

Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, October 25, 2022, at 6:30 p.m.

Chairperson Kate Waterman-Kulpa opened the meeting at 6:62pm (delayed due to Public Hearing)

Present: Kate Waterman-Kulpa, Chair
Kathleen DeLaney, Co-Chair
Anthony Bannon, Member
Ray Herman, Member
Patricia Walker, Member
Susan Fenster, Member

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

Absent: Charles Aker, Member
Susan Palmer, Resource Officer
Wesley Stone, Resource Officer
Thomas Barrett, Resource Officer

Kate Waterman-Kulpa welcomed new member, Ray Herman.

Ray stated that he has lived in Williamsville his whole life. He attended Williamsville South High School. He was an Erie County DA for over 33 years. He is currently doing some private practice. He is a 4th generation to live in the village. He hope to offer value to the Commission and to preserve the village character.

On motion by Susan Fenster and seconded by Patricia Walker, is was motioned to approve the minutes from the public hearing on September 27, 2022.

Motion carried 5 – 0 Ray Herman Abstained

On motion by Patricia Walker, seconded by Anthony Bannon, it was motioned to accept the minutes from the HPC meeting of September 27, 2022

Motion carried 5 – 0 Ray Herman Abstained

OLD BUSINESS:

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Williamsville Water Mill Historic District:

32 days to review after the close of the public hearing. Kate Waterman-Kulpa asked that the communication from Ray Herman be added to the minutes.

30 Eagle Street:

The owner asked to table the request indefinitely at this time. Kate asked if the HPC should move forward with designations. Attorney Charles Grieco stated that he will reach out to Tim Master, Code Enforcement Officer.

On Motion by Patty Walker, seconded by Anthony Bannon, it was motioned to table the request from 30 Eagle Street.

Motion Carried 6 – 0

5409 Main Street (D’Avolio’s):

Awning:

Dan Gagliardo, 5409 Main Street was in attendance. He stated that he was previously unaware of the original application. He is asking the HPC to rescind the original application for the awning because he did not have an opportunity to speak.

Attorney Grieco suggested that Dan Gagliardo make a case to keep the awning up with the new presentation.

Dan Gagliardo handed out a packet of photo copies showing the sight as you proceed down Main Street. He stated that the original C of A was denied because sight access was covering the neighboring sign. He has already had 2 claims against the business for slips in that area. The awning is to cover the area up to the property line. The original awning is a Box Design, because it requires less maintenance. When standing in front of it, he did find one spot in the awning that does block the neighboring business sign. Dan went back to Kohler Awning and looked into changing the design into a swoop design. It will be flush to the building and will cascade down. This allows more of a sight line.

Anthony Bannon asked if the awning was reflective of the history of the building.

Dan Gagliardo stated that he is doing this to protect that part of the area due to 2 people falling.

Kate Waterman-Kulpa asked where the water is coming from that is causing the freezing. Is it coming off the building?

Architect Dave Sutton stated that there is no inherent water problem. There is a gutter system. Awning is the best way to prevent a slip hazard. The awning is 100% removable and functional. It is architectural appropriate for the building. The issue is blockage of the adjacent property. Looking for some guidance. Refer to awnings in the code. Both the one up and the one proposed are acceptable.

Kate Waterman-Kulpa does not agree with Dave Sutton. The addition was modeled after a porch for an Italianate building. Awnings will concentrate the water from out of the building.

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Dave Sutton stated that the ice problem is at the door. There is a temperature difference at this location due to the opening and closing of the door. This allows for proper ADA approved exiting. Balance between safety, aesthetic and HPC. There is an easement with the neighboring property. The solid black, simple frame awning is respectful of the historic integrity of the building.

Kathleen DeLaney stated that the swoop design does create pooling.

Ray Herman stated that historically, it was very common to have awnings.

Dan Gagliardo stated that the original design was a straight design, but that would cover the neighboring sign. That is the reason for the change to the swoop design. Insurance is a big deal because of the claims against them. Dan explained the history of the awning. He is followed procedures that were in the code for awnings.

Mary Lowther stated that the swoop design satisfies safety, insurance & signage.

Kathleen DeLaney wants to go to the sight. She stated that the awning prohibits visibility from across the street.

Kate Waterman-Kulpa asked about pooling water. Visuals on the entire building. HPC will go to the sight to make a responsible decision. Check into the architectural appropriateness on the building.

Dan Gagliardo will have additional pictures for the next meeting. The Sutton sign impedes the adjacent sign, not the awning.

Kate Waterman-Kulpa stated that vanish points are everything.

Kate Waterman-Kulpa asked if any HPC members want to rescinding the denial from the previous decision. Nobody wanted to.

Anthony Bannon stated that liability is at play.

Kate Waterman-Kulpa told Dan Gagliardo to move forward with the new design.

Railing:

Dan Gagliardo informed the members of HPC that he applied for a permit a year ago for the railing. He needed to make sure the door could open to go a full 90°, even though it impedes onto his property.

Kate Waterman-Kulpa asked if the insurance company advised for this, did they provide any suggestions?

Dan Gagliardo answered “no.” He told the insurance company about the railing and the awning. Insurance approved.

Dave Sutton stated that the insurance company was looking for them (property owners) to be pro-active. The railing/fence was built specifically with the neighboring door being taken into consideration.

Kate Waterman-Kulpa asked if he would be willing to move the fence closer to the door.

Dan Gagliardo stated that the door currently opens onto his property.

Kate Waterman-Kulpa said the railing should be on the other side. She claims it is 1” off from being ADA compliant. However, the Code Enforcement Officer says it is ADA compliant.

Anthony Bannon encouraged property owners to try to work it out.

Kate Waterman-Kulpa asked about snow & ice buildup on fence. How the door engages with the fence? How the fence effects neighbor’s entrance? The slope of the sidewalk, cement? Where will snow go?

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On motion by Susan Fenster, seconded by Ray Herman, is was motioned to table the Railing/Fence to the next meeting.

Motion Carried 6 – 0

5658 Meeting House:

Kate Waterman-Kulpa dropped off pictures to Village Hall. She still has had no luck finding more information on Ken Selden and the drawings of the Meeting House – Kitchen space? Sunday school rooms?

Investigation of 100 – 200+ year old structures in the northeast quadrant of the Village:

Kate Waterman-Kulpa is still looking for volunteers to help with finding out the year that structures were built.

5590 Main Street (Share Kitchen & Bar Room) – Single Story Addition

Sean Hopkins Attorney and Dave Sutton Architect, both in attendance tonight.

Sean Hopkins wanted to note for the record that Trustee Lowther met with Joel Schreck, Dave Sutton and himself a couple weeks ago. He shared updated renderings with the commission. They took a look at the HPC guidelines (Chapter 47-15), Chapter 4 of the Landmark Design Standards, U.S. Dept. of Interior Standards and Appendix Co or the Design Standards. The addition has been designed that if can be removed in the future. It has be designed so that it differentiates the addition from the original building. The addition is more transparent. Share has a need for ample additional seating. They evaluated other options to meet the needs such as a 2nd story expansion. Too many stumbling blocks – distance of travel, sprinklers, accessibility.

Dave Sutton stated that they are moving forward with an addition that is respectful to all the standards set forth by the historic design criteria as well as reference to the Department of the Interior standards. It is a much more minimalist approach. Original building can maintain massing, cornices, stone front façade. Substantial modification/alterations years ago when Coffee Culture was there.

Sean Hopkins expressed that this has an economic interest of the Village. Respecting the historic element of the building. Absence of this addition, this restaurant will have to close this location. This is not a threat, Share is hoping to stay in place for many years to come. They are hoping to get a Certificate of Appropriateness from the HPC>

Kate Waterman-Kulpa wanted to voice that the HPC did not hold up this process.

Dave Sutton stated that they are looking for input & direction from this Board. They respect the process.

Kate Waterman-Kulpa asked for line drawings for the next meeting, because they will need them before they can issue a Certificate of Appropriateness.

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Dave Sutton said absolutely, as long as they are moving in the right direction. For the sake of discussion he can talk about a 2-story addition and why this cannot work. Dave said that he will have line drawings for the next meeting.

Ray Herman asked about the 2nd floor patio and the iron stairs. These do not seem historic.

Dave Sutton explained that they are not trying to make the addition look historic. Share needs more seating & very much enjoy having outdoor seating.

Kathleen DeLaney remarked about there being no backing on the risers, no security. Concerns with winter and open access. However, she did say this is better than it was.

Dave Sutton stated that they will comply with Building code, State codes, etc. & recommendations and mandates from HPC.

Kate Waterman-Kulpa stated that she is paranoid about liability issues with ice & water. How will this be addressed with the staircase?

Dave Sutton stated that it will not be used in the winter.

Kate Waterman-Kulpa asked how you will prevent ice and water from falling onto the public sidewalk.

Dave Sutton said the original design had a gutter system. He is prepared to do something different, and that would be an internal drain system. Also, the floor system has been dropped. They will have the water directed to a space that will have zero impact on the public right of way adjacent to it.

Kate Waterman-Kulpa asked if they will be using the current patio as the foundation.

Dave Sutton stated that this is to be determined. They will go through a complete structural investigation to see if it is structurally adequate.

Susan Fenster asked if the upstairs railing is glass or if it is open.

Dave Sutton explained that the railing 42" glass or high transparent material.

Kathleen DeLaney asked about the wait step. It looks like you can enter from the stairs.

Dave Sutton explained that it is an exiting standpoint, not an entrance for the public.

Dave explained the "U" shape of the stairs. If there is a matter of concern of exiting, or flow or traffic, he will put together a set of construction documents

Kate Waterman-Kulpa asked about Joel taking over the second floor.

Dave Sutton stated that due to the code obstacles that is not an option.

Kate Waterman-Kulpa seemed to think that Joel indicated that he wanted to take over the 2nd floor and he let the landlord know he is interested in that area.

Dave and Sean both stated that Joel is not interested in taking it over. However, Dave will verify that with Joel before the next meeting, but it would not be for expansion of dining.

Kate Waterman-Kulpa wants to make sure the project is not segmented. Wants to make sure they understand the full project.

Sean Hopkins stated that they will follow up on this.

Kate Waterman-Kulpa stated she needs the floor plans so she can see this.

Kathleen DeLaney asked how many seats in the enclosed lower level area.

Dave Sutton said it would be the same as the current patio, he thinks it is about 30-30 plus, but he will get back on this.

Ray Herman asked about doors that could be open and closed.

Dave Sutton said that the original proposal included sliding window but now the transparency has been brought down to the ground with a sliding window. Bottom panel would

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be fixed glass and the upper panel would be operable. There would be no tinting, but they will have to deal with the western sun so they will have to have shades. He will have to talk to Joel about signage. They are not looking for any exterior lighting. The landscaping that they are proposing would be seasonal planter boxes. Possible screening for the condenser.

Kate Waterman-Kulpa asked about some lighting under the stairwell.

Dave Sutton said that possible low level lighting for safety depending on the light from the existing street light. There would be no exterior lighting on the patio. Incidental lighting on the tables, ancillary rope lights along the railings.

Kate Waterman-Kulpa is concerned with pole lights going up in the future if lights need to be designed.

Dave Sutton stated that he does not want lighting to take away the respect for the historic building.

Kate Waterman-Kulpa asked is we'll be seeing "Sam Adam" umbrella's up there.

Dave Sutton stated that they can put in non-advertising or promotional.

Attorney Charles Grieco stated that this would trigger the need for outdoor seating approval.

Kate Waterman-Kulpa asked about the planter boxes.

Dave Sutton stated that they set right on the floor of the patio. Internal drainage, no exterior drainage, no gutters.

Anthony Bannon stated that they have great respect for the structure. The sightline historically didn't exist.

Dave Sutton documented the sightline. Encourages members to go over & look.

Anthony Bannon is requesting trigonometry.

Kate Waterman-Kulpa stated that they will put this proposal on the agenda for the next meeting for review under Old Business.

Kathleen DeLaney asked about staff carrying the trays up the stairs.

Dave Sutton stated that it happens all the time. They can install a low level light so that it doesn't give a false depth perception.

For the next meeting at 6:30, for Certificate of Appropriateness Review HPC would like the following:

- 1.) Certificate of Appropriateness Application (believe it has already been filed)
- 2.) Formally submit renderings (Continue to refine, Glass down the staircase)
- 3.) Signage
- 4.) Lighting
- 5.) Drainage
- 6.) Site drawings
- 7.) Landscape/planters
- 8.) Trigonometry

Sean Hopkins and Dave Sutton Thank'd the members for allowing them to come back next month.

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NEW BUSINESS:

55 S. Long Demolition:

In attendance were Sean Hopkins, Attorney, Dave Sutton, Architect and Kevin Kirk from Uniland.

Sean Hopkins spoke on the demolition referral for the west side of S. Long Street & Main Street, the assembly known as International Chimney. Throughout the years many permits have been issued. The building substantially changed over time.

Susan Fenster stated that she called Rick Lohr, prior owner of International Chimney. He purchased the building in the early 1970's. At that time the oldest structure of the property had burned down. All inner walls were exterior walls. There is no historic value.

Sean Hopkins stated that Tony Schueckler, Fire Inspector for the Village of Williamsville, sent him pictures & the report from the fire.

Dave Sutton said that in 1995 both interior & exterior renovations dramatically changed the structure.

On motion by Kate Waterman-Kulpa, seconded by Susan Fenster, that the Commission has reviewed the information presented and the Commission does not intend to Locally Landmark the building at 55 South Long Street, Williamsville, New York.

Motion Carried 6 – 0

Mission Nominations:

Kate Waterman-Kulpa stated that her New Year's Resolution for 2022, the Village year, is that at every meeting she will present a nomination for designation. This was triggered the other day as she drove down Mill Street and saw a backhoe and a dump truck at 95 Mill Street. All she could think about was the stone wall. At this point Kate read the following statement:

“In June 2021 three of ten stone walls and landscape elements in the landscaped themed grouping nomination weren't designated as local landmark by the Village Board. I would like to propose that the HPC is proposing that there was an oversight to the three properties that were not designated. Perhaps the Board did not understand the importance to our village as established in familiar visual features in our neighborhoods, which is one of our criteria. Perhaps the Board did not understand how Ignatz Oechsner's contributions to our Village through his building craftsmanship created these visual neighborhoods of elements that he built or inspired others to build throughout our village. Several members of the Village Board at the time used the justification that the owner did not consent to the designation. New information has surfaced which negates that as being a justifiable reason for not designating the property. The Village Board on behalf of then Mayor Basil Piazza, entered into an agreement with the State Historic Preservation Office to become a Certified Local Government (CLG.) Guidelines for CLG states that owner consent may not be part of the CLG program. Due to this new information at this time, I would like to reignite the nomination process for these 3 properties for landscape elements:

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95 Mill Street
127 Garrison Road
97 Reist Street

The Village lost half of the Mill Street wall due to a subdivision and development of a property in (I think it was) 2021. The northern half of the wall on Reist Street, by the Mother House, was designated in 2021, but the southern portion of that same wall was not designated because the owner did not give consent and stated they wanted to move the driveway entrance piers to widen the entrance. Over a year later, this has not been done. As was done at another Village landmark, the Williamsville Forest Lawn Cemetery, piers can be moved to create a wider entrance to accommodate wider modern vehicles, while still maintaining historical integrity. So, for that reason I would like to propose that we re-nominate these. I have taken and made a separate number, there's three, a separate nomination for each property. Much of it is the same information on the three that were missing. One, it was stated in the Clinton Brown Co Architecture Intensive Level resource Landmark Designation form that Oechsner did build the wall, the other ones say that Oechsner, it was suspected that he was the builder of those. I think that's not the important takeaway of this. I think that Oechsner influenced this village and it does go to say about this in the Intensive Level Survey. He influenced others to do what he was doing. So he has Dream Castle, Dream Island, he built the Cambria Castle. He's doing side work throughout the Village. He's also inspiring other people to do the same. I would suspect that he inspired others to do the same with the cut ashlar walls, like in front of the old Voelkl/Robshaw Law Firm and possibly influenced others to use stone as a wall to create importance. But I think, in my professional opinion that those volcanic rock fences were probably (the material) came from Holland, New York, the same as Cambria Castle at Dream Island. It makes sense and the time periods all fit. The pillars are patterned differently, so I suspect that those pillars were installed afterwards. The stone walls are that volcanic rock from Holland and then I think they built those pillars, but I don't think that negates the historic importance of the pillars because I think that they have developed their own history over time as being the important gateway to that residence from Reist Street."

Kathleen DeLaney said the white house on Mill that was sub-divided for 30 Eagle Street, they have the same stone walls. Frank Deasley's wife talked about that they were pulled from the quarry for the bridge over the creek. This is behind 30 Eagle Street and continues on to the house at Mill & Eagle.

Mary Lowther stated that there was a stone quarry at the foot of Orchard.

Kate Waterman-Kulpa said she only selected these three because they were leftovers from a previous nomination and they were identified in the Intensive Level Survey that the Clinton Brown Company prepared.

Mary Lowther stated that the Intensive Level Survey is online at the Village website.

On Motion by Kate Waterman-Kulpa, seconded by Anthony Bannon, it was motioned to initiate the nomination process of these three landscape features

Before the vote was taken, additional questions and comments were brought forward:

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Ray Herman asked about the motion since it is just an application.

Kate Waterman-Kulpa explained the process – motion, public hearing, the majority of the board has to vote to move it forward. Kate would like to send the information with a cover letter to the Village Board. She explained that the last time it was presented as a themed group. She would like to keep these three as a themed group too.

They talked about the when the public hearing is to be.

Attorney Chip Grieco stated that a reasonable time after receiving the application, but not more than 60 days to hold a public hearing. A quorum of HPC members must be in attendance at the public hearing.

Mary Lowther stated that 60 days from now is Christmas. Should we hold it for one month so we are into January?

Attorney Chip Grieco would like to review case law on re-nominations.

Ray Herman stated that the owners are not going to be happy. They thought this was over since it was previously voted down and now. He stated that if he was the homeowner, he would be very upset about this.

Attorney Chip Grieco commented that CLG says you cannot provide a landowner veto because the property owner does not want it.

Kate Waterman-Kulpa explained that this is the only process to prevent demolition of an historic structure.

Attorney Chip Grieco reviewed the code on demolitions for the HPC. He stated that the three landscape features are listed in the Clinton Brown report.

Kate Waterman-Kulpa stated that the 3 features are listed in the Intensive Level Survey, but are they listed as eligible? The only thing that matters to her is that the Code Enforcement Officer deems it eligible.

Susan Fenster would like to see this move forward in December.

Kate Waterman-Kulpa feels early December would be appropriate.

At this point the motion was brought back on the table:

On Motion by Kate Waterman-Kulpa, seconded by Anthony Bannon, it was motioned to initiate the nomination process of these three landscape features

Motion Carried 5 – 0 Ray Herman Abstained.

At this point the HPC had a discussion about when to hold the public hearing for the three (3) landscape features. They decided to have the public hearing at 6:00pm on Tuesday December 6, 2022 at Village Hall. Kate asked about the ability of Chuck Akers to call in. It would have to be via zoom because that is what was approved with Local Law # 4 of 2022. Phone call-in is not acceptable for attendance.

HPC decided to merge the 11/22/22 HPC meeting and the 12/27/22 HPC meeting and have one meeting on 12/06/22. It will begin at 6:30 (it will follow the public hearing, if that runs over.) The following people are to be notified of the date change:

Dan Gagliardo (5409 Main Street)

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Dave Sutton
Sean Hopkins
Joel Schreck

Public Hearing Comments:

Kate Waterman-Kulpa stated in response to Dave Sherman's comment about the Bee Publishing and Village Artisans being included in the Williamsville Historic Water Mill District.

Susan Fenster stated that she worked at the Bee for a long time and can't believe that out of the production windows you could see the Mill. She suggested members take a walk around to check it out.

Kate Waterman-Kulpa went on to say that she is not in favor of adding the Bee. She does not feel the distinction. The Bee nomination is about view-shed being protected of the Mill. Some development on the Bee Newspaper site or Village Artisans is not going to affect anyone's view shed of the Mill. It's isolated. If they build up as Zoning would allow, it would not matter about the Mill complex. This is why it was not included. Kate appreciates Dave Sherman's comments, but is not in favor because they do not fit the theme of the district, which is what is important here.

Acting on the 10/25/22 Public Hearing:

Acting on the public hearing for the Williamsville Historic Mill District, HPC has 10 days to deliver an information packet containing a record of all comments to the Village Board by November 4, 2022. Included in this packet will be:

Minutes from the 9/27/22 Public Hearing
Minutes from the 10/25/22 Public Hearing
Letters/Emails from the following:
Matt Etu
Patrick Kelly
Ray Herman
Mill District Nomination Form
8/23/22 HPC Minutes
9/27/22 HPC Minutes
10/25/22 HPC Minutes

On motion by Kate Waterman-Kulpa, seconded by Anthony Bannon, it was motioned to nominate the Williamsville Water Mill Historic District to the Village Board.

Motion Carried 5 – 1 (Ray Herman Opposed)

72 South Cayuga Street Stair:

Deputy Mayor Dan DeLano spoke about 72 S. Cayuga & the crosswalk. Everything will be in the plan when it is ready. Dan DeLano will bring it to HPC at that time.

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Preservation Buffalo Niagara Membership:

Kate Waterman-Kulpa talked about getting a Village of Williamsville membership with Preservation Buffalo Niagara. With a membership they can provide advocacy assistance as well as training for the Village of Williamsville HPC. They have a Preservation 101 training that has just been redone. This can provide 2 hours of the annual 4 hours of training needed annually for anyone that does the training. The cost of the membership is \$250.00/year.

On motion by Kate Waterman-Kulpa, seconded by Susan Fenster, it was motioned to approve the purchase of an annual Preservation Buffalo Niagara membership at \$250.00.

Motion Carried 6-0

Kate Waterman-Kulpa will work on putting together some dates for training.

On motion by Kate Waterman-Kulpa, seconded by Susan Fenster is was moved to close the meeting at 9:37pm

Motion Carried 6-0

Submitted by: _____
Judith A. Kindron, Administrator/Clerk-Treasurer

**Next scheduled HPC meeting is planned to be held on
December 6, 2022 at 6:30 p.m.
(After the 6:00pm Public Hearing.)**

Check the Village website www.walkablewilliamsville.com for agenda.