

HISTORIC PRESERVATION COMMISSION

Minutes

Wednesday January 28, 2015

6:00 pm

City Hall, One Batavia City Centre, Batavia NY

Members Present: *Larry Barnes, Ashley Bateman, Sharon Burkel, Teresa Siverling*

Others Present: Joan Barton, Henry Emmans, Paul Schulte, Tim Stoddard, Ron Panek – Code Enforcement Officer, Janice Smith – Recording Secretary

I. Call to order

The meeting was opened at 6:02 pm by Joan Barton.

II. Approval of minutes for December 17, 2014

Motion by: Teresa Siverling

Motion was made to approve the meeting minutes for December 17, 2014 with one clarification. The commission wanted the minutes to show the referenced cemetery was the Batavia Cemetery.

Seconded by: Larry Barnes

Vote for: 4

Abstained: 0

Vote against: 0

III. Public Hearing

A. 123-125 Jackson Street – side porch. Tim Stoddard was present to explain the project. The overhang has vinyl soffit and bare plywood. The plywood needs to be painted. He plans on painting it white to match the rest of the overhang. Joan Barton explained that this is not considered a change; it is considered maintenance. However, there were some details on the highland porch (the porch that is facing Highland Park) that Mr. Stoddard was going to work on and change from what it is currently.

He explained that there is a major pigeon problem in the overhang, where pigeons burrow holes into the wood. They also build nest into the supports. Ms. Barton recommended that he should talk with an exterminator about the pigeons or maybe Cornell Cooperative Extension. By blocking the holes it could deter the pigeons from coming back because they won't be able to nest there. A few other commissioners had some lethal and non-lethal ideas. He stated that the birds have created enough damage in areas where he has had to put up plywood to repair them. And some of the areas were already plywood when he got it. He said that the city code enforcement officers want all the plywood to be painted. He would like the commission's approval for that. Larry Barnes asked if the plywood was pressure treated. Mr. Stoddard answered that it is not. Teresa Siverling asked why the plywood was cracking. Mr. Stoddard answered that the plywood that is cracked was like that when he bought the property. She also asked if the roof is leaking above where the crack is. Mr. Stoddard explained that when he first bought the property, he had to put a new roof on. She then asked if he would be concerned about any further damage. He stated no.

Mr. Stoddard explained that the City of Batavia Code Enforcement Officer, Ron Panek, told Mr. Stoddard that he could not have flaking paint due to the New York State code. To remove

the flaking paint Mr. Stoddard had been pressure washing the house. He stated that he stopped when he noticed that the mortar was fragile and coming off. Joan Barton asked Mr. Stoddard if he ever spoke with Cynthia Howk from the Landmark Society [because at early meetings, Cynthia Howk had ideas to help Mr. Stoddard get rid of the paint and bring the house back to brick.] Mr. Stoddard stated he left her a message but has not spoken to her. Mr. Stoddard then explained that he would not be able to afford to bring the house back to the original brick. He said that he could scrape the paint and paint the house. He would like to fix the areas that need fixing before painting the house.

The highland porch has some trim pieces that are missing. Mr. Stoddard is dealing with Attica Lumber to have knives cut to have the trim pieces match what is currently there. Mr. Stoddard explained that for some of the smaller pieces he can have a woodworking organization make them and then he would not have to have a new knife made. Mr. Stoddard explained that the pillars on the porch have a steal rod in the middle of them. He plans on bringing the posts on the highland porch back to the original condition. Some of the porch has been repaired in the past and does not match the original poles. Mr. Stoddard explained that he can see some of the original pieces and that he will make all the poles look the same.

Mr. Stoddard explained that he would like the commission to be understanding that the porches and painting will take some time. He expressed his concern that he would not have enough money to get all the repairs done this year. Ms. Barton stated that even if the commission could be understanding about the money that it will cost Mr. Stoddard, the City of Batavia would be the ones setting the timeframe of when these repairs need to be done. Mr. Panek explained that this property was cited in March 2014 for peeling/chipping paint. Ms. Siverling suggested that Mr. Stoddard may want to work on the state violations first and then work on the Historic Preservation violations.

Mr. Stoddard asked if the house were to look the way it did when it was originally built, would the commission be satisfied. Ms. Barton stated that the commissions concern would be that the house should look essentially the same. She then asked if anyone had any objection to Mr. Stoddard painting the house white. Ms. Burkel explained that the house was already painted white and Mr. Stoddard would only be fixing the peeling paint and repainting it the same color.

Ms. Siverling asked if Mr. Stoddard would put together an action plan of what his repairs will be and when they would take place. The commission could then approve the entire plan without having Mr. Stoddard come back to get approval for each step. Mr. Panek asked how much time the commission would be willing to give Mr. Stoddard to complete the violations that are under the Historic Preservation Code. Mr. Panek explained to the commission that the code states all original historic architectural features have to be on the house. There are multiple brackets from the overhang and detail pieces that are missing. Any of the missing or damaged architectural features have to be restored. Ms. Barton stated that the certificate of appropriateness is only good for a year, and if Mr. Stoddard's plans were going to be longer than a year he would have to come back. Ms. Barton asked if the commission was willing to agree to a multi-year plan. The commission then discussed how many years; a few agreed to no more than five years. Mr. Stoddard then stated that because of the cost he didn't want to keep the house if the commission was going to make him replace all the brackets and

architectural details that bring the house back to its original condition. Mr. Stoddard stated that if the City of Batavia's historic preservation code is asking anyone who buys a property to put the house back to its original luster compared to the condition that they bought the property in, the code seems unfair. Mr. Stoddard asked the commission how they would know if the original house had all these brackets when it was first built. The brackets may have been added after it was built. Mr. Stoddard then asked for a picture showing all of the original detail. He also stated that if the commission gets specific about returning the house to the original condition, he then would have to take the vinyl soffit off and replace other items that were there when he bought the property.

Ms. Barton explained that when you buy a property that is in pristine condition you pay more than if you buy a property that has pieces missing. And when you buy a property that has missing pieces you have to replace the pieces that are missing regardless if it is historic or not. Now Mr. Stoddard has the responsibility to do that. Ms. Barton explained that the commission does not have the power to tell Mr. Stoddard that it is ok not to fix these items. If the property maintenance code states it, it has to be done. Ms. Barton told Mr. Stoddard that he may want to contact Cynthia Howk from the Landmark Society because she may have knowledge of grants that would be available for him. The City of Batavia has a tax break available to the historic properties when the homeowner makes improvements and it raises their assessment of the property. The homeowner can get the increase of the assessment off their taxes over a period 10 years.

Ms. Barton stated that the commission would support Mr. Stoddard for the items that he needs to finish now, but unfortunately there is nothing more they can do. Mr. Panek stated the violation against the historic preservation code is in effect and Mr. Stoddard still needs to address that as well. Mr. Panek questioned if there is not some type of a plan in place how can the code enforcement officers enforce the historic preservation code. Mr. Stoddard explained that every historic property should have to bring each property back to the original look. Mr. Barnes then asked if the commission should address the historic preservation code. Do you have properties that had porches on the property originally put them back on? How far do we push a property owner to bring the house back to original structure? Any changes to the historic preservation code would have to be brought in front of the City Council and legislation would have to be changed the City of Batavia's Historic Preservation Code. Mr. Stoddard then asked what the architectural details he would be forced to change or fix. How do you make a home owner put pieces back on that were not there when they bought the property? Ms. Barton then asked how we know what pieces were there and not there when the property was designated. The historic preservation code says that you shall maintain and restore architectural detail. Ms. Barton expressed that if they are thinking of changing the historic preservation code it will make a huge difference and affects all historic properties in the City of Batavia. Mr. Barnes asked if we have ever asked a property owner to change something that was prior to the property being designated. Mr. Panek stated that 113 Jackson Street had to rebuild their chimneys. There were two chimneys and Mr. Panek had them rebuild the two chimneys that were missing to bring it back to the original condition of four chimneys. Mr. Barnes then asked the question "Is Mr. Stoddard expected to restore the building back to 2001 when he bought the property or does he need to bring it back to its original look of 1865?"

At this time Mr. Stoddard will fix the state violations and the historic preservation commission will discuss what is going to be required in the future regarding the historic preservation code. Ms. Siverling stated that it is a little unrealistic for them as a commission to expect the property owners to make such a financial commitment to return a property to its “former glory”.

Ms. Bateman asked if the commission has a timeline of when they would like to see Mr. Stoddard back in front of them. Ms. Barton stated that she felt Ms. Burkel had a good idea to have Mr. Stoddard come back in front of the commission at the end of the summer of 2015. Mr. Stoddard stated that it would be reasonable to come back at that time and have the state violations taken care of. Ms. Barton stated that Mr. Stoddard should have most of the repairs done by then and then they could talk about his future plan. Mr. Stoddard left.

The discussion continued about what the commission was going to make Mr. Stoddard replace. Ms. Barton asked how anyone of them would know what was on the building at the time it was designated. Mr. Barnes stated unfortunately the burden would fall on the commission. Ms. Siverling stated that if the commission pushes Mr. Stoddard the historic preservation will lose that property. Mr. Panek stated that code enforcement officers have to enforce the code and he cannot pick and chose whom he cites. Mr. Panek stated that Mr. Stoddard has owned this property over 10 years and the only exterior repairs have been the one side porch. There are black spots on the building where the brackets have been taken off. The letter from Mr. Stoddard’s Attorney was read into the records. This is Mr. Stoddard’s plans for repairs that he gave to the court and code enforcement officers. Mr. Panek explained that he could not accept Mr. Stoddard’s plan because Mr. Stoddard wanted to put up vinyl soffit. Mr. Stoddard has explained to Mr. Panek that there was vinyl soffit already there. Mr. Panek told Mr. Stoddard that the soffit is not original. Mr. Panek explained that Mr. Stoddard put up plywood and it is not adequate under the section of the code. Mr. Stoddard should have come in front of the commission for that repair.

IV. Communications sent and received

A. Communication from Dr. Frias re: blocks on fence for 101 Washington Avenue.

The commission told Dr. Frias that they approve the blocks that are on the fence but request that they are painted to match the rest of the fence, and to round the edges of the blocks. Dr. Frias reply stated that he called the contractor and will have the blocks rounded off before they paint the fence.

B. Letter sent to Oliver’s re: keeping regular sign vs. digital sign. Ms. Barton stated that she did not receive a reply to her letter. Ms. Barton read her letter in

V. Old Business

A. Article by HPC for the Daily News. Ms. Barton handed out a letter that will be published in March with pictures. The letter describes a tour of what people would have seen when they got off the boat in Battery Park and drove through Batavia.

B. Verify Commissioners reapplied for the board. Ms. Barton, Mr. Emmans, Mr. Schulte have all paperwork in for their renewal for membership.

VI. New Business

A. Voting of New Chair and Vice Chair. Nominations for Ashley Bateman for Chair and Teresa Siverling for Vice Chair.

Motion by: Larry Barnes

Seconded by: Teresa Siverling

Vote for: 4

Vote against: 0

VII. Adjournment:

Motion by: Sharon Burkel

Motion was made to close the meeting at 7:46 pm.

Seconded by: Teresa Siverling

Vote for: 4

Vote against: 0

Respectfully Submitted,

Janice Smith