden and incorporate it into the permanent fixture of the property when it is developed. Mr. Alvarez stated that the condition of the house is unstable and an act of God could take it down such as weather, it is just a matter of time. The garden would be maintained and lighting would be installed with the historic sign relocated inside or in front of the garden.

The Chair asked Mr. Alvarez if he had discussed this with the Mayor, and he replied yes, and he thinks it a viable solution.

Mrs. Wettre asked who in the Township this was discussed with. Mr. Alvarez and Mr. Schwartz replied the Mayor. Mrs. Wettre asked if they discussed this with the Mayor in his position as a member of the Planning Board, and did he express the awareness of the legal obligations Mr. Alvarez undertook with respect to the property and house. Mrs. Shanley asked Mr. Alvarez if he made the Mayor aware of what the deed says. Mr. Alvarez stated that he did not make the Mayor aware specifically. Mr. Schwartz stated that the Mayor is basically aware of what it is. Mr. Schwartz stated that the property has been in disarray since the prior owner.

Mr. Greene asked who the prior owner was. Mr. Schwartz stated Vista Bahn. Mr. Greene stated that Vista Bahn acquired the property in 2004 and Mr. Schwartz stated that Mr. Alvarez acquired the property in 2009.

Mrs. Wettre asked Mr. Alvarez what due diligence did he perform before he acquired the property. Did he have an inspection of the home? Mr. Alvarez stated no inspection was done. Mrs. Wettre asked if Mr. Alvarez did a personal inspection. Mr. Alvarez replied that he walked the property. Mrs. Wettre asked if Mr. Alvarez is a builder. Mr. Alvarez stated that he is a contractor not a builder. Mrs. Wettre asked if Mr. Alvarez was represented by counsel during the transaction of the purchase of the property and reviewed the developer's agreement with Mr. Alvarez. Mr. Alvarez replied yes.

Mrs. Shanley asked Mr. Alvarez if he was aware when he purchased the property that there was a Developer's Agreement that went with the property concerning the maintenance of the Winters Farmhouse. Mr. Alvarez replied yes. Mrs. Shanley asked what maintenance Mr. Alvarez performed on the house other than what she had asked him to do since 2009. Mr. Alvarez replied that he had changed two broken windows, and maintained the grounds to the best of his ability and that no structural changes have been made to the house.

Mrs. Shanley asked Mr. Alvarez if he knew, when he purchased the property, that the Winters Farmhouse was in need of repair. Mr. Alvarez replied he knew it was in poor condition, but not aware of the extent of the repair that it needed. Mrs. Shanley asked Mr. Alvarez if he had given any thought at all to doing repair work or did he attempt to do extensive termite and powder beetle extermination to the house as it was referenced in the Bug Doctor's report he had submitted to the Commission. Mrs. Shanley asked did he know about the bug condition prior to purchasing the property. Mr. Alvarez replied he did not know about it. He did not have a termite inspection of the house when he purchased the property.

Mrs. Shanley asked Mr. Alvarez what he was expecting to happen to the house when he purchased it. Mr. Alvarez replied he was expecting to develop a house on the property and sell it with the Winters Farmhouse as a separate office or studio, but has not been able to sell the property.

Mrs. Shanley asked who the owner of the property was when he purchased it. Mr. Alvarez replied that his company Provence Estates Building Inc., purchased the property from Vista Bahn.

Mrs. Shanley stated that it is very clear in the developer's agreement and deed restriction to the property that repairs and maintenance had to be performed on the house and well and finds it upsetting that Mr. Alvarez did not attempt to do any bug inspection or structural repair and maintenance or inspections, when it is stated in both the developer's agreement and deed restriction. Mrs. Shanley stated that this is part of the responsibility of the owner of the property, and knocking down the house is not a substitute for maintaining the house. Mrs. Shanley stated knocking down the house is not an option for the HPC to grant.

Mrs. Wettre asked if Mr. Alvarez had gotten any estimates of the repairs needed to be made. Mr. Alvarez replied he had not. Mrs. Wettre asked if Mr. Alvarez's company could do any of the repairs or could any of his sub-contractors. Mr. Alvarez replied no.

Mr. Wohlberg stated that when he walked the property everything was overgrown right into the house. Roots cause the biggest damage to foundations. A hose was lying in the grass and he couldn't pull it up because there was so much grass under it and surrounding it. He stated that he couldn't say that the property was managed properly. He also stated that the well itself is dangerous and someone could fall into the well unbeknownst to anybody. Mr. Wohlberg stated that the window is broken; the flashing around the chimney is bad; the trap door going to the basement has holes in it. He asked what did Mr. Alvarez expect to happen? He asked if Mr. Alvarez expected it to go away or did he expect it to deteriorate more? Mr. Alvarez replied that he was expecting to sell the property and the owners would improve the property.

Mrs. Shanley restated that Mr. Alvarez is basically saying that he was hoping that someone would buy the property and do the repairs on the house themselves. Mrs. Alvarez replied yes. Mrs. Shanley stated that the condition that it has been allowed to go into is precluding that from happening. Mr. Alvarez stated that the property was in disrepair when he purchased it.

Mr. Greene stated that the owner of the property is responsible for the maintenance of the house, and when Mr. Alvarez purchased the property he inherited the responsibility to maintain the house. "The Deed of Lot 55.01 shall provide that the "Winters House" (County Survey Site #0203-96) and well house shall remain on Lot 55.01 and shall be preserved, maintained and repaired by the owner of Lot 55.01, at the owner's expense as historic structures. The Deed shall further restrict and prohibit the use of the "Winters House" as living quarters under any circumstances. Said restriction shall run with the land and be binding on all present and future owners of Lot 55.01. A form of deed containing the restriction shall be submitted to the Board Attorney for his review and approval prior to filing. The materials on the exterior of the structure must remain and any maintenance, repair and replacement work on the exterior shall use the same materials."

In June of 2010, Mrs. Shanley had requested from Mr. Alvarez permission to enter the house in order to accurately date the house for the wordage on the historic sign to be placed on the property. Mr. Greene reported that as a consultant to the HPC, he had accompanied Mrs. Shanley to determine the date of the foundation. They entered the basement and did not go up stairs. However, they discovered a frozen pipe from the past winter had broken and had been running for a long time and flooded the basement. Mr. Greene stated "That is not maintenance" and that the pipe was from the lavatory, and created most of the water damage. Mr. Greene stated that it can be repaired and should have been. Mr. Greene stated he did not see any evidence of any repairs to maintain the house. Mr. Greene stated that the lack of maintenance is an indication that Mr. Alvarez is hoping that the house will fall down, but it won't the house is pretty stoutly built; it has been there for 180 years.

Mrs. Shanley stated that the HPC requested that R.C. Greene, Construction Consultant, prepare a structural report of the Winters Farmhouse, which they have received and will give a copy of the report to Mr. Alvarez.

Mr. Schwartz asked if the owner sells the land, are the owners obligated to build a residential house on the property. Mrs. Shanley replied that is a question for the Zoning Board.

Mr. Greene added that the house is in a residential zone, and as stated in the developer's agreement; the Winters Farmhouse can be used only as an accessory structure to the residence of Lot 55.01.

Mrs. Shanley requested that Mr. Alvarez submit to the HPC a formal plan of his rock garden proposal.

Mrs. Shanley stated that the HPC's job is to preserve Mahwah's history and the intention that the HPC had in setting that property aside on an historic easement is to maintain the historic significance of the agrarian corridor well known in the history of not just Bergen County but in the State of New Jersey and the Winters family was prominent in the development of Mahwah's history. The Winters Farmhouse is an example of the way people lived and worked the land before the mansions were built. Once knocked down, the history is lost.

Mrs. Shanley suggested that Mr. Alvarez meet with his construction survey consultant to arrange structural repairs to the house to maintain its stability.

Mrs. Shanley asked if Mr. Alvarez has gone before the Planning Board with his demolition plans. Mr. Alvarez replied no. Mr. Schwartz replied that the Mayor is aware of Mr. Alvarez's plans.

Mr. Schwartz asked if the HPC had contacted the Planning Board. Mrs. Shanley replied no, that at the August 6, 2014 meeting, it was stated that the HPC would contact a Construction Consultant for a structural survey of the Winters Farmhouse.

Mrs. Shanley stated that she had reached out to Mr. Alvarez several times over the years to have repairs made to the house, and received little response from Mr. Alvarez. She stated that as a result, one broken window was repaired.

Mrs. Shanley asked Mr. Alvarez if he has contacted anyone to obtain estimates for structural repairs. Mr. Alvarez replied he has not. Mrs. Shanley asked if that was an option. Mr. Alvarez replied that it is not. Mrs. Shanley asked if Mr. Alvarez is stating that the only option is demolition? Mr. Alvarez said he is trying to sell the property and he cannot with the Winters Farmhouse on it.

With no further questions or statements to add, Mrs. Shanley asked Mr. Alvarez and Mr. Schwartz if they had any further questions or statements to add. They did not. Mrs. Shanley stated that the HPC will contact the Planning Board with its position on the Winters Farmhouse along with a copy of R.C. Greene Construction Consultant's report and copy Mr. Alvarez and Mr. Schwartz. The letter will also include the structural repairs that need to be made in order to stabilize the house and well.

Mrs. Shanley told Mr. Alvarez that the next step is for him to submit his application to the Planning Board, at which time the HPC will be contacted for comment.

Mrs. Shanley stated that Mr. Greene's inspection report of the Winters Farmhouse was done pro bono.

Mr. Alvarez and Mr. Schwartz left the meeting at this time.

The Chair asked Mr. Greene for a list of repairs that need to be performed to stabilize the Winters Farmhouse. The Chair will include this list in the HPC's statement to the Planning Board regarding the status of the Winters Farmhouse.

Mrs. Wettre stated that Mr. Alvarez and Mr. Schwartz stated that they had meetings with the Mayor who they say has spoken with members of the Planning Board. Mrs. Wettre understands that the HPC cannot even have a Christmas Party without advertising it as having a meeting. She stated that it seems a lot of ground work has been laid, but not on the Planning Board agenda with no opportunity for the HPC to be heard.

Mrs. Shanley stated for the record that Mayor Laforet came before the HPC formally opened its October 6, 2014 meeting and explained that there was a proposal being made at the October 6, 2014 HPC meeting and would the HPC please consider it and that Mrs. Shanley just said thank you with no further comment.

Mrs. Shanley and Mrs. Wettre will discuss with Mr. Greene, his Construction Consultant's report, and compose a letter to the Planning Board, and Property Maintenance Inspector, Thomas Mulvey, the concerns the HPC has regarding the condition of the Winters Farmhouse and well and list the repairs that need to be completed to stabilize the house and well. Mr. Greene will email Mrs. Shanley and copy the HPC secretary the list of items.

Mrs. Beatrice asked what can the HPC do to enforce the owner's obligations to repair and maintain the property since the owner is not willing to perform any of the obligations.

Mrs. Wettre stated that the duty of the owner is to repair and maintain the property and the HPC can request from Planning Board that the owner's obligations be enforced.

Mrs. Grob read the July 29, 2014 letter from Mr. Schwartz sent to Mayor Laforet requesting he attend the next HPC meeting to help the owner with his request to demolish the Winters Farmhouse, which clearly states that the owner does not intend to meet his obligations.

Mrs. Wettre stated that there are no costs estimates for the repairs. Mr. Greene stated that cost is not a factor. The owner is responsible to abide by the Planning Board resolution to repair and maintain the Winters Farmhouse and well.

The Chair asked for a straw poll if any member of the HPC committee was in favor of demolishing the Winters Farmhouse and well and in favor of a rock garden. There was no member in favor.

The Chair stated that the HPC will send R.C. Greene Construction Consultant a letter acknowledging the donation of the structural report of the Winters Farmhouse and well.

Mr. Bolan moved to close the Public Session and Mrs. Grob seconded the motion. All approved.

**Minutes:** Mrs. Shanley requested that in General Discussion section first sentence “barn” be replace with **Knight Goetschius barn.**

Mrs. Beatrice moved to approve the September 8, 2014 minutes as corrected and Mrs. Wettre seconded the motion. All approved.

**Chair’s Report:**

**Glasgow Outhouse:** The Chair reported that the first primer coat is done and she will contact Sherwin Williams for additional primer. Mr. Bolan, Mrs. Beatrice, Mrs. Grob and Mrs. Shanley volunteered to paint on Saturday October 11, 2014 at 10 a.m. Mr. Wohlberg stated that black should be added to the white primer so it does not bleed through the red.

**Mahwah Day:** Mrs. Shanley reported that the HPC had sold Memory of Mahwah ornaments. Mrs. Grob reported that 11 people signed up for the Church tour.

**Kean University:** Mrs. Shanley and Mrs. Powley attended the Historic Preservation Conference at Kean University and is proud to report that the Mahwah Historic Preservation Commission (HPC) was one of the most compliant HPC’s in attendance. Mrs. Shanley also stated that it was noted at the meeting that each member of the HPC should have completed a Financial Disclosure Statement. The secretary will confirm with the Township Clerk, if that is necessary. The secretary will scan copies of presentation and email to HPC members.

**Committee Reports:**

**Joyce Kilmer Poetry Contest:** Mrs. Beatrice will contact the Board of Education for permission to advertise the Joyce Kilmer Poetry Contest and send out flyers to the students. Mr. Brewster will contact Inserra Shop Rite for donations for the awards. The contest is open to Joyce Kilmer Students with first, second and third prizes. A Barnes and Noble gift certificate will be awarded to a male and female student in each category.

First prize: \$75.00

Second prize: \$50.00

Third prize: \$25.00

**Grant Committee:** Mrs. Grob, Mrs. Powley and Mrs. Shanley had no report at this time.

**HPC Business Cards:** The secretary will have the HPC business cards printed by State Contract printer Deptcor.

**Mahwah Brochure:** No report at this time.

**Quackenbush Barn:** Mrs. Shanley will reach out to Sherwin Williams regarding its paint donation.

**Web Site FAQs:** Mrs. Grob reported that she just needs Mrs. Shanley’s questions and answers.

**Memories of Mahwah Ornaments:** Mr. Vasiliadis reported that he had contacted Ramapo College about selling the Havenmeyer House ornaments and will follow up at the next Ramapo College meeting.

**Street Name:** Non at this time.

Applications:

Docket #557- Block 106-Lot 19 Sub-Division- 111 Armour Road.

After a thorough review of the application it was determined that the property has no historic significance.

Mrs. Greene moved to approve Docket #557 with no comment and Mrs. Grob seconded the motion. All approved.

**Vote: 9yes, 0 no: Brewster, yes; Bolan, yes; Greene, yes; Grob, yes; Powley, yes; Vasiliadis, yes; Wettre, yes; Wohlberg, yes; Shanley, yes.**

**General Discussion:**

The Chair asked the members to bring their nominations for the Historic Preservation Heritage Awards to the November 3, 2014 meeting.

Mrs. Beatrice reported that her history students round table discussion regarding the HPC and the Mahwah Museum will be aired on a cable station late in October or early November. She will let the HPC know of the date and station.

Mrs. Greene moved to adjourn the HPC meeting at 9:45 p.m. and Mr. Brewster seconded the motion. All approved.

These minutes are a synopsis of the MHPC tapes, which are on file at the Township Municipal Building.

/dms