

HISTORIC PRESERVATION COMMISSION

Approved Minutes

Wednesday June 24, 2015

6:00 pm

City Hall, One Batavia City Centre, Batavia, New York

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

Others Present: Ron Panek – Code Enforcement Officer, Janice Smith – Recording Secretary

I. Call to order:

The meeting was opened at 6:01 pm by Chairperson, Ashley Bateman.

II. Approval of minutes: Tabled for July meeting

III. Public Hearing:

A. 539 East Main Street – New Roof. Mr. Dibble, Security Roofing, explained that 539 East Main Street needs a new roof. Ms. Bateman asked Mr. Dibble if he was going with a shingle similar to a cedar shake. Mr. Dibble explained that the color is currently dual gray and he plans on keeping the same color using an architectural shingle. These shingles have a lifetime warranty. Ms. Burkel asked if the original roof was no longer in existence. Mr. Dibble stated that the rafters are sagging, so he plans on straightening the roof.

Motion by: Teresa Siverling

Motion was made to approve the new roof.

Seconded by: Paul Schulte

Vote for: 5

Vote against: 0

IV. Communications sent and received:

A. City Church's reply to designation letter. City Church at 210-212 East Main Street sent a letter declining designation. Ms. Burkel asked if the letter explained why they were declining. Ms. Bateman said that the letter did not.

V. Old Business

A. Letters of interest sent. Ms. Burkel asked if there were replies from any other properties that letters were sent to. Ms. Bateman stated she was informed by 3 Lincoln Avenue that they were not interested. Ms. Bateman has not received a reply from Matthew Gray at 41 Clinton Street.

B. Photographs of designated properties. Ms. Bateman asked for all photos that had been taken to be given to her. Ms. Bateman stated she would compile the photographs and assigned the remaining properties.

VI. New Business

A. Designation of the Police Department at 10 West Main Street. Ms. Bateman said that she believes 10 West Main Street should be locally designated. Mrs. Siverling said that at the Task Force meeting it was made clear that 10 West Main Street will not be able to stay as the Police Station. Ms. Bateman stated that the City of Batavia will be trying to sell the building at

a low price. Ms. Siverling said if the option is to dispose of the property as readily as possible, then HPC should move to protect the building.

Ms. Burkel stated that Diana Kastenbaum, on behalf of the Landmark Society, is interested in making the building into a museum of some sort. Ms. Burkel went on to say that Ms. Kastenbaum would prefer to have an "iron clad" designation to protect the building. Ms. Barton stated that 10 West Main Street is part of the Historic Overlay District and is on the National Historic Registry. Ms. Bateman stated that national designation does not protect it. Ms. Burkel said that the building is only protected if it is publicly funded. If it is privately funded the new owner could do whatever they want said Ms. Burkel.

The City of Batavia would have to approve the designation stated Ms. Barton. Ms. Bateman asked if they do have to approve it because she thought HPC could do it regardless of owner approval. Ms. Barton said that HPC can designate it without the owner's approval. Ms. Bateman went on to asked what would happen if they designate the property without the City's approval. Ms. Burkel said that City Council would insist that they take it off of designation.

Mr. Panek asked what happened with the Cornell Cooperative Extension Building at 420 East Main Street when HPC tried to designate without Cornell's approval. Mr. Panek stated that there is a precedent set. Ms. Burkel explained more of the specifics but that Cornell took HPC to court and won.

Ms. Siverling stated that if the owner objects then it becomes a moot point. Ms. Burkel stated that would be true, unless HPC felt the property was a significant property. Ms. Bateman stated that 10 West Main is a significant property. Ms. Siverling stated that she thought that the Historic Preservation Commission with the Landmark Society, as a united front, should approach City Council at a City Council Meeting expressing that they feel that this building should not be razed. Ms. Siverling said when HPC approaches Council they should say that they are not trying to impose their will but feels like this is a topic that needs to be discussed.

Ms. Smith said if the owner wants to get a permit [demolition], they would have to come in front of the HPC because they are in the Historic Overlay District. Ms. Burkel stated that since it is in the Historic Overlay District that all HPC could do is make a recommendation; HPC has no authority. Ms. Siverling stated that HPC cannot stop anyone from razing the building. Ms. Burkel agreed. Ms. Siverling stated that HPC has no legal authority to tell a property owner not to raze the building if property owner finds it cost effective to raze the building instead of using it as-is. Ms. Burkel stated that HPC would make a recommendation to City Council and City Council would have the final decision.

Mr. Panek asked if you have a local designation then that prohibits the razing of the building. Ms. Bateman stated no; that a deed restriction would. Ms. Bateman went on to say that there is a deed restriction on 10 West Main Street to prevent a razing. Ms. Burkel explained that the deed restriction is old and could be taken to court. Ms. Barton said that the local Historic Preservation Commission has the power to stop it from being razed. Ms. Barton went on to say that the State Registry will jump in if they feel that there is a need but the National Registry normally won't step in. A building that is listed on National Registry can be taken down. Mr. Panek stated the only way that the building would not be protected is if Code Enforcement

orders the building to come down because it is a public hazard. Ms. Burkel stated if they locally designate the building and someone else buys it and expresses a hardship, City Council could certainly reverse the designation. Ms. Burkel said that they are afraid of losing the building. Ms. Siverling stated that as a united front should go to Council and say that this would be a travesty to lose this building. What they are trying to do is insure the protection of the building. Because it has such historical significance they would prefer this to be designated individually. [HPC started talking about purposes for the building.]

Ms. Siverling asked the group if the building is designated and someone wanted to take off the 1963 addition, what type of legal difficulty would that put HPC in. Ms. Burkel explained that if someone would like to take off the addition, they would have to come in front of the HPC and receive a certificate of appropriateness. Mr. Panek stated that partial demolitions are doable and have been done in the past. Ms. Smith asked if just part of the building could be designated. Ms. Barton stated that is not a good idea because you would not have a say on the other part and if that is not maintained it could affect the building. Ms. Burkel agreed with Ms. Barton. [Discussion about the County Jail at 14 West Main Street.]

Ms. Burkel asked what the next step is. Mr. Schulte agreed that he wanted to see all of them approach City Council. Ms. Bateman asked if she should contact Ms. Kastenbaum from the Landmark Society. Ms. Burkel suggested to contact Lucine Kauffman because she is the President of the Landmark Society of Genesee County; Diana Kastenbaum is the Vice President. Ms. Bateman then asked when the next Council meeting was and who she would need to speak with to be able to speak to Council at the meeting. Ms. Smith explained that July 13th was the next meeting date and she should speak with the City Manager's secretary a few days before the meeting to be able to speak with Council. Ms. Bateman asked if everyone could come on the 13th.

Ms. Barton asked Ms. Bateman if she was going to speak with Jason Molino, the City Manager. Ms. Bateman asked if it was a good idea to contact him. Ms. Barton stated she thinks Mr. Molino will say that he doesn't want it. Ms. Bateman said that's fine he can say that. Ms. Barton and Ms. Burkel said he will know if you contact his secretary. Ms. Barton said as a courtesy, you should make him aware that the Historic Preservation plans on doing this. Ms. Siverling agreed with Ms. Barton. Ms. Siverling stated that Ms. Bateman should call or email Mr. Molino. Ms. Bateman asked the group if she should email the Task Force for their support. Ms. Siverling suggested sending an email asking if they would like to come to the Council meeting and support HPC. Ms. Bateman said that the Task Force will be at the Council meeting because the Task Force's recommendation for the new Police Station will be presented to Council. Ms. Siverling said this will be a good time to address this issue to Council.

Ms. Bateman stated that she will email and let everyone know if HPC cannot get on the agenda. Ms. Siverling said at that point we will know if there is any opposition for designation by the Council. Ms. Burkel stated this will be a good test to see where people stand. Ms. Siverling said if everyone on the Council agrees then they can move forward; if there are objections, we will deal with them then. This is a perfect example of what the HPC was formed to do, to protect the historic properties stated Ms. Barton. If the Commission feels that the Overlay district does not protect this building and leaves it at risk then they should have it locally designated.

Ms. Bateman stated that in the budget for a new police facility is three hundred thousand set aside for abatement and repairs. Ms. Siverling asked if the three hundred thousand is set to help with asbestos. Mr. Panek explained that abatement means cleanup of asbestos or lead. Ms. Bateman said that she believes all the money is not only for abatement but for mechanicals and the furnace as well. Ms. Siverling asked what the legal ramifications are regarding asbestos when selling a property. Mr. Panek explained that is disclosure only. Mr. Panek said that the dangers are in disturbing the asbestos. [Conversation continued about how and what to abate.]

- B. 25 Ross Street – Williams House.** Ms. Barton was told that 25 Ross Street is for sale because the owner has other properties out of the area where they live seasonally and is just able to keep up with the bare minimum for maintenance.
- C. 33 Ross Street.** Ms. Barton also relayed that the owner is working on the house and the house is still progressing. Ms. Barton stated that there is a lot of working going on inside where you can't see.
- D. 314 East Main Street.** Mr. Panek had been asked prior to the meeting to investigate 314 East Main Street for illegal work. Mr. Panek stated that he investigated the property and it appears to be maintenance to the property. There was some shingle damage and the owner is replacing it with in-kind materials. They are also painting the house the same color as it has been. Mr. Panek explained since it is all in-kind, it does not need a permit.
- E. 20 Center Street – Center Street Smokehouse.** Mr. Panek was also asked to investigate 20 Center Street for illegal work prior to the meeting. Mr. Panek spoke with the contractor that is replacing rotted parts of the patio. The patio had been built with plywood. The contractor took pictures of the patio before he started. He plans on replacing the damaged pieces and painting them the same turquoise color that it was. Mr. Panek explained since it is all in-kind, it does not need a permit.
- F. Designated districts.** Ms. Siverling stated that in the past, the group has talked about certain areas being designated as a historic district. She thought that Redfield Parkway on the north side should be designated as a district. Ms. Bateman suggested that the group look at properties and see if they are vinyl sided and which ones are not because a lot of them over the years have been sided. Ms. Siverling also thought Richmond Avenue from Oak Street to the Blind School (2A Richmond Avenue) would be a good area to have designated. Ms. Siverling stated that most of those properties are original. Mr. Panek asked if a house with vinyl siding could be designated. Ms. Bateman stated that it could not. Ms. Barton asked if it would make a difference that Redfield Parkway was originally not part of the City. The group answered that they did not think it would. [Discussion continued on how the Redfield was built, and the timeline of the road, VA Hospital and the Track.]
- G. Designate properties.** Mr. Schulte asked if the group would like to see if IRR Supply at 29 Evans Street may want to be designated. The storage building at the back of the property has been around a long time. He explained every picture that there has been of the New York Central Tracks coming through Batavia, this building has been in them. Mr. Panek explained this building must have been some type of mill because of the beams that were in the building. Towards the street there is a newer building that has been connected to this building.

VII. Adjournment:

Motion by: Joan Barton

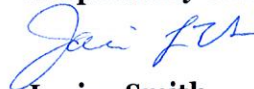
Motion was made to close the meeting at 6:52 pm.

Seconded by: Sharon Burkel

Vote for: 5

Vote against: 0

Respectfully Submitted,



Janice Smith