

Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, September 27, 2022, at 7:00 p.m.

Chairperson Kate Waterman-Kulpa opened the meeting at 7:23 p.m. (delayed due to Public Hearing)

Present:

Catherine (Kate) Waterman-Kulpa - Chairperson
Kathleen DeLaney, Member
Susan Fenster, Member
Anthony Bannon, Member
Patricia Walker, Member

Also Present: Judith Kindron, Village Administrator/Clerk-Treasurer
Charles Grieco, Village Attorney
Mary Lowther, Village Liaison

Absent: Charles Akers, Member
Susan Palmer, Resource Officer
Wes Stone, Resource Officer
Thomas Barrett, Resource Officer

Old Business

ON MOTION by Susan Fenster, seconded by Kathleen DeLaney, it was moved to go out of order from agenda, (moving the Old Business/Williamsville Water Mill Historic District to the end of the meeting).

5409 Main Street – D’Avolio’s fence –

Kate Waterman-Kulpa stated that Tim Masters thought she asked for the whole process to start over. (Mary Lowther thought it was for the awning.) Tim was going to inspect the fence. He has not yet inspected it. (Mary will follow up with Tim.) Kate did inspect fence. It does not meet ADA as you cannot put the proper rectangles on the crown that are described in the building code to have reach for the door to open properly from the hinged side. Attorney Charles Grieco received a call from the attorney should table tonight.

Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, September 27, 2022, at 7:00 p.m.

ON MOTION by Kate Waterman-Kulpa, seconded by Patricia Walker, it was moved to table 5409 Main Street - fence.

Motion carried. 5 – 0.

Code Enforcement Officer to notify 5409 Main Street to remove the awning
HPC will be looking for an update from the Code Enforcement Officer, Tim Masters, regarding the fence, at the next meeting.

Drawing by Ken Selden

Kate Waterman- Kulpa called Ken Selden. Ken Selden's name on drawing received from the museum. Interpretation was that he was the architect. Ken said he did not produce the drawing, must be someone else. Kate may try again. No local landmark nomination ready for tonight.

Kate asked if the clerk's office can scan in some 8 ½" x 11" photos of Meeting House interior shots to five timeline of the renovations over time. Photos are from Jim Tammaro.

Judy Kindron, Administrator – Minutes are not verbatim. Kate rewrote minutes, so Judy suggested that she sign off on the minutes.

Charles Grieco – Minutes do not have to be signed.

Kathleen DeLaney – Stated that Kate updated the minutes because context wasn't there. These are formal minutes. Imperative that minutes are exact as possible and to inform people of HPC needs. Minutes are draft and are always corrected.

Mary Lowther – Spelling things out for an applicant is very important. Many times years later you have to refer back to minutes so it's important to have information spelled out.

Kathleen DeLaney – Stated that minutes should be consistent with referral to people – either by name or the more formal Mr. & Mrs.

ON MOTION by Susan Fenster, seconded by Patricia Walker, it was moved to approve the amended minutes by Kate Waterman-Kulpa proposed changes of the HPC meeting of August 23, 2022, as amended.

Motion carried. 5 – 0.

New Business

72 S. Cayuga – Owner, Barry Muskat, gave some background of the property. He said that it dates back to 1840 and is one of the first 3-room school houses in the area. Barry Muskat stated that in the past he sat for 3 terms on the board for the City of Buffalo Preservation. Barry said

Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, September 27, 2022, at 7:00 p.m.

that Tim is on top of the project. Kate visited the property. He has 4 separate Certificates of Appropriateness filled out.

- 1.) **Lighting**- 12 foot poles; 2' in ground; stand 10 foot out of the ground, needs general lighting. Poles should be in next week. Provided a lamp for display. LED bulbs. Same position as other, no historic poles. Barry had pictures of what is currently there.

ON MOTION by Patricia Walker, seconded by Anthony Bannon, it was moved to approve the Certificate of Appropriateness for lighting.

Motion carried. 5 – 0.

- 2.) **Porch** – Historic pictures do not show porch. Concrete porch added later. Tim measured steps. In code for depth/riser. Leaving base, take off platform and steps, pouring new platform & steps. Basically the same as what is currently there. He may be able to repair them.

Kate Waterman-Kulpa – repair of existing steps. If he is unable to keep the concrete masonry base, he will replace with aggregated concrete (or regular concrete) same color.

Barry Muskat - Needs consistent weather at 55degrees. May need to wait until spring.

ON MOTION by Kate Waterman-Kulpa, seconded by Kathleen Delany, it was moved to approve the Certificate of Appropriateness as submitted for the porch with clarification that applicant would like to repair the steps, or if can secure a contractor to replace the steps and top platform that leads to the front door, with an in-kind concrete type to be determined by the property owner, with untinted concrete. Approval is good for 9 months.

Motion carried. 5 – 0.

- 3.) **Railing** – Barry Muskat is unable to do the railing until he knows what is being done with porch. NYS Building code approves railing height. Tim can evaluate where code applies. Chapter for Historic Structures with guidelines for Local landmarks or just State & Local. Kate Waterman-Kulpa suggested that Barry send her a text and she will provide the chapter to him. Barry Muskat will come back in the spring.

- 4.) **Driveway** – Barry Muskat talked to DPW Crew Chief Ben Vilonen and Deputy Mayor Dan DeLano. Talked about crosswalk at Milton Street. The garage is non-historic and it is set too low, so he needs new elevation for the driveway. Asphalt driveway, Concrete walkway. Hitching post (non-historic). Barry separated his property from the sidewalk & apron until they figure out where the crosswalk will go.
Kate Waterman-Kulpa asked if Deputy Mayor Dan DeLano & DPW Crew Chief Ben Vilonen reviewed the 677 elevation mark? 67798 & 67734, concern is how will you meet the existing sidewalk?

Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, September 27, 2022, at 7:00 p.m.

Barry Muskat – Does not know. He is asking for a meeting with DPW Crew Chief Vilonen and Deputy Mayor DeLano to determine. Copied everyone to see how they can proceed. Mary Lowther commented that no blacktop on the sidewalk. Blacktop aprons are in the code, but it cannot go over the sidewalk.

Kate Waterman-Kulpa – What can HPC do this evening to get this rolling? Approve layout and elevation away from the historic building.

Anthony Bannon – In the spirit to facilitate the harmonious development of the project, he appreciates Barry's attitude and working with HPC. HPC's Eagerness for the realization of open attitude. Encouraged to find common ground! This is a model for any successful transaction.

Kate Waterman-Kulpa seeked advice from audience, seeing Dan Rider looking to speak.

Dan Rider – Village Traffic & Safety committee crossing proposed for S. Cayuga at Milton. Doesn't fit on Village property.

Kate Waterman-Kulpa – include Dan Rider with conversation/meeting with DPW Crew Chief Ben Vilonen and Deputy Mayor Dan DeLano.

Dan Rider stated that he talked to Wally Pacer regarding of non-historic steps.

Barry – asked about a placard? Table top type.

Anthony Bannon – Hadley exhibits.

Kate Waterman-Kulpa – revisit the placard/table top sign when Barry brings landscaping.

ON MOTION by Kate Waterman-Kulpa, seconded by Anthony Bannon, it was moved to approve the Certificate of Appropriateness for the new layout of the driveway as submitted, widened and widened radiuses. Placement of concrete allowable by code (include drawing). Graded away from historic building. Applicant to work out the final elevations of the driveway at the sidewalk with his contractor and the Village.

Motion Carried 5 – 0

Preservation Code Revisions –

Attorney Charles Grieco began with explanations of the proposed amendments to Chapter 47. HPC authorized by General Municipal Law. Current code referencing the filling of vacancies is inconsistent with New York State Law. Section 33.12 of NYS Village Law may have been different in old version. General Municipal Law, unlike NYS Village Law, does not say anything about vacancies. After consulting with NYCOM (Wade Baltramo), it doesn't matter because Section 33.12 says the Mayor fills all vacancies SHPO cannot authorize a provision that is inconsistent with NYS Village Law. They (SHPO) are an advisory board.

Kate Waterman-Kulpa – Looked at other CLG's in the area. Basically there are three scenerios: (1) exactly as Village of Williamsville's, (2) Authority is given to Mayor/Supervisor and (3) Some are silent on the issue. HPC & Attorney drafted the model law and it was approved by the Village Board, including Trustee Eileen Torre and Mayor Deb Rogers, who were seated at that time.

Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, September 27, 2022, at 7:00 p.m.

Attorney Grieco – can only do what is allowed. The Village can supersede NYS Village Law, but it would be up to the Village Board and subject to a mandatory referendum due to Municipal Home Law.

Trustee Mary Lowther asked if it would be on the ballot of General Village election?

Attorney Grieco stated that if the Board decided to move in this direction. He would have to research.

Kate Waterman-Kulpa asked about Vacancies?

Attorney Charles Grieco – The appointed would fill the unexpired term until remainder of term, as per NYS Village Law and Public Officers Law.

Kate Waterman-Kulpa asked if the members of the HPC are considered Public Officials.

Attorney Charles Grieco Yes, because they are a decision making board.

Kate Waterman-Kulpa – advisory when decision making, decision after Village Board.

Attorney Grieco – During the public hearing most comments were generated by the Share experience.

Kate Waterman-Kulpa – include in public record the history of building. (Kate's PowerPoint is attached)

Attorney Grieco – clarify misinterpretation between a building and a sight intended to eliminate confusion. Deletion – alterations is already defined. When a term is defined, we should use that term. Interior Landmarks – Currently there is no mechanism to enforce an interior landmark for Certificate of Appropriateness. No administrative, no appeal process. Only way to challenge Code Enforcement decision is to file a lawsuit. Fences previously was left out of Chapter 112-22. Can refer to PARB, as HPC sees fit. Totally discretionary.

Fences on landmark property have to go to HPX and no PARB

New definition for Design Standards for fences, gazebos

Village Board Public Hearings remained open for both Chapter 47 and Chapter 112. The Board will continue to hear comments at the October 24, 2022 Village Board meeting. Anyone on HPC wishing to submit comments may do so directly to the Village Board or through Kate Waterman-Kulpa.

Investigation of 100-200 year old structures in Northeast quadrant of the Village.

Kate Waterman-Kulpa looked at Eagle Street. Dated all the properties. Astounded by number of pre 1930's era. She started a spreadsheet. She is looking for a pattern of older homes so that HPC can define where the most historic home are in a grouping. The reconnaissance survey defines Northeast quadrant: Academy, Mill, Swan, Orchard (East to creek, North of Main). The area where Mill workers lived. To be worked on over a time period in consultation with the Village Board.

Kate Waterman-Kulpa completed Eagle Street, moving on to other homes. Anyone wanting to tackle it, just by looking up addresses and search in the Amherst Comprehensive Property information.

Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, September 27, 2022, at 7:00 p.m.

Trustee Mary Lowther stated that in the past she received information from the Town Assessors office. She provided parameters and they produced a spreadsheet for her. Kate Waterman-Kulpa spoke to Kathy Howe, who wrote the Reconnaissance Survey of the village, which is an overall broad look. She was given a certain amount of money and had to build her confines around that amount of money. She picked out only a limited number of examples due to the limited by money. Going forward, HPC needs to figure out parameters, boundaries of the up & coming structures so that HPC can ask the Village Board to assist with a consultant for an Intensive Leven Survey. If anyone wants to work on this, see Kate Waterman-Kulpa.

Meeting time adjustment

Kate Waterman-Kulpa would like to propose a time change to start the regular Historic Preservation meetings to 6:30pm, starting with the next meeting. [Also, there is a continuation of the public hearing on 10/25/22 at 6:00pm]

Misconceptions of HPC

Anthony Bannon stated that HPC needs a systematic way to respond to get data information correct on regional/national. To what extent is HPC a hindrance to development of properties? Perhaps there is an agency out there that would like to work on this. Kate Waterman-Kulpa said she will reach out to Preservation Buffalo Niagara to see if they have these statistics.

Attorney Grieco stated the Preservation Buffalo Niagara released today, a study on The Impact of Historic Preservation in Buffalo. He has not yet read the report, so he is not sure what conclusions were drawn in terms of increased property values. The did find that in Buffalo's 17 Local Historic districts they tend to be higher value, more ethnically, racially & socially diverse. Chip will email the report to HPC members.

Kate Waterman-Kulpa asked for it to be included with the minutes of tonight's meeting

Training

Kate Waterman-Kulpa talked about the yearly training requirement for HPC members. Preservation Buffalo Niagara offers municipal rates for membership. Membership includes trainings & advocacy assistance for its municipal members. The Town of Amherst has a membership and it satisfies training requirements. Kate finds great value in this.

Mary Lowther stated that training must be approved by the Village Board.

Kate Waterman-Kulpa asked where the committee would like to get its training done this year.

Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, September 27, 2022, at 7:00 p.m.

Judy Kindron stated that no one has any training for the 2022-2023 Village year, so far. The requirement is for 4 hours of training annually. Chuck Akers is able to carry forward 2 hours from last year.

Kate Waterman-Kulpa will look into trainings that Preservation Buffalo Niagara can provide. Kathleen DeLaney asked about when you volunteer, like for preservation days.

Mary Lowther stated that you are out there doing education. She will bring the question up to the Village Board.

Watermill Historic District

Kate Waterman-Kulpa stated that she took a lot of notes tonight. Identify misinformation is so that HPC can address that. Post an education piece on the website so that HPC can clarify information.

Mary Lowther asked about preparing a statement in response to the public hearing comments. Attorney Charles Grieco stated that they must compile a response anyway. If they move forward with the Historic District, a report will have to be put together that need to include public comments, along with other information.

Kate Waterman-Kulpa said that she knows about this report.

Anthony Bannon recommends an independent Q & A as a consequence of the public hearing to include the following: Summary of mission; values; Here's how it works; Here's what it is; Here's what it isn't; Regulations of what is the difference between advice that you give and actions that you take, what are the parameters of those activities.

Attorney Charles Grieco stated that this is already on the HPC page on the website. There is a FAQ sheet with a fair amount of information. Recommends that you look at what is already there.

Mary Lowther stated that people did not read that before coming tonight. They had some good information, but also some mis-information

Kate Waterman-Kulpa has on her list non-contributing vs. contributing

Susan Fenster stated that people did not know what was meant by survey – they thought they would go door to door, rather than “survey” that we know.

Kate Waterman-Kulpa referred to the misinformation and that not going to get with one plethora of comments. Need a compound over time – a living document.

Anthony Bannon ask “What more would you like to know?” Provide a few “hot” buttons.

Kate Waterman-Kulpa - like the misinformation on HPC's “authority”

Kathleen DeLaney stated so many don't realize that we are taxpayers of the Village and that there are skills/qualifications that the commission demands.

Kate Waterman –Kulpa asked what are the qualifications and to what extent are they practicable?

Attorney Charles Grieco read the following from the village code:

Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, September 27, 2022, at 7:00 p.m.

Qualifications: To the extent practicable, Commission members shall be required to have the following expertise:

(1)

At least one member shall be a historian;

(2)

At least one member shall be an architect;

(3)

At least one member shall be an archeologist;

(4)

At least one member shall be a member of the Village Planning and Architectural Review Board;

(5)

At least one member shall be a member of the Village Zoning Board of Appeals;

(6)

At least one member shall be a state-licensed real estate professional;

(7)

At least one member shall have demonstrated significant interest in and commitment to the field of preservation planning as evidenced either by involvement in a local or regional historic preservation group, employment or volunteer activity in the field of preservation planning, or other serious interest in the field;

(8)

All members shall have a known interest in historic preservation and planning within the Village; and

(9)

In the event that the Village Board determines that any of the positions described in Subsection **D(1)** through **(7)** cannot be filled by persons so qualified, the Village Board may fill any such position by appointing persons qualified under Subsection **D(8)**.

This also includes those “having a known interest”

Kate Waterman-Kulpa stated that the HPC was accused of not allowing a person on HPC after they were appointed. This is the first HPC is hearing about this.

Attorney Charles Grieco stated that his conversation was with the Village Board.

Kate Waterman-Kulpa asked that since vacancies are Village Mayor appointments, how does HPC quantify an appointment.

Attorney Charles Grieco said that appointment is through the Mayors authority. A decision can be challenged with a lawsuit. Bring forward an Article 7 by the Board, anyone who has standing, can show harm. One board sues another. HPC would have a standing if they believe someone is appointed who is unqualified. A lawsuit is not something that you would want to strive for.

Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, September 27, 2022, at 7:00 p.m.

Anthony Bannon volunteered to talk to Phil Johnson. Concerned about him being aggrieved. Concerned about his public statements (Trustee Mary Lowther will provide his phone#) Try to find some common ground.

Mary Lowther thinks you will find some common ground on the Share application. Mary has talked to their attorney. They are amenable to doing something different from what they have originally proposed. Something that will work well as an infill project for the parcel. They were just not prepared to come in tonight.

Kate Waterman-Kulpa explained infill. Does it mean they will not be connected? Infill Structure, not a replacement.

Attorney Charles Grieco stated that there is a whole chapter in the Historic Design standard regarding additions. He suggested that everyone familiarize themselves on this.

ON MOTION by Kate Waterman-Kulpa, seconded by Anthony Bannon, it was moved to adjourn the meeting at 9:22 p.m.

Motion carried. 5 – 0.

Submitted by: _____

**Next scheduled HPC meeting is planned to be held on
October 25, at 6:30 p.m.
Public Hearing to be held at 6:00pm
Check the Village website www.walkablewilliamsville.com for agenda.**