

**HISTORIC PRESERVATION  
COMMISSION**

**Wednesday, September 23, 2015**

**6:00 pm**

Council Workroom

City Hall, One Batavia City Centre, Batavia NY

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**AGENDA**

- I. Call to Order**
- II. Approval of Previous Meeting Minutes – *August***
- III. Public Hearings:**
  - A. John Flannery – 113 Jackson Ave. – Windows
  - B. Ron Dibble – 44 Roosevelt Ave. – Roof
- IV. Communications Sent and Received:**
- V. Old Business:**
- VI. New Business:**
- VII. Adjournment**

# **HISTORIC PRESERVATION COMMISSION**

## **Unofficial Minutes**

Wednesday August 26, 2015

6:00 pm

City Hall, One Batavia City Centre, Batavia New York

**Members Present:** *Ashley Bateman, Joan Barton, Sharon Burkel, Paul Schulte, Teresa Siverling*

**Others Present:** Meg Chilano – Recording Secretary, Ron Panek—Code Enforcement Officer

### **I. Call to order:**

The meeting was opened at 6:05 pm by Ashley Bateman.

### **II. Approval of minutes**

**Motion by: Teresa Siverling**

Motion was made to approve the meeting minutes for July 22, 2015 as corrected.

Seconded by: Paul Schulte

Vote for: 5

Abstained: 0

Vote against: 0

### **III. Public Hearings**

#### **A. 39 Ellicott Avenue – Basement Doors**

Jody Fisher explained the project. She said that the doors on the right side of the building next to the driveway need replacing. She said that some of the hinges have detached as well as a strip of wood which has the handle on it. According to Ms. Fisher, they did not know where to find someone who could make another set of wooden doors, so they would like to use steel doors instead. Ms. Fisher said she included examples of two different doors in the packet, and which one will work will depend on the condition of the masonry.

Ms. Bateman asked if the doors would be painted. Ms. Fisher responded that the doors would be painted the same shade of green as the accent color on the building.

Ms. Siverling wanted to clarify that they would be using a framed steel set for the doors. Ms. Fisher answered that it was their intention to do so, but it would depend on the condition of the masonry and whether or not it needed to be replaced.

Ms. Bateman said that she was not opposed to the steel doors because they are on the side of the house that cannot be seen from the street.

Ms. Burkel noted that the steel doors would be good for security reasons. Ms. Barton added that they would be more durable.

**Motion by: Paul Schulte**

Motion was made to approve the replacement of the wooden doors with steel doors painted the same shade of green as the accent color.

Seconded by: Sharon Burkel  
Vote for: 5  
Abstained: 0  
Vote against: 0

Ms. Bateman told Ms. Fisher that she would be receiving a Certificate of Appropriateness in a month but that it was acceptable to replace the doors prior to that time.

**B. 201 East Main Street – Boy Scouts Sign**

Mr. McMullen explained that the Boy Scouts are about to begin a lease agreement to share the facility with GOART! He said that the merchandising portion would be downstairs with administrative offices upstairs. The signage would be on the Bank Street side of the building close to the door that will serve as their main entrance. Mr. McMullen noted that the color in the illustration is not an exact representation and that the green would be more accurately described as forest or hunter green and the light color is cream.

Ms. Bateman asked if the font is standard for the Boy Scouts. Mr. McMullen responded that the font is the Boy Scouts' standard logo font. Ms. Bateman responded that she does not like it because she thinks it looks too modern in comparison to the "Seymour Place" sign on the side of the building.

Ms. Burkel asked if they would be using aluminum with vinyl lettering. Mr. McMullen answered that it was one of three options. He added that he prefers the mid-range routed sign, which he believes has more presence. Ms. Burkel agreed.

Ms. Burkel asked if the material is composite and Mr. McMullen replied that it is high density composite which is routered. According to Mr. McMullen, if you stand on the corner and look at the signs down Main Street, several business have the same type of sign which is routered and stands away from the building a bit. The signs are manufactured by Leaton Signs.

Ms. Burkel asked if the Boy Scouts would be using the entire space in the building. Mr. McMullen said that they would not be using the kitchen area, just the dining room and board room. He pointed out that some of the area is common area because it is the only handicap access to the building.

Ms. Barton asked if it would be possible to move the sign farther down on the addition away from the historic portion of the building and have an entrance sign with an arrow pointing toward the door. Ms. Siverling noted that the sign for the previous business was so far back that customers were misdirected down the alley.

Mr. Panek asked the commissioners if the back portion of the building was designated. Ms. Siverling explained that the building in general is designated but that signs can be attached to the rear portion without worry about the mortar. She said that whenever someone appears before the commission requesting a sign, they suggest that the sign is attached to the newer section of the building rather than the older.

Ms. Burkel asked if the Boy Scouts would put a sign on the door the way the bakery before them did. Mr. McMullen said that they would like to affix to the door acetate sign in the Boy Scouts' blue and

red colors, which would indicate the hours. He further explained that the sign would be a peel-off sticker which Leaton Signs also manufactures.

Ms. Burkel asked if the board had already approved the Boy Scout sign and Mr. McMullen replied that they have in principle. He added that the board is aware that they wish to have a sign that is consistent with the color scheme of the building. He also said that it may be necessary to add a sign with an arrow but that he would consider that to be a secondary sign. Mr. McMullen noted that he would like the primary sign to show people where to go.

Ms. Burkel asked if there were any old Boy Scout fonts that looked less modern. Mr. McMullen answered that he would prefer to use the standard Boy Scout font and not create any issues with the national office; however, he thinks the national office will understand if they make the font match the "Seymour Place" sign.

**Motion by: Paul Schulte**

Motion was made to approve the Boy Scout sign as pictured, with the conditions that the color is hunter green and the font matches the "Seymour Place" sign.

Seconded by: Joan Barton

Vote for: 5

Abstained: 0

Vote against: 0

Ms. Bateman told Mr. McMullen that she would send out the Certificate of Appropriateness in a few weeks.

**C. 201 East Main Street – GOART! Sign**

Heather Grant passed around illustrations of the two options for the GOART! sign and indicated which one is the first choice. She said that the sign will be positioned on the front of the building where the old historic sign had been located. Ms. Grant explained that the sign had originally been cream and dark green but that she had seen other signs she thought were more visually pleasing with a darker background and gold routed text. There was another illustration depicting a sign with a black background, gold inlaid font, and dark green trim. She noted that the material is 2"-thick high density composite.

Ms. Siverling asked if the surface is pebbled and Ms. Grant replied that she believes it is smooth like the rest of the signs on Main Street.

Ms. Burkel asked how the sign will be attached to the building. Ms. Grant read a description of how Jeff, from Sign Language, intends to attach the sign. (See attached.)

Ms. Bateman stated that she does not like the font; she believes it looks too modern. Ms. Grant said she would speak to the sign contractor.

Diana Kastenbaum, a GOART! board member, asked for permission to speak. She said that the board might want to reconsider the placement of the sign on the building. She observed that the location of the current sign is above eye level. Ms. Burkel agreed that the location might be too high. Ms. Grant

explained that Larry Barnes had shown them a picture of where the Bank of Genesee sign once hung, and they located their sign in the same place, but that she would prefer the sign to be placed lower.

Ms. Bateman asked if there was a picture of the entire front of the building and Ms. Kastenbaum showed one she had on her camera. Ms. Bateman agreed that it would be easier to see the sign as a pedestrian or from a vehicle if it were placed lower.

Ms. Bateman said that she could agree to the lower placement of the sign but she would like to see a different font. She asked Ms. Grant if the thin, slanted font is part of the GOART! logo and Ms. Grant replied that it is not but they would like to stay with some type of serif font. She explained that she was considering asking Steve Leaton for a proposal; since Leaton Signs is already doing the Boy Scout sign, some consistency could be maintained on the building.

**Motion by: Paul Schulte**

Motion was made to table the sign until a new proposal with a different font can be submitted.

Seconded by: Sharon Burkel

Vote for: 5

Abstained: 0

Vote against: 0

**D. 201 East Main Street – GOART! Door**

Ms. Kastenbaum informed the board that the door is completely off and, at the moment, a piece of plywood with a handle has been attached. The plywood has been painted a red color similar to the one they presented to the board last time. Ms. Kastenbaum explained that what had initially prompted the color change was a desire to make the door color more inviting than the deep forest green it had been. She noted that they are still looking for approval for some shade of brick red. She added that the color the plywood is painted has more of a brown tone. Ms. Kastenbaum showed samples indicating the shade of red they had wished to use and the shade of red the plywood is actually painted at the moment. According to Ms. Kastenbaum, the door of the Batavia Club had originally been red.

Ms. Kastenbaum reported that they decided to replace the hinges with the same style of ball bearing hinges. She indicated an illustration and said that she needs approval on the 4 ½ solid brass ball bearing hinges. Ms. Kastenbaum noted that the shiny brass hinges would probably match the gold in the sign. She pointed out, however, that the oil rubbed bronze was a possible alternative since it could possibly match the steel bolt. Ms. Kastenbaum said that the kick plates also come in shiny brass or rubbed oil bronze.

Ms. Bateman asked about the hardware the group had intended to refinish. Ms. Kastenbaum replied that they have not started that process. Ms. Burkel asked for clarification on which components were being refinished and which ones were being replaced. Ms. Kastenbaum answered that the door was being sanded and repaired but the hinges were not original so they intend to replace them so they do not have to strip them. Ms. Siverling asked if the hinges could be seen when the door is closed. Ms. Kastenbaum clarified that the hinges are only seen when the door is opened. She said that the kick plate will match the hinges, but she is uncertain whether to use the shiny brass or oil rubbed bronze.

Ms. Siverling asked about the door knob. Ms. Kastenbaum responded that the same is true for the knob; it is available in either brass or oil rubbed bronze.

Ms. Burkel asked about the current door knob. Ms. Kastenbaum replied that it is not original and they do not intend to keep it because it is not appealing. She said that there is a plate that wraps around the door that she has not been able to find in the Federal style.

According to Ms. Burkel, the knob could be re-plated, but Ms. Kastenbaum expressed reluctance to re-plate a knob she did not consider to be of value or from the correct time period. She read a description of the brass knob they had selected and for which they were requesting approval. She noted that the handle set comes with skeleton keys and said that they would need to check out the door security because it may still be necessary to have a bolt installed.

Ms. Kastenbaum asked if the board preferred the brass or the bronze. Ms. Burkel and Ms. Bateman agreed that the most important thing is that everything matches. Mr. Schulte said he thought brass would look better.

Ms. Burkel expressed concern about the replacement of all of the hardware. She said that she thinks the hardware is part of the history of the building. Ms. Kastenbaum pointed out that the items were not original and they are mismatched. Ms. Burkel and Ms. Bateman wanted to know the age of the hardware. Ms. Burkel said she believes that anything older than 50 years is part of the history of the building and should be saved.

Ms. Kastenbaum showed the style of light they intend to use, but pointed out that she is uncertain about the material. She said that she wants to make sure the lights are not constructed of cheap aluminum before she buys them.

Ms. Siverling asked about the finish and Ms. Kastenbaum responded that it will be black, possibly constructed from cast iron. Ms. Bateman asked if the black would clash with the brass. Ms. Siverling said she does not believe so because the light is a separate entity. Ms. Kastenbaum said she can investigate the lights further but that she needs a decision on the paint color and hardware today.

Ms. Bateman asked if the paint would be purchased from Ball & Farrow and Ms. Kastenbaum said it would.

Following a discussion on the various shades of red, the board agreed on Rectory Red paint for the door.

**Motion by: Teresa Siverling**

Motion was made to approve the Rectory Red paint by Farrow & Ball for the GOART! door.

Seconded by: Sharon Burkel

Vote for: 5

Abstained: 0

**Motion by: Teresa Siverling**

Motion was made to approve the solid brass ball bearing door hinges with button tips in a brass finish.

Seconded by: Joan Barton  
Vote for: 5  
Abstained: 0

**Motion by: Joan Barton**

Motion was made to approve the cast iron carpenter rim lockset with brass knobs and trim.

Seconded by: Teresa Siverling  
Vote for: 5  
Abstained: 0

**Motion by: Paul Schulte**

Motion was made to approve the brass kick plate.

Seconded by: Teresa Siverling  
Vote for: 5  
Abstained: 0

**IV. Communications Sent and Received**

- A. 25 Ross Street.** Ms. Bateman explained that the house is being sold. Originally, the buyer had asked about the lack of historical authenticity of the windows. Ms. Bateman had pulled the file and given the buyer the two Certificates of Appropriateness found in the file, and the buyer seemed satisfied. However, the attorney for the buyer requested a statement indicating that the HPC has no issues with the property. Ms. Bateman stated that she does not believe she has the authority to write such a letter, nor does she wish to be held liable in any way. She said that she has no idea what is going on with the property at this moment.
- B. 102 James Street.** Ms. Bateman informed John Gerace that the house is not designated.

**V. Old Business**

**123-125 Jackson Street – Tim Stoddard; and, Requiring Owners to Return House to Original State.** Ms. Bateman noted that the issue of 123-125 Jackson and the decision about what the HPC is going to require as far as maintenance and restoration of historic properties are connected. Ms. Bateman and Ms. Burkel agreed that the Code does not say that a property must be restored to its original state; but rather it says that the property must be restored to its condition prior to the violation.

Ms. Bateman questioned what this means in terms of Mr. Stoddard. She pointed out that the brackets are down. Mr. Panek stated that he can address the issue according to the State Code.

Ms. Burkel said that the HPC does not want to relinquish its ability to keep properties up to preservation standards. She said, however, that they cannot expect property owners to bring the house back to its original state.

Mr. Panek indicated that Mr. Stoddard was cited for missing gingerbread, which clearly has been missing since the last time the house was painted. He said that the things the State Code will not allow him to address are the use of plywood and the soffits.

Ms. Bateman recalled that the board had told Mr. Stoddard he needed to appear before them at the end of summer.

When asked about how much work Mr. Stoddard has performed on the property, Mr. Panek informed the board that he has done nothing and will be appearing in court in September.

Ms. Siverling asked if Mr. Stoddard is trying to use the HPC as leverage in his argument against doing the work and Mr. Panek replied no. He said that Mr. Stoddard has a plan that he is supposed to complete.

Ms. Bateman asked if there is a list of repairs. Mr. Panek answered that there is a list of violations cited against the house. He noted that architectural details such as gingerbread must be restored to the house.

Ms. Barton said that HPC needs to be on the same page as Code Enforcement. Ms. Burkel said that Ms. Bateman should have the list of violations. Mr. Panek responded that he is unsure about whether or not the list must be obtained by FOIL request. Ms. Burkel wanted to know why the list could not be given to Ms. Bateman since the HPC is a City committee.

The HPC wished to examine the list of violations to determine which items concerned the board prior to Mr. Stoddard's appearance before them.

Ms. Bateman stated that she does not believe that plywood is acceptable and wanted to know if the other commissioners agreed, which they did. Ms. Siverling said that Mr. Stoddard knows that materials such as aluminum, vinyl, and plywood are unacceptable. His point is that the materials were already in use when he bought the house so he cannot be required to change them. Mr. Panek said that it can be proven through Inspection and Fire Department records that Mr. Stoddard personally replaced soffits with plywood.

Ms. Siverling asked Mr. Panek if any of the eaves are original and what the material is. Mr. Panek replied yes and indicated that the material is bead board.

Ms. Barton asked Mr. Panek to clarify what he meant at the last meeting when he said that he would enforce violations through State Code and not by Historic Preservation Code. Mr. Panek repeated what the board had said to him about not wanting to push a property owner too hard because they did not want to scare them away from keeping a property.

Mr. Panek pointed out that Mr. Stoddard had not asked for anything at the last meeting but had just talked in circles. Ms. Barton responded that none of the commissioners had wanted to discuss the issues and what they could make Mr. Stoddard do in his presence.

Ms. Bateman recalled that Ms. Barton had opened the last meeting as Chair, then Ms. Bateman took over as Chair; and there was some disconnect in the process.

The commissioners expressed some confusion as to Mr. Panek's meaning. He clarified that he must enforce the State Code, while HPC is responsible for deciding appropriateness. Mr. Panek pointed



out that Mr. Stoddard has an obligation to care for his property because of its designation of which he was aware when he bought it.

The HPC discussed how to make Mr. Stoddard aware that he needs to appear before them; they agreed upon a letter.

Ms. Siverling said that they all need to be on the same page for future cases regarding decorative pieces. The policy needs to be that like must be matched with like, such as in the case of the eaves, whether the loss or damage occurred prior to the purchase or not. The materials should be the same as in the original portions and no interim materials should be used.

Ms. Burkel read aloud the section of code dealing with the restoration of historic property to its condition prior to the violation. Ms. Bateman said that she does not believe it necessarily means that the violation had to have been committed by the current owner, but the current owner is responsible for restoring the property whether s/he committed the violation or not.

In terms of 123-125 Jackson, Mr. Panek explained that the Fire Department cited Mr. Stoddard for having open soffits, which he covered with plywood. However, Mr. Stoddard had claimed that the plywood was always there.

Ms. Barton pointed out the part of the Code that referred to the original appearance, indicating that the materials do not necessarily have to be original, but the house must have the appearance of being original.

Ms. Barton also observed that when someone purchases an historic property, the price is generally lower, reflecting the amount of work that will need to be performed on the house.

Mr. Panek stated that he believes Mr. Stoddard needs to have a clear plan when he approaches the HPC. He referred to the previous meeting when Mr. Stoddard came in but did not make a request. Ms. Bateman said that she has discussed the situation with Ms. Smith who explained that the other boards have application forms. Ms. Bateman said she believes it is a good idea to know explicitly what someone is asking for and what their plan is.

**VI. New Business: none discussed**

**VII. Adjournment**

**Motion by: Joan Barton**

Motion was made to close the meeting at 7:59 pm.

Seconded by: Teresa Siverling

Vote for: 5

Vote against: 0

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Meg Chilano  
Bureau of Inspection Clerk