The John Osborn Homestead

ADOPTED MANAGEMENT PLAN 01/29/2026

Resolution 2026-700

66 Wainscott Main Street

Wainscott

SCTM# 300-200-2-29

28 Acres

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Appendices:

I. Introduction:

Name

The name of the property shall be known as "The John Osborn Homestead", which is comprised of the 28-acre grounds and structures, which include the former farmhouse, garage & residence and playhouse.

Mission

The John Osborn Homestead celebrates the legacy of the Osborn family through the preservation and interpretation of their historic Wainscott farmhouse, garage & residence, playhouse and homestead grounds, which represent the 19th century rural and farming character of Wainscott. In addition to protection and stewardship of the historic structures, this acquisition recognizes the exceptional historic and ongoing scenic value of this site, and the perpetual protection of the scenic viewshed across the parcel is paramount.

Ownership, Location and Size

The Town of East Hampton acquired the property at 66 Wainscott Main Street for the purpose of Open Space, Agricultural Lands, Historic Places and Property, and the Protection and Improvement of Water Quality on December 11, 2024, using Community Preservation Funds (Resolution #2024-1394, included in appendix A). The 28-acre property is located at 66 Wainscott Main Street in the Wainscott area of the Town of East Hampton (SCTM# 300-200-2-29).

Scope of Management Plan

This plan covers the 1904 Louisa Edwards Osborn house, the garage & residence, the playhouse and the remainder land beyond the structures to Wainscott Pond. This plan and goals have been informed and influenced by 'The History of the Osborns on Wainscott Pond' according to Hilary Osborn Malecki (appendix C), and the Historic and Architectural assessment of the Osborn Farm property by Steward Preservation Services LLC (appendix D).

The plan's purpose is to act as a guide for future uses, activities and events that may be proposed on the grounds, within the structures, or both. Purpose and uses are articulated within Town Law 64-e, Rules and Regulations for CPF Acquisition and Stewardship (included in the appendix), and particularly within the Opinions Bureau DRAFT opinion number 2016-10 of December 19, 2016 titled "Historic Preservation Acquisition and Use Policy" (opinion included in the appendix).

With regard to structures, the Town may seek not-for-profit organizations, for short or long term, that foster the purpose for the acquisition and this management plan. The property may also remain under Town management for these same purposes. Since this property has several purposes for acquisition, it is important to note that the structures, primarily the house and garage

& residence, may be licensed together or separately. With regard to the land, the Town may license a described area separately for agricultural purposes. At the Town Board's election, this agricultural license need not be a charitable organization.

II. Description of Site:

The Osborn Homestead located on Wainscott Main Street is made up of 28 acres of flat topography with a bucolic viewshed to Wainscott Pond. There is defined landscape around the main house and garage & residence, but the balance of the lands are currently in a natural meadow state with a combination of low woody vegetation and grasslands. The property contains native, non-native and invasive plants (full list on the attached appendix E). As described in 'The History of the Osborns on Wainscott Pond' according to Hilary Osborn Malecki (appendix C), the Osborn family has been farming in Wainscott since 1675. In the 1930's through the 1980's the crop was potatoes, followed by strawberries up until 1994. In recent decades the land has remained fallow with intermittent mowing to keep the land clear of successional growth.
For more information, please see the Architectural assessment of the Osborn Farm property attached as Appendix D.

III. Access and Parking:

There are two primary structures on site separated by approximately 615 feet of distance. The 1904 Louisa Edwards Osborn house has a semi defined parking area that is made up of dirt and grass for a small number of vehicles. The garage & residence has a formal parking area made up of oil and crushed stone that can accommodate up to six cars. Each of these structures and their parking areas must be considered separately simply due to the distance between the structures. An end use for each structure has not yet been determined, and therefore the goal of this plan is not to determine a specific number of parking spaces for either structure, but to recommend a location for expansion of existing parking. A primary consideration would be to minimize the parking area required on the property that may otherwise mar the viewshed.

One consideration may be off street parking, which has been utilized by residents for many years. The natural beauty across the land and Wainscott Pond to the Ocean attracts numerous artists that set up their easels on the roadside. Any expansion of parking on site near the structures will be commensurate with use and minimize the disturbance of viewsheds. Permanent parking will be fully reviewed by the Planning Department in conjunction with appropriate engineering. Handicap parking must also be addressed in conjunction with handicap access before the property and structures are permanently occupied.

Pedestrians and bicyclists generally enter via the existing driveway for each structure. The grounds will be open to the public as open space from dawn to dusk though a licensee can be allowed to restrict access to some or all the grounds as specified in a license agreement or by a Town Board resolution. Restrictions on access to the inside of buildings can be stipulated in a license agreement. Such restrictions are necessary to further the goals of the purchase as an Historic Site and as stated in this management plan.

IV. <u>General Management Goals and Objectives:</u>

Introduction

Each new property the Town acquires represents new options and opportunities to provide the public with a broad set of uses and utility. The John Osborn Homestead property's stated purpose for acquisition is Open Space, Agricultural Lands, Historic Places and Property, and the Protection and Improvement of Water Quality. As a former farmstead, often the backbone of many small communities, this unique property lends itself to any and all of these purposes, or a combination thereof. If the Town Board determines this property would best be managed by a licensee/s, it will be incumbent on said licensee/s to provide specificity of uses within the framework of this management plan. This group may work closely with Town staff and contractors to review engineering or building plans before and during the structure's restoration. Programs and events in collaboration with other organizations for the promotion of Wainscott or similar purposes are encouraged. While a licensee/s may partner with other individuals or organizations, it may not sub-license the property.

Goals and Objectives

The primary goal is to encourage public enjoyment of this historic homestead, and through it, gain an environmental, economic, and sociological understanding of the evolution of Wainscott from the early 19th century to the present day. Any proposed change, addition, construction or modification to the buildings or grounds must be reviewed through the lens of viewshed preservation as a primary consideration.

At the time of its writing, the Town Board does not have a specific use or user group in mind. It is recommended that a clear understanding of community need within this area of Wainscott should be sought in order to help inform the Town Board's decision with the end use of this property. In conjunction with seeking restoration plans, the Town Board should consider issuing a Request for Proposals for uses and user groups for the structures and grounds.

Any proposed event by the Town or a licensee will be held in strict compliance with the East Hampton Town code, including environmental, alcohol consumption and special event permitting. Any licensee must recognize that the John Osborn Homestead will be limited in strict accordance with police and fire ordinances. No part of the premises shall be used or occupied for any purpose that is hazardous including risk of fire, explosion, toxic or radioactive emission or contamination.

Protection and preservation of the historic structures for the future use and enjoyment of the public shall also be a primary goal for the property. Any new structures permanently attached to the grounds or buildings shall require all regulatory approvals and permitting as per Town Code as it may be amended from time to time.

Louisa Edwards Osborn House

The structure was gutted at the time of acquisition, preparing the structure for new wiring, insulation, mechanicals and appropriate interior wall finishing. Fortunately, the interior's historic features, trim, doors, mantel, etc. have been retained for re-use.
The house may be modified for safety and accessibility and available for additional uses provided the structure meets all necessary Building, Fire and Handicap accessibility, as necessary. Any proposed use must be in conformance with the Town Code.
There will be an assessment of the various trees and shrubs on the property to determine which should be retained, and which should be removed to enhance the historic viewshed.

Garage & Residence

The first floor has been retained for a garage type use. It has operable ~~roll up~~ wooden garage doors that roll along a track, and a side door for access. The second floor has been updated to include a full living space with kitchen, dining, living room, four bedrooms and one bathroom. The living quarters have been shut down at the end of each season since there appears to be limited heat and insulation for a year-round use. The Town should have a structure assessment done with specific recommendations, building modifications, changes and/or additions by a qualified engineer and architect to make recommendations for any necessary repairs and upgrades for year-round use.
There will be an assessment of the various trees and shrubs on the property to determine which should be retained, and which should be removed to enhance the historic viewshed.

Playhouse

While at this time, the Town does not have a specified goal for the playhouse it should also have a structure assessment done with specific recommendations for any structure stabilization or necessary restoration.

Remainder Land beyond the structures

1. The land may be returned to agricultural use, provided there is sufficient buffer around Wainscott Pond (as reviewed by the Planning Department and approved by the Town Board).
2. There may be consideration for a multi-use path through the meadow that may accommodate a .5 to .85 mile loop. This will require all necessary approvals and permits.
3. If the Town elects to keep the land in its present meadow state, the meadow will be mowed annually or on an as-needed basis by the Town or its representative.

Water Quality Improvement and Public Access to Wainscott Pond

This plan shall allow for various types of water quality improvement projects on a defined area of the property and/or water's edge as necessary and as part of a project approved by the East Hampton Town Board by resolution with the primary purpose of, or resulting in a water quality improvement to Wainscott Pond. Approved projects may be implemented by the Town through the Water Quality Improvement Program or by an outside entity granted funding through the Request for Applications (RFA) program.

As the only public land with access to Wainscott Pond, the Town Board may grant access across its property to organizations or other government agencies, including the Town Trustees, on a case by case basis. The level of review and approvals by the Board or other regulatory agencies, including any necessary permitting, will be predicated on the plan and goals of the applicant.

Roles and Responsibilities

In the absence of any license agreement, the Town shall maintain the grounds and buildings. A License Agreement can specify the partition of the rights and responsibilities of the Town and a Licensee for maintenance and usage and for any other rights and responsibilities which can be legally given to a licensee. These can include but are not limited to:

1. Create, develop, promote, and fund programs in the structures as appropriate, post required restoration.
2. Maintenance of all structures, equipment and systems, including needed repairs and replacements.
3. Manage incoming funds responsibly and build one or more reserve funds that can be used for necessary maintenance, materials and supplies, operations or for repairs.
4. Maintain or repair the grounds, including tree removals, new plantings, regular lawn mowing and debris removal.
5. Annual shutting down and opening of the playhouse, provided the Town elects to run utilities.
6. Utility expenses.
7. Governmental expenses of operations (i.e. fees for the building department or Town Boards, fees for membership in Historic Societies or Programs).
8. Maintenance of the former agricultural land and meadow areas. The agricultural land to remain fallow or as a meadow, which the Town would have to maintain with an annual or as needed mow.
9. Maintenance of a trail, multi-use path, parking area, dock or board walk, provided the Town Board elects to install.

V. Recommended Improvements:

Work toward building plans for required upgrades to 1904 Louisa Edwards Osborn house, the garage & residence and playhouse to make the structures usable and safe, i.e. ADA and other

recommendations. It is recommend that upon adoption of this Plan, the Town begins immediate next steps for necessary design/build and permitting as per Town Code.
Hire an engineer and historic consultant as necessary to establish a restoration plan, building plans and biddable documents so the Town can submit a request for proposal (RFP) to contractors.

VI. <u>Permitted Uses:</u>

1. The Town may organize any event of the same nature as described in this management plan unless a license is in place granting to a licensee the right to hold an event at the same time or unless such event violates a license agreement.
2. The Town may grant by Town Board resolution to an individual or organization a one-time (possibly multi-day) use of the house, garage & residence and grounds to hold an event of the same nature as described in this management plan, or to use the grounds for another purpose that conforms with the Community Preservation Fund law and town adopted rules and regulations. There will be an exception in the case that either there is a license in place granting to a licensee the right to hold an event at the same time or except in the case that such event violates a license agreement.
3. Unless restricted by Town Board resolution or license agreement, the grounds of the homestead are open to the public with the same permitted uses and restrictions as other Community Preservation Fund Open Space parcels. These permitted uses shall include picnicking or passive recreation unless it restricts or hampers the event of a licensee or other authorized user or is otherwise in conflict with the terms of a license.
4. Signage that complies with Town Code 255-11-50
5. The underwater land of Wainscott Pond is owned by the Town Trustees who allow waterfowl hunting. This management plan will accommodate access to and from the pond for Trustee authorized purposes that include waterfowl hunting and water quality improvement projects or study.

VII. Restrictions:

1. Unauthorized digging and artifact recovery
2. Unauthorized wood cutting or removal of vegetation
3. Abandonment of pets and other domesticated animals
4. Littering and Storage or Abandonment of Vehicles and Personal Property
   (a) No person shall throw or deposit litter, as defined in Town Code, or store or abandon boats or personal property upon the Property.
   (b) A lack of eyewitness testimony shall not bar prosecution under the provisions of § 182-16 (D) (4) (a) of the Town Code, and it shall be presumptive evidence, rebuttable by competent evidence, that the identity of the person accused of a violation of these provisions may be established if litter, stored or abandoned boats or abandoned personal property found deposited in violation of these provisions contains substantial evidence of that person's identity.

5. No fires or burning
6. Unauthorized hunting (Town Code Chapter 91, Beaches and Parks) with the exception of waterfowl hunting
7. Camping without Town Board approval
8. Concessions/catering services/rentals unless authorized by a town board resolution or by a license agreement
9. Target shooting/clay shooting
10. Placement of memorials, plaques, benches, art installations, etc. except by Town Board resolution
11. Unauthorized commercial activities

66 Wainscott Main Authorize CPF Acquisition and Amend 2024 M&S Plan

Authorize CPF Acquisition and Amend 2024 M&S Plan

Purported Owner: **66 Wainscott Main LLC**
Location: **66 Wainscott Main St., Wainscott**
SCTM #: **300-200-2-29**

WHEREAS, pursuant to § 247 of the General Municipal Law of the State of New York, the Town Board held a public hearing on **October 17, 2024** to consider acquisition of approximately **30** acres of primarily vacant land, with several Historic structures located on **66 Wainscott Main St., Wainscott** which lands are identified on the Suffolk County Tax Map as SCTM #**300-200-2-29,** and an amendment to the 2024 M&S Plan to include this property; and

WHEREAS, the purported owners have expressed a willingness to sell the above referenced property in fee simple to the Town for the proposed purchase price of **$56,000,000.00**, plus survey, title, prorated tax, and recording charges; and

WHEREAS, the purpose of said acquisition is the preservation of Open Space, Agricultural Lands, Historic Places and Property, and the Protection and Improvement of Water Quality; and

WHEREAS, the Town Board has considered all comments from the public, be it in person or in writing; and

WHEREAS, the acquisition of the subject property is classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board finds, pursuant to § 64-e (8) of the New York Town Law, that acquisition of the subject property by purchase is the best alternative, of all reasonable alternatives available to the Town, for protection of the community character of the Town of East Hampton; and

WHEREAS, on **April 4, 2024** the Town Board adopted the 2024 Management & Stewardship Plan (M&S Plan) for CPF properties pursuant to Town Law 64-e (6) which requires a property to be included in this Plan in order to expense any management and stewardship costs to the Community Preservation Fund; and

WHEREAS, said M&S Plan shall be in effect for calendar year 2024 with updates permitted from time to time at the discretion of the Town Board after a public hearing; and

WHEREAS, this interest in real property may require management and stewardship activities; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized and directed to enter into a contract of sale with the record owner of the subject property, reputedly **66 Wainscott Main LLC**, for the purpose of acquiring said property at a cost to the Town of East Hampton not to exceed **$56,000,000.00**, plus reasonable survey, title, prorated tax, and recording charges; and be it further

RESOLVED, that pursuant to contract the Supervisor is authorized and directed to execute any documents and the Town Budget Officer is directed to pay the purchase price and any and all reasonable survey, title, prorated tax, and recording charges, as may be necessary to effect the transfer of title; and be it further

RESOLVED, that the **2024** Management and Stewardship Plan is amended to include the above referenced property; and be it further

RESOLVED, that pursuant to § 64-e of the New York Town Law, the acquisition of subject property also includes the acquisition of development rights and the right of the Town Board to transfer such rights at a future date; and be it further

RESOLVED, the monies to be expended for purchase of the foregoing property shall be drawn from the Town of East Hampton **Community Preservation Fund Budget Account**

FINANCIAL IMPACT:

$56,000,000 plus closing costs from CPF budget account

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Kathee Burke-Gonzalez, Supervisor
SECONDER:	Cate Rogers, Councilmember
AYES:	Flight, Lys, Rogers, Calder-Piedmonte, Burke-Gonzalez

Retain Historic Preservation Consultant- Steward Preservation Services LLC

WHEREAS, the Town Board desires to continue historic preservation work within the Community Preservation Fund Project Plan and to restore and maintain historic properties acquired through that Fund; and

WHEREAS, the Town has retained Steward Preservation Services LLC for assessment, research and restoration for several cemeteries, and has been satisfied with this work; and

WHEREAS, the Town has received a proposal for Outside Professional services from Steward Preservation Services LLC for up to $3,600 to examine, assess and provide a report on proposed historic CPF property located at 66 Wainscott Main St., Wainscott; and now, therefore be it

RESOLVED, that Steward Preservation Services LLC is hereby retained for said assessment at an amount not to exceed $3,600.00 from Budget Account #CA8801.54520 (Outside Professional); and, be it further

RESOLVED, that the Town Supervisor is authorized to execute the agreement

FINANCIAL IMPACT:

Up to $3,600 from CA 8801-54520

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David Lys, Councilmember
SECONDER:	Cate Rogers, Councilmember
AYES:	Flight, Lys, Rogers, Calder-Piedmonte, Burke-Gonzalez

My name is Hilary Osborn Malecki, I enjoy local history and have been researching the Wainscott Osborns and the Wainscott Community for many years.

Our family has over a 350 year history on this land at Wainscott. I was asked to speak briefly tonight on the people who have lived here, the land, and how it was used, and to talk about one of the most painted places in East Hampton - Wainscott Pond.

This is the oldest photo we have of 66 Wainscott Main Street. It was taken in 1891. When Google did a public release of LIFE Magazine images in 2008, there was only one picture of Wainscott, and this was it. An incredible photo, of the Osborn homestead, built in 1675, along with the barn, outbuildings, a haystack, a cow and ducks. This salt box home stood on the south side of Main Street, overlooking Wainscott Pond, from 1675 until the 1950's. The barn has been moved and now stands at the head of Wainscott Pond.

This image from 1909, shows the pond, viewed from the north side of Main Street….. without a house in sight.

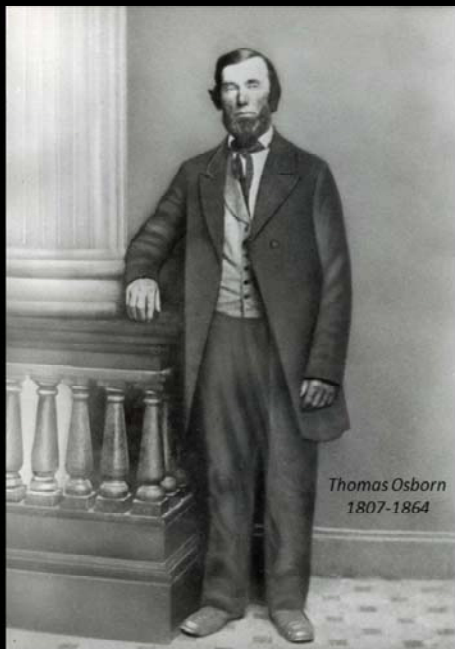
Before the Osborn’s arrival in Wainscott, the indigenous people were present. It is unclear if the name Wainscott derives from a Native American term or a village named Wainscott in Kent, England.

2013 - Members of the Wainscott Citizen Advisory Committee

Thomas Osborne and his family immigrated to America from Ashford in Kent, England. They followed Lion Gardiner to the East End of Long Island and were the first group of English settlers here In 1648. My 7x great grandfather John Osborn, after leaving his father's home overlooking Town Pond in East Hampton, was renting land from the town….what is now the Mulford Farm property. With a growing family, he sought out a farm of his own, and hence came to Wainscott. He is credited as one of the first to settle in Wainscott, receiving land from the town in 1668. He built a home, and the town declared 1670 as Wainscott's official settlement date.

Osborn's have been farming in Wainscott ever since, for 11 generations.

The first Wainscott Osborns were tanners, a tanning vat was found while digging the foundation of the farmhouse in 1904.



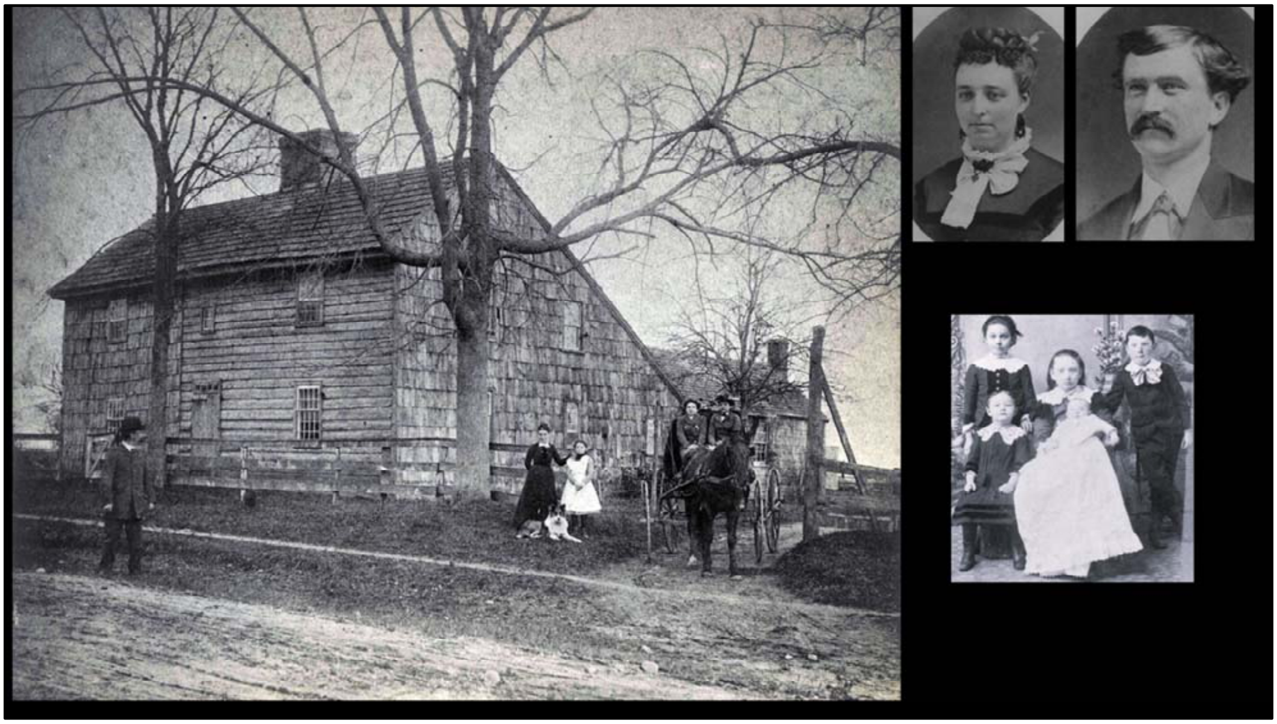
Thomas Osborn
1807-1864

Adela Sayre-Osborn and John M. Osborn
1813-1887 1846-1894

The land John Osborn first settled would pass down thru the Osborn family for generations. From John to Thomas, to Elisha I, to Elisha II, to Elisha III, and then to Thomas.

The oldest images of an Osborn that we have are of Thomas Osborn and his family. Thomas, born in 1807, is shown here with his wife Adela Sayre, holding son John. They had 8 children, only 2 living till adulthood, John and Oliver.

Thomas Osborn was the largest landholder in Wainscott, owning 290 acres of land. He raised cattle, horses and pigs. He reportedly ran a butcher shop on West Water Street in Sag Harbor. He sold meat to the whaling ships leaving the port. He shipped pigs to Connecticut. He was also a land surveyor.



After Thomas's death, his oldest son John inherited the farm. John's wife Louisa Edwards, and children are pictured here in front of the Osborn homestead. The photographer stands to the left.

John Osborn, and his wife Louisa had 6 children. John was a vegetable farmer. He met his wife when she was a teacher at the Wainscott One Room Schoolhouse.

Sadly John died in 1891 of tuberculosis at 42 years of age. His wife Louisa built the farmhouse in 1904 to support herself, by running a boarding house to serve the growing number of visitors to the East End.

Charles, Augusta, Raymond, David & Ruth Osborn, c. 1932

After Louisa death in 1926, her nephew, Raymond Osborn, purchased the property. Raymond is seen here in 1932 with his wife Augusta Halsey, and children, Charles, David and Ruth.

Raymond Hopping Osborn (1891-1982)

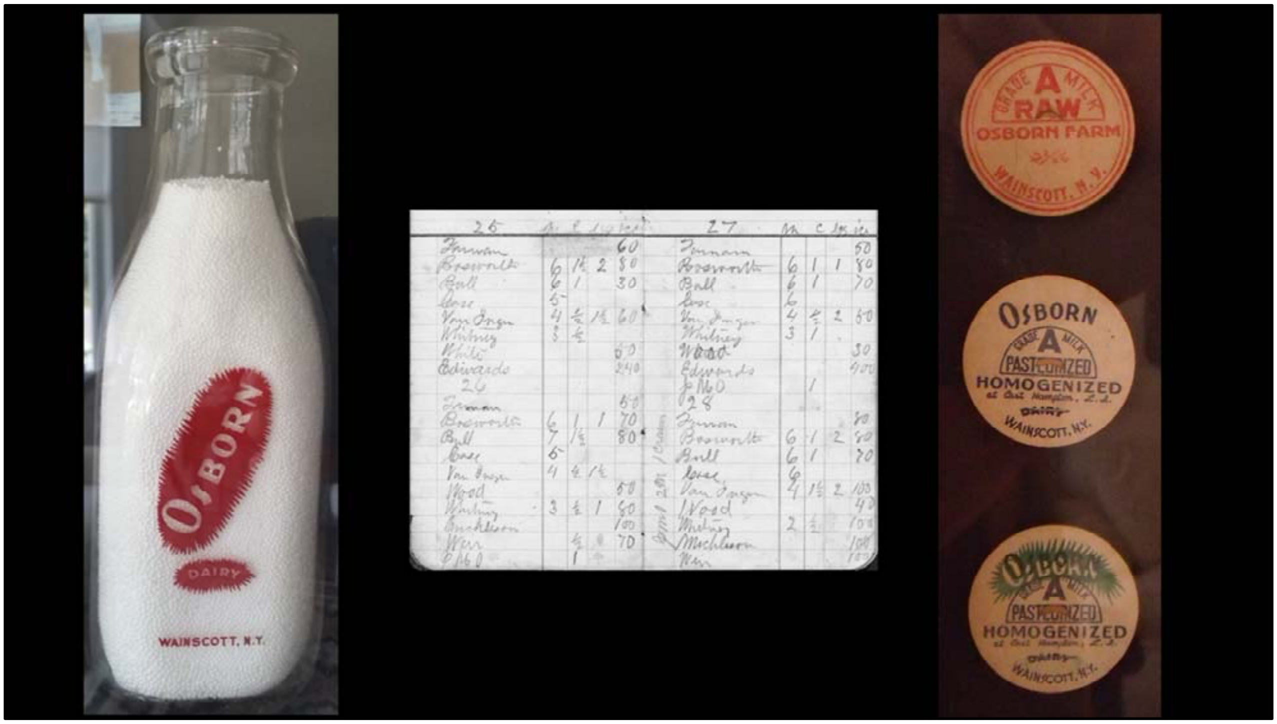
Raymond Osborn was a potato farmer.

66 Wainscott Main Street today, consists of 30 acres, the farmhouse and barn.

My grandparents, Raymond & Augusta Osborn with son David are pictured, standing in front of the farmhouse in 1979.

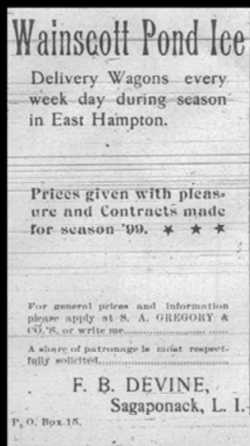
The barn originally stood, to the east of the farmhouse. It was moved in 1927 to its current location at the head of the pond, across from the Wainscott School and the cemetery. It is a early post and beam barn that was modified into a 4 bedroom apartment on the second floor. The civil war horses, raised by Thomas Osborn, were sheltered here, a hay hook is still evident in the attic. In my lifetime, the barn served as a place where my father and his brother serviced and stored their farm tractors on the first floor, and where farm workers, and family members lived, on the second floor.

Besides farming….. with such close proximity to the ocean and ponds, The Osborns were also fisherman. In May 1887, the *South Side Signal* reported The Osborn Boys of Wainscott, John and Oliver, may well be written as the most successful cod fisherman along the south side of the island. Osborn's also were offshore whalers. Whales brought in extra income for the farmers. Pictured here is the last whale caught off Wainscott in 1907.   The thrill of catching a whale from a small boat was of interest to many, as stories of men from this area, catching whales, were reported in newspapers all over the country



The Osborn's also ran a dairy farm on Main Street from the 1800's up thru the 1960's.

My great grandfather business was delivering milk, cream, ice and eggs to the summer visitors.



Wainscott Pond Ice

Delivery Wagons every week day during season in East Hampton.

Prices given with pleasure and Contracts made for season '99. * * *

For general prices and information please apply at S. A. GREGORY & CO.'S, or write me.

A share of patronage is most respectfully solicited.

F. B. DEVINE,
Sagaponack, L. I.

P. O. Box 15.

1899

Van Scoy & Dayton

HAVE A FULL STOCK OF

STAPLE AND FANCY GROCERIES.

FOR THE SUMMER TRADE.

Also a Full Supply of

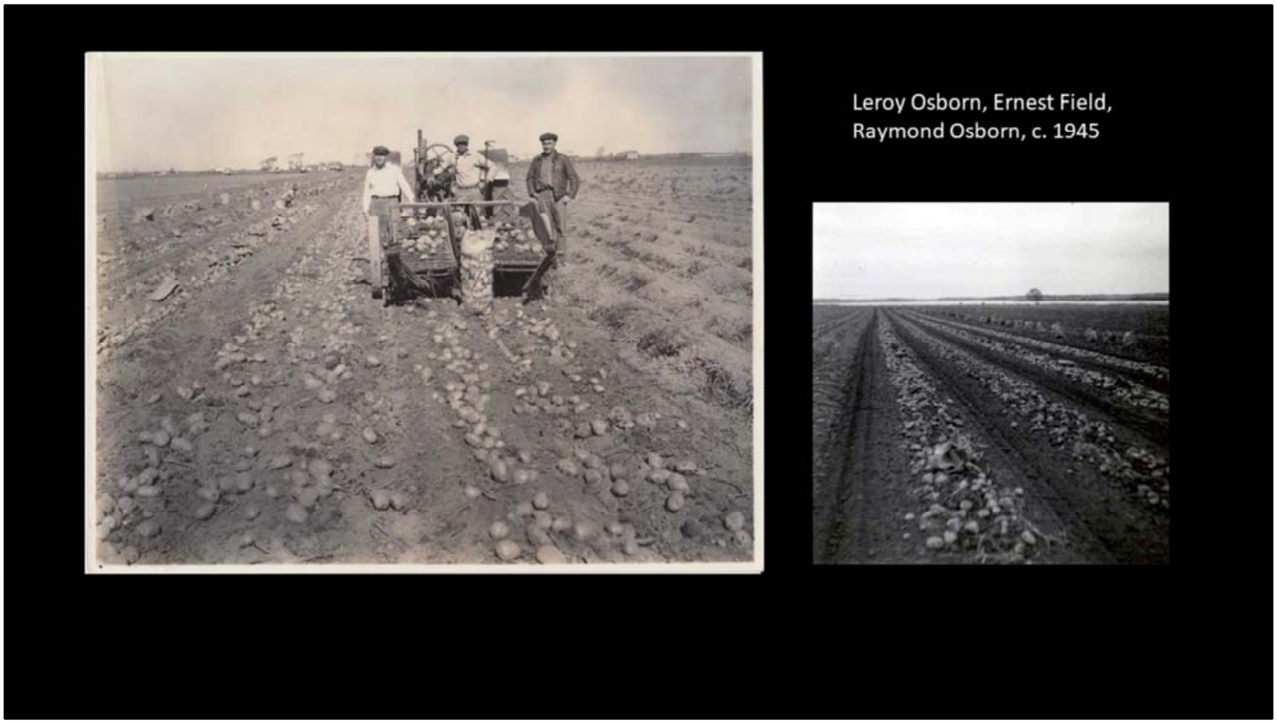
ICE from Wainscott Lake.

Van Scoy & Dayton,
EAST-HAMPTON, L. I.

1886

Prior to modern refrigeration, Ice from Wainscott Pond was important to the people of Wainscott. In 1890, Oliver Osborn removed 40 tons of ice from the pond. He built an ice house on it's shore. Layered in saw dust and seaweed, the ice would keep thru till summer, when it would be sold to summer residents, and used by the family to preserve food and make homemade strawberry ice cream.

In the summer of 1903, the Star reported the Hedges Brothers delivered by wagon, 8 tons of ice from Wainscott Pond to East Hampton customers in one week in July, ice 10-12" inches thick.



Oliver Osborn’ s twin sons, Raymond and Leroy Osborn went exclusively into the potato business, beginning in the late 1930’s and 1940’s. They are pictured here with Ernest Fields a long time farm worker on Osborn Farm.

Raymond’s son’s, Charles & David Osborn continued in the potato business, running Osborn Produce, with the Wainscott Whale logo on their potato bags. They retired from potato farming in the 1980s. They stopped farming potatoes on the pond field in the late 1970’s, and let the field turn to meadow land.

Strawberries were raised on the pond field up until 1994. My grandfather Raymond Osborn was known for his *Pick Your Own* Strawberry patch overlooking the pond.

This view is of pumpkins growing on the pond field. This photo is one of my favorites, and looks like a painting.

Wainscott Pond has served as a safe sanctuary for all types of wildlife. Cormorants, turtles, plovers, great herons, great blue herons, and night herons, fish, snapping turtles, frogs, toads and snakes. Clouds of dragon flies swirl over the pond in the summer.

Overhead, the geese announce there arrival to shelter for the evening on the pond. Without the worry of man or dogs, the geese lay their eggs on nests, on the ground, at the edge of the pond. Ducks fly in, hawks are overhead, and occasionally an osprey and bald eagle can be seen.

Deer fill the field, along with baby pheasants, meadow birds of every variety, and the occasional wood chuck. The pond is lined with cattails, wild roses, the field filled with butterfly weed, and Queen Anne's lace,

For years, artists and photographers, locals and visitors alike, can't help but stop, to paint or photograph the pond.

Sentiments from over 100 years ago, remain the same today. In **<u>1871</u>**, …….journalist John Heartt wrote a piece in the Sag Harbor Corrector:

" A prettier sight our eyes have never rested upon than this pond at noon day. Its waters reflecting the noon tide sun, with a richness that beggars all description. "

The water sparkling like diamonds.

He wrote: "*We consider Wainscott Pond the finest in the state.*"

Thank You.

[redacted]

[redacted]

[redacted]

Unused slides

This picture, shows the relationship of the former saltbox to the current farmhouse.

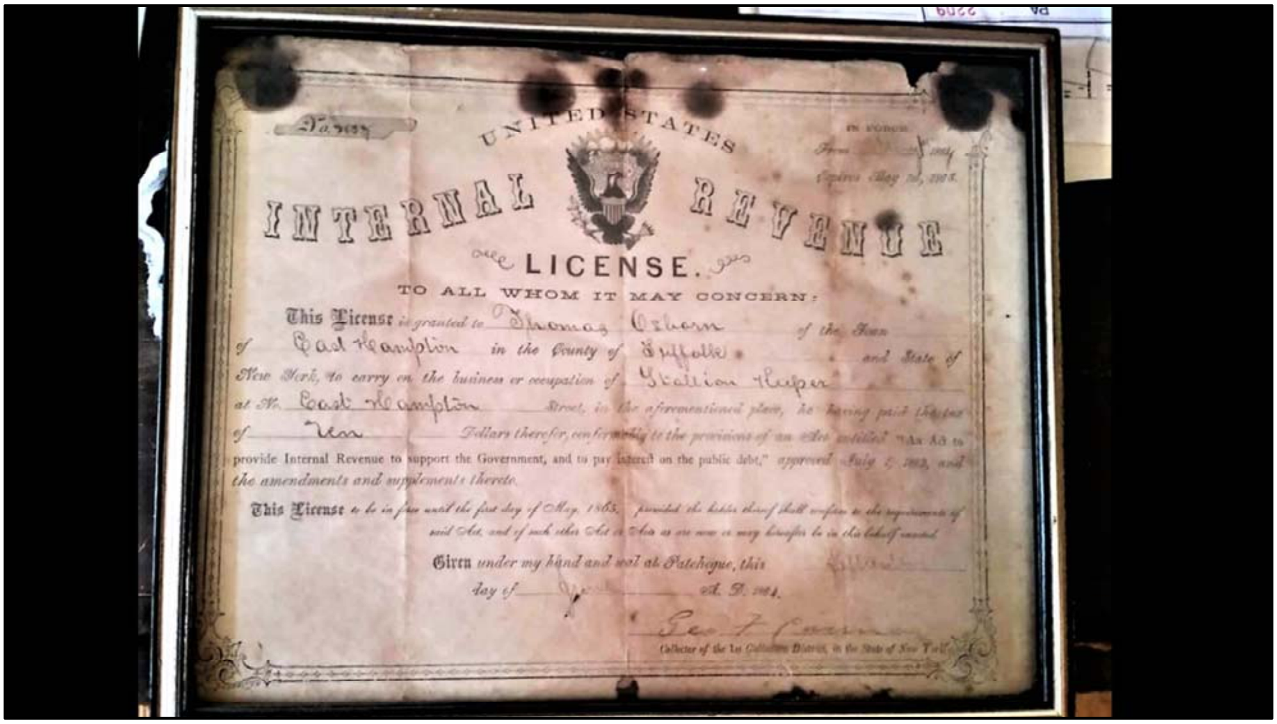
This is an aerial view of Wainscott from about 1930, when it was more farmland than houses. The people of Wainscott were hard working folks, living from the land and the sea. Life revolving around their crops, their animals and the weather. In a time before social service agency's, they had to rely on each other, neighbors helping neighbors. The children were educated in the small one room schoolhouse. The late Judge Henry Parsons Hedges was born in Wainscott, alongside Wainscott Pond. In 1817, he described Wainscott as a secluded farming community, with only 15 houses, all the men without exception were tillers of the soil. Wainscott was essentially self sufficient. He wrote….The clothing was made entirely from flax and wool raised in Wainscott. From head to toe, the clothes were raised, knot, woven, carded, spun, cut, sewed and fitted at home. The shoes made from the hides of cattle raised there. Straw hats for summer, woolen or fur hats for winter, all made in the home.

Alice Osborn Hand, born in 1879, said before being called Wainscott Main Street, the road was known simply as “the cart path”. Along it rumbled the heavy farm carts drawn by oxen, laden with produce from the fields or fisherman's nets on the way to the beach. The first time Wainscott appears in town records is in 1652, when it is ordered that a cart way to Wainscott be laid out.

The late Judge Hedges wrote wheat bread, rye and corn bread were the main staples. For food, the winter stand-bys were: samp, hominy, hasty pudding and johnny cake. Supplemented with salted pork and fish and a little beef.

In 1864, 14 year old Charlotte Osborn wrote of helping bring in the wheat harvest, “I handed sheaves of wheat”.

Alice Osborn Hand wrote she was never able to find flour with which to make bread that tasted as good as the bread her Mother made: *“from wheat raised by my father on our own farm and ground in the old Wainscott Mill.”*


UNITED STATES

INTERNAL REVENUE

LICENSE.

TO ALL WHOM IT MAY CONCERN:

This License is granted to Thomas Osborn of the Town of East Hampton in the County of Suffolk and State of New York, to carry on the business or occupation of Stallion Keeper at No. East Hampton Street, in the aforementioned place, he having paid the tax of Ten Dollars therefor, conformably to the provisions of an Act entitled "An Act to provide Internal Revenue to support the Government, and to pay Interest on the public debt," approved July 1, 1862, and the amendments and supplements thereto.

This License to be in force until the first day of May, 1865, provided the holder thereof shall conform to the requirements of said Act, and of such other Act or Acts as are now or may hereafter be in this behalf enacted.

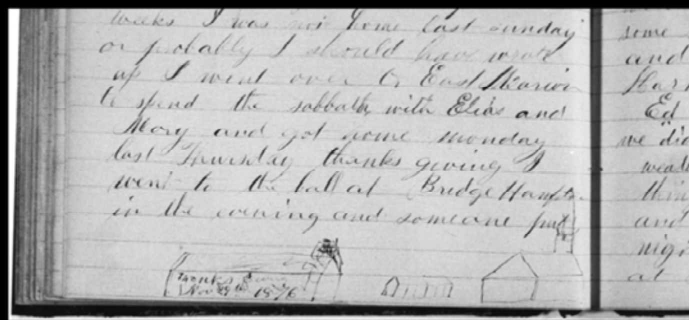
Given under my hand and seal at Patchogue, this day of A. D. 1864.

Collector of the 1st Collection District, in the State of New York.

Thomas Osborn supplied horses to the Civil war effort. This is a 1864 U.S. Internal Revenue License for Thomas to be a stallion keeper. He also raised and trained colts.

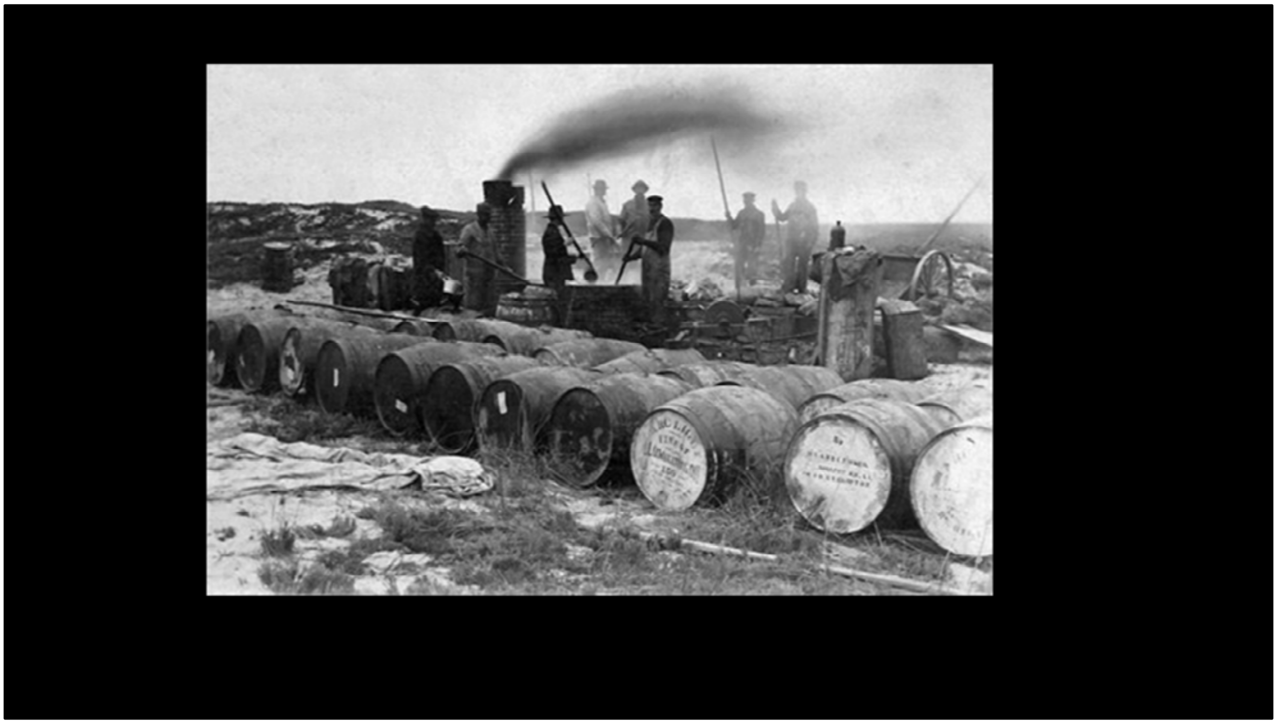
The small house, next to the farmhouse, is what we call the Playhouse. It reportedly was moved to Wainscott, from an estate on Further Lane, to be used as a playhouse, for my sisters, cousins and I in the 1960's. The grapes on the arbor, behind the playhouse, are reportedly one of the oldest plants in Wainscott, a leftover, from the time the colonial 1675 saltbox stood in front of the arbor.

This is a wonderful post card of Main Street Wainscott from the early 1900's, showing on the left, the farmhouse, the colonial salt box, and …….are those the grapes growing all over the back of the salt box?


weeks I was not home last sunday
or probably I should have wrote
up I went over to East Marion
to spend the sabbath with Elias and
Mary and got home monday
last Thursday thanks giving I
went to the ball at Bridge Hampt-
in the evening and someone put

Oliver Osborn's Diary
Sketch of Wainscott Barn
1876

Life is Wainscott was not all work with no play. The Wainscotters seemed to have a lively sense of humor, and were always coming up with something to get a rise out of their neighbors. In 1876, Oliver Osborn attended a ball at Bridge Hampton in the evening and came home to find someone had put his wagon up on the barn, he drew this sketch in his diary. The same thing had happened to Oliver's grandfather Elisha, many years earlier. But Elisha hearing the commotion, snuck outside and stood in the darkness among the mischievous boys When they stood back to admire their work, with the wagon up on the barn, he announced himself. He went back to bed, while the boys were up till morning undoing their work



Initially, the farmers set up the try works for trying the whale oil close to their house on the farm at Wainscott Main Street. But the process was so smelly the women, made them move the operation to the dunes at Wainscott Beach.

Potato Farming on Wainscott Pond

Pictured here is potato farming on Osborn farm, overlooking the pond, when potato bags were made of burlap and packed by hand.

Not to be forgotten in the people of Wainscott, is an important part of any farm, the laborers. These are just a few of the people that have worked on the farm in Wainscott. At the turn of the century, the farmers had hired men and hired girls working for the family. Young children from New York City orphanages were sent by train out east to work at the farmhouses. Many times they were relatives, older teens or locals from surrounding villages. Young men needing to move from their parents homes would go work on a farm. Young women, finished with school would help the lady of the house till married. The hired hands slept and were fed in the farmers home.

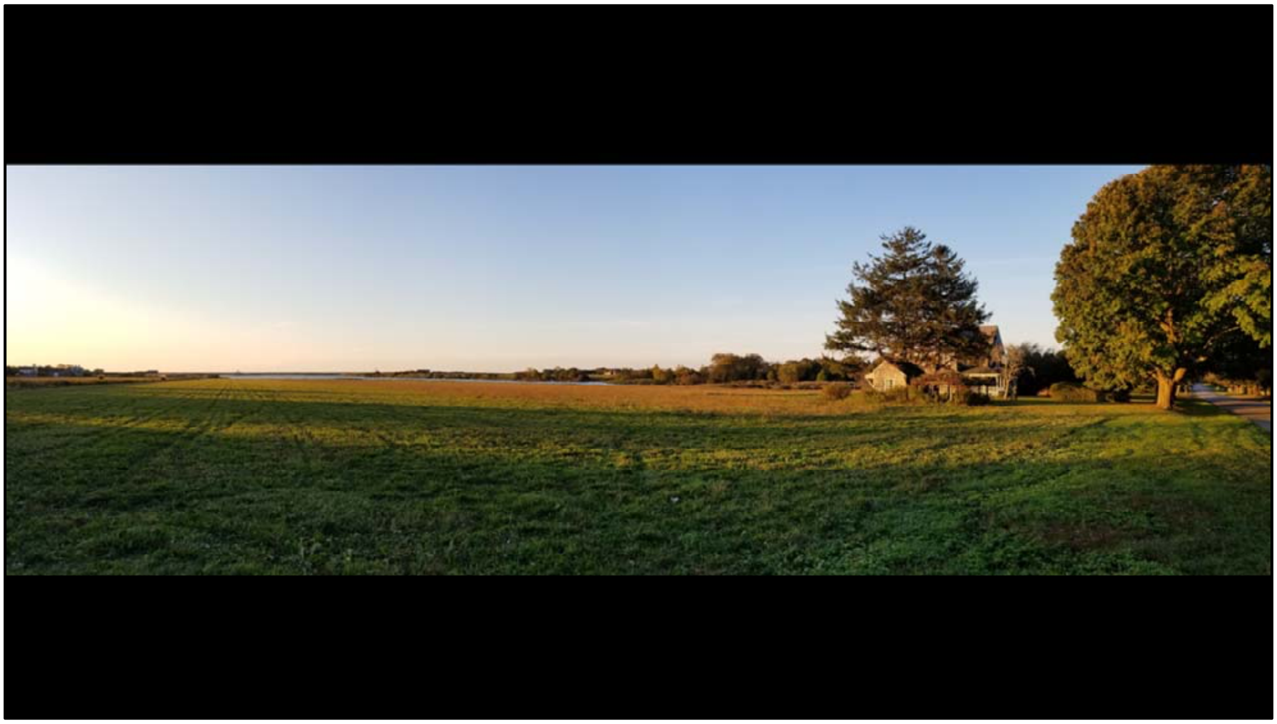
New immigrants came out from the city to work on Wainscott farms. Depending on the times, there were Irish, Swedish, and Polish immigrants. Later migrant workers from the south. During WW II, Farmerettes, an organized group of young college women worked on farms when the men were at war.

Sam Brown
1909-1996

Stanley Strong
1923-2009

In my lifetime, I fondly remember the farmhand Sam Brown, of Town Line Road, who worked on Osborn Farm, for many years, as did Stanley Strong, of Wainscott, along with many others.

Wainscott Pond has a cypress tree, growing in the water, at the north end , closest to Main Street, I have been unable to find any other water growing cypress trees in East Hampton.



Our family is grateful to Ronald Lauder, for offering this land to the town for preservation. Our ancestors would be thrilled to know this place will remain as it has for future generations. Our family is thrilled the views will remain for all to enjoy. In East Hampton where so much has changed, what a wonderful thing it will be, to preserve this small slice of heaven.

Zachary N. Studenroth **Architectural Preservation Consultant**
P.O. Box 2492 Sag Harbor, NY 11963 631.287.6437 (O) 631.275.3374 (M) studenroth@aol.com

TO: East Hampton Town Board
Scott Wilson, Land Acquisition & Management

FROM: Zachary N. Studenroth

DATE: November 18, 2024

RE: Architectural assessment of the Osborn Farm property, 66 Main Street, Wainscott, NY

The 30.419-acre parcel located at 66 Main Street, Wainscott, New York (SCTM #300-200-2-29) is associated historically with the John Osborn family, who settled the community in the mid-17th century and remained prominent in its evolution for over ten generations. The property borders Wainscott Main Street to the north, Five Rod Highway to the west, residential and unimproved properties to the east, and Wainscott Pond to the south. Celebrated for its ecological importance and sensitivity, as well as its exceptional views of Wainscott Pond, the property is situated within Agricultural and Harbor Protection Overlay Districts and preserves a rich mix of native flora and fauna. Its architectural significance is featured in three historic structures: a two-story wood-framed house, a large barn/garage, and small accessory farm building.

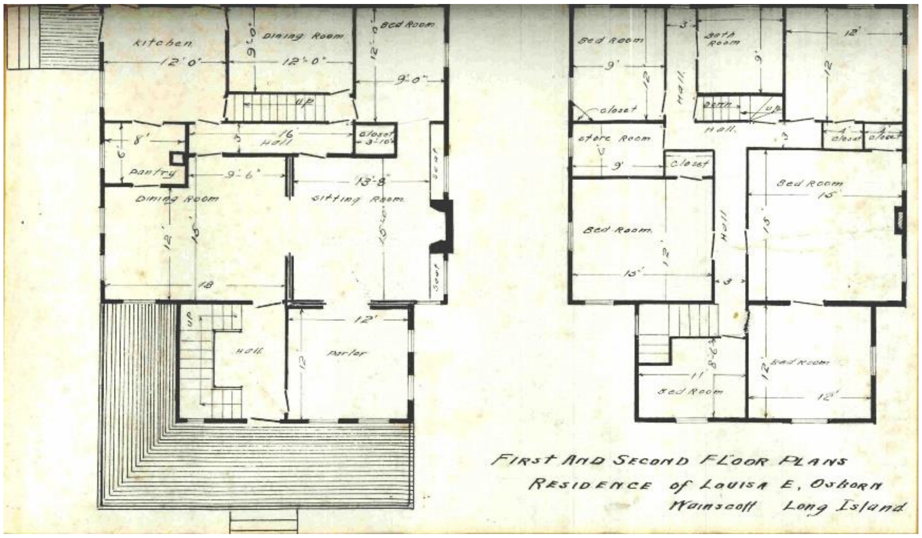
This report is an assessment of the architectural significance of the property to inform the consideration of its acquisition by the Community Preservation Fund.[1]

[1] The consultant is indebted to Hillary Osborn Malecki's "The History of the Osborn's on Wainscott Pond" (2020) for much of the family history and documentation.

Main House

The Osborn House is a two-story, wood-frame, vernacular style farmhouse constructed by Louisa Edwards Osborn (1851-1926) in 1904. Louisa had married John M. Osborn (1846-1894), a seventh generation Osborn resident of Wainscott, in 1876 but was widowed at age forty-three. Louisa evidently built the house to generate rental income in an era of increasing local tourism, as evidenced by the nearby Georgica Association formed in 1892 by William S. Wood for wealthy summer residents. The design of the house is attributed to Louisa's daughter Alice Osborn Hand on the basis of family documentation.

The exterior features prominent attic gables, a "wrap-around" porch facing Wainscott Main Street, and a brick chimney exposed on the first story level of the west wall in which the construction date of the house is prominently displayed. The block-like massing of the house preserves symmetrical fenestration, deep overhanging roof eaves, and a raised foundation that incorporates narrow, three-lite windows.



The interior, which is now gutted to the structural frame, preserves architectural features that are not only characteristic of its turn-of-the-century construction period, but are also indicative of its intended seasonal use. Large parlors are interconnected with wide pocket doors and a single fireplace (below left), which is centered against the west wall of the center parlor or “sitting room” is the only apparent source of heating in the original house. Upstairs, there are six bedrooms and a large bathroom.

The front staircase (right) rises within the entry hall to two landings and preserves newel posts that are square in section with ball tops, turned balusters, and a molded stair rail that typify late 19th to early 20th century design and construction.

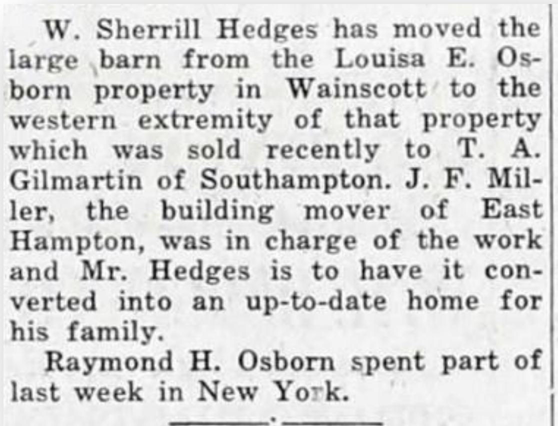
Of particular interest in terms of the technology of the house is the large, galvanized metal cistern that survives in the attic (below), which was originally positioned against the rear edge of the attic stair opening, directly above the second floor bathroom.

The tank received and stored water that was pumped into the attic and then flowed by gravity not only to the bathroom below it for bathing and sanitation purposes, but also to the kitchen on the first floor. These were relatively unusual household features in rural areas at the time and are indicative of the intended purpose of the house, which was to attract summer boarders whose urban lifestyle would have undoubtedly enjoyed such amenities.

The association of the house with the Osborn family and with the historical period in which it was built, when tourism was in its infancy and local families were adapting to and accommodating the influx of "summer people" contribute to the architectural significance of the house and underscore the importance of acquiring it for preservation.

Garage/Barn

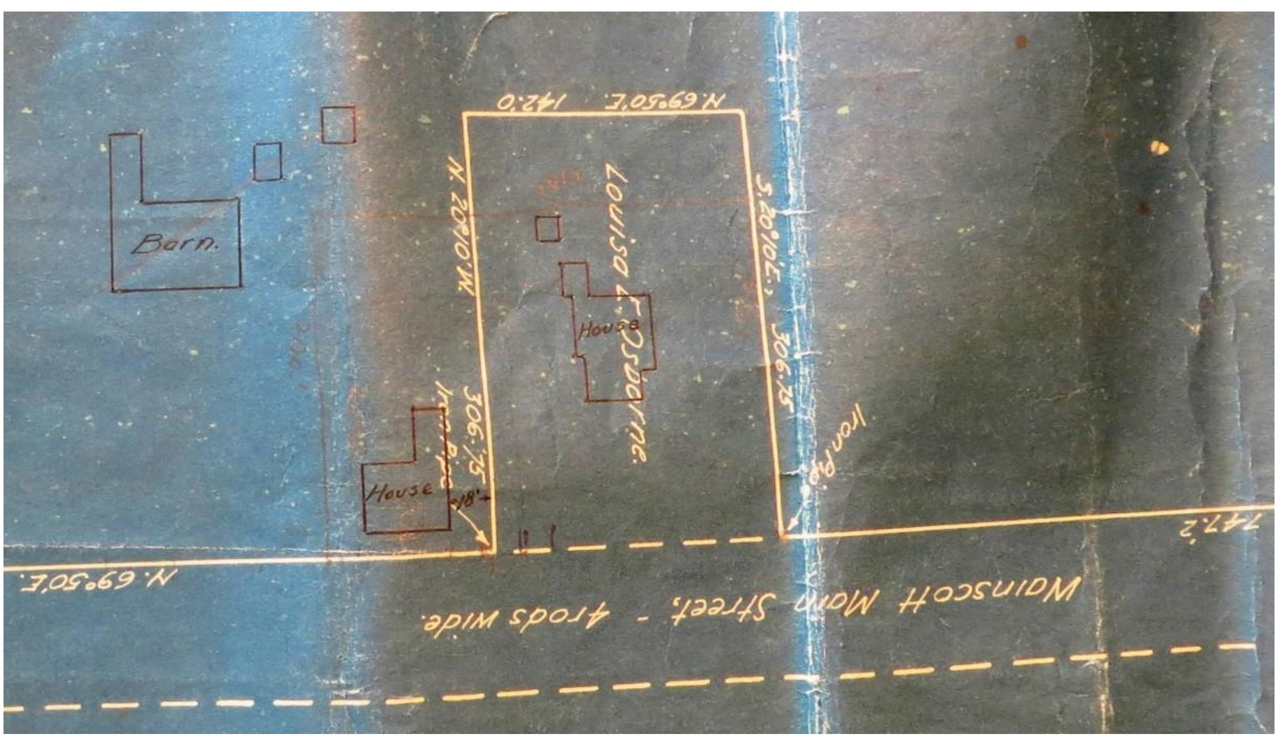
The large two-story, wood frame barn/garage located in the northwest corner of the property was reported in the *East Hampton Star* as having been moved to the site from elsewhere on the property in 1926:



W. Sherrill Hedges has moved the large barn from the Louisa E. Osborn property in Wainscott to the western extremity of that property which was sold recently to T. A. Gilmartin of Southampton. J. F. Miller, the building mover of East Hampton, was in charge of the work and Mr. Hedges is to have it converted into an up-to-date home for his family.

Raymond H. Osborn spent part of last week in New York.

Louisa Edwards Osborn had sold the ancestral farm to William Sherrill Hedges (1890-1948) in 1922 and Hedges, in turn, sold it to Southampton dairy farmer Timothy A. Gilmartin in 1926. Hedges reserved two acres for his own use, however, and moved the barn which was previously located to the east of the house to the new site (c. 1921 survey, below). According to the *East Hampton Star*, the barn was "converted into an up-to-date home for [Hedges'] family" and the "garage, with an apartment on the second floor, [is] where Mr. and Mrs. Hedges will make their home." Hedges operated a tractor and automobile repair business in the garage on the main floor.

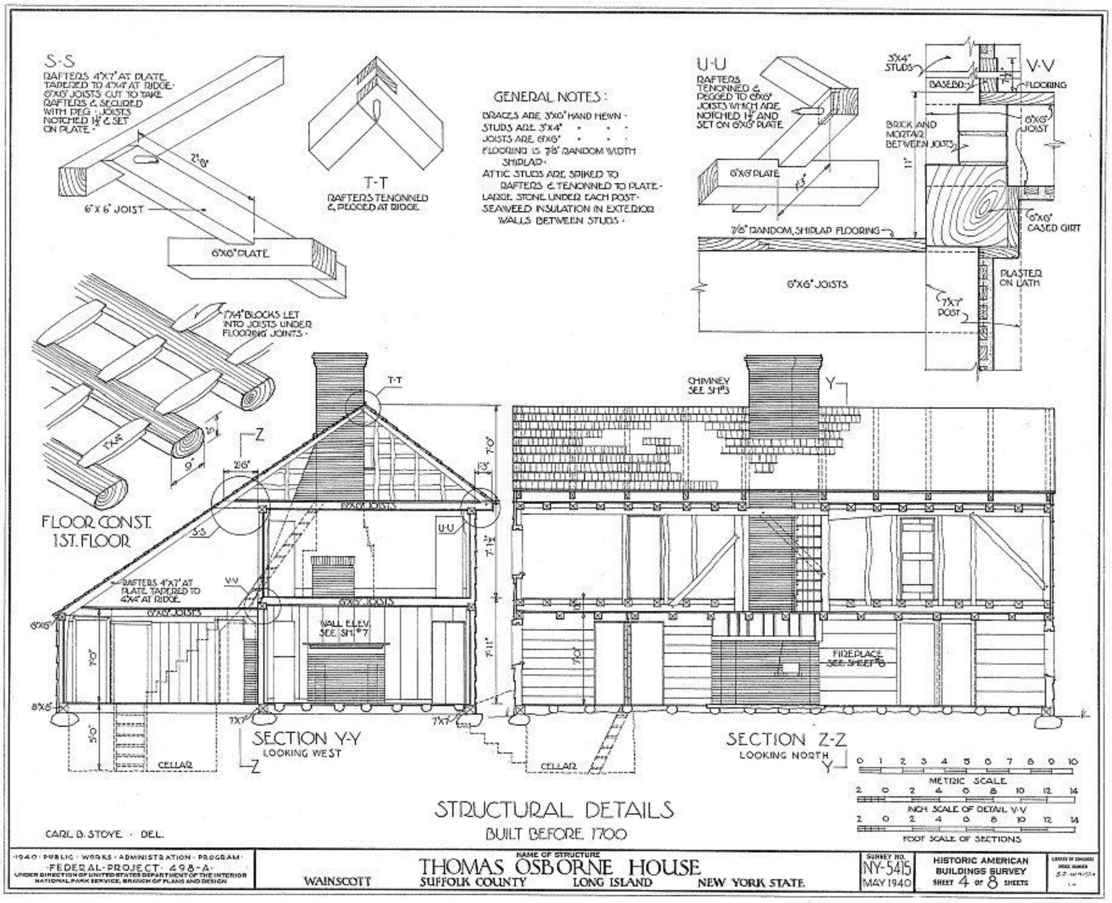


The front of the barn/garage was finished with two large rolling doors that could accommodate the movement of vehicles in and out of the interior work space (left), whereas the end walls and upper story were given a more residential appearance in keeping with its residential use, with symmetrical fenestration and a covered entryway on the south-facing façade leading to an enclosed staircase to the apartment on the second floor (below).

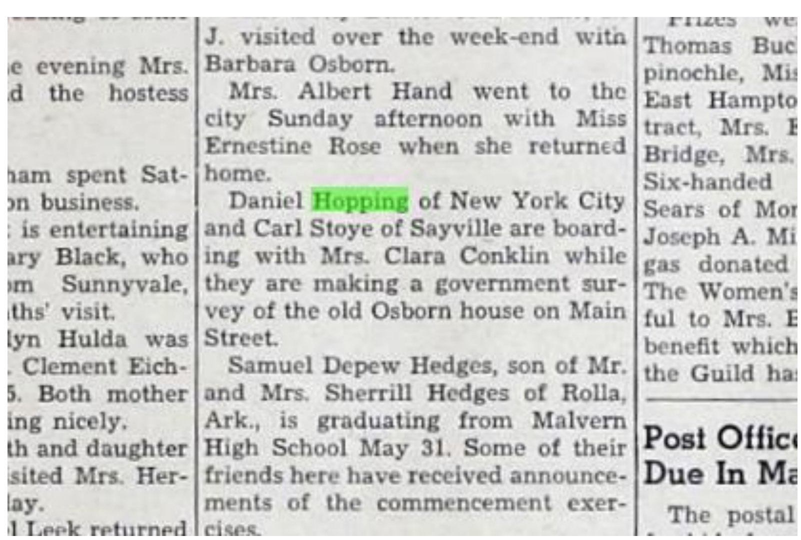
The barn/garage, which measures approximately 60’ long by 34’-6” wide, is supported on a foundation of concrete blocks laid three courses high that elevate the structure nearly 2’ above grade. This architectural feature was dictated in part by the height requirements of the repair business conducted within the building, but raises the question concerning why the structural frame wasn’t built higher and set on a conventional foundation?

Analysis of the barn frame reveals not only that it was moved intact from elsewhere on the property, as documented by newspaper accounts, but also that it preserves the materials, methods of construction, and general characteristics of post-and-beam, mortise-and-tenon technology of the early 18th century. Repurposed as an automobile repair shop in the early 20th century, the structure actually survives as a feature of the original, settlement period Osborn farmstead which preserved a saltbox house of the period, too, until its demolition in the 1940s.

An early view of the Osborn farm depicts the farmhouse facing north onto Main Street and the large barn situated behind it to the south. The ancient house was measured and drawn in May 1940 by the Historic American Buildings Survey (HABS) and labeled “Thomas Osborne House” (NY-5415):



Notes associated with the HABS file say that the house was already “in ruinous condition” and it is presumed to have been demolished soon after the recording project. The *East Hampton Star* made note of the architects responsible for the work on May 16, 1940 (right). [One of the two architects, Daniel M. C. Hopping, would later be associated with the restoration of the Jan Martense Schenck House at the Brooklyn Museum, period rooms at the Metropolitan Museum of Arts, and numerous other restoration and preservation projects in New York and Long Island before his death in 1990.]

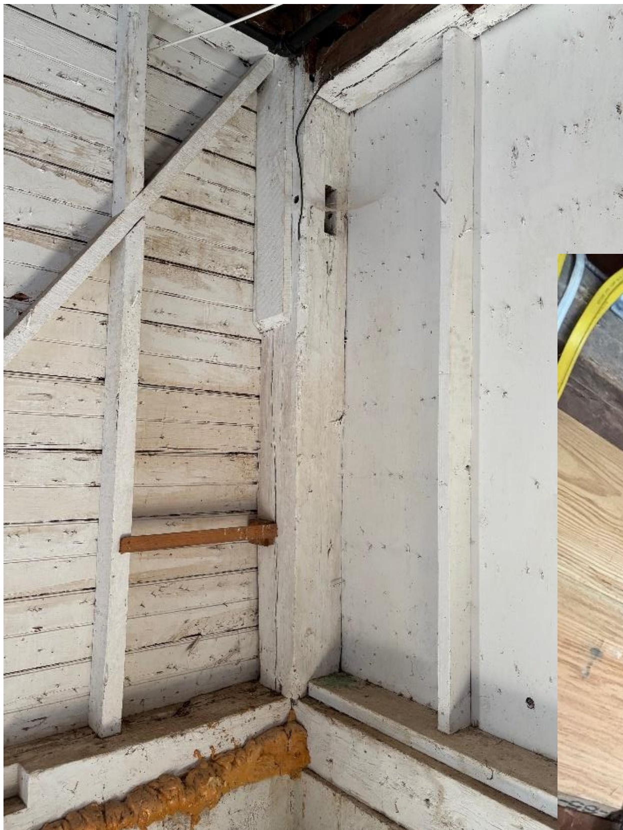

J. visited over the week-end with Barbara Osborn.

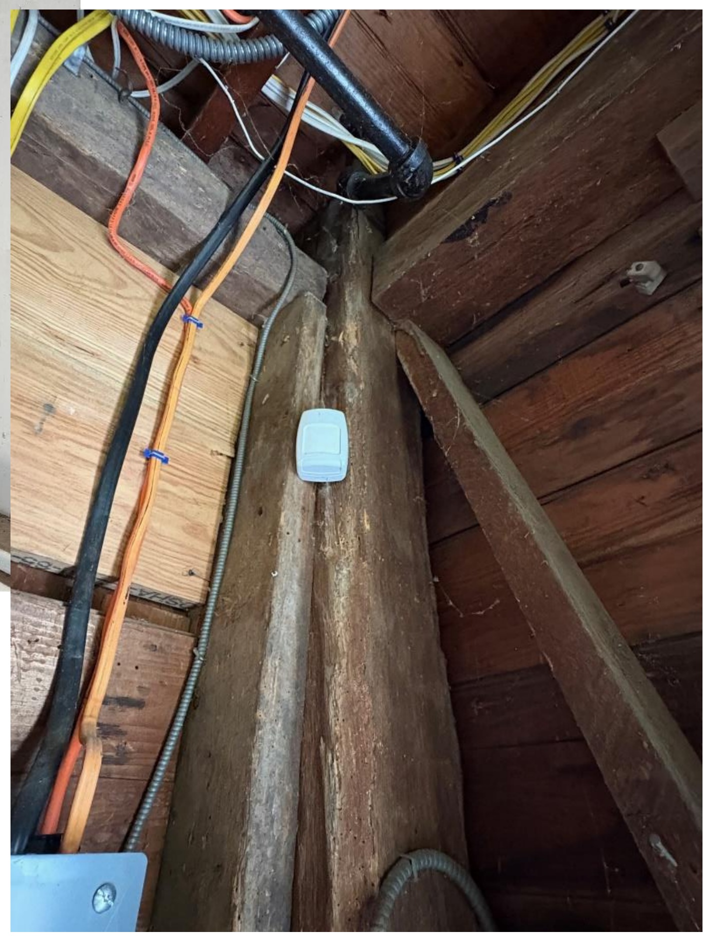
Mrs. Albert Hand went to the city Sunday afternoon with Miss Ernestine Rose when she returned home.

Daniel Hopping of New York City and Carl Stoye of Sayville are boarding with Mrs. Clara Conklin while they are making a government survey of the old Osborn house on Main Street.

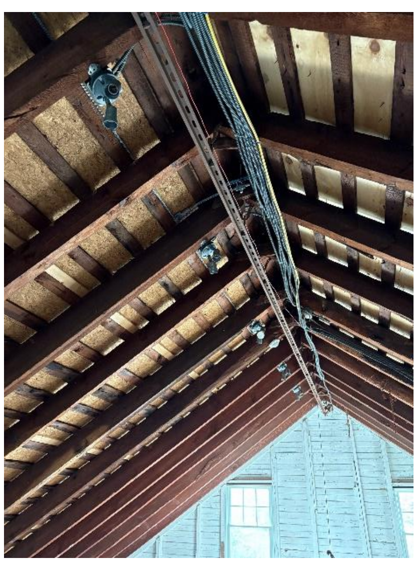
Samuel Depew Hedges, son of Mr. and Mrs. Sherrill Hedges of Rolla, Ark., is graduating from Malvern High School May 31. Some of their friends here have received announcements of the commencement exercises.

It is unlikely that the barn, which was moved and renovated in 1926, preserves any elements of the historic house frame. The barn's massive 8" square posts, sills and other wall elements date it to the early 18th century construction period of the house, however, and it survives as an intact frame, with corner and wall posts, horizontal sills and girts, and many of its the diagonal braces intact (below left and right).



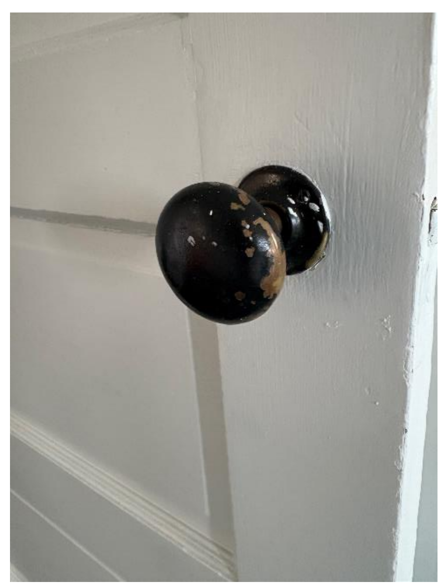


The attic frame, composed of 3" by 8" rafters set 24" apart, appears to have been rebuilt in the mid- to late 19th century (right).



On the second floor, which was finished as living space in 1926, the original structural barn frame is visible in the form of hand-hewn posts and beams such as those shown below:

The second floor rooms also preserve interior features associated with residential finishes of the 1920s, such as the five-panel doors (left) and "japanned" doorknobs (right).



The garage/barn frame is remarkable for surviving intact from its early 18th century construction period and gained added significance in the early 20th century when it was relocated, renovated and repurposed as a combined automobile and tractor repair shop with living quarters on the second floor. The original purpose of the building demonstrates the agrarian nature of the early Wainscott settlement whereas the later use characterizes the needs of a changing population in the early 20th century. The building is a time capsule and worthy of acquisition and preservation for both its historical and architectural significance.

Accessory Farm Building

The small accessory farm building located to the east of the house appears to date from the early to mid-20th century and may have served as an office and/or farm stand.

While its original function is as yet undocumented, it remains a contributing feature on the farmstead and deserving of preservation.

Summary

Acquisition of the historic Osborn Farm on Wainscott Main Street will have a dramatic impact on preserving the streetscape of the hamlet as well as the view shed from its historic thoroughfare. The property is both a 30+ acre nature sanctuary which fronts on and protects a major portion of Wainscott Pond, as well as a historical asset that preserves a late Victorian-era house associated with the Osborn family and East Hampton's early resort period, and a large barn surviving from the early 18th century.

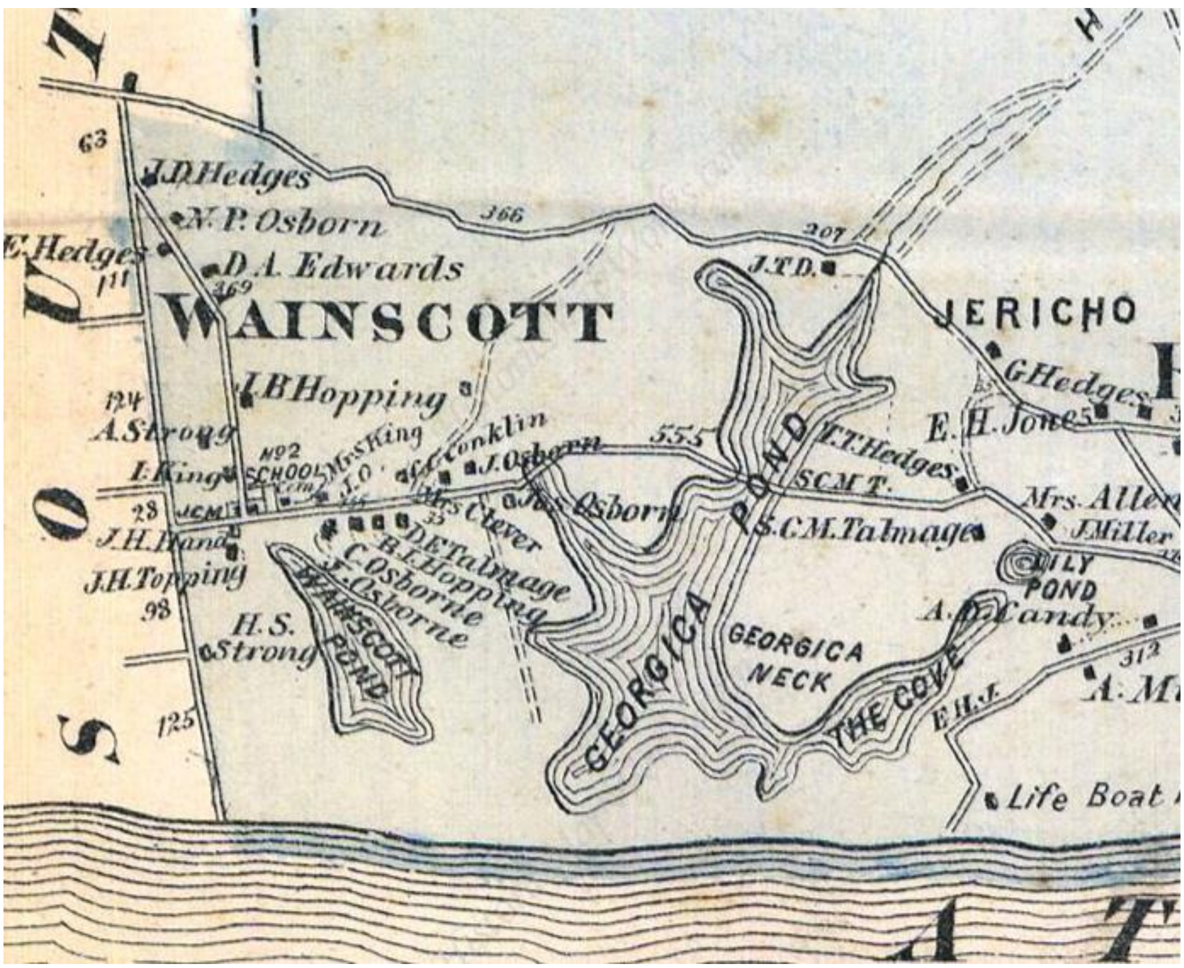
If the property is acquired, consideration should be given to how both the house and barn are used in the future.

- The house has been gutted of interior plaster finishes and mechanical and plumbing systems, and therefore presents a considerable investment of funds to restore it to habitable condition. Alternatively, it could be partially renovated, providing office and/or meeting spaces requiring fewer finished rooms, systems and the like.

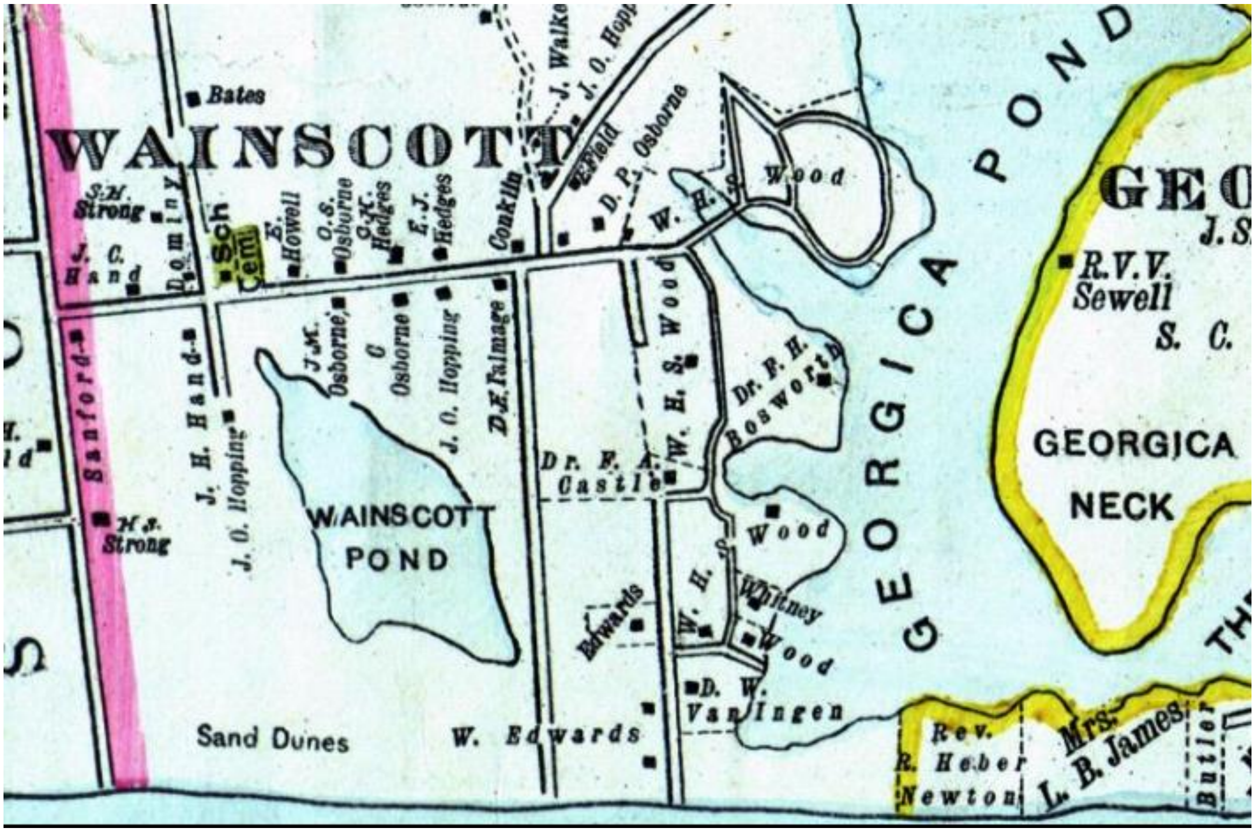
- The barn, unlike the house, preserves work spaces on the ground floor and a finished apartment on the second floor. These can be occupied and put to use at little expense. There are advantages to occupying both buildings either part- or full time, one of which being the security associated with having one or more residents living on the property.

- It is recommended that the historic timber-frame barn, one of only a handful standing in the Town of East Hampton and possibly the oldest, be thoroughly studied and documented. This would entail extensive photographic recording, measured drawings, and potentially the use of dendrochronology to determine the exact construction date. Like the Thomas Osborn House which was measured and drawn in 1940, the Osborn barn is a candidate for a comparable recording project and would make a worthy addition to the Historic American Buildings Survey.

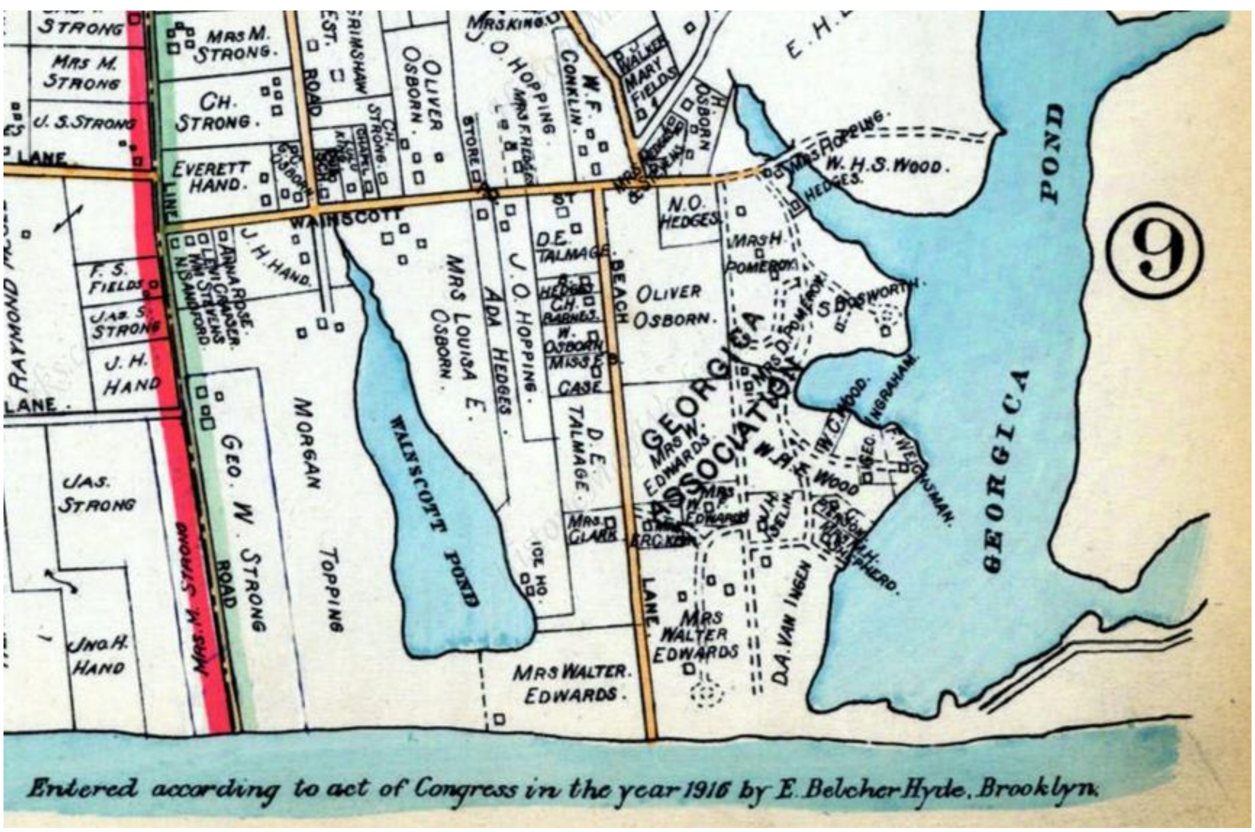
***Suffolk County Tax Map* #300-200-2-29**



Beers, Comstock & Cline *Atlas of Long Island*, 1873, Plate 192 (detail)



Frederick W. Beers, *Plan of the Town of East Hampton*, 1894 (detail)



E. Belcher Hyde, *Atlas of Suffolk County*, 1916, Plate 007 (detail)

Flora

(Species found or likely to be found at 66 Wainscott Main Street)
prepared by Land Acquisition & Management Dept. Sept 2024

Amberique-bean	*Strophostyles helvola*
American burnweed	*Erechtites hieraciifolius*
Apple	*Malus* sp.
Arrow-leaved tearthumb	*Persicaria sagittata*
Aster	multiple genera
Arborvitae	*Thuja occidentalis*
Autumn olive	*Elaeagnus umbellata*
Beggarticks	*Bidens* sp.
Bent grass	*Agrostis* sp.
Black cherry	*Prunus serotina*
Black locust	*Robinia pseudoacacia*
Blue flag iris	*Iris versicolor*
Burdock	*Arctium sp.*
Butter and eggs	*Linaria vulgaris*
Butterfly milkweed	*Asclepias tuberosa*
Canada thistle	*Cirsium arvense*
Catbrier	*Smilax* sp.
Cattail	*Typha* sp.
Chicory	*Cichorium intybus*
Cinquefoil	*Potentilla sp.*
Clover	*Trifolium* sp.
Common Blackberry	*Rubus allegheniensis*
Common milkweed	*Asclepias syriaca*
Common mullein	*Verbascum thapsus*
Common plantain	*Plantago major*
Common reed	*Phragmites communis*
Common selfheal	*Prunella vulgaris*
Corn mint	*Mentha arvensis*
Crabgrass	*Digitaria* sp.
Creeping Charlie	*Glechoma hederacea*
Creeping Jenny	*Lysimachia nummularia*
Deertongue	*Dichanthelium clandestinum*
Dogbane	*Apocynum sp.*
Eastern marsh fern	*Thelypteris palustris*
False foxglove	*Agalinis purpurea*
Field bindweed	*Convolvulus arvensis*
Fox grape	*Vitis labrusca*
Garlic mustard	*Alliaria petiolata*
Goldenrod	*Solidago sp.*
Indian mockstrawberry	*Duchesnea indica*
Japanese barberry	*Berberis thunbergii*

Little bluestem	*Schizachyrium scoparium*
Marsh pennywort	*Hydrocotyle umbellata*
Mile-a-minute	*Polygonom perfoliatum*
Mugwort	*Artemisia vulgaris*
Multiflora rose	*Rosa multiflora*
Mushroom	multiple genera
Narrowleaf plantain	*Plantago lanceolata*
Nimblewill	*Muhlenbergia schreberi*
Northern bayberry	*Morella pensylvanica*
Norway maple	*Acer platanoides*
Norway spruce	*Picea abies*
Oriental bittersweet	*Celastrus orbiculatus*
Pennsylvania smartweed	*Polygonum pensylvanicum*
Poison Ivy	*Toxicodendron radicans*
Pokeweed	*Phytolacca americana*
Porcelainberry	*Ampelopsis brevipedunculata*
Privet	*Ligustrum* sp.
Sensitive fern	*Onoclea sensibilis*
Silver grass	*Miscanthus* sp.
Silver maple	*Acer saccharinum*
Soft rush	*Juncus effusus*
Southern arrowwood	*Viburnum dentatum*
Smooth alder	*Alnus serrulata*
Swamp rose	*Rosa palustris*
Switchgrass	*Panicum virgatum*
Sycamore maple	*Acer pseudoplatanus*
Undetermined foxtail grass	
Undetermined nightshade	
Undetermined rose	
Undetermined sedge	
Virginsbower	*Clematis* sp.
Wild carrot	*Daucus carota*
Wild grape	*Vitis* sp.
Willow	*Salix* sp.
Winterberry holly	*Ilex verticillata*
Woodland strawberry	*Fragaria vesca*
Woodsorrel	*Oxalis sp.*
Yarrow	*Achillea millefolium*
Yew	*Taxus* sp.

Fauna

(Species found or likely to be found at 66 Wainscott Main Street)
prepared by Land Acquisition & Management Dept. Sept 2024

American black duck	*Anas rubripes*
American crow	*Corvus brachyrhynchos*
American robin	*Turdus migatorius*
Belted kingfisher	*Megaceryle alcyon*
Big brown bat	*Eptesicus fuscus*
Black-crowned night heron	*Nycticorax nycticorax*
Blue jay	*Cyanocitta cristata*
Brown-headed cowbird	*Molothrus ater*
Canada goose	*Branta canadensis*
Carolina wren	*Thryothorus ludovicianus*
Cedar waxwing	*Bombycilla cedrorum*
Chipping sparrow	*Spizella passerina*
Common grackle	*Quiscalus quiscula*
Common merganser	*Mergus merganser*
Common yellowthroat	*Geothlypis trichas*
Dark-eyed junco	*Junco hyemalis*
Diamondback terrapin	*Malaclemys terrapin*
Eastern chipmunk	*Tamius striatus*
Eastern cottontail	*Sylvilagus floridanus*
Eastern garter snake	*Thamnophis sirtalis*
Eastern milk snake	*Lampropeltis triangulum*
Eastern mole	*Scalopus aquaticus*
Eastern screech-owl	*Megascops asio*
Eastern towhee	*Pipilo erythrophtalmus*
European starling	*Sturnus vulgaris*
Field sparrow	*Spizella pusilla*
Fish crow	*Corvus ossifragus*
Gray catbird	*Dumetella carolinensis*
Great blue heron	*Ardea herodias*
Great crested flycatcher	*Myiarchus crinitus*
Great egret	*Casmerodius albus*
Great horned owl	*Bubo virginianus*
Geen-winged teal	*Anas crecca*
Grey squirrel	*Sciurus carolinensis*
Hoary bat	*Aeorestes cinereus*
House finch	*Haemorhous mexicanus*
House mouse	*Mus musculus*
House sparrow	*Passer domesticus*
Mallard	*Anas platyrhynchos*
Mourning dove	*Zenaida macroura*

Mute swan	*Cygnus olor*
Northern flicker	*Colaptes auratus*
Northern mockingbird	*Mimus polyglottos*
Northern ring-necked snake	*Diadophis punctatus edwardsii*
Norway rat	*Rattus norvegicus*
Osprey	*Pandion haliaetus*
Prairie warbler	*Setophaga discolor*
Raccoon	*Procyon lotor*
Red fox	*Vulpes vulpes*
Red-breasted merganser	*Mergus serrator*
Red-tailed hawk	*Buteo jamaicensis*
Red-winged blackbird	*Agelaius phoeniceus*
Sharp-shinned hawk	*Accipiter striatus*
Snowy egret	*Egretta thula*
Song sparrow	*Melospiza melodia*
Tree swallow	*Tachycineta bicolor*
Virginia opossum	*Diadelphis virginiana*
Vole	*Microtus sp.*
White-footed Mouse	*Peromyscus leucopus*
White-tailed deer	*Odocoileus virginianus*
White-throated sparrow	*Zonotrichia albicollis*
Wild turkey	*Meleagris gallopavo*
Wood duck	*Aix sponsa*

<u>Flora and Fauna Assessment for the property:</u>

The majority of the 30+ acre property is meadowland with only a small amount of woodland habitat on the western edge. About 2.5 acres of the parcel is situated within the freshwater body known as Wainscott Pond. There is a section of wetland habitat adjacent to the pond edges. A house and barn exist on the property and planted species can be found near the structures. The meadow area is comprised of a diverse mixture of native and non-native grasses, weeds and flowering plants. Autumn olive trees and silver grass are perhaps the biggest threats to the meadow habitat. If left undisturbed, both are likely to spread throughout the field, reducing diversity by inhibiting the growth of native species. The olives could grow to heights so that the historic and idyllic viewshed is lost. Annual maintenance of the meadow area by mowing is important to discourage this from occurring.

The property is conducive to many species of wildlife. White-tailed deer and wild turkeys frequent the property. Evidence of red fox dens was found in the meadow area. Dozens of species of birds utilize the meadowland, pond and marshland for breeding, feeding and resting.

John Osborn Homestead Historic Designation After Hearing

AMEND ZONING CODE TO DESIGNATE JOHN OSBORN HOMESTEAD HISTORIC LANDMARK

INTRO. # 24 OF 2024
LOCAL LAW # 3 OF 2025

WHEREAS, the Town Board of the Town of East Hampton held a public hearing on **November 21, 2024** pursuant to the provisions of Chapter 255 (Zoning) Article VII "Architectural and Design Review", Section 255-7-25 "Designation of historic landmarks and historic districts.", Paragraph "A", in order to consider an amendment to Chapter 255 ("Zoning") of the East Hampton Town Code at Article XII ("Use District (Zoning) Maps"), and Article XIII ("Table of Historic Landmarks and Historic Districts") of the Town Code, in order to designate certain structures as a historic landmark, said property being known and described as the **"John Osborn Homestead Historic Landmark",** said premises being owned by the Town of East Hampton, and being described on the Suffolk County Tax Map as SCTM parcel # **300-200-2-29**; and

WHEREAS, the Town Board, considering all of the information provided, as well as any and all comments presented at the time of hearing, believes that designation of the **John Osborn Homestead property** as a Town historic landmark is appropriate; and

WHEREAS, the designation of these buildings as Town historic landmarks is a Type II action under Chapter 128 (Environmental Quality Review) of the Town Code and 6 New York Codes Rules and Regulations (NYCRR) 617.5 (State Environmental Quality Review Act) and no environmental analysis is required with regard to the same; now, therefore, be it

RESOLVED, that the Town Board of the Town of East Hampton, owner of the following described premises, hereby enacts Local Law Introductory ___***of 2024*** amending Chapter 255 ("Zoning") of the East Hampton Town Code at Article XIII ("Table of Historic Landmarks and Historic Districts"), in order to designate certain structures as the **"John Osborn Homestead Historic Landmark",** said Local Law to read as follows:

BE IT ENACTED by the Town Board of the Town of East Hampton as follows:

SECTION I. - FINDINGS AND OBJECTIVES:

The Town Board has acted to preserve the unique historic and architectural qualities of the Town of East Hampton by adding provisions for historic preservation to the Town Zoning Code. The adoption of this historic preservation law, by Local Law No. 25-1999, as since amended, permits the Board to establish locally-designated historic landmarks.

The Town Board finds that, as detailed in the "Architectural assessment of the Osborn farm property, 66 Wainscott Main St., Wainscott" authored by Zachary N. Sturdenroth, Architectural Consultant & Steward Preservation Services LLC, dated November 18, 2024, the Osborn property has the characteristics specified in § 255-7-25 A of the Town Code. The homestead, containing the 1904 Louisa Edwards Osborn Main House and the 17th century Osborn Barn is an exceptional property for recalling the agrarian history of Wainscott. This property possesses special character, historic and aesthetic interest and value as part of the cultural, economic and social history of East Hampton and embodies the distinguishing characteristics of building types, periods and methods of construction. The Osborn structures therefore qualify for designation as a historic landmark. Please note landmark status is applied to the structures only.

SECTION II. - TOWN CODE AMENDED:

Chapter 255 ("Zoning") of the East Hampton Town Code is hereby amended as follows:

A. Article XII ("Use District (Zoning) Map"). The Use District (Zoning) Map is amended to depict the boundaries of the **John Osborn Homestead Historic Landmark** in accordance with the table of properties set forth in Subsection B below.

B. Article XIII ("Table of Historic Landmarks and Historic Districts"). The Table of Historic Landmarks and Historic Districts is amended to set forth the following property:

PROPERTY NAME: Osborn
STREET LOCATION: 66 Wainscott Main St., Wainscott, NY
TAX MAP NUMBER: 300-200-2-29

DESIGNATED AREA: Designated Structures
OWNER: Town of East Hampton
159 Pantigo Road
East Hampton, New York 11937

SECTION III. - SEVERABILITY:

Should any part or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION IV. - EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: **February 18, 2025** BY ORDER OF THE TOWN BOARD
TOWN OF EAST HAMPTON

Carole Brennan,
TOWN CLERK

FINANCIAL IMPACT:

No Impact

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	David Lys, Councilmember
SECONDER:	Cate Rogers, Councilmember
AYES:	Flight, Lys, Rogers, Calder-Piedmonte, Burke-Gonzalez

RULES AND REGULATIONS
FOR
CPF ACQUISITION AND STEWARDSHIP

Community Preservation Fund

The purpose of Rules and Regulations for Acquisition and Stewardship Implementation is to standardize the application of the Community Preservation Fund state statute, Town Law 64-e. The intent is not to create new law but to ensure that the controlling law is applied evenly for all East End Towns primarily through a series of examples demonstrating the proper, as well as the improper, administration of Community Preservation Fund acquisition and stewardship programs.

ADOPTED BY THE TOWN BOARD OF THE TOWN OF

EAST HAMPTON ON APRIL 7, 2011

3.(d) The purposes of the fund shall be exclusively, (d) to provide a management and stewardship program for such interests and rights consistent with subdivisions nine and nine-a of this section and in accordance with such plans designed to preserve community character, provided that not more than ten percent of the fund shall be utilized for the management and stewardship program…

The ten percent of the fund limitation for management and stewardship costs relates to the annual fund revenues. The last full calendar year of known revenue shall be used to determine the maximum amount permitted to be expensed for management and stewardship programs.

Example: In preparation of its 2010 budget in late 2009, a Peconic Bay Region Town would look to the complete CPF revenues received in 2008 to determine 10% of the fund for the 2010 budget and for compliance with this section of the statute.

3-a. Preliminary and incidental costs in connection with the acquisition of interests or rights in real property, pursuant to subdivision three of this section, shall be deemed part of the cost of the acquisition for which they were incurred. Such expenditures may include any administrative or other expenditures directly arising there-from. No expenditure shall be charged to the fund, unless authorized by law. A full accounting of such costs for each acquisition of land shall be provided to the Town Board.

Examples of appropriate costs associated with the acquisition of interests or rights in real property include, but are not limited to:

Example: Structural inspections, engineering inspections, environmental inspections, environmental assessments

Example: Survey maps, property flagging, installation of property monuments

Example: topographical or other maps

Example: Title searches

Example: Natural resource inventories

Example: Soil sampling

Example: Storage tank testing

Example: Professional services retained exclusively on behalf of the municipality to effectuate the acquisition of the real property

Example: Real estate taxes due and owing from the date of acquisition

4. Preservation of community character shall involve one or more of the following: (a) establishment of parks, nature preserves or recreational areas; (b) preservation of open space, including agricultural lands; (c) preservation of lands of exceptional scenic value; (d) preservation of fresh and saltwater marshes or other wetlands; (e) preservation of aquifer recharge areas; (f) preservation of undeveloped beachlands or shoreline; (g) establishment of wildlife refuges for the purpose of maintaining native animal species diversity, including the protection of habitat essential to the recovery of rare, threatened or endangered species; (h) preservation of pine barrens consisting of such biota as pitch pine and scrub oak; (i) preservation of unique or threatened ecological areas; (j) preservation of rivers and river areas in a natural, free-flowing condition; (k) preservation of forested land; (l) preservation of public access to lands for public use, including stream rights and waterways; (m) preservation of historic places and properties listed on the New York State register of historic places and/or protected under a municipal historic preservation ordinance or law; and (n) undertaking any of the aforementioned in furtherance of the establishment of a greenbelt.

The establishment of parks or recreational areas described in (a) above shall include outdoor active or passive recreation, as long as the recreational use is appropriate, permissible and not inconsistent with the purpose for which the property was acquired.

Any physical improvements to the property for active recreation including, but not limited to, an aquatic facility, sports fields, manicured park areas, fitness trails, restrooms and playgrounds, cannot be expensed to the CPF. Such capital projects are appropriate for a Town's general fund, capital bonding program, park district or other funding source.

Section 9(c) addresses allowable expenses to enhance access for passive use of open space.

The preservation of cultural resources, such as community theaters, community centers, art galleries, museums, bowling alleys and movie theaters, is <u>not</u> included as a legitimate "preservation of community character" as defined by this statute.

In order to be eligible for CPF, real property must meet one of the 13 community character criteria set forth above. Land which preserves what could be considered "community character" in general is not sufficient to be eligible for CPF acquisition.

6. The Town Board of any town in the Peconic Bay region which has established a Community Preservation Fund shall, by local law, adopt a Community Preservation Project Plan. This plan shall list every project which the Town plans to undertake pursuant to the Community Preservation Fund. It shall include every parcel which is necessary to be acquired in the Town in order to protect community character. Such plan shall provide for a detailed evaluation of all available land use alternatives to protect community character, including but not limited to: (a) fee simple acquisition; (b) zoning regulations, including density reductions, cluster development and site plan and design requirements; (c) transfer of development rights; (d) the purchase of development rights; and (e) scenic and conservation easements. Said evaluation shall be as specific as practicable as to each parcel selected for inclusion in the plan. The plan shall establish the priorities for preservation and shall include the preservation of farmland as its highest priority. Funds from the Community Preservation Fund may only be expended for projects which have been included in said plan. Said plan shall be updated not less than once every five years, but in no event until at least three years after the adoption of the original plan. A copy of the plan shall be filed with the Commissioner of Environmental Conservation, the Commissioner of Agriculture and Markets and the Commissioner of the Office of Parks, Recreation and Historic Preservation. Said plan shall be completed at least sixty days before the submission of the mandatory referendum required by Section 1449-bb of the tax law. As part of, or in addition, to said Community Preservation Fund Project Plan, each Town Board may also adopt a Management and Stewardship Plan for interests or rights in real property acquired pursuant to this section. No monies from the fund shall be expended for management and stewardship, except as approved in said plan. Said plan may provide management and stewardship projects for up to a three year period and shall provide a description and estimated cost for each project. Said plan shall be approved and adopted by local law and may be updated from time to time at the discretion of the Town Board. Only management and stewardship projects permitted pursuant to Subdivision 9a of this section shall be eligible to be included in the plan.

1. A property must be included in the CPF Project Plan in order to be acquired with CPF monies. A property may be added to the Project Plan at any time subsequent to, and only after a public hearing on the matter. The public hearing must contain the rationale for including the parcel in the Project Plan and must identify the particular category of the preservation of community character set forth in Section 4.

Amendments to the Project Plan shall be forwarded to those individuals listed in section 6.

2. New land acquisitions must be added to the Management and Stewardship Plan after a public hearing on the matter and before monies from the fund are expended for stewardship and management of the land. This public hearing may be combined with the public hearing to acquire the property. The public hearing on the matter and inclusion in the Management and Stewardship Plan may occur at any time subsequent to acquisition of the land. If it can be determined at the time of inclusion, the source of funding for a stewardship project should be provided at the public hearing

9. Land acquired pursuant to this section shall be administered and managed in a manner which: (a) allows public use and enjoyment in a manner compatible with the natural, scenic, historic and open space character of such lands; (b) preserves the native biological diversity of such lands; (c) with regard to open spaces, limits improvements to enhancing access for passive use of such lands such as nature trails, boardwalks, bicycle paths, and peripheral parking areas provided that such improvements do not degrade the ecological value of the land or threaten essential wildlife habitat; and (d) preserves cultural property consistent with accepted standards for historic preservation. In furthering the purposes of this section, the Town may enter into agreements with corporations organized under the not-for-profit corporation law and engage in land trust activities to manage lands including less than fee interests acquired pursuant to the provisions of this section, provided that any such agreement shall contain a provision that such corporation shall keep the lands accessible to the public unless such corporation shall demonstrate to the satisfaction of the Town that public accessibility would be detrimental to the lands or any natural resources associated therewith.

The public use of a CPF parcel must be compatible with the specific purpose for which the land was acquired as set forth in the definitions of "community character" in section 4 herein and in a manner which meets the criteria above. Improvements to open spaces must be to enhance <u>access</u> for passive use.

Example: in reference to 9(c) above, a peripheral parking area does not include an entire parcel acquired with CPF monies to be improved entirely as a parking area <u>unless</u> the entire parcel is a single and separate tax map parcel which is adjacent to a larger tract of CPF land and functions as the peripheral parking area for the <u>abutting</u> preserved land and is considered merged with the larger protected parcel.

In reference to 9(d) above, preserving "cultural property consistent with accepted standards for historic preservation" is intended to include only historic properties and places, specifically, historic archeological properties and places. The preservation of "cultural property," other than historic, is not permitted by the statute.

For purposes of this section, most properties acquired with CPF monies must be available for public access and enjoyment compatible with the property's characteristics. Public access may be denied if it can be demonstrated that public access could harm the property or its natural resources. Public access for lands encumbered with a conservation easement or agricultural development rights deed is not permitted unless specifically stated in the easement or deed.

> Example: A wetlands parcel inundated with tidal wetlands is likely not an appropriate site for public pedestrian access.
>
> Public access may also be denied if the Town determines that public access could threaten the health, safety and welfare of the public.
>
> Example: An unsafe building or land condition may be fenced or otherwise have access prohibited to protect public safety.
>
> Example: Access may be controlled by a physical barrier to prevent dumping and littering.
>
> Example: Motorized access may be prevented due to the environmental sensitivity of the land

9-a. (a) Except for interests or rights in real property acquired for historic preservation purposes, management and stewardship projects shall be only expended for (1) projects which promote the protection or enhancement of the natural, scenic and open space character for which the interests or rights in real property were acquired, or (2) accessory uses related to the purpose for which the interests or rights in real property were acquired consistent with subdivision 9 of this section, or (3) restoration of acquired real property to its natural state, including the demolition of existing buildings and structures.

(1) Management costs for CPF properties must relate to the stated statutory purpose of the parcel acquisition.

Example: for a parcel acquired to protect wetlands, CPF monies cannot be expended to clear native vegetation of the property unless the removal is part of a restoration plan.

Example: Historic properties acquired in fee title cannot be used for other government functions or to house other governmental departments or staff other than for Community Preservation Fund purposes.

Example: The cost of creation of an access road and peripheral parking area for a CPF parcel is an appropriate CPF management cost.

Example: The cost to manufacture signs for installation on CPF land is an appropriate cost.

Example: The purchase of fencing and gates is an appropriate cost.

Example: The cost for initial debris removal is an appropriate cost.

Example: Land clearing that facilitates the purposes delineated in Section 9 herein. For example, the clearing of invasive plant species and the re-grading of land in order to re-establish tidal wetlands is an appropriate cost, but the clearing and re-grading of land for the purposes of active recreational improvements, is prohibited.

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Example: Costs associated with the removal of invasive plant species is an appropriate cost.

Example: The purchase and installation of native plant and shrubs as part of a restoration plan to establish a natural vegetative buffer adjacent to wetlands is an appropriate cost but the purchase and installation of native plant and shrubs to beautify an improved park area is prohibited.

The term "projects" set forth in 9-a(a)(1) above, shall include equipment (including vehicles and other motorized items), tools, supplies and staff necessary to accomplish the management and stewardship purpose for particular properties.

Any equipment, tools or supplies acquired with the Fund must be used exclusively for CPF stewardship and management.

Except for historic preservation properties, the improvement, repair, reconstruction or adaptive construction of buildings upon the CPF land shall not be expensed to the Fund.

9-a. (b) In the case of interest or rights in real property acquired for historic preservation purposes, funds may be expended only for the restoration and rehabilitation of buildings and structures consistent with accepted standards for historic preservation.

The New York State Office of Parks, Recreation and Historic Preservation has determined that projects are evaluated using the Secretary of the Interiors Standards for the Treatment of Historic Properties. These standards in conjunction with the Secretary of Interior's Standards for Rehabilitation (applicable to the federal tax credit program) are the accepted guidelines for historic preservation of CPF properties. (See Appendix)

Example: For a CPF property listed on the National Registry, State Registry or locally designated as historic, permissible CPF stewardship costs include matching funds for a restoration grant, cost of materials and labor, architectural and planning consultants and reports.

Example: Restoration and renovation of historic buildings shall not include the installation or maintenance of historic landscaping plants, hardscaping or the re-creation of the grounds at the time of historic significance.

Permissible CPF stewardship costs do not include costs associated with the modernization or adaptive re-use of historic structures.

Example: The following expenses incurred for an historic structure or property <u>can be expensed</u> to the CPF if they are part of the rehabilitation or restoration of the historic features of the historic property:

<u>Group A(permissible from CPF)</u>
Roof repair or replacement;
Repair or replace exterior siding;
Foundation repair;
Flooring repair or replacement;
Plaster/sheetrock repair or replacement;
Window/doors repair or replacement;
Framing work, sills, soffits, fascia, corner boards, trim, mouldings;
Historic consultant, architect, engineer costs;
Repair of driveway and parking area existing at time of acquisition;
Mandatory ADA-compliant structural modifications

Example: The following expenses incurred for an historic structure or property, can be expensed to the CPF at a rate equal to the total preservation cost multiplied by not more than 20%:

Group B (partially permissible from CPF)
Central air conditioning or heating components
Chimneys (existing)
Electrical wiring and lighting fixtures
Elevators
Escalators
Fire escapes
Plumbing and plumbing fixtures
Sprinkler systems

Total project costs will be derived from adding Group A and Group B expenses. Total project costs multiplied by no more than 20% is the amount of Group B expenses that may be expensed to CPF. Any amount beyond 20% must be paid from a funding source other than CPF. For example: Total Group A expenses = $100,000 and Total Group B expenses = $100,000 for a Total Project Cost = $200,000. 20% x $200,000= $40,000. Therefore $140,000 may be expensed to CPF and $60,000 of Group B costs must be expensed to a fund other than CPF.

Example: The following expenses incurred for an historic structure or property cannot be expensed to the CPF:

Group C(not permissible from CPF)
Appliances
Cabinets
Carpeting
Computer, telephone or cable lines
Decks (not part of the original building)
Demolition costs (removal of a building on property site)
Enlargement costs (increase in total volume)
Fencing
Feasibility studies
Furniture
Landscaping
Moving (building) costs
Outdoor lighting remote from building
Parking lot
Patios
Paving
Permit fees or architect, engineering costs for adaptive re-use purposes
Planters
Porches and Porticos (not part of original building)
Retaining walls
Sidewalks
Signage

Storm sewer construction costs
Walkways
Window treatments

Group C expenses <u>cannot</u> be expensed to CPF and therefore are not considered in calculating the total project cost. Furthermore, Group C expenses cannot be considered when calculating a CPF match for a grant

Example: An historical property acquired with CPF cannot be used to house unrelated staff or be used for any purpose other than for which it was acquired consistent with Town Law 64-e. Such historical properties may only be used by a historical society or similar organization or CPF staff. The historic property must be open to the public.

9-a. (c) Expenses related to the customary operation and maintenance of acquired interests or rights in real property shall not be permitted from the fund.

"Customary operation and maintenance of acquired interests or rights in real property" does not include stewardship projects which protect or enhance the natural, scenic, or open space character for which the real property was acquired or projects which provide or sustain public access to the natural, scenic or open space character of the real property. (see 9-a(a)).

Example: stewardship work in furtherance of a wetlands restoration plan is a permissible expense to the CPF

Example: stewardship work based upon a multi-year invasive species removal and abatement plan is a permissible expense to the CPF

Example: "Customary operation and maintenance" includes but is not limited to routine grass mowing not related to a grassland or meadowland restoration plan, utility costs such as electric, heat, water or cable associated with CPF-acquired property, trash removal or the repair of a non-historic structure on CPF-acquired land

Example The costs of establishing a walking trail including the installation of a foot bridge, is permissible as well as the costs of upkeep of the walking trail and foot bridge.

Example The removal of debris from acquired land is a permissible cost. The annual or recurring clean-up of the land is not a permissible expense to the CPF.

Example In order for a natural resource stewardship project to be permissible, it must have a project purpose and duration which is supported by expert opinion.

Example The installation and upkeep of an access road and parking area to improve and support access on CPF open space pursuant to Section 9 is a permissible expense to the CPF.

9-a. (d) Any project funded pursuant to this subdivision must have a useful life of five years or more under section 11.00 of the local finance law.

Example: The installation of a wood informational kiosk which contains a trail map or other information relative to the open space it is installed upon and which enhances the public's access for passive use thereof, is permissible.

Example: The purchase of a brush cutting mower for the exclusive use of trail work on CPF lands, is permissible provided such equipment has a useful life of at least 5 years.

Example: The construction of a wood walkway which enhances the access to the open space for passive use, is permissible.

Example: The construction of a restroom on the open space is not a permitted CPF expense as although it is a public amenity, it does not enhance the actual access to the open space as required by Section 9(c) .

Example: The expense of a 4-wheel drive vehicle, truck or other off-road vehicle used exclusively for CPF purposes, is part of a management and stewardship "project" and is a permissible expense as equipment provided it has a useful life of 5 years.

9-a. (e) Any expenditure from the fund for a purpose other than that permitted herein shall be deemed to be prohibited.

Only those expenditures for purposes explicitly cited in the statute are permitted expenditures from CPF.

10. Rights or interests in real property acquired with monies from such fund shall not be sold, leased, exchanged, donated or otherwise disposed of or used for other than the purposes permitted by this section without the express authority of an act of legislature, which shall provide for the substitution of other lands of equal environmental value and fair market value and reasonably equivalent usefulness and location to those to be discontinued, sold or disposed of, and such other requirements as shall be approved by legislature. Nothing in this section shall preclude a town, by local law, from establishing additional restrictions to the alienation of lands acquired pursuant to this section. This subdivision shall not apply to the sale of development rights by a town acquired pursuant to this section, where said sale is made by a central bank created by a town, pursuant to a transfer of development rights program established by a town pursuant to section 261-a of this chapter, provided, however (a) that the lands from which said development rights were acquired shall remain preserved in perpetuity by a permanent conservation easement or other instrument that similarly preserves the community character referenced in subdivision four of this section, and (b) the proceeds from such sale shall be deposited in the community preservation fund.

This is the "alienation clause" of CPF which substantially disallows the transfer of rights or interests in real property acquired with CPF monies.

Example: A town may not lease a CPF-acquired property to an individual or entity for public or private purposes as a lease alienates certain rights and creates a possessory interest on the part of the leasee.

Example: A town may enter into a license agreement with a not-for-profit entity whose mission and purpose have a sufficient connection to the purpose for which the property was acquired, to manage or steward a CPF-acquired property or part of a property, provided the use directly relates to the purpose for which the property was acquired and the property is open and accessible to the public. A license agreement does not create a possessory interest in the rights or interests of real property.

Example: A town may enter into a license agreement with a local historical society permitting the society to manage and steward a historic building acquired with CPF monies, provided the property is open and accessible to the public.

Example: A town may not enter into a license agreement with a television station or library or other public or private entity whose use does not directly relate to the statutory purpose for which the property was acquired, to use a CPF parcel or occupy a structure located on a CPF-acquired parcel.

Example: A town may enter into a license agreement with an entity to manage a recreational use on CPF land, provided the recreational use was a stated purpose for which the property was acquired and such use is open and available to the public.

Example: A town may enter into a license agreement with an entity or individual to manage an agricultural use on CPF land, provided the agricultural use was a stated purpose for which the property was acquired.

This section excludes the sale of development rights by the Town acquired pursuant to this section from the alienation restrictions. Development rights acquired without fee title can be placed in a central bank and resold with proceeds to be deposited into the CPF. If a Town wishes to bank development rights it has acquired with the fee title of real property, the Town must set forth the number of development rights to be banked in the resolution authorizing acquisition of the real property.

13. The cost of employees and independent contractors to implement the provisions of this section may only be paid for by the fund where the duties and responsibilities of said employees and independent contractors are directly dedicated to implementing the provisions of this section. Where such employees and independent contractors are not exclusively dedicated to implementing the provisions of this section, no more than the cost of the actual time expended directly dedicated to implementing the provisions of this section may be charged. Such costs shall be expressly identified in the town budget and any plan adopted pursuant to this section before funds for such costs may be expended. In addition, such costs must be documented by a time accounting system, subject to audit.

Costs relating to the activities of elected officials implementing the purposes of this section may not be a charge to the fund.

Town staff may be paid by the CPF for work performed for CPF. Full time staff hours paid by CPF must be solely dedicated to the CPF program.

Any employee whose work time is not exclusively dedicated to CPF must be identified in the town budget and the Management & Stewardship Plan indicating employee costs chargeable to CPF.

The fringe benefits of Town staff whose annual work time is not exclusively dedicated to CPF, may only be expensed to CPF for that same percentage.

> Example: A staff person spends 40% of her time performing CPF work during the calendar year. Up to 40% of her salary and fringe benefits may be expensed to CPF.

Peconic Bay Community Preservation Fund
Advisory Opinion
Historic Preservation Acquisition and Use Policy

Advisory Opinion 2016-10
Issued December 19, 2016

Opinion Requested By: Town of East Hampton

Issue Presented: The Town of East Hampton requests guidance on the general policy of acquisition and use of historic preservation properties.

Sections of Law: Town Law, Section 64-e

A. General Discussion

State Town Law, Section 64-e (4)(m) provide that "the preservation of historic places and properties listed on the New York state register of historic places and/or protected under a municipal historic preservation ordinance or law" are within the definition of "community character" and therefore are properties that are eligible for acquisition under the Community Preservation Fund. The key requirement for acquisition is that the property be designated as an historic place or property by either state or local government.

State Town Law, Section 64-e (9) speaks to the use of historic properties or places acquired by the CPF. In part the statute states:

9. Lands acquired pursuant to this section shall be **administered and managed** in a manner which (a) allows **public use and enjoyment** in a manner **compatible** with the natural, scenic, **historic** and open space **character** of such lands; ……and (d) **preserves cultural property consistent with accepted standards for historic preservation.**

State Town Law, Section 64-e (9-a) also makes provisions for the use of "stewardship funds to restore or rehabilitate historic places or properties: In part the statute states:

9-a. (b) In the case of interests or rights in real property acquired for historic preservation purposes, funds may be expended only for the restoration and rehabilitation of buildings and structures consistent with accepted standards for historic preservation. (c) Expenses related to the customary operation and maintenance of acquired interests or rights in real property shall not be permitted from the fund. (d) Any project funded pursuant to this subdivision must have a useful life of five years or more under section 11.00 of the local finance law.

B. Recommended Policies

1. The first determination that should be made with regard to preservation of a place or property for historic preservation is whether the state or local government has designated the property or place as "historic" under applicable state or local law. If so, the property or place is eligible for acquisition. If not, such property or place cannot be acquired under the category of historic preservation.
2. If the property or place is eligible for acquisition for historic preservation purposes, the property or place must be included in the Town's CPF Project Plan under the procedures provided for under State Town Law, Section 64-e (6). **The CPF Project Plan is the key document providing the basis for acquisition and the future use of an historic property or place.**
3. **The plan should outline, in detail, why the property is historically significant, including its historic use and ownership (e.g. (i) private residence with architecturally significant features or (ii) a village hall or green that was used as a public meeting place.**
4. An affirmative finding should be made **before** acquisition as to whether a property is appropriate for "public use and enjoyment".
5. The determination as to "public use and enjoyment" should be the major factor in determining the appropriate interest in the property or place that needs to be acquired.
6. **If there is no finding that "public use and enjoyment" is appropriate, the local government should acquire a lesser interest in the property such as a façade easement, or other lesser interest that is necessary to protect the historic significance of the property.**
7. **If it is found based upon the history of the property, that there is an opportunity for "public use and enjoyment", then the town may find that fee title acquisition is appropriate so as to permit such public use and enjoyment.**
8. At the time of acquisition, where the fee is acquired and public use is to be permitted, the Town shall prepare and adopt a Management Plan for the property that outlines the rules and regulations for public use and enjoyment of the property. In said Plan, the Town must clearly identity an outside source of non-CPF funding which will be utilized for ongoing operation and maintenance.
9. Any modifications of the Management Plan modifying the rules for public use and enjoyment shall be accomplished as a change to the CPF Project Plan and shall require a public hearing.
10. Stewardship funds for historic restoration or rehabilitation may only be utilized for property and places which are owned in fee by the

Town. The use of stewardship funds shall be consistent with State Town Law 64-e, all local laws adopted pursuant to said state law, and previously approved policies adopted by the Town for the use of stewardship funds on historic properties and places.

C. <u>Historic Properties and Places Already Acquired by the Town</u>

1. Where the Town already owns an historic property or place in fee which was purchased with CPF funds and the Town has not (a) made a determination that "public use and enjoyment" is appropriate, or (b) approved a management plan for such a property, or (c) established rules and regulations for the public use and enjoyment of such a property, the Town shall utilize the procedures of this policy before permitting public use and enjoyment.
2. The Town shall amend its CPF Project Plan to authorize public use of such historic property or place. A public hearing shall be required.
3. The Town shall make a finding that public use and enjoyment for such property is appropriate.
4. The Town shall approve a management plan for the property or place.
5. The Town shall approve rules and regulations to administer the public use and enjoyment of the property.

D. <u>Revenues</u>

1. Finally, when CPF historic preservation properties are utilized for public use and enjoyment, it is possible and most probable that the properties may generate revenue for the Town, such as through a license agreement for the use of the property.
2. This raises the question as to the disposition of such revenues.
3. The state statute does not deal directly with this issue. The statute does require that when CPF lands are alienated or when development rights from CPF lands are disposed of that any revenues in such cases be deposited back in the CPF Fund.
4. In addition, it has been the policy when CPF acquired agricultural lands owned by a town are licenses for use by a farmer, the proceeds are also deposited in the CPF fund.
5. In addition, CPF stewardship money is statutorily permitted to be expended for the restoration or rehabilitation of historic properties.
6. Given this legislative history and established policies, it is our opinion that any revenues so generated by historic properties should be used to meet the intent and policy of the statute with regard to historic preservation. In the first instance, such revenues may be utilized to benefit the historic CPF property where they were generated. Absent such utilization, such revenues shall be returned to the CPF Fund.

7. Where revenues generated at an historic property by the Town are used to benefit said property, such revenues shall segregated by the Town for stewardship and management of that property.
8. The Town, pursuant to a license agreement, may provide that such revenues may be retained and utilized by the licensee for the stewardship and management of the property, consistent with the stewardship and management plan for such property.
9. The licensee for any CPF historic property shall only be a not-for-profit entity where the purpose historic preservation is expressly stated as one of the purposes of the entity.
10. All revenue generating activities at a CPF historic property shall be uses which are consistent with the historic use of the property as stated in the CPF project plan (e.g. where a CPF historic property has historically been utilized as a fairgrounds, it continued use would be permissible. Where a property was listed as historic as a renowned artist's studio, its use for cultural activities related to the arts would be permissible, however a carnival would not be compatible.
11. All revenue generated at CPF historic properties by a licensee shall be subject to audit or other such similar controls determined to be necessary by the Town to insure such revenues are generated and utilized consistent with the law, rules, and policies governing the CPF.
12. Any funds not devoted to the stewardship and management to the specific CPF historic property where they were generated, shall be deposited in the Town CPF Fund.