

**HISTORIC PRESERVATION  
COMMISSION**

**Wednesday, May 15, 2019**

**5:00 pm**

Council Boardroom

City Hall, One Batavia City Centre, Batavia NY

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**AGENDA**

- I. Call to Order**
- II. Approval of Previous Meeting Minutes – April 2019**
- III. Public Hearings:**
  - A. 39 Ross Street – Fence.**
- IV. Communications Sent and Received: none**
- V. Old Business:**
  - A. Leaton Signs**
- VI. New Business:**
  - A. Certificate of appropriateness**
- VII. Adjournment:**

# HISTORIC PRESERVATION COMMISSION

## *Unofficial Minutes*

Wednesday, April 24, 2019

5:00 pm

City Hall, One Batavia City Centre, Batavia New York

**Members Present:** *Sharon Burkel, Connie Boyd, Caroline Hosek, and Ryan Duffy*

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

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

The meeting was opened at 5:01 pm by Chairman Sharon Burkel.

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

**Motion by: Ryan Duffy**

Motion was made to approve the meeting minutes for March 2019.

Seconded by: Connie Boyd

Vote for: 4

Abstained: 0

Vote against: 0

### **III. Public Hearings:**

**A. 39 Ellicott Avenue – Porch Repairs.** Ms. Fisher was there to explain her project. She explained that the porch is in need of repair. The project is to replace the stairs, add new newel posts, take off the current decorative trim and make new decorative trim that will match for the ones that are rotten. All of the wood will be repainted to match the current color. Ms. Fisher stated that the stairs will have one less step to keep in accordance with NYS law. Currently the steps are mixed heights and are not code compliant.

Mr. Panek explained that per NYS Law there has to be rot resistant material for the first 18” from the ground. It was discussed that Ms. Fisher could use any type of rot resistant material, such as cedar or pressure treated. Ms. Burkel asked if there could be an exception to that law since it is historic. Mr. Panek stated that there are a lot of exceptions because it is historic but that is not one of them.

Mr. Panek stated Per NYS Code the space in between each spindle has to be closer than what is proposed. It will be sufficient if Ms. Fisher adds at least one evenly spaced spindle with the trim.

**Motion by: Caroline Hosek**

Motion was made to approve the application as proposed with modification to the structure underneath, that it has to be made of a rot resistant material as well as there be at least four piece of decorative trim and spindles on the stairs.

Seconded by: Connie Boyd

Vote for: 4

Abstained: 0

Vote against: 0

**B. 12 Ellicott Street – Sign, archway additions, fence and color.** The restaurant owner, Mr. Guillermo, was there to explain the project. Mr. Guillermo explained that they would like to put a knee wall with arches in between the post in the front. Mr. Panek explained that they will need to leave a 6” gap between the concrete floor and the beginning of the knee wall. The center post has a wall with a window in the middle of it. Ms. Burkel asked if the window and the wall was necessary. Mr. Guillermo explained that he was trying to make it look nice. Ms. Burkel stated that she thought it would look better if each area in between the posts had the knee wall and an arch. Mr. Guillermo stated that he could do that.

Mr. Guillermo explained that he wanted to do a vinyl fence out front to give the restaurant a ranch feeling because it is called Rancho Viejo. Ms. Burkel asked Mr. Guillermo if he would be willing to use wood instead. Mr. Guillermo stated that he would. They discussed more of a wood split rail fence in the front.

In Mr. Guillermo’s proposal, there is orange stucco that he will put on the front of the building. The cream vinyl siding that is there now will be taken off and the orange stucco will be added. Mr. Guillermo would like to add a larger sign spelling out the name of the restaurant in large red letters. The HPC said that the Planning and Development Committee would have to approve his sign based on the City’s sign code.

**Motion by: Sharon Burkel**

Motion was made to approve the application as proposed with the modification that the wall with a window to be changed to a knee wall with an arch, all of the knee walls will have a 6” gap between the bottom and the concrete, and the fence will be made of wood.

Seconded by: Connie Boyd

Vote for: 4

Abstained: 0

Vote against: 0

**IV. Communications Sent and Received:**

**A. Meeting with City Manager.** City Manager, Martin Moore, addressed the Commission. Mr. Moore explained that as the Police Station project advances, he will discuss with HPC the plans of 10 West Main Street, the current police station. Mr. Moore also discussed Zombie houses and that he trying to continue a grant that identifies Zombie homes.

**V. Old Business:**

**A. Leaton Signs.** The signs were delivered to the City of Batavia. Ms. Smith showed one of the signs to the group.

**VI. New Business:**

**A. Next Meeting.** Next meeting is earlier than normal because there is a public hearing set for 5/15/19.

**VII. Adjournment**

**Motion by: Ryan Duffy**

Motion was made to adjourn the meeting at 6:02 pm.

Seconded by: Caroline Hosek

Vote for: 4

Vote against: 0

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Janice Smith  
Recording Secretary

DRAFT

Fence/Gate for 39 Ross St.

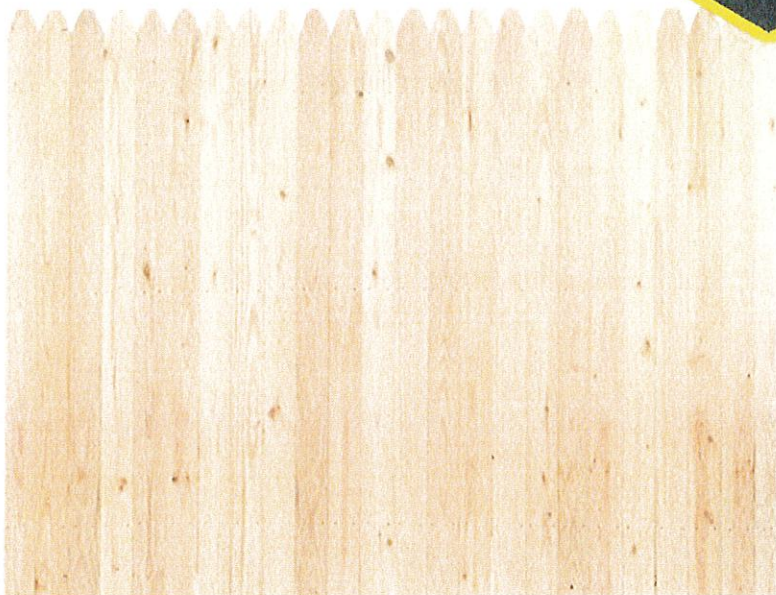
Area # 1 Rear yard adjacent 33 Ross St. pool - 6 x 8 Pressure treated pine stockade fence

Area # 2 Side yard (to left of house) 6 x 8 Cedar-Dog-Ear-pressure treated fence to front and even with front of porch, then 3 x 8 within 15 ft. of the property line abutting street.

Area # 3 Ornamental Security Palisade Steel Fence 5 x 8 with gate from side cedar fence, across driveway to facade of house.

Area # 4 6 x 8 Cedar-Dog-Ear fence (to match side yard fence) with gate at rear of house across the driveway.

# Severe Weather (Actual: 6-ft x 8-ft) Pressure Treated Pine Stockade...

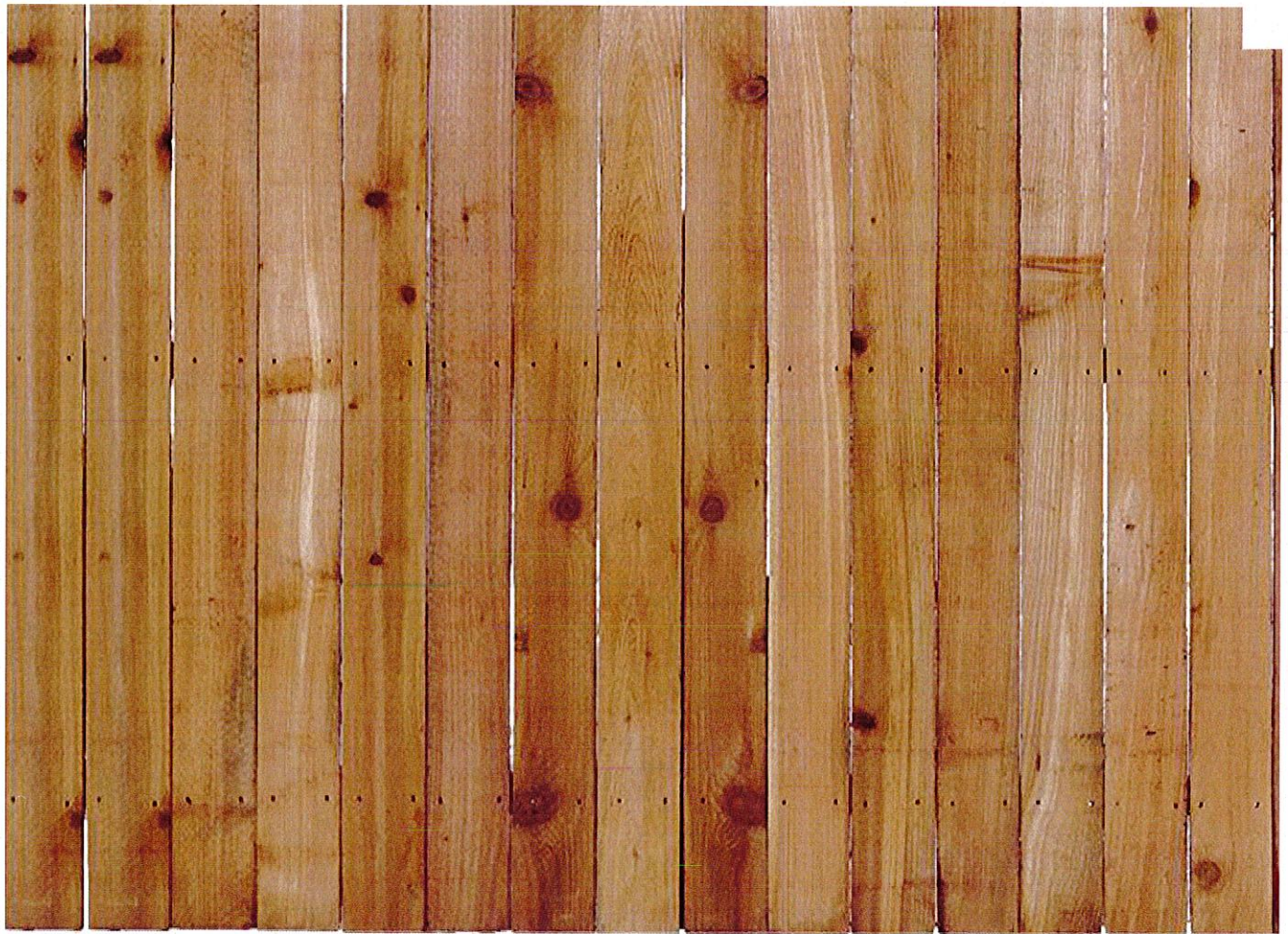


Feedback

“How can I help you?”

CHAT NOW



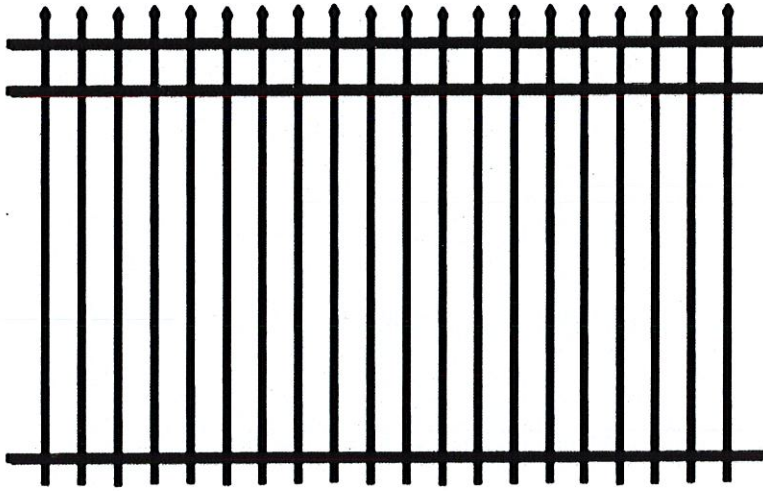


Click or Tap Image to Zoom Out



Home / Lumber & Composites / Fencing / Metal Fencing / Metal Fence Panels

Model # 73003515 Internet #202891621 Store SO SKU #1001088169



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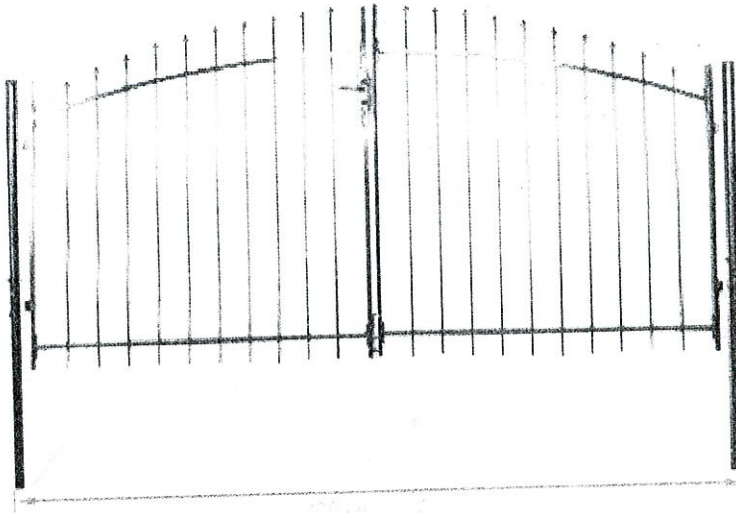
3/28/2019

Double Door Fence Gate with Spear Top 10' x 6' | [vidaXL.com](http://vidaXL.com)



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Double Door Fence Gate with Spear Top 10' x 6'





WASHINGTON AVENUE (60.0' R.O.W.)

DAVID S. LAMENDOLA  
GREGORY W. TOWNSEND  
Licensed Land Surveyors  
435 East Main Street  
Batavia, New York 14020  
Phone (585) 344-1331  
Fax (585) 219-4313



**LEGEND**  
● EXISTING IRON STAKE  
○ SET IRON PIN

**REFERENCE**  
SURVEY MAP NO. 98-01 BY DAVID S. LAMENDOLA,  
L.S., DATED JANUARY 13, 1998

"UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

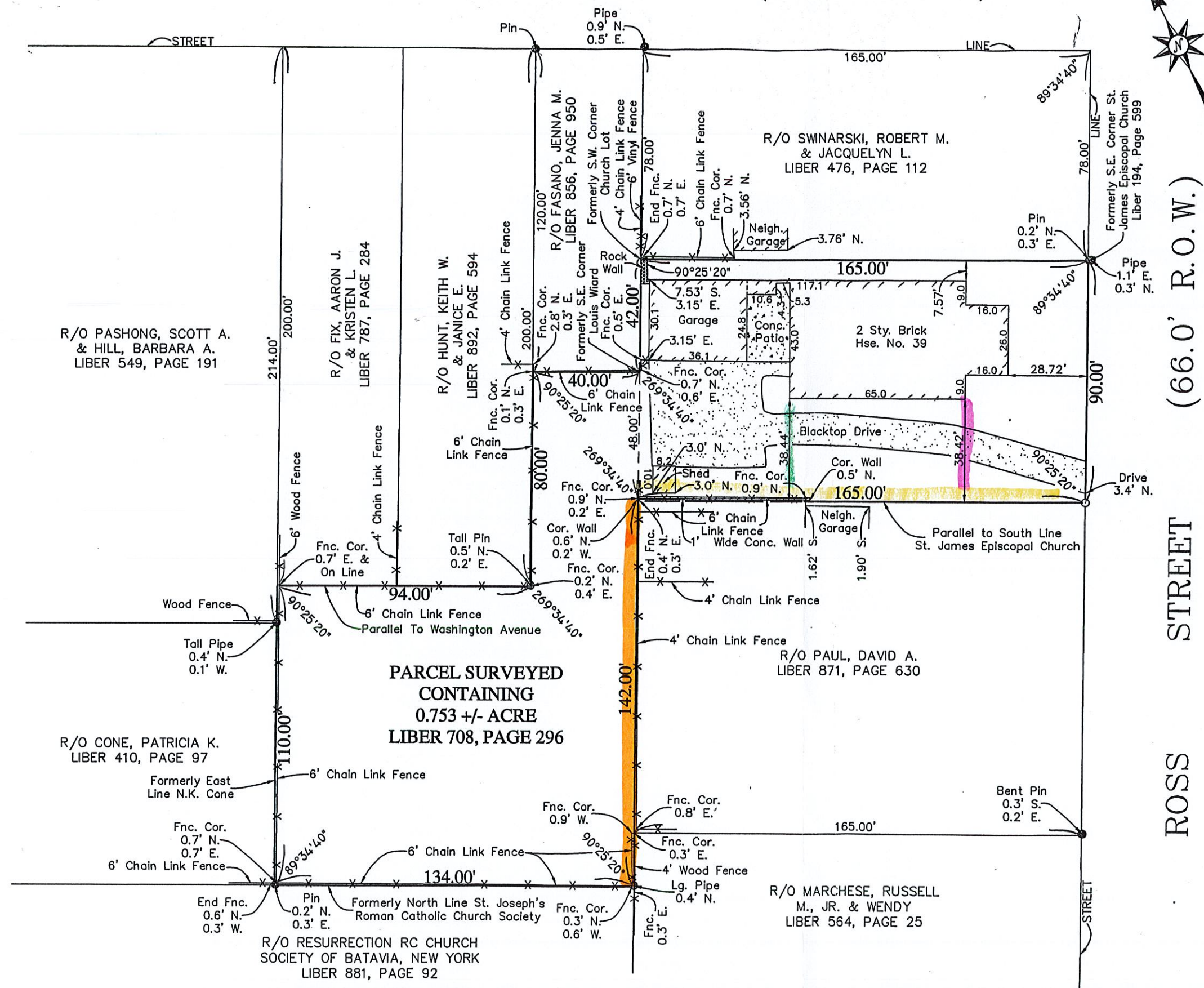
"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

I, GREGORY W. TOWNSEND, CERTIFY TO:  
SIMON ROAD LIVING TRUST, MICHAEL J. CERNICKY  
OR ARTHUR SILVERSTEIN, AS TRUSTEES

BOUNDARY SURVEY SHOWING THE PARCEL TO BE CONVEYED BEING PART OF ORIGINAL VILLAGE LOT NO. 32. SITUATE IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND STATE OF NEW YORK

JANUARY 15, 2015 SCALE 1" = 40'  
JOB NO. 15-09  
REVISED (CERT) - FEBRUARY 2, 2014

DATE 02/02/15 Gregory W. Townsend  
N.Y.S.R.L.S. No. 50249



ROSS STREET (66.0' R.O.W.)