



City of Niagara Falls, New York

P.O. Box 69, Niagara Falls, NY 14302-0069

NIAGARA FALLS HISTORIC PRESERVATION COMMISSION

Brett Doster, Chairperson

Jessica Berry, Vice-Chairperson

MEETING MINUTES

Thursday, January 4, 2024

6:00 PM

Council Chambers

745 Main Street, Niagara Falls, N.Y., 14301

CALL TO ORDER

Meeting was called to order at 6:12 pm.

BOARD MEMBERS PRESENT:

Brett Doster, Chairman
Andrea Fortin-Nossavage
Noah Munoz
Jessica Collins
Jessica Berry
Kristian Ruggiero

BOARD MEMBERS EXCUSED:

Georgia Robinson-Bradberry

STAFF PRESENT

Mike Pesarchick, Planner II/HPS

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA FOR THIS MEETING

Motion was made by **Mr. Doster** to amend agenda and add the first item, after the approval of minutes, to hold the Organizational Meeting. Motion was seconded by **Andrea Fortin-Novassage**.

Brett Doster	YES
Andrea Fortin-Nossavage	YES
Kristian Ruggiero	YES
Noah Munoz	YES
Jessica Collins	YES
Jessica Berry	YES

Motion unanimously approved.

APPROVAL OF MINUTES

A motion was made by **Mr. Ruggiero** and seconded by **Mr. Doster** to approve the minutes from December 7th, 2023.

Brett Doster	YES
Andrea Fortin-Nossavage	YES
Kristian Ruggiero	YES
Noah Munoz	YES
Jessica Collins	YES
Jessica Berry	YES

Motion unanimously approved.

PUBLIC PARTICIPATION

There was no public participation.

ACTION ITEMS

1. Nomination and Election of Officers

Ms. Fortin-Nossavage nominated **Mr. Doster** as Chairperson. The nomination was seconded by **Mr. Ruggiero**.

Brett Doster	YES
Andrea Fortin-Nossavage	YES
Kristian Ruggiero	YES
Noah Munoz	YES
Jessica Collins	YES
Jessica Berry	YES

Motion unanimously approved.

Ms. Berry nominated **Mr. Ruggiero** as Vice-Chairperson. The nomination was seconded by **Mr. Munoz**.

Brett Doster	YES
Andrea Fortin-Nossavage	YES
Kristian Ruggiero	YES
Noah Munoz	YES
Jessica Collins	YES
Jessica Berry	YES

Motion unanimously approved.

2. Historic Preservation Commission Bylaws

Ms. Berry stated that there was a typo in Article 4 Section 3. She asked if it needed to be stated how many people make up a quorum. **Mr. Doster** said that a quorum was defined in the bylaws. **Mr. Pesarchick** said it was Article 5, Section II.

Motion to accept the revised bylaws, with the typo correction, was made by **Mr. Doster** and seconded by **Mr. Ruggiero**.

Brett Doster	YES
Andrea Fortin-Nossavage	YES
Kristian Ruggiero	YES
Noah Munoz	YES
Jessica Collins	YES
Jessica Berry	YES

Motion unanimously approved.

OLD BUSINESS

1. 311 First Street – First Presbyterian Church

Mr. Pesarchick stated that this COA submission was imminent and would be ready next month. **Mr. Doster** asked for a point of order. He asked if the HPC had denied the COA previously. **Mr. Pesarchick** stated that according to the minutes from April 6, 2023, the item had been tabled.

NEW BUSINESS

There was no new business.

PLANNING AND HISTORIAN REPORT (COMMUNICATIONS)

1. 500 3rd Street – Niagara Hudson Building

Mr. Pesarchick stated that there are two projects that involve historic properties in the city, the Niagara Hudson building on Third Street and the Old Gazette Building. These are two adaptive reuse projects that are moving through the site plan review process. The building at 500 Third Street is finishing the submission and has to go to County Planning Board because it's within 500 feet of the state roadway. That would be the first hurdle to clear. He stated that they also need to go to the zoning board for a parcel amalgamation. They are going to stitch that whole triangular section together.

Mr. Doster asked if the process in Niagara County was to initiate a site plan review and the county determines what is needed.

Mr. Pesarchick stated that under the General Municipal Law, the City has to refer projects to the county.

2. 310 Niagara Street – Niagara Gazette Building

Mr. Pesarchick did have a meeting with Ellicott Development, which is moving to convert the building into apartments with mixed use space below market rate apartments. They have a current tenant and are hoping to find a couple more tenants. Mr. Pesarchick said that the renderings look really nice and that Ellicott was going to expose the windows again.

Mr. Pesarchick stated that he talked to them about making the building a local landmark. They would support that process. They would have to meet Shippo requirements as well.

Mr. Doster asked if it was a national landmark.

Mr. Pesarchick stated that it was a national landmark.

3. Membership Expirations

Mr. Pesarchick explained to Ms. Berry and Ms. Collins that they were filling the terms vacated by previous Preservation Commission members. Those positions would expire in April. If they wish to stay on, they would need to provide a formal letter of intent. This would renew them for a couple of years.

OTHER ITEMS

Mr. Pesarchick stated that the official public notice for the public hearing for the Turtle will be in the paper. The notice will be sent to the [Niagara] Gazette and hopefully be published by Monday. It will be published as part of the process and you need the 10-day requirement outlined in our law. He said that the property owner will be notified by mail. He said he had letters drafted and they'd go in the mail tomorrow.

Mr. Doster stated that the public hearing would be a long meeting and be attended by the press. There would be cameras there.

Mr. Pesarchick stated that [Preservation Buffalo Niagara's] system did send letters from the public and that he had 600 letters to share with the HPC.

Mr. Doster stated that they are typically the same letter. He asked that any letters coming from notable institutions be noted. He stated that PBN will send out their own letter.

Ms. Fortin-Novassage asked if they differentiate based on whether they are city residents or not. She stated she read that people from Canada were trying to submit but not allowed because of address code. They can always reach out separately to Council members and Planning.

Mr. Pesarchick stated that they were directing the public to the main Planning Dept. email which is standard protocol.

Mr. Doster stated that the fact that support comes from outside the municipality says something. A judgement could be made that 80% of the support came from outside the area and 80% came from inside. Mr. Doster stated that it really did not matter.

Ms. Fortin-Novassage asked if we expect the city council members to attend or do they need to be invited.

Mr. Pesarchick stated they the City Council Members are absolutely invited although he did not personally do so.

Ms. Fortin-Novassage asked if the HPC could request that that be done because she felt that they're ultimately the ones who will vote and for them to hear and see firsthand rather than just on a news report. She stated that she would like to request that they at least be invited so that when they have to make a vote they would know that people show up in support or no one showed up in support.

Mr. Pesarchick stated that he would look into it. **Mr. Doster** stated that the invite could be an informal invitation from Mr. Pesarchick.

Mr. Doster asked what was sent to the Council in regards to public comments. He asked if they would receive 600 letters.

Mr. Pesarchick stated that yes, they would receive the comments and the HPC would draft a formal recommendation.

Ms. Fortin-Novassage asked if there would be a transcript of the meeting. She stated the City Council meetings are recorded by OSC, which is the Niagara Falls High School television station. Ms. Fortin-Novassage recommended that the meeting be recorded and posted to the city website for public viewing.

Mr. Doster asked why all Board meetings were not recorded.

Mr. Pesarchick stated that he was not sure but it could be that the high school students are not available to do all meetings.

Ms. Fortin-Novassage stated that because it's public input and the HPC is expecting a reasonable turnout of public participation, she felt it was vital to record the meeting.

Ms. Fortin-Novassage stated that she has been in other meetings where participants in the audience will record it and then post the meeting. She has seen council people come to other meetings and live stream them. Ms. Fortin-Novassage stated that we don't want see just snippets that someone would choose to take and put out. She feels that the meeting be recorded in its entirety to avoid someone taking one angry snippet or one emotional something out of context. Ms. Fortin-Novassage stated that we should protect ourselves and give the community and counsel people the whole entire structure, should they not be able to make the meeting.

Mr. Doster agreed with **Ms. Fortin-Novassage's** statement.

Mr. Ruggiero stated that the podium needed to be moved so all HPC members would face the speakers.

Ms. Fortin-Novassage stated that it is vitally important at the beginning of the meeting to express that the HPC members are just hearing their input and that we are not the actual voters.

She stated that the HPC is gathering information and would make recommendations to the City Council. She asked if there was some kind of statement that could be made at the beginning of the meeting

Mr. Doster stated that he was planning to go through the rules and what is expected of those speaking. He stated that before the meeting he wanted to make sure everybody knows what they have to do that and that it's closed, when it's closed. He said he wanted to address the procedures before the process of listening. He said eh also wanted to go through the Rules of Engagement and explain what was in the HPC's power to do, how they would forward a recommendation to City Council. He said he would love to say they can redevelop the building but didn't know how to say it bluntly and that he was open to thoughts on that to avoid misunderstandings.

Mr. Ruggiero stated that the HPC keep it as simple as not saying what we can't do, but emphasizing what we can like our specific goal is to hear and either recommend or not.

Mr. Doster stated that they could say something like, what is in our power to do as a commission is to collect your comments for this as a recommendation to City Council. City Council can choose to landmark or not landmark, the building, which provides legal protections to modifications and to the building.

Mr. Ruggiero stated that he felt that was a good idea because there are a lot of misconceptions.

Mr. Doster stated that they could clear up the misconceptions.

Ms. Fortin-Novassage stated that a lot of people feel that the city owns the Turtle. People do not understand that it's not city property that they can give away. She stated that she was sure NFR will send their representatives to make very clear who owns the building and what their wishes are with regard to landmark status or not.

The members discussed using a gavel and a timer to keep the meeting orderly.

Ms. Fortin-Novassage asked if she was correct in that there was no back and forth, no response.

Mr. Ruggiero stated that the HPC could say that we are here to listen, we need to absorb the information. He asked when the HPC vote to recommend or not.

Mr. Pesarchick stated that between the hearing and the next meeting they would prepare the actual recommendation and vote on that recommendation in February. According to their laws, City Council must consider at the next meeting after that. He stated the Council Meeting would probably take place the second week in February.

Mr. Ruggiero asked if the HPC was at liberty to have conversations with the members of the City Council if they reach out to them

Mr. Pesarchick said that he believed they could if it's just soliciting opinions.

The HPC members discussed logistics and determined that they would recognize that there may be a large number of people signing in.

Mr. Doster stated that they should sign-in before the meeting. He would like to allow everyone who wanted to speak, to speak. Each person would be given 5 minutes max to speak.

Mr. Ruggiero asked if the HPC members could talk.

Mr. Pesarchick stated that the HPC members could answer a direct question.

Mr. Munoz stated that answering a direct question might open a door.

Ms. Fortin- Novassage suggested answering only procedural questions.

Mr. Munoz stated that there are ways to allow someone to speak without monopolizing and changing the structure of the meeting to get their voice.

Mr. Doster stated that we want to record what the speaker has to say. The HPC would listen but not respond.

A motion to adjourn was made by **Mr. Ruggiero** and seconded by **Mr. Munoz**.