



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

AGENDA

Thursday, November 2, 2023

6:00 PM

Council Chambers

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

CALL TO ORDER

APPROVAL OF AGENDA FOR THIS MEETING

APPROVAL OF MINUTES – Regular meeting held October 5, 2023

PUBLIC PARTICIPATION

ACTION ITEMS

1. Certificate of Appropriateness – 646 4th Street

Applicant Zhouheng Zhuang is seeking a Certificate of Appropriateness for renovation and restoration work at 646 4th Street (S.B.L. 159.21-1-24) in the Park Place Historic District. Applicant seeks to replace the deteriorated roof and repair sections of siding.

2. Certificate of Appropriateness – 628 4th Street

Applicant Zhouheng Zhuang is seeking a Certificate of Appropriateness for renovation and restoration work at 628 4th Street (S.B.L. 159.21-1-29) in the Park Place Historic District. Applicant seeks to replace the deteriorated roof, siding, and windows.

3. Public Hearing – 25 Rainbow Boulevard (“The Turtle”)

Vote to set a Public Hearing for a Historic Landmark Designation of 25 Rainbow Boulevard (“The Turtle, S.B.L. 158.12-1-20) pursuant to Section 1335.5-02(E) of the Historic Preservation Law of the City of Niagara Falls.

OLD BUSINESS

NEW BUSINESS

1. Bylaws

Presentation of updated Historic Preservation Commission bylaws.

PLANNING AND HISTORIAN REPORT (COMMUNICATIONS)

OTHER ITEMS

ADJOURN

NIAGARA FALLS HISTORIC PRESERVATION COMMISSION

BY-LAWS

Commission Established by Chapter 1335 of Codified Ordinances

ARTICLE I. ORGANIZATION

Section 1.

The Niagara Falls Historic Preservation Commission shall hold an organizational meeting once every two years following the appointment or reappointment of Historic Preservation Commission members by the City Council and / or Mayor.

Section 2.

At the organizational meeting, a Chairperson and a Vice-Chairperson shall be elected by majority vote of the commission. The Secretary to The Commission shall act as Chairperson during the election of officers. The term of office shall be two years. The Chairperson and Vice-Chairperson shall be eligible for re-election to serve additional consecutive terms. Should the Chairperson or Vice-Chairperson be unable to fill their term of office, a replacement shall be elected by and from the membership of The Commission to fulfill the remainder of the term until regular election.

Section 3.

Regular meetings of The Historic Preservation Commission shall be held monthly (less an August recess) as scheduled by The Historic Preservation Commission each year at the last meeting of the preceding year.

Section 4.

Notices of meetings shall be sent to all members in writing with an agenda and pertinent materials for review at least seven days prior to meetings.

ARTICLE II. CHAIRPERSON

Section 1.

The Chairperson shall preside at all meetings of The Commission, decide all points of order or procedure, and preserve order and decorum. The Chairperson shall have a vote upon all questions brought before The Commission and shall have the ability to introduce motions. In the event of the absence, illness or recusal of The Chairperson, the Vice-Chairperson shall preside and shall exercise all the authority vested in the Chairperson. In the event of the absence of both The Chairperson and the Vice-Chairperson at any regular or special meeting, The Secretary of The Commission shall call the meeting to order, and The Commission shall elect a Chairperson pro tem. In the event of the recusal of both The Chairperson and the Vice-Chairperson, The Secretary to The Commission shall preside for the duration of the item of business.

Section 2.

The Chairperson shall be empowered to call special meetings. Notice of such meetings shall be provided in compliance with Open Meetings Law. No official business shall be conducted at special meetings in the absence of a quorum.

ARTICLE III. VICE-CHAIRPERSON

Section 1.

The Vice-Chairperson shall preside in the event of the absence, illness, or recusal of the Chairperson. In such circumstances, The Vice-Chairperson shall exercise all the authority vested in the Chairperson.

ARTICLE IV. SECRETARY TO THE COMMISSION

Section 1.

The Historic Preservation Specialist or designee approved by majority vote of The Historic Preservation Commission, shall act as Secretary to the Commission. In the event of the Historic Preservation

Specialist's absence, the Director of Planning or designee appointed by the Director of Planning and approved by majority vote of The Commission shall act as Secretary to The Commission.

Section 2.

The Secretary shall keep accurate minutes of all proceedings of The Commission, suitably prepare and distribute the minutes in accordance with New York State Open Meetings Law and shall see to the proper and correct filing of all instruments, materials and recommendations placed in The Secretary's care. The Secretary shall relay to the City Council or City Clerk the action of the Historic Preservation Commission as appropriate and relevant, along with the reasons for such action as expressed by the members of The Historic Preservation Commission.

Section 3.

The Secretary shall keep records of actions taken by The Historic Preservation Commission and maintain existing records of The Historic Preservation Commission. Meeting minutes shall show the vote of each member on every question which The Commission is required to act. Minutes shall also show when a member of The Commission declares a conflict of interest and does not participate in the discussion or vote on an agenda item.

Section 4.

The Secretary shall be permitted and authorized to prepare, draft, and distribute notices, correspondence, letters, approvals, denials, and such other documents as requested and directed by The Commission. The dissemination of any such notice, correspondence or other document prepared by The Secretary, consistent with the direction of The Commission, shall be deemed promulgated by The Commission.

ARTICLE V. RULES OF ORDER

Section 1.

Robert's Rules of Order shall be the parliamentary guide for all meetings of The Commission unless herein revised. The regular order of business shall consist of call to order, The Pledge of Allegiance, roll call, approval of the meeting's agenda, approval of the previous meeting's minutes, public participation, old business, new business, Secretary to The Commission's report, report of committees or assigned delegates, and communications and miscellaneous matters.

Section 2.

A quorum for the transaction of business shall consist of a majority of the active commission members. Members must be present to have their vote counted; there shall be no proxy voting.

Section 3.

Any Commission member desiring to speak shall be recognized by The Chairperson and shall confine their remarks to the subject under consideration or to be considered. Any member of The Commission shall be allowed to call for an aye or nay vote. A quorum of members shall be required to constitute official action by The Historic Preservation Commission.

Section 4.

Any member of The Commission shall be allowed to call for the creation of committees. Committees and their members shall be appointed by majority vote of the commission. Committees shall operate under New York State Open Meetings Law where a quorum is present.

Section 5.

No committees or designated representatives of The Commission shall exercise any authority except under the specific direction of The Commission.

Section 6.

A special meeting may be called by a written request to The Chairperson from at least two members of The Commission for such special meeting. The meeting shall be called by giving to each member of The Commission a notice of such meeting with the purpose of such meeting. Public notice of special meetings shall be provided in compliance with New York State Open Meetings Law. The Chairperson may call for a special meeting as outlined in Article II, Section 2.

Section 7.

Opinions of the Historic Preservation Commission as a body must be approved by a majority vote of Commissioners prior to its public expression. No Commissioner may represent a statement as the opinion of The Historic Preservation Commission without said majority vote prior. Commissioners may, however, identify themselves as members of the Historic Preservation Commission when expressing their own opinions.

Section 8.

Commissioners shall refrain from discussing items of business with any parties or their representatives prior to The Commission's deliberations in a publicly accessible meeting where such contact may compromise or predispose the Commissioner to vote in a certain manner or disclose The Commissioner's voting disposition. Commissioners may seek or receive factual information pertaining to business items outside of meetings on items of business. Commissioners shall not express individual opinions on proposed items of business to any person prior to action on the item of business by majority vote in an open meeting of The Historic Preservation Commission.

Section 9.

Commissioners may be removed by majority vote of the Historic Preservation Commission with appropriate cause as determined solely by The Commission.

ARTICLE VI. CONFLICTS OF INTEREST

Section 1.

Members of The Commission shall recuse themselves from participation, including all formal and informal discussion, on any matter which the member, spouse of the member, or any immediate family of the member has any knowledge of the following:

- a. Holds a financial interest in the matter in question.
- b. Is employed or is the employer, retained, or acting as agent for any party directly involved in the matter at any time during the six months preceding the date on which the matter is brought before The Commission.
- c. Has performed any professional service in connection with the matter involved at any time during the six months preceding the date the matter is brought before The Commission.
- d. Has an ownership interest, position of control, or directly represents an organization.
- e. Could provide direct financial benefit to that member.

Section 2.

In the event that a Commission member fails to recuse themselves from voting on any matter where recusal is required by this article, The Chairperson shall have the power to disqualify the member from voting. If a vote on the matter has been taken prior to such disqualification, The Chairperson shall declare the vote of the disqualified member to be null and void, and the disposition of the matter shall be as if the disqualified member had not voted.

Section 3.

In the event that conflicts of interest result in the lack of a quorum, no action shall be taken on the matter.

ARTICLE VII. PUBLIC PARTICIPATION

Section 1.

The Historic Preservation Commission strongly believes in the power of the citizenry. To this end, the public is invited to participate in commission meetings as outlined in this article.

Section 2.

A sign up sheet shall be present at each meeting. The Secretary to The Commission shall administer the sign up sheet. Community members shall be given the opportunity to speak for up to 5 minutes prior to the meeting being called to order and will be permitted to speak once on each item they identified a desire to speak on. Community members will not be allowed to speak on items they have not identified on the sign up sheet prior to the meeting. Community members speaking shall provide their name, City or Town of residence (a business address may be utilized as a town of residence if the citizen is a corporate citizen), and the agenda item they wish to speak on. Community members may also speak for the general good of historic preservation in the City of Niagara Falls. The community member will only be allowed to speak once per item and once for the general good of historic preservation. Items not identified on the sign up sheet will not be permissible for public participation unless they add pertinent information to an item in the judgement of The Chairperson. The Chairperson may choose to allow a community member to speak for additional time at The Chairperson's sole discretion.

Section 3.

Participation by the public shall be in a civil matter. The Chairperson will not tolerate personal attacks, slander, or uncivil behavior. The Chairperson may revoke remaining time a community member has to speak at The Chairperson's discretion. The Chairperson may eject community members for repeated violations of this section at a meeting.

Section 4.

In the event of a large amount of public participation, The Chairperson may limit the time each person may speak in the interest of considering all agenda items scheduled for the meeting. The limit may be enacted at any time during the meeting.

Section 5.

Applicants for Certificates of Appropriateness will be allotted 5 minutes to briefly discuss their application. The regulations in the preceding sections shall also apply to such applicants.

ARTICLE VIII. MISCELLANEOUS

Section 1.

Any member of The Niagara Falls Historic Preservation Commission may, with reasonable notice, examine The Commission records kept by The Secretary.

Section 2.

These bylaws and rules for the transaction of business may be amended from time to time, in whole or in part. Notice to amend these rules or by-laws must be offered at least one meeting prior to voting, and any such proposed amendments shall be in writing and made part of the subsequent meeting's agenda.

Section 3.

The City Attorney or their designated representative shall be the legal counsel for The Commission. Advice of counsel shall be received before disposition of any request or any question of law or matter requiring legal interpretations or advice.

Section 4.

A representative of the City Attorney's Office is authorized to represent, advise, and defend The Commission consistent with the direction of the Commission.