



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 for November 2, 2023

6:00 PM

Council Chambers

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

CALL TO ORDER

Meeting called to order by Brett Doster at 6:07 p.m.

Members Present

Brett Doster
Andrea Fortin - Nossavage
Georgia Robinson - Bradberry
Kristian Ruggerio
Jessica Berry
Jessica Collins

Staff Present

Mike Pesarchick

Speakers Present

Philip Zhuang

Members Absent

Noah Munoz

APPROVAL OF AGENDA FOR THIS MEETING

A motion to approve the agenda for this meeting was made by **Kristian Ruggerio** and second by **Andrea Fortin – Nossavage**.

Brett Doster	YES
Andrea Fortin – Nossavage	YES
Georgia Robinson - Bradberry	YES
Kristian Ruggiero	YES
Noah Munoz	YES
Jessica Berry	YES
Jessica Collins	YES

Motion was approved unanimous.

APPROVAL OF MINUTES –

A motion to deny the minutes from held on October 5th, 2023 was made by **Brett Doster** and seconded by **Kristian Ruggiero**.

Brett Doster	YES
Andrea Fortin – Nossavage	YES
Georgia Robinson - Bradberry	YES
Kristian Ruggiero	YES
Jessica Berry	YES
Jessica Collins	YES

Motion was approved unanimous.

PUBLIC PARTICIPATION – None

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.

Mr. Zhuang stated that there are some siding and roofing that need repair. He stated that basically they fell off but it's a low number that need replacing. He is replacing the sections that are bad. He will match the color with the rest of the siding.

Mr. Doster stated that there's probably asbestos cement siding and there is something really nice beneath the siding. In the future, you might consider taking all the siding off. If there are other problems with the siding, there is really good siding underneath.

Mr. Doster asked Mr. Zhuang if he had an idea of what kind of replacement tile you're going to use for the siding.

Mr. Zhuang stated that it would be the same.

Brett Doster stated that GIF has their weather side purity products which are replicas of the older asbestos siding without the asbestos. He stated that there was no problem there with the repair. The roofing architectural shingles are great.

Ms. Berry asked if this was a regular roof. **Mr. Doster** stated that **Mr. Zhuang** is actually putting on a better roof than what's there. It's all asphalt shingles.

A motion to approve a Certificate of Appropriateness was made by **Mr. Doster** and seconded by **Ms. Fortin-Novassage**.

Brett Doster	YES
Andrea Fortin – Nossavage	YES
Georgia Robinson - Bradberry	YES
Kristian Ruggiero	YES
Jessica Berry	YES
Jessica Collins	YES

Motion was approved unanimous.

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.

Mr. Zhuang was asked to give a brief description of the work needing to be done at 620 4th Street. **Mr. Zhuang** stated that it would be the same as the first, including siding and roofing. He had some concerns about the porch.

Mr. Pesarchick stated **Mr. Zhuang** indicated originally that he wanted to add a vinyl railing. There was no need to do that because the porch is not 30 inches or more from the ground.

Mr. Zhuang stated that he would then restore the original one. The siding and roof was in pretty bad condition. He will vinyl siding on top and the same color.

Mr. Zhuang stated that there were a few options for the windows.

Mr. Pesarchick stated that **Mr. Zhuang** stated in an email and according to his permit, that he did change the interior of the property. He stated that Code Enforcement explained to him that it does meet modern egress requirements in the bedrooms that were added on.

Brett Doster stated that the windows were not the original, it would be preferable to keep the windows as double hung windows rather than casement, which is closer to what they would have originally been.

Mr. Doster stated in the Residential Code section, Appendix J-AJ 701.2.1 states existing emergency escape and rescue openings need not meet the requirements as a code if they're lawfully in existence at the time of the adoption of the code. That's for a change of occupancy, which he believes is what the applicant was doing. **Mr. Doster** explained that the windows were there prior to 2020 and 2020 is when these codes were adopted.

Mr. Doster asked was this house a single family house that was changed into a two unit.

Mr. Zhuang stated that it was a three unit with one unit on the second floor and two units on the first floor.

Brett Doster stated that in another section Residential Code, appendix J-AJ, 901.2, because it's a landmark building, you can get some code relief. That section asks you to prepare a report, identifying where compliance with other sections of the code will be damaging to contributing historic features. The HPC would be happy to write a letter saying that the double hung windows would be more in line with the historic nature than the casement-style.

Mr. Doster stated that **Mr. Zhuang** was pretty close to the square footage you need for rescue.

Mr. Doster stated that as an architect himself, he would feel comfortable with using double-hung windows instead of the casement style. He stated it was a "low-risk occupancy" and that they could have a "chat" with Code Enforcement.

Mr. Pesarchick suggested that they could make it part of the conditions on the Certificate of Appropriateness that this must be okayed by Code Enforcement.

Mr. Doster stated that he did not love that idea.

Ms. Berry had questions about the windows and identified windows in the drawings.

Mr. Doster asked if Code Enforcement was on board with not doing the upper ones windows.

Mr. Pesarchick answered yes, and stated that the problem was only with the first floor window.

Mr. Doster asked what was needed from Code Enforcement.

Mr. Pesarchick stated that Mr. Zhang needed his Building Permits and a Certificate of Occupancy. So that's what is the work done or interior work is the exteriors

Mr. Doster asked if the work was done.

Mr. Pesarchick stated that the interior work was done but not the exterior.

Ms. Berry asked about the width of the windows.

Mr. Doster stated that there was enough room. He stated that changing the window would

damage the historical features and damage the trim. Mr. Doster stated that he would feel more comfortable if the permits were resolved before the COA.

Mr. Pesarchick stated that they gave COA always before doing building permits.

Ms. Fortin-Novassage asked if they could approve the COA pending the conversation.

Ms. Berry asked if the roof tiles were shakes.

Mr. Doster stated that the tiles were shingles. He stated that the porch railings were less than 30 inches and would be restored.

Mr. Doster asked if a second door was being added. He didn't see a second door on the street view. Ms. Berry said that she drove by but could not see it.

Mr. Doster stated that the Google Street View only shows one. The second door would not be approved by the HPC. If there was a second door there purchased, that's a different story but a second door would be a character altering feature.

Mr. Doster asked if the existing siding was wood siding. **Mr. Zhuang** stated that it was but preferred vinyl siding.

Mr. Doster stated that the Secretary of Interior Standards for Historic Preservation would require you to scrape and painting the wood. He recommended scraping and painting the wood rather than using the vinyl. He stated that it could be stated as a condition and could get Mr. Zhuang the COA. Mr. Doster asked if the wood was in pretty good shape. **Mr. Zhuang** confirmed that it was solid.

Mr. Doster made a motion that to approve the COA with the conditions that Code Enforcement accept the argument of Section A- J 90.1.2.

Mr. Pesarchick asked Mr. Zhuang if Code Enforcement did not approve, would Mr. Zhuang be willing to not use those rooms as bedrooms. **Mr. Zhuang** agreed.

Mr. Doster clarified that in either direction the condition being if it is used as a bedroom, Code Enforcement agrees with us, and the window remains. If it was not used as a bedroom, the window remains. The other conditions being the railing be restored, the wood siding to be scraped and painted, and that a second door on the front side not be installed. If the door already exist, then it can remain.

The motion was seconded by Ms. Fortin-Novassage.

Brett Doster	YES
Andrea Fortin – Nossavage	YES
Georgia Robinson - Bradberry	YES
Kristian Ruggiero	YES
Jessica Berry	YES
Jessica Collins	YES

Motion was approved unanimously.

2. 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.

Mr. Doster stated that two seats on the City Council are going to change come the new year. The HPC could do the public hearing as early as next meeting. He asked if the members felt like the new Council would be able to get up to speed quick enough for it or should they wait into the new year. Should the HPC wait until February so it's not like a couple of days after they take office? That said, the transcript of the public hearing should go to them when it comes.

Mr. Doster asked **Mr. Pesarchick** if he had a sense of how long after the public hearing, the results of the public hearing, would get forwarded to the council? Would it be for the meeting?

Mr. Pesachick stated that he understood that a public hearing was held, the next meeting after that, the HPC would actually vote to send the recommendation to the City Council. The City Council would decide when to look at it. That would be in January unless the HPC asked to add it to the Council agenda on a certain date.

Ms. Robinson-Bradberry asked if it would make sense, in order to what support was offered before moving forward. To make sure that people are aware of what the action will be before the HPC makes a decision.

Mr. Doster stated that the public hearing was just that, a formal solicitation of groups coming in with comments at the public hearing.

Ms. Robinson-Bradberry stated that she wanted to make sure that people were notified.

Mr. Pesarchick stated that the HPC would put out public notice for the hearing and it would be published in the Gazette and other outlets. He stated by law it had be out within a 60 day window.

Mr. Pesarchick stated that the City Council had to vote within 60 days after the public hearing.

Ms. Fortin-Novassage stated that they do not want the meeting prior to December 7th. The bylaws would be approve on December 7th.

Mr. Doster stated that approving the HPC bylaws and the public hearing could be done the same meeting.

Ms. Fortin-Novassage suggested that bylaws be amended prior to the public hearing.

Mr. Doster suggested the middle of January as a good time to hold the public hearing. The bylaws would be approved in December and the Public Hearing in January. He suggested the Public Hearing be held on January 17th or 18th, 2024

Ms. Fortin-Novassage asked if there were any conflicts with scheduling like a City Council Meeting.

Mr. Pesarchick informed them that City Council typically meets on Wednesday but the schedule for 2024 was not out yet. He stated that a notice had to be given to the public ten days prior to the meeting and suggested providing the public with a month notice. Mr. Pesarchick stated that the NFR had to be notified as well.

Ms. Fortin-Novassage asked how often it is publicized by the new outlets.

Mr. Pesarchick stated that the official notice runs for a week.

Ms. Fortin-Novassage made a motion that the public hearing on the land marking of the Turtle be held on January 18th, 2024 at 6:00 pm. The motion was seconded by Mr. Ruggiero.

Brett Doster	YES
Andrea Fortin – Nossavage	YES
Georgia Robinson - Bradberry	YES
Kristian Ruggiero	YES
Jessica Berry	YES
Jessica Collins	YES

Ms. Fortin-Novassage asked if the early February meeting would be the meeting when the HPC would make the recommendation to the City Council after getting everything from the public hearing.

Mr. Pesarchick stated that one member would draft a formal recommendation for review. After reviewing the recommendation, the HPC would send the City Council a formal recommendation.

OLD BUSINESS – None

NEW BUSINESS

1. Bylaws

Presentation of updated Historic Preservation Commission bylaws.

Mr. Doster stated that this item requires the new bylaws, rewritten bylaws, and the presenting of the by-laws, as required for the existing bylaws one meeting prior to their adoption. He stated that was no action on them today.

Mr. Pesarchick stated that they were published on the website for the public to view them.

Ms. Fortin-Novassage stated that the major changes that she could discern were in regard to the public participant. She asked if there were any other changes or minor language cleaning.

Mr. Doster stated that there are minor things here and there. They aligned the chairperson and vice chairperson duties with what they actually are now. The by-laws better outline to the Secretary's roles

and to the rules of order. They are more in line with what the City Council does. There is a new Conflicts of Interest section which is very important to have. The public participation is major change.

Ms. Fortin-Novassage thanked the subcommittee that worked on that problem on behalf of the

PLANNING AND HISTORIAN REPORT (COMMUNICATIONS)

Mr. Pesarchick stated the city began the Old Stone Chimney Project a couple of years ago. In 2017, the City entered into a contract with a landscape architecture firm. The City received \$200,000 in Greenway funding to make it look nice and provide a healthy interpretation. Mr. Pesarchick said that project is in kind of a flux. He stated that they have no record of the City, the mayor at the time, actually signing that contract. Mr. Pesarchick stated that the landscape architectural firm was paid to do something. There were improvements made, but it was supposed to be a lot more. We still have about \$160,000 of that money sitting.

Mr. Pesarchick state that he was meeting on November 15th with the City Administrator and Comptroller to figure out the status and the next steps. If we don't have a contract, there's not much we could do. But if we do, we're going to try to get the project going again and see what we could do to beef up the cycle more.

Mr. Doster asked if the contract was never awarded, could it be rebid.

Mr. Pesarchick stated that would be something to discuss. Yeah. The firm at the time, Trowbridge Michaels, were bought by Fisher. Fisher was asked to complete the construction documents, Fisher said no, they have no contract on file. Fisher sent a new contract, which was never signed. Mr. Pesarchick stated that to his knowledge, the City needs to figure out where the project lies and with luck if we get that going, we could do something in the spring at

Mr. Doster asked if it was just landscape improvements.

Mr. Pesarchick stated that the Chimney will stay put. They are working on with one of the architects.

Mr. Pesarchick stated that he is in contact with the guy from First Presbyterian. That project was tabled in May before I came on full time. It was tabled because they didn't have architectural drawings. They are getting an actual architect to do it. We are expecting for it to be done by the end of December.

Mr. Pesarchick stated that they had talked about Medina Sandstone House at 830 in Cleveland. He stated that he was doing research on that and reached out to the Medina Sandstone Society to see if we can get anything on that because it's not recognized on their list of Medina Sandstone Buildings in New York. He stated that we would wait and see where that can go. It's a site you might want to consider for future. It's landmarked is circa 1892 and built by Thomas Hannan.

Mr. Pesarchick stated that he was concerned that when the Moses Parkway was taken out, a cultural impact survey was completed. The building was identified as not eligible. There is probably a lot of loss of integrity.

Mr. Doster stated that in his experience is that New York State looks at the modifications and view it as a loss.

Mr. Doster asked about the streetscape project on Main Street.

Mr. Pesarchick stated they were working on getting it out. He stated that they issued applications for the Downtown Revitalization Initiative for Small Business Grant funds. He stated that there is a \$500,000 grant available. They expected to accept applications now through December 22. You can get up to \$150,000 for your business facade if you have a commercial or mixed use building.

Brett Doster asked Mr. Pesarchick to promote that on the text alert.

Mr. Pesarchick stated that going out to tomorrow on the website. He stated that a public meeting was held last week and it was very well attended. He clarified the area that the grant applies to.

Ms. Robinson- Bradberry asked about the library.

Mr. Pesarchick stated that he had gone over and taken pictures and they were working to get funding to repair the roof but it was extensive and would require a lot of money. The concrete panels had started to buckle.

Mr. Doster stated that it would be nice if the HPC could send a letter asking to be a contracting party under Section 106.

Mr. Pesarchick asked, in regards to 760 4th Street and other projects completed, if we want to send a letter out for the commission acknowledging completeness of the project. He stated that he thought it was done in the past. He asked if that was something the HPC wanted to explore.

Mr. Doster stated it would also mean that they would have to get eyes on it before we did that, which isn't that big of a letter? He stated that he was not opposed to some to it. They do have to update the law at some point but they could put it in there as part of the formal process. He asked what would be the process for doing that. He asked does it count how we amend because we're actually amending the city charter codified or adopted by council.

Mr. Pesarchick stated that it would need to be adopted by the City Council. He stated that the HPC would draft a resolution, send it to Shippo and then send it to legal before being sent to City Council.

Ms. Robinson- Bradberry asked if they know any more about a budget or the commission itself.

Mr. Pesarchick stated that he did not know not but he and **Kevin Forma** was working on it.

Brett Doster called for a motion to adjourn.

ADJOURN

A motion was made by **Mr. Ruggiero** and seconded by **Ms. Robinson-Bradberry**.