



City of Niagara Falls, New York

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

NIAGARA FALLS HISTORIC PRESERVATION COMMISSION

Brett Doster, Chairperson

MEETING MINUTES

Thursday, December 7, 2023

CALL TO ORDER

Meeting was called to order at 6:03 pm.

Roll Call

BOARD MEMBERS PRESENT:

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

STAFF PRESENT

Kevin Forma, Director of Planning
Mike Pesarchick, Planner II

EXCUSED

Georgia Robinson-Bradberry

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA FOR THIS MEETING

A motion was made by Mr. Ruggiero and seconded by Mr. Doster to approve the agenda.

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 – Regular Meeting held October 5, 2023

A motion was made by Mr. Ruggiero and seconded by Ms. Andrea Fortin-Nossavage to approve the agenda.

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

MOTION: MAJORITY APPROVED

APPROVAL OF MINUTES – Regular meeting held November 2, 2023

A motion was made by Mr. Ruggiero and seconded by Mr. Munoz to approve the agenda.

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

MOTION: MAJORITY APPROVED

PUBLIC PARTICIPATION – None

ACTION ITEMS

1. Historic Preservation Commission Bylaws

Vote to accept the revised Historic Preservation Commission bylaws introduced at the meeting held November 2, 2023.

Mr. Forma stated that he had looked over the bylaws and would suggest some revisions.

Mr. Forma stated the proposed Article I, Section II referred to the election of a new chairperson. He suggested setting a timeframe like at the next regular meeting for the election itself. Mr. Forma stated that the clause should state, “should the Chairperson or Vice Chairperson be unable to fulfill their term in office or replacement shall be elected by and from the membership of the commission to fulfill the remainder of the term until the regular election.” Mr. Forma also said that the proposed bylaws don't say when the election should take place.

Mr. Forma stated that in Article IV, Section I, he didn't believe the Commission had the power to designate a secretary to the Commission. The term 'secretary' is not in the law, the designee is the head of Community Development.

Mr. Forma stated that he was officially appointed as the designee from Community Development.

Mr. Doster asked if it was referred to in the law as the Secretary to the Commission.

Mr. Forma stated that it is not. He stated that he double-checked that day and did not see the term "secretary" anywhere in the commission.

Mr. Forma stated that it shouldn't be specifically a subordinate position. It should either be himself or likely the head of Community Development since they are really the only one mentioned in the law.

Mr. Doster asked if he specifically said the Historic Preservation Planner.

Mr. Forma stated that he said Historic Preservation Specialist or designee approved.

Mr. Forma stated that in Article IV, Section II, he actually has it in the absence because you say in the Historic Specialist absence then I would be. He stated that he was not even sure you appoint because they are appointed in the laws.

Mr. Forma stated that Article Seven, Section Two is written to him as the secretary to the commission shall administer the sign-in sheet. Community members shall be given the opportunity to speak for five minutes prior to the meeting being called to order and will be permitted to speak. It does not set a time limit on the community member being allowed to speak to other items. It only speaks to the community speaking prior to Action Items. There is no place here we they speak to the general good. Is it after the Action Items? He stated that the Council does it later in the agenda, after all the voting is done.

Mr. Forma asked about the Objection Clause in Section III. He asked if the clause was from something.

Mr. Doster stated that it was, Christina [Limniatis] [from Preservation Buffalo Niagara gave the Commission model bylaws and it was from there.

Mr. Doster stated that they probably don't have the authority to do what was stated in the Objection Clause.

Mr. Forma stated that he was not sure and had asked the Law Department about it. He stated that he was not sure of the authority and who is going to physically eject. Mr. Forma stated that he has seen it done at Council meetings and the Police Department was called.

Mr. Doster asked if it would be the same authority to remove them.

Mr. Forma stated that he would have to double check to make sure.

Mr. Forma asked about Article IV, Section IV. He stated that it talks about the large amount of public participation. He stated that he is not opposed to it but asked what the quantifier was for "large

amount.” Who's the determinant of the large and what is large? Mr. Forma asked that as we go through and we're trying to get people to participate, will a time second time limit be set.

Mr. Doster asked if 300 people show up, do you have to set time limits. He stated that this was in the other model bylaws.

Mr. Forma suggested that a definite quantifier is put in so that it's clear and not so arbitrary.

Mr. Ruggerio stated that Council does five minutes max for agenda items. He stated that could be a good reason, then to limit speakers to five minutes in total.

Mr. Forma stated that the council allows the speaker five minutes prior and five minutes later.

Mr. Doster stated that he had no desire to limit anyone's speaking time, it was just for logistics in case a large crowd showed up. He stated that the Commission could amend the draft bylaws and that they wanted to have them done before the next public hearing because they currently had no control over time limits.

Ms. Fortin-Nossavage suggested that the Commission address each amendment to the draft bylaws and stated she thought they would strike many of them. Mr. Doster stated that they could set a recommendation for a new chairperson to be elected at the following election.

Ms. Fortin-Nossavage asked if they needed to approach each amendment as a separate vote with separate motions. Mr. Doster and Mr. Ruggerio stated they could revise the bylaws and vote to accept the revised bylaws at the next meeting.

Mr. Doster confirmed which sections needed to be amended. Ms. Fortin-Nossavage stated it was a clause for electing a new chairperson within a certain amount of time, the clause regarding the secretary to the Commission, and the five-minute participation time limit.

Mr. Doster also stated the revisions would strike the ejection language.

Motion to table the item pending revisions was made by Mr. Doster. The motion 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

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. Potential Local Registry Sites

Discussion of potential Niagara Falls sites to target for Local Historic Landmark status.

Mr. Pesarchick introduced seven properties identified as being on the National Historic Register but not on the Local Historic Register. He stated that the entire Chilton-Orchard Historic District was not on the Local Register, neither was the Main Street Historic District.

Mr. Pesarchick stated the first property was the Simon Whitney Mansion [335 Buffalo Avenue]. He stated that there were political issues with the owner when the building was first considered for the Local Registry in 2004. He stated he was not sure if that same person still owned it as the property was now owned by an LLC.

Mr. Doster stated that nothing in the law referenced the owner approval and asked if City Council took that into consideration. Mr. Pesarchick stated that was correct and his understanding was there was litigation against the owner at the time and there was litigation against the City in turn, so City Council was not willing to approval a Local Landmark there at that time.

Mr. Pesarchick stated the second property was the former St. Mary's Hospital on Sixth Street. He stated there had been no considerations for a Local Landmark for that property though the former Nurse's Dormitory/YWCA was a Local Landmark.

Mr. Pesarchick stated the third property was the Adams Transformer House on Buffalo Avenue which had been discussed before and had an issue with current ownership.

Mr. Doster stated he thought it was its own district. Mr. Pesarchick stated his understanding was it was never made a Local Landmark and there was no documentation to show this. Mr. Pesarchick stated a whole draft Local Landmark application was made but was never approved by the City Council, and later documentation shows that former City Historian Tom Yots felt the Council would have refused to designate it against the owners' wishes.

Mr. Doster stated he thought the Transformer House was its own historic district along with Park Place. Mr. Pesarchick stated he had no documentation to prove this.

Mr. Pesarchick stated that the fourth property was the former Jenss Department Store on Main Street as a prominent example among the historic district.

Mr. Pesarchick stated that the fifth property was the Jefferson Apartments on Rainbow Boulevard. He stated that, again, documentation on file shows that the owners were reluctant to have the building on the Local Registry. He stated that the current owners took good care of the building.

Mr. Pesarchick stated the sixth was the Niagara Gazette Building on Niagara Street and that there was no evidence that it was ever considered for the Local Registry.

Mr. Pesarchick stated the seventh was the former Niagara Hotel and that his understanding was that every project proposed over the years had fallen through and they didn't want to risk jeopardizing them.

Mr. Doster asked if the rest were mostly houses. Mr. Pesarchick stated that was correct. Mr. Doster asked about their location; Mr. Pesarchick stated they were mostly around Buffalo Avenue and the Chilton-Orchard District. He also stated that there were several stone houses identified in the 1999 Stone House Survey to consider such as 930 Grove Avenue.

Mr. Doster said he was glad they discussed this issue. Ms. Fortin-Nossavage asked if there was a comprehensive list of all properties on the Local Historic Registry. Mr. Pesarchick stated it was in their welcome packets, but he would send it again. He stated that he had been working on a new version with sortable columns as well he would share.

Mr. Forma said that the Planning Department was also working on getting the Historic Property list online as an interactive GIS map so people could look their address up and see if it was historic or in a Design District.

PLANNING AND HISTORIAN REPORT (COMMUNICATIONS)

1. Bridge District DRI

Update on the ongoing Small Business Fund Program in the Bridge District.

Mr. Pesarchick stated that the Small Business Grant Fund program was underway and included several buildings in the Main Street Historic District. He stated a few applications had come trickling in. Mr. Pesarchick stated up to \$100,000 was available, or up to \$150,000 if a project included some kind of residential component.

Mr. Doster asked if the DRI area included any other historic districts. Mr. Forma stated only within the DRI district and that it was not for solely residential projects. Mr. Pesarchick stated you could do a lot of things with the money, such as repair work or purchasing new equipment.

2. 601 Main Street

Violation of Section 1335.11 of the City of Niagara Falls Historic Preservation Law.

Mr. Pesarchick stated this property was identified as being in violation of the Historic Preservation Law. He stated that he and Pat Ciccarelli of Code Enforcement called the owner and said he would take care of it.

Ms. Fortin-Nossavage asked what the violation was. Mr. Pesarchick said that the cupola on top was in poor condition and was a defining feature of the property. He stated that the owner could repair it under the maintenance clause in the Historic Preservation Law as it would only need a new coat of paint and some minor glass work.

OTHER ITEMS

Mr. Forma stated that the Planning Department's Environmental Planner had recently left and that he had an interview set up, so hopefully the position would be filled again soon. He stated that he was at the meeting to discuss the bylaws and that he hadn't seen the Commission in a while as Mr. Pesarchick had been taking care of the meetings. He thanked the Commission members for their hard work.

ADJOURN

Motion to adjourn was made by Mr. Doster and seconded by Ms. Fortin-Nossavage at 6:39 p.m.