

**Village of Williamsville**  
**5565 Main St., Williamsville, NY**  
**Historic Preservation Commission**  
**Public Hearing**  
**December 6, 2022 at 6:00 p.m.**

Chair Kate Waterman-Kulpa read the following attached overview (FAQ sheet) prior to opening the public hearing.

Roll Call: Kate Waterman-Kulpa, Chair  
Kathleen DeLaney, Co-Chair  
Anthony Bannon, Member  
Ray Herman, Member  
Susan Fenster, Member  
Patricia Walker, Member  
Attorney Charles Grieco  
Administrator Judith Kindron  
Absent: Charles Akers, Member  
Trustee Mary Lowther, Liaison

On Motion by Kate Kulpa, seconded by Patricia Walker, it was motioned to open the public hearing, to hear all those interested on commenting on the proposed landscape feature at 127 Garrison Road

Motion passed 6 – 0

- 1.) John & Rene Rubino  
127 Garrison Road
  - Back again! Last time were told by the Village Board against any kind of landmark designation for our wall. We love our wall.
  - Purchased home from Mrs. Kidd. Original plans & specs do not show or mention the wall.
  - The house was built in 1951. Mr. Oeschner passed away in 1943, so it is not historical and should not be landmarked
  - Mrs. Kidd stated that the wall was build many years after the house.  
*(Anthony Bannon questioned as to why the Rubino's do not want the wall designated)*
  - We love our wall and want to have the ability to make the decisions
  - Could hire a mason today to build a wall to replicate the one there  
*(Ray Herman stated that the planting & house look beautiful. Asked if that kind of stone is still available today.)*
  - Yes it is
  
- 2.) Amy Szymoniak

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Attorney to Represent the Rubino's

- Concerned with having to come back again. With the change of every board, will they have to come back every time?

*(Kate read a statement from the last meeting regarding the new information that the prior board may not have understood.)*

- The wall was not built by the famous mason (Oeschner)
- The Rubino's have taken very good care of their Village property
- When you buy property, you want to make decisions on your property.
- To use Police Power goes too far.

*(Kathleen DeLaney appreciates the Rubino's coming back and bringing documentation. She took offense to Ms. Szymoniak using the term "Police Power." Claims that the HPC is not policing but following what they have been appointed to do. They gather evidence and information. The members have professional backgrounds.)*

*(Attorney Charles Grieco explained that "Policing Power" is a legal term that is commonly used.)*

*(Ray Herman asked if the Rubino's previously went through a hearing like this.)*

- The Rubino's indicated that yes, they did.
- Care & respect the history of the Village.

3.) Bob Shabala

122 S. Cayuga Rd.

- You are deeming this wall because it replicates the work of a famous mason (Oeschner). Any construction that copies historic features, will it be deemed historic?

*(Kate Waterman-Kulpa explained the reasoning. There are different categories and she feels this hits on 2, 4 and 5. Distinctive character. Significance because Village has many & are nominated as themed elements. Uniqueness. Distinctive feature. Visual feature.)*

- You are discouraging anybody who want to improve their property with replicating historic features.
- NOTE: Additional comments were submitted via email. Comments attached to these minutes.

4.) Cheryl Meyer

Willowbrook

- People take pride in their property
- You feel like you are being punished
- Just because it is old, doesn't make it historic.
- Work together with the people.
- You say that historic designation enhances value? Look at Dayton, Ohio

*(Kate Waterman-Kulpa asked Ms. Meyer to provide proof.)*

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- You are driving people out of Williamsville.  
*(Anthony Bannon stated that he returned to Williamsville after a career in history because Williamsville respects the history. He doesn't understand why it becomes a negative.)*
- This is their home. You are taking away their rights.

5.) Luke Wolf

156 S. Cayuga Rd.

- Here tonight to listen on decision tonight because it may have an impact on decisions on improvements he is thinking about for his property.
- Will probably sell property at some point in the future and he does not want the new owners to be hindered by any designations.
- Homeowners should have their opinion about their own property.

Motion by Kate Waterman-Kulpa, seconded by Susan Fenster, to close the public hearing on 127 Garrison's Stone Wall, with the homeowner to submit a copy of the affidavit and property plans.

Motion passes 6 – 0

On Motion by Kate Kulpa, seconded by Patricia Walker, it was motioned to open the public hearing, to hear all those interested on commenting on the proposed landscape feature at 95 Mill Street.

1.) Rachel Rzayev

95 Mill Street

- Came up before and was voted on. Understands that different information came to light, but it is a bit of a leap to guess why a person votes one way or another.
- Can landmark designation be revoked?

*(Attorney Charles Grieco said yes, same process in reverse.)*

- Does a nomination have to come from HPC?

*(Attorney Charles Grieco read from the code, Chapter 47-12m. Anybody can request it, but it would go through HPC.)*

- Question on the proposed changes to the HPC code. (Administrator will email Ms. Rzayev the proposed LL X7.)

- What is the impact to the rest of the property should the wall be designated?

*(Kate Waterman-Kulpa stated that the wall does not include the rest of the property. The landscape element is what is being designated.)*

- If I go to the Building Inspector for a permit, does he make the call if it goes to HPC?

*(Kate Waterman-Kulpa responded that he does but nothing would trigger HPC review unless it involves the wall.)*

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- What about emergency repairs?  
*(Kate Waterman-Kulpa said it would be up to the Code Enforcement Officer.)*
- The wall is on an incline. There are stabilization & liability concerns.
- The wall is expensive to maintain.
- Historic preservation is expensive.
- Village code is set up more for commercial property and not residential.
- Stability and safety concerns.  
*(Ray Herman asked if she was here before.)*
- Yes.  
*(Ray Herman asked if Ms. Rzayev is she has a position on this.)*
- As a homeowner she is concerned with the financial aspect.
- They will not be doing anything with the wall, they like the wall.

Motion by Kate Waterman-Kulpa, seconded by Patricia Walker, to close the public hearing on 95 Mill Street's Stone Wall.

Motion passes 6 – 0

On Motion by Kate Kulpa, it was motioned to open the public hearing, to hear all those interested on commenting on the proposed landscape feature at 97 Reist Street.

- 1.) Robert McCue  
97 Reist Street
  - Private Property.
  - Does not feel anyone should be able to tell them what they can and cannot do
  - Infringing on private property.  
*(Ray Herman asked if he has been here before.)*
  - Yes  
*(Anthony Bannon asked what his concept of private property is.)*
  - Paid for it.
  - It's in my name
  - Maintains property and does not intent to remove.  
*(Kate Waterman-Kulpa stated that things disappear, get knocked down. That's why HPC is here. To protect & identify historic pieced of Williamsville.)*  
*(Kathleen DeLaney stated that there is a list of, a survey that was initiated by the Board of Trustees many, many years ago. Records are so poor. Identified by other means.)*  
*(Attorney Charles Grieco stated that the Intensive level survey was written in 2013.)*  
Asked how long does HPC have to nominate all the properties identified)

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*(Attorney Charles Grieco stated that there is no time limit. Before any changes to Chapter 47 of the code, CLG/SHPO must be consulted.)*

Motion by Kate Waterman-Kulpa, seconded by Susan Fenster, to close the public hearing on 97 Reist Street's Landscape features.

Motion passes 6 – 0

**From:** [Lowther, Mary](#)  
**To:** [Kindron, Judy](#)  
**Cc:** [Kate Kulpa](#)  
**Subject:** Fw: HPC Hearing from December 6th  
**Date:** Friday, December 9, 2022 8:21:32 PM

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Hi Judy,  
Please include in the minutes of the hearing from Tuesday.  
Thanks, Mary

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**From:** Bob Shabala <bob@nsm-ny.com>  
**Sent:** Thursday, December 8, 2022 4:19 PM  
**To:** Rogers, Deborah; Delano, Dan; Lowther, Mary; Torre, Eileen A.; Hunt, Christine; Grieco, Charles  
**Subject:** HPC Hearing from December 6th

**CAUTION:** This email originated from outside of the organization.  
Please do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Trustees,

It was revealed at the HPC public hearing on December 6<sup>th</sup> that three stone walls were being renominated because they were incorrectly rejected by the previous Village Board and there was new information regarding the nomination of landmarks. The **new information** was that even though a landmark might not be historic, it can be nominated because it was inspired by other historic landmarks.

Case in point. The house at 127 Garrison was built in 1951 and the stone wall on their property was built later. No one knows when or by whom, but it was established it was not the same mason who built other landmarks throughout the village. Whoever built it did it in a manner to pay homage to other walls in the village. Because it is like other historic walls, distinctive and beautifully maintained, the HPC deemed it appropriate to renominate this wall.

Designating landmarks because they were inspired by other local landmarks seems to be an egregious overreach by the HPC. I asked Ms. Waterman-Kulpa if I would be in danger of having a wall designated a landmark if it was similar to existing historic walls. She read something from her notes to justify designating landmarks that were inspired by existing landmarks and then asked me "Why wouldn't you want it designated a landmark?" You can see the exchange at the 31 to 37 minute here. <https://www.youtube.com/watch?v=1krZnKMO6sQ> Chip tried to get them to make a record of my comments, but Ms. Waterman-Kulpa talked over him and asked if there were any more comments. Also note the member sitting to the right of Ms. Waterman-Kulpa made a remark as I walked away from the podium. I'm not sure what she said but it seemed derogatory and not befitting of a committee member.

I responded poorly to her and Mr. Bannon's comments because I didn't know what to say or do at that moment that would have been respectful. I wish had the wherewithal to remind the HPC about the public reaction when Ms. Waterman-Kulpa nominated South Cayuga and the Water Mill districts. Both were done off agenda and as a surprise to the other members of the HPC and residents of the Village. The residents were overwhelmingly opposed to these nominations as evidenced by surveys and comments at public hearings.

Lastly, it was discovered at the meeting that a previously designated wall was altered without approval or knowledge of the HPC. If they can't protect the 35 or so landmarks in the village now, how are they going to protect dozens more? Furthermore, it took 1.5 hours to table a discussion on an awning and approve an addition at a restaurant. What's going to happen when people must wait months for a committee to approve a simple request like siding, or exterior lighting?

Respectfully,

Bob Shabala

122 S Cayuga