

**STONEWALLING WORKSHOP**  
**WESTCHESTER COUNTY**  
**JOHN JAY HOMESTEAD STATE HISTORIC SITE**  
**Friday, April 11, 2003**

**SOURCES OF FURTHER INFORMATION:**

**NATIONAL REGISTER OF HISTORIC PLACES:**

For information and how to get listed on the State and National Registers of Historic Places contact the appropriate staff person at the address and phone listed above.

For properties in Westchester and East of the Hudson River contact **Peter Shaver**

For properties In Rockland and West of the Hudson River contact **Bill Krattinger**

You can also view information on the Field Services Bureau web site at: [www.nysparks.com/field](http://www.nysparks.com/field) and on the National Park Service web site at: [www2.cr.nps.gov/places.htm](http://www2.cr.nps.gov/places.htm)

**NATIONAL PARK SERVICE HISTORIC LANDSCAPE INITIATIVE:**

The Historic Landscape Initiative was established to promote responsible preservation practices that protect our nation's designed and vernacular historic landscapes. The Historic Landscape Initiative serves as a clearinghouse of information and research on all aspects of historic landscapes.

Historic Landscape Initiative, Heritage Preservation Services

National Park Service, 1201 Eye St., NW 225 Washington, D.C. 20005

web site: [www2.cr.nps.gov/hli/hli\\_p.htm](http://www2.cr.nps.gov/hli/hli_p.htm)

**Preservation Brief # 36 Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes by Charles A. Birnbaum, ASLA**

Available through the U.S. Government Printing Office (GPO) call toll free: 1-866-512-1800 and on the web at [www2.cr.nps.gov](http://www2.cr.nps.gov)

**The Secretary of the Interior's Standards for the Treatment of Historic Properties**

Contact the National Park Service Preservation Assistance Division (424) Box 37127 Washington, DC 20013-7127. Also available through the Government Printing Office and on line at: [www2.cr.nps.gov/tps](http://www2.cr.nps.gov/tps)

**CERTIFIED LOCAL GOVERNMENT PROGRAM:**

For information on the Certified Local Government Program contact:

Stacey Matson-Zuvic, Restoration Coordinator, OPRHP Field Services Bureau,

PIPC Administration Building, Bear Mountain, NY 10911 (845) 786-2701.

Information also available on the web at: [www.nysparks.com/field](http://www.nysparks.com/field) and at [www2.cr.nps.gov/clg](http://www2.cr.nps.gov/clg)



# Mending walls

## Momentum builds to preserve historic stone structures

Joanne Furio  
The Journal News

In the heart of Bedford, where stone walls are taken seriously, you need only to drive two-tenths of a mile to discover the difference between what is considered a good example of stone walls and what is not.

The good example can be found at the John Jay Homestead, the 1800 home of the nation's first chief justice. He "was known for the excellence of his walls both in his time and our own," said Susan Allport, the author of "Sermons in Stone" (W.W. Norton, 1990) whose Katonah home is ringed with stone walls. "Jay's laborers built his stone walls well."

To create what Allport and other stone-wall enthusiasts consider a traditional wall, stones are not "dressed," or chiseled into neat rectangles or squares, but left in their natural shape. The quality of a wall, therefore, is determined by its construction, not necessarily its raw materials.



Photos by Frank Becera Jr./The Journal News

Too tidy is not a good thing, as with this rigid wall on Martha's Stewart's property in Katonah. Below, traditional stone walls — like this one that rings the John Jay Homestead, also in Katonah — inspired poet Robert Frost, whose "Mending Wall" is an ode to the art.

A short distance from the homestead is the home of Martha Stewart, whose penchant for perfectionism is notorious. In the case of stone walls, however, achieving a perfect look is not the goal.

"Every single stone is cut," said Allport. So much attention seemed to be paid to the look of the individual stones, "but not to the fundamen-

tals of wall building," she said. As a result, this winter's frequent and severe snowfalls and frost heaves caused a portion of the wall to collapse, or what she calls "blow out."

"That piece wasn't tied together well, but hopefully the rest of the wall has been," Allport said. "It's definitely a handsome structure.

Please see WALLS, 20

### Threats

Stone walls contribute to Westchester, Rockland and Putnam's sense of place. The loss of these walls and their stories is due to:

#### Active:

- Removal of stones by homeowners or theft
- Replacement with veneered or mortared structures
- Damage during road widening/maintenance
- Widening of drainage ditches
- Electric and telephone line maintenance
- Damage to walls from falling branches and from heavy equipment resting on walls

#### Passive:

- Frost heaves
- Vibrations from heavy trucks
- Vine and brush growth and trees falling on walls
- Homeowner neglect

### Types

Many area walls date to 1775. Here's how to distinguish various types:

**Single walls**, now commonly seen in the woods, were made quickly and were used to separate farming fields.

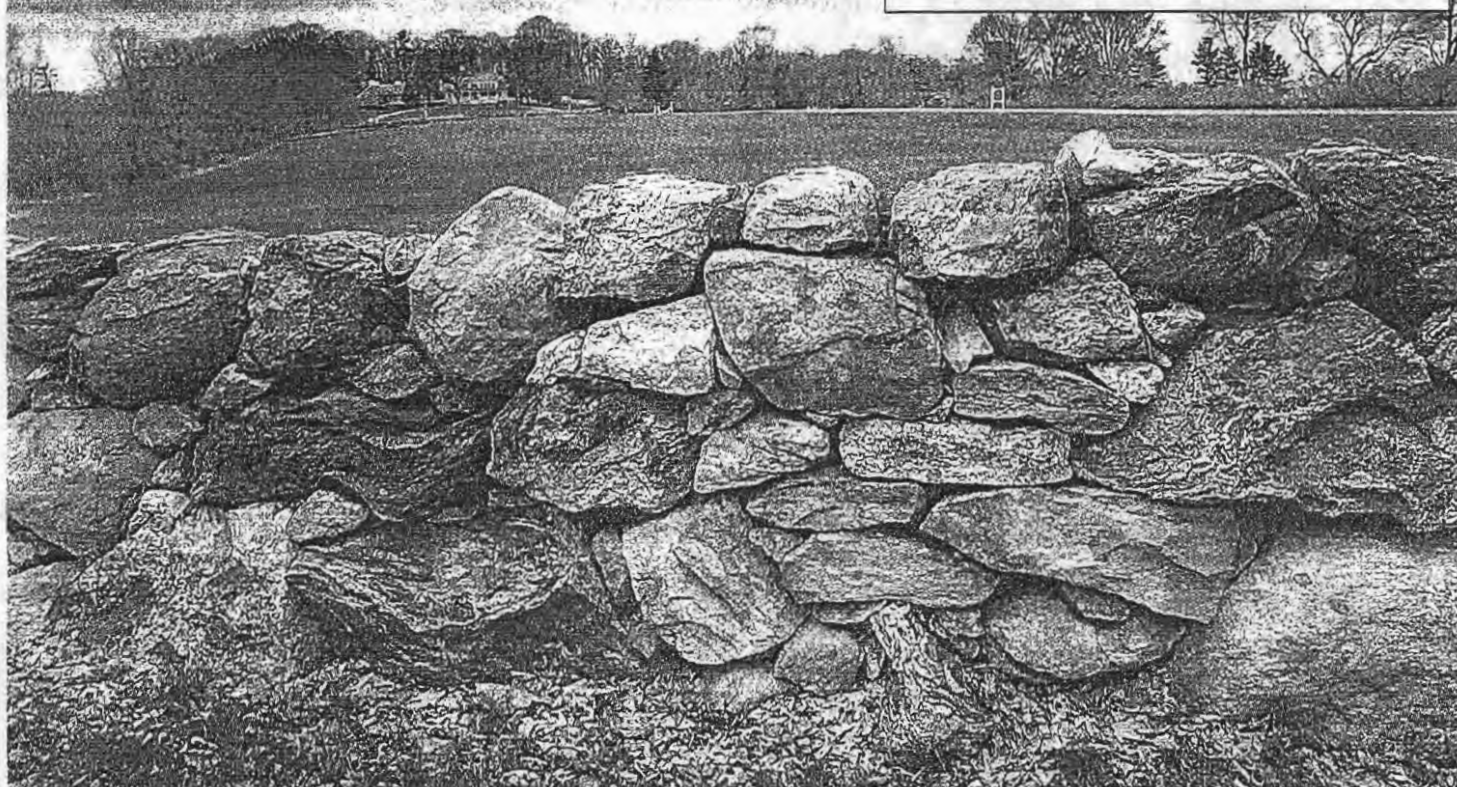
**Double walls**, at least two stone's thick, often had foundations and were used around houses, gardens, surrounding cemeteries and as foundations for barns.

**Rubble walls** were made of large stones with small stones used as filler.



Source: Susan Allport

Illustration by David Howell, from "Sermons in Stone" by Susan Allport



# Preserving stone walls

WALLS, from 1G

but if it's not well-built inside it's not going to stay together. Walls have to be built from the inside out, not the outside in."

Allport and members of a like-minded audience bemoaned the prevalence of overwrought walls at a conference on stone wall preservation sponsored by the Westchester County Department of Planning. The event was held in response to preservation issues many municipalities are grappling with and "people's concern and love for stone walls," says Jeffrey Williams, the county planner who organized the event.

The more than 90 attendees included those involved in historic preservation, landscape architecture and representatives from municipalities in Westchester, Rockland and Putnam. Though some topics were geared to such an audience, others were pertinent to homeowners who have stone walls on their property.

The first boundaries created by settlers were not of stone, but timber, a process that led to the deforestation of the colonial landscape, said Allport. One of the popular early types of wall was a zigzag or Virginia rail fence, which required "a maximum of timber, but a minimum of time." By the 1800s, 60 percent of the fencing in the U.S. was of this type, according to Allport.

As timber became scarce, farmers turned to stone, a byproduct of clearing. At the same time, colonists were switching from the English tradition of common herding of livestock to individual grazing areas on each farm. Farmers then had to separate the livestock from the crops.

Stone walls proved more effective than wooden barriers. "It was more labor intensive, but it didn't need to be replaced every 20 years."

During the 18th century, farmers also believed that "small fields produced best," according to Allport, and divided the land into small fields.

The most active period of stone-wall building took place between 1775 and 1825. Since there was no tradition of wall-building in the new nation, "the people of this area started building by trial and error."

An 1871 U.S. Department of Agriculture survey that listed 252,000 miles of stone walls in New England, "enough to circle the earth 10 times," Allport added. New York had 95,000 miles of stone walls.

"It used to be said that two men and a pair of oxen could lay about 10 feet of stone wall in a day," Allport said, which included time to gather stones and dig a foundation. "That was a good stone wall. The work that went into these pragmatic, commonplace structures would have built the pyramids of Egypt 100 times over."

During the 19th century, farmers abandoned the small-lot theory and began creating larger fields. New agricultural machinery powered by the horse or steam took down or buried these stone fences. At the Outhouse Orchards in North Salem, walls were buried to enlarge fields and turned into drains.

"The era of small fields is now preserved in our woods," says Allport, who views the disappearance of early walls a loss "not only of our history and sense of the past, but aesthetics."

She showed a slide picturing what most of the state looked like 100 years ago: rolling hills divided into cleared farm plots no larger than an acre. The same view 80 years later depicted a forested landscape.

"The usage patterns reversed," she said. "Today 15 percent is cleared and 80 percent is second-growth timber. Now only the walls remain."

Geologist Robert Thorson, author of "Stone by Stone: The Magnificent History in New England's Stone Walls," (Walker & Company, 2002) said the abandonment of stone walls was essential to reverse the past: "There has to be a gap in order for us to re-attach to a so-called golden age."

Stone walls were reclaimed between 1969 and the 1990s, according to Thorson. In the late '60s, reclamation was related to the back-to-the-earth movement. In the '90s, he said it was more about real estate.

Stacy Matson-Zuric, restoration coordinator for New York State Office of Parks, Recreation and Historic Preservation, said generally, stone walls "in and of themselves" are not eligible for listing on the national register of historic places. (The first step to national designation is state designation.) Rather, they can be listed as part of the larger cultural landscape as long as they pass the test of other national register criteria.



Susan Allport on her property in Katonah. She's the author of "Sermons in Stone: The Stone Walls of New England and New York."

## Towns take steps to protect history

Here's a sampling of what municipalities are doing to preserve stone walls in the region.

**Yorktown:** In the next year or two, the town plans to undertake an historic structure survey and stone wall inventory. "And then perhaps have some guidelines for preservation," says Supervisor Linda Cooper. The town is also updating its historic landmarks law.

**Yonkers:** The city's Landmarks Preservation Board has begun to discuss inventorying stone walls, a first step in preservation. Yonkers boasts many types of stone walls, including those that demarcate the edges of the Albany Post Road and those that encircle historic sites, including Alder

Manor, St. John's Episcopal Church in Cetty Square and Philipse Manor Hall. The hilly city also has many stone retaining walls, and some 100 stone staircases. Mario Caruso, the city's principal planner, says Yonkers hopes to obtain state grants to fund an inventory.

**Rockland:** The county is looking to establish a historic roads program to identify, recognize and preserve historic roads, which includes protection of stone walls. Only two of Rockland's five towns — Orangetown and Clarkstown — have historic roads programs to designate and protect stone walls



The stone wall in front of Montebello Park, along Hemion Road in Suffern, was recently restored.

### Stonewalling

Learn how to repair a stone wall at a free workshop to be held at the Morgenthau Preserve in Pound Ridge on Sunday, June 1 at 2 p.m. Visiting wall builders Claire and Bob Bennit of Block Island, R.I., will show participants their informal approach to picking up walls. The Bennits, who are in their 60s, helped build more than 2 miles of Block Island walls. Participants should wear tight-fitting gloves and good shoes. To register, call Susan Allport during the second week of May: 914-232-8687.

### Other sources:

**The Stone Wall Initiative:** Geologist and author Robert Thorson calls this a "non-organization" that connects people who care about stone walls in attempt to share information and ideas. Log on <http://stonewall.uconn.edu/sw-swwgintro.html>.

**National Register of Historic Places:** Call the state Office of Parks, Recreation and Historic Recreation's Field Services Bureau in Waterford, 518-237-8643. Or visit [www.nysparks.com](http://www.nysparks.com).

**"Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes."** Available through the U.S. Government Printing Office. Request Preservation Brief # 36. Call toll free: 866-512-1800 or visit [www2.cr.nps.gov](http://www2.cr.nps.gov).

Most highway departments usually maintain walls that fall within road rights of way. Many planning departments also require that stone walls be preserved, moved or left intact as possible when a new subdivision is built. The fate of stone walls on private land is in the hands of individual property owners.

### What towns can do

- Make brochures, newsletters, videos and/or Web site materials available to homeowners explaining the historic significance of stone walls.
- Make a list of reliable contractors and wall builders available to homeowners.
- Encourage homeowners to pick up their walls.
- Have "Wall Days," similar to Bedford Riding Lane Association's Trellis Days, when key walls are "picked up."
- Appoint a Wall Advisory Board, similar to Bedford's Tree Advisory Board, to oversee the town's stone walls.
- Create the position of a wall watcher or fence viewer.
- Pass a resolution recognizing the historic and aesthetic importance of stone walls and follow it up with guidelines to telephone, power, cable and road crews about how the town would like its walls treated.
- Pass an ordinance to prohibit the removal of stone walls bordering a road and to limit the number of cuts that developers can make.
- Provide matching funds to maintain or rebuild walls.
- Pass an ordinance requiring property owners to pick up walls that are in danger of falling into a road.
- Designate certain roads in the town as scenic roads, thereby acquiring the ability to protect historic features along those roads.

Source: Susan Allport

"Stone walls have the appearance of being indestructible," said Allport, "but anyone who understands their history knows how fragile they really are."

Reach Joanne Furio at [jfurio@thejournalnews.com](mailto:jfurio@thejournalnews.com) or 914-694-5079.

# Unraveling the Stone Quilt

Robert M. Thorson

801 words

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What would you do if an American cultural relic was being endangered? Would you look the other way as someone rough-handled the U.S. Constitution? Would you leave George Washington's portrait to be burned by the British? Would you toss Dorothy's ruby-red shoes into a musty closet?

No! You would place them under lock and key. You would guard them safely while simultaneously keeping them visible for all to see and appreciate.

New England's fabled stone walls belong in the same category as these aforementioned American originals. The authentic, tumbled down, lichen-crusted walls that criss-cross every wooded village and town are also cultural relics. Indeed, they legally belong to the individuals and government agencies with deeds to the property on which they rest. But they also belong to each and every citizen of America. They belong to you and me.

Two years ago, just before 9/11, we watched in horror as the Taliban in Afghanistan destroyed – with bullets, mortars, and missiles -- the giant Buddahs at Bayaman, colossal statues hundreds of feet tall, and carved in stone by the forgotten people of an earlier millennia. We don't own those statues, nor are most of us Buddhist. Yet, those of us aware of the destruction were angered and saddened by the deliberate erasure of the cultural past. Why? Because those statues belonged not only to the Islamic zealots in power at that moment, but also to the entire world, which, the last time I checked, included you and me.

Something much less dramatic, yet far more insidious, is taking place in the woods of New England, sometimes under the cover of darkness. Abandoned stone walls are being bulldozed up, tossed into trucks and hauled away – often out of state – to regional stone-supply and construction companies. Essentially, the landscape we see on our way to work, to school, to run errands, or to visit friends, is being strip-mined for its stone. Fieldstone is now such a valuable commodity for the construction industry that it is even being pilfered and poached along remote country roads. Trucking companies have actually used bulk mailings to solicit the sale of stone walls from residents of poor towns, offering cash in exchange for the right to haul them away to some unknown fate.

Left unsaid in these solicitations is that the properties denuded of stone walls stone will be devalued (and in my mind, degraded). Also left unsaid is that wealthy towns do not receive the same requests; their residents are less desperate for short-term cash.

Each time an old stone wall is taken down, we lose a cultural relic, one that cannot be re-gained when the wall is rebuilt somewhere else. Nor is a historic lighthouse regained when its stone is used to build a new one. The abandoned stone walls being torn down are not the signatures of an entitled few who signed the U.S. Constitution. Instead, they are the signatures of ordinary farm families who, acting together, built our nation. What right do we have to erase their signatures, just because they are too large to be placed under lock and key?

When African elephants were abundant, no one thought much about slaughtering them for ivory. But now that they are endangered, each one is monitored and protected in some way. This is because the entire world realizes it has a moral obligation to maintain biodiversity, because the countries comprising the savanna have (in spite of their differences) a common mandate to protect this cultural icon, and because the individual communities know that eco-tourism is good for the bottom line.

Imagine New England tourism without stone walls, especially in foliage season, or after Christmas snows, or during the daffodil days of spring. Imagine its forested ecosystem of chipmunks and ferns without the stone habitat. Imagine its children learning about early America without the lessons informed by stone walls.

There are laws against unnecessary losses of natural resources such as the indiscriminate cutting of old-growth trees, the export of soil, the encroachment of wetlands and the diversion of streams. Likewise, there ought to be a law against the thoughtless destruction of stone walls for nothing more than the stone they contain. Such a law would have to be simultaneously mindful of the rights of individual property owners, the needs of the landscaping industry, and for the right of all Americans to experience, viscerally, the stone ruins that so define the soul of New England.

Such laws and regulations do exist, although they cover only a tiny fraction of our stone "commons." Additionally, they usually recommend preservation, rather than require it, and are piecemeal in their coverage. What is needed at this stage -- now that less than half of the original farmstead walls remain -- is to enact a strong statewide policy against the indiscriminate dismantling of our stone wall heritage, one accompanied by stiff penalties for wrongdoing.

Otherwise, the fabric of the landscape in which we live – the patchwork quilt of abandoned farmsteads – will unravel, one stone wall at a time.

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*Robert M. Thorson is Professor of Geology and Geophysics at the University of Connecticut, author of the recently released book *Stone By Stone*, and co-coordinator of The Stone Wall Initiative at [stonewall.uconn.edu](http://stonewall.uconn.edu).*

# The Stone Walls of Bedford

## 1. **Threats to Their Survival**

### a. Active Threats. Loss of walls and stones from walls due to:

Removal of stones by homeowner -- for use elsewhere or to dismantle the wall.

Theft of stones by persons other than homeowner.

Replacement of old dry walls with veneered or mortared structures.

Removal of walls during road widening.

Road maintenance practices:

--Undercutting of walls during road cleaning and scraping.

--Removal (rather than replacement) of stones that fall into the road.

--Widening of drainage ditches

Electric and telephone line maintenance practices:

--Damage to walls from falling branches and equipment and from heavy equipment resting on walls.

### b. Passive Threats. Loss of walls and stones from walls due to:

Frost heaves.

Vibrations from heavy trucks.

Vine and brush growth and trees falling on walls.

Poor construction.

Deer dislodging stones when they jump over walls.

Homeowner neglect:

--Out of sight, out of mind. Many walls lie outside a homeowner's current functional fencing and are, therefore, not a concern.

--Wall building is expensive. Many homeowners can't afford to completely rebuild an old wall and don't know they have other options.

--Homeowners lack information about the historic and aesthetic value of stone walls.

--Homeowners lack information on how to go about building or repairing walls.

## 2. What Can We Do To Preserve Them?

### a. Examples from other towns and places:

In Stonington, CT, “no road which has been designated as a scenic road shall be altered by widening of the right-of-way, paving, changes of grade, straightening, removal of stone walls and removal of mature trees, except for good cause determined by the Planning and Zoning Commission.”

In Chilmark, MA., “No moving, removing or otherwise altering an existing stone wall shall be allowed, other than for one driveway, in which case the stones from the opening wall shall be utilized on the property. Stone walls may be repaired.”

In Dublin, NH, “No person shall deface, alter the location of, or remove any stone wall which was made for the purpose of marking the boundaries of, or which borders any road in the Town of Dublin, except upon written consent of the Board of Selectmen.”

In Fayette County, KY, The Stone Fence Action Match Program provides matching monies for the renovation of historic stone fences located along the public right-of-way. Currently there is \$40,000 budgeted for this project. The program provides assistance in the form of a dollar-for-dollar matching grant with a maximum of \$5000 per project.

In Lexington, KY, the *Dry Stone Conservancy* provides information, educational materials and limited technical assistance to homeowners, as well as job training to develop professional drystone masons.

Tennessee passed a resolution in May, 2000 “strongly encouraging the Tennessee Historical Society to document stone walls worthy of preservation and to develop criteria for their protection and preservation, including standards for moving and rebuilding such walls when other alternatives are not available.”

New Hampshire has a bill stating that, “No person shall negligently dig or carry away any stone, ore, gravel, clay, sand, turf, or mold which is on the land of another person, or aid in such actions without the permission of that person or the person’s agent.”



b. Thoughts of some of our Bedford Officials:

In an informal conversation, Gary Hays, our Superintendent of Highways, said he was “100% for stone walls” and that he tries very hard not to widen the roads he is responsible for and, thereby, undercut walls. Though stone walls are the homeowners’ responsibility, he thinks it would be possible for his maintenance men to put stones that have fallen out of walls and into the road back in the vicinity of the wall (when there was no possibility of injury to his men). This would be instead of the current policy of hauling those stones off to the crusher. It would cut down on costs, when and if homeowners repair their walls, and keep the look of the walls closer to the original. He should, though, have a way of forcing homeowners whose walls repeatedly fall into the road into taking responsibility.

In another informal conversation, Jeffrey Osterman, Director of Planning, said that the planning board currently encourages the preservation of stone walls by limiting the number of driveway cuts allowed for developments and by drawing subdivision lines to correspond to existing stone walls. He would be in favor of some kind of ordinance that addresses the stealing and removal of stone walls and the development of educational materials (brochures and/or videos) showing what to look for in stone walls and the different styles of walls typical of the area.

Simon Skolnick of the Conservation Board would be happy to include information about wall building and repair in the Conservation Board’s newsletter.

### 3. Possible Preservation Measures:

- a. Make materials available to homeowners telling of the historic significance of walls and explaining what to look for in a wall. These materials – brochures, newsletters, videos, and/or website, would encourage homeowners to build walls in styles appropriate to the area while acknowledging that variation in walls has always existed.
- b. Make a list of reliable contractors and wall builders available to homeowners.
- c. Encourage homeowners to “pick up their walls,” a far less expensive approach than wallbuilding but one that may last for years.
- d. Have Wall Days similar to BRLA’s Trail Days when key walls are “picked up.”
- e. Appointment of a Wall Advisory Board, similar to the existing Tree Advisory Board, to oversee questions about walls.
- f. Recreate the position of Wall Watcher or Fence Viewer in the Town of Bedford
- g. Pass a resolution recognizing the historic and aesthetic importance of stone walls and follow it up with guidelines to telephone, power, cable, and road crews about how the town would like its walls treated.
- h. Pass an ordinance prohibiting the removal of stone walls bordering a road and limiting the number of cuts in a wall that developers can make.
- i. Provide matching funds for maintaining and rebuilding walls.
- j. Pass an ordinance requiring property owners to pick up walls that are in danger of falling into a road.
- k. Designate certain roads in the town as scenic roads, thereby acquiring the ability to protect historic features along those roads.

Prepared by  
Susan Allport in 2001

## Chapter 257: STONE WALLS

[HISTORY: Adopted by the Board of Trustees of the Village of Tarrytown 8-16-2004 by L.L. No. 8-2004. Amendments noted where applicable.]

### GENERAL REFERENCES

Historic District and landmarks — See Ch. 191.

Zoning — See Ch. 305.

### § 257-1. Statement of findings; purpose.

It is hereby found that the destruction and damage of stone walls along the entire length of Broadway, New York State Route 9, in the Village of Tarrytown (the "stone walls"), would diminish the historic character of the Village, reduce property values and adversely affect the health, safety and general welfare of the inhabitants of the Village. These stone walls constitute a scenic resource, and it is the purpose of this chapter to protect this resource.

### § 257-2. Permit/site plan approval required for any work to a stone wall.

- A. No person shall, without first obtaining site plan approval from the Planning Board and/or a permit from the Building Inspector as herein provided, either purposely or negligently, remove, destroy, tear down, or otherwise damage or modify or commit any other affirmative act which will lead to the eventual modification or repair of the stone walls or any part thereof along the entire length of Broadway, New York State Route 9, in the Village of Tarrytown. This chapter shall apply only to stone walls found along New York State Route 9; however, the provisions herein shall also apply to those walls which are attached to and/or contiguous with said walls even if the same continues beyond Route 9. Permits or approvals issued for any other purpose by the Village shall not be valid for this purpose.
- B. Notwithstanding any other provision of this chapter, any person, corporation, partnership or similar entity whose plans require the repair or modification of such stone walls on the property shall first apply to the Building Inspector for a permit. The Building Inspector will review applications and determine whether the proposed action contemplated by the applicant is a repair or modification of a stone wall. If the Building Inspector determines that the applicant proposes a repair to a stone wall, then the Building Inspector, in his sole discretion, shall determine whether or not such repair is necessary. The Building Inspector may grant or deny such application on such terms and condition as it may prescribe and in accordance with the Village Zoning Code and subdivision regulations of the Village. If the Building Inspector determines that the proposed action to such stone walls is a modification of such stone wall, then the Building Inspector shall refer the matter to the Planning Board, who shall review the proposed modification of the stone wall under the provisions of site plan development plan approval and this chapter.
- C. If and when the Planning Board approves the modification of such stone wall in the Village, the Building Inspector will then grant the applicant a permit in accordance with Planning Board resolution permitting such action.

**§ 257-3. Conditions for reviewing proposed removals or modifications of stone walls.**

- A. Removal or modification of stone walls may be granted under the following circumstances:
  - (1) If the stone walls are weakened by age, storm, fire or other injury such that they pose a safety hazard to the public or the person or property owner or threaten to cause disruption of public services.
  - (2) If the stone walls substantially interfere with a permitted use of the property such that denial of a permit would cause undue hardship to the landowner as determined by the Planning Board under the site development plan process.
  - (3) If the Planning Board determines that the removal of a stone wall conditioned by the placement of the stone wall at another location or, in the alternative, the substitution of the stone wall for a landscaping plan or another enhancement to the property which will preserve the historic character of the Village as determined by said Planning Board.
- B. The determination of the Building Inspector or Planning Board shall be final and shall depend upon considerations of general welfare and the hardship imposed on the property owner by denial of the permit, except that it shall be subject to such review as is authorized by § 257-4H.
- C. In the event that the Building Inspector determines that the stone walls or a part thereof are hazardous to life or property, the Building Inspector shall have the right to waive all notices as required under this chapter and to grant immediate approval for the removal of said stone walls or section thereof. In the event that such approval is granted, the Building Inspector and/or Planning Board, subsequent to the destruction of said stone walls, shall have the authority to require complete compliance with all other provisions of this chapter as applicable thereto.

**§ 257-4. Permit procedures; fee; bonds; appeals.**

- A. Any person desiring a permit or approval hereunder shall apply to the Building Inspector and follow the procedures as set forth above.
- B. All applications for permits hereunder shall be made in writing and verified under oath upon forms prescribed and approved by the Board of Trustees. The fee for each application shall be \$100, payable upon submission of the application. This \$100 fee does not include any and all fees associated with a submission to the Planning Board for site development plan approval for a modification to a stone wall.
- C. The application shall be accompanied by a written statement and detailed plans, including a description of the location and condition of said stone wall and the reasons for repairing, removing, or modifying said stone wall. In addition, all property owners within 250 feet shall be notified by certified mail of the application by the applicant in accordance with the following procedures:
  - (1) The notices shall contain the name of each record and beneficial owner of the property for which the permit is sought.
  - (2) The applicant shall submit an affidavit with his application stating that written notice of the application has been given by certified mail to all affected property owners with respect to the property for which a permit is sought.
  - (3) The Building Inspector and/or the Planning Board may not consider any application for a permit or approval prior to the satisfaction of the notice requirements of this section.
- D. The Building Inspector and/or Planning Board may require additional information, such as the proposed replacement of design of the street frontage area where the stone walls are to be

repaired or modified (e.g., proposals for restoration of the stone walls or replacement of the stone walls with trees, gates or any other suitable materials).

- E. The Building Inspector and/or Planning Board shall, prior to the issuance of a permit by the Building Inspector or an approval by the Planning Board, require that a person or firm furnish the Village with a performance bond as approved by the Village Attorney in an amount sufficient to cover 90% of the greater of the cost of replacement or restoration work to be completed in accordance with the plans accompanying all applications or the costs in accordance with plans as required by the Building Inspector and/or the Planning Board. The remaining 10% of the cost of restoration and replanting (e.g., replanting any and all bushes and or trees removed as a result of the modification of the stone wall) shall be in cash, deposited in a special stone wall preservation escrow account. The total amount of the bond and cash deposit shall reflect all restoration and protection costs and shall be in accordance with each set of individual circumstances. Upon the completion of all replacement or restoration work to the satisfaction of the Building Inspector, the performance bond shall be canceled and replaced with a maintenance bond to be approved by the Village Attorney and to run for a term to be fixed by the Building Inspector, but in no case for a period longer than two years. The ten-percent cash in escrow shall remain on deposit with the Village until the maintenance bond is canceled, regardless of whether or not the maintenance bond is an amount less than the 10% cash.
- F. No stone walls shall be destroyed pursuant to a validly issued permit for a period of 15 days from the date of the issuance of said permit.
- G. All decisions of the Building Inspector and/or the Planning Board approving applications pursuant to this chapter shall be sent by the applicant by certified mail, return receipt requested, within seven days to all property owners within 250 feet of the area in question and to the Environmental Conservation Board.
- H. Any person, firm, organization or corporation aggrieved, affected or interested in the determination or decision of the Building Inspector shall have the right, within 10 days from receipt of the decision, to appeal to the Board of Trustees, who shall review the decision. Any decision or determination of the Building Inspector which is appealed to the Board of Trustees shall be automatically stayed pending review by the Board of Trustees. Any person, firm, organization or corporation aggrieved, affected or interested in the determination or decision of the Planning Board shall have the same rights as it would under site development plan approval.
- I. The Building Inspector and the Planning Board reserve the right to refuse permits for stone wall repair or modification if they feel that the best interests of the public are not served by the proposed development. The Building Inspector may further revoke any permit if the work is not proceeding according to the permit and in an orderly and diligent manner.
- J. Any permit granted by the Building Inspector under this chapter is valid for six months.

**§ 257-5. Restoration, maintenance, and performance requirements.**

- A. All persons who remove or cause to be removed stone walls, with or without a permit, shall restore the area by backfilling all holes and by creating an acceptable grade and covering, subject to approval of the Building Inspector. In addition, all persons removing or causing a stone wall to be removed without a permit shall replace the stone wall to the sole satisfaction of the Building Inspector before applying for a permit to remove said stone wall.
- B. The Building Inspector shall require maintenance as necessary or desirable for the upkeep of any stone walls, trees, plants, shrubbery or other structures emplaced to replace the modified stone wall. Should the permit holder fail to comply with the permit or the site plan approval pursuant to demand from the Building Inspector or the Planning Board within the required period of time, the Board of Trustees shall have the right to declare the maintenance or

performance bond in default and apply the escrow cash deposit and the proceeds of the bond to perform all required replacement or restoration work. By accepting a permit, the holder thereby agrees to this procedure and grants unconditional access to the land for such restoration purposes. If any work is done by the Village, its agents, or assigns, the applicant automatically agrees to indemnify and hold harmless the Village, its agents, and assigns for any and all claims.

**§ 257-6. Penalties for offenses.**

- A. Any person, firm or corporation violating any of the provisions of this chapter shall commit an offense, the fine for which shall not exceed \$1,000.
- B. Civil penalty. In addition thereto, any persons, firm or corporation violating any provision of this chapter shall be subject to a civil penalty enforceable and collectible by the Village in the amount of \$200 for each and every day that the violation continues. In addition, the violator will be required to restore the stone walls or furnish an acceptable substitute to maintain the scenic appearance where the stone wall was removed, to the sole satisfaction of the Building Inspector.

**§ 257-7. Enforcement officer designated.**

The Building Inspector of the Village of Tarrytown shall enforce this chapter, except where such enforcement is vested with the Department of Public Works by the laws of the State of New York.

**§ 257-8. Village property.**

All stone walls on Village property are exempt from the provisions of this law.