



City of Niagara Falls, New York

745 Main Street, Niagara Falls, NY 14302-0069

CALL TO ORDER

Meeting called to order at 6:08 PM.

BOARD MEMBERS PRESENT:

Tyler Scriven, Chair
Brett Doster, Vice Chairperson
Georgia Robinson-Bradberry
Evan Wright
Andrea Fortin-Nossavage

BOARD MEMBERS ABSENT:

Kristina Zell

SPEAKERS:

Mark Sheer

STAFF PRESENT:

Kevin Forma, Director of Planning

Mr. Scriven stated the purpose of the meeting is going to be an executive session.

Andrea Fortin-Novassage made a motion to enter into executive session, Ms. Robinson-Bradberry seconded the motion.

MOTION PASSED UNANIMOUSLY

ADJOURNMENT

Mr. Scriven adjourned the meeting at 6:10 PM

Mr. Sheer objected to the Historic Preservation Commission (HPC) entering into Executive Session as part of the record and asks if discuss or action on the Turtle will be taken.

Mr. Scriven stated no action will be taken.

Mr. Sheer exited the meeting.

Ms. Fortin-Novassage suggested that we look at whatever the regulations are for going into Executive Session and a discussion on rationale about moving into executive session and what the qualifications for doing so are. Commissioners further discussed what, if any potential ramifications of moving into executive session, including personnel actions. Discussion further went on to discuss processes in the City of Buffalo.

Mr. Forma discussed his length of time in the position and current staffing issues. **Mr. Forma** discussed other technical issue and provide a background on his experience. **Mr. Forma** also stated that he wanted to meet to discuss technical aspects of the commissioners and their experience and requirements as a Commission. Further discussion on personnel issue occurred between **Mr. Forma** and the Commission.

Ms. Fortin-Novassage stated concerns about being new commission, concerns with learning procedures, and the pitfalls they have learned in the past. Challenges about staffing, lack of procedure and how this may impact high profile items like the Turtle.

Mr. Wright spoke about the criticisms received on how their last public hearing was conducted and reiterated that they need advice on procedural issues.

Ms. Fortin-Novassage requested assistance from the Planning department and the city on training and protocol, including requirements for online meetings. **Ms. Fortin-Novassage** continued her request additional assistance on the state's historic standards, understanding what has happened in the past how our city lost its credentials and designation, and what the Commission can do about it. **Ms. Fortin-Novassage** also went out to state that it's quite overwhelming and discussed outside obligations and responsibilities in addition to the responsibilities of the board. we have families to take care of and jobs to work and you know, heavy responsibilities, but we want to do our due diligence and being prepared for what we need.

Ms. Limniatis, as a local expert from Preservation Niagara, discussed process and training opportunities available to the Commission.

Mr. Forma discussed the process of the Niagara Falls Planning board, meeting schedules, process during the meetings. **Mr. Forma** also went on to discuss looking into various resources to assist the commissioners with training and understanding open meetings laws and other rules that govern meetings.

Ms. Limniatis stated that following the same exact procedure that the Planning Board is the best-case scenario.

Discussion by **Mr. Forma** and the Commissioners continued about Planning board procedure and the availability of information on the City's website, including where the agenda for this session was posted.

Mr. Forma stated that the whole idea of the session wasn't that we were meeting here in secret. I don't care if anyone knows that we're meeting for a working session. We're not here to make any decisions,

we're not holding public hearings, we're not really discussing the material. The idea here is that we want to sort of get an idea of where things are, and especially where you left off with items like the Turtle and you the meetings that you may have had. Some of this comes down to personal preference such as if we get an application, and some people [Commissioners] have the capacity and really love to deal with it [material] digitally, some people really like paper.

Conversation continued about commissioner's preferences in material and submission forms.

Mr. Doster mentioned that the Historic Preservation Law may restrict what they can request.

A discussion continued with **Mr. Forma**, **Ms. Limiatis**, and the Commissioners on interpretation of the Historic Preservation Law and what the Commission can request. There was a decision made that the Commissioners may tell the staff what is required and that the issue comes with the form that was created not the law itself.

Ms. Novassage continued to speak about additional issues that they have had in the past with applicants coming to meetings for a COA and the HPC did not have the material necessary to provide to the applicants.

Mr. Forma explained to the Commission that after closer scrutiny of the law we can make changes depending upon what the Commissioner's would like to delegate to the department, what items they need to see, etc.

Ms. Limniatis offered to provide examples of bylaws and reiterated support for the HPC to review the law and make any appropriate changes to the procedure and required documentation for applicants.

Andrea Fortin-Novassage inquired about who is responsible for updating or changing forms and if it is something that this committee can do on its own. **Mr. Forma** informed the committee that the planning department can assist.

Mr. Scriven inquired about suggested revisions for the ordinance itself by **Ms. Limniatis**.

Ms. Limniatis stated the ordinance is separate and that the HPC needs rules in place. Especially prior the next public meeting the information should be place online.

Mr. Forma discussed the interaction with **Mr. Sheer** as an example and further discussed open meeting laws including and what might be required, procedures for deliberative documents, what might not be required, what constitutes a quorum, work products. **Mr. Forma** continued to state that the meeting is being recorded for posterity and openness should any issues arise.

Ms. Fortin-Novassage inquired if there were SOPs or any other procedural documents that may be available or created to provide the HPC with guidance on the expectations of the HPC or other Committees.

Discussion continued on the structure of the planning board as an example of how other City committees are run. **Mr. Forma** provided a detailed overview of the operation of the planning board.

Further discussion on the availability of the information and location on the City website frequency of the information. **Mr. Forma** informed the Commission of future plans for restructuring the Planning Department page.

Ms. Robinson-Bradberry provided an overview of how the HPC ran under previous staff and administration and the challenges that presented.

Discussion continued on previous staff members and the history of the planning department and the operations through the pandemic.

Ms. Limniatis steered the conversation to the City's CLG status. Discussion continued on the past transgressions of the City's code enforcement issues that resulted in the loss of the CLG status and the importance of how solidifying procedures can help to meet the requirements to CLG and get status back. After CLG is reinstated **Ms. Limniatis** offered assistance to apply for grants.

Mr. Forma inquired about where the Turtle application was in the process and how the process for the public hearing went, was the application open to public deliberation, how the process may have contributed to a breakdown of procedure.

Ms. Limniatis stated her point of view that the HPC was misguided regarding the process for the public hearing and that the public hearing should not have happened in the manner it did. **Ms. Limniatis** discussed the aspects of doing any nomination and about creating a landmark subcommittee with a priority list for landmarking. The process should include drafting of those nominations [by the subcommittee], while the HPC's regular work is happening in the monthly meetings. **Ms. Limniatis** discussed how the subcommittee should provide reports and submit updates to the entire HPC and to have that open agenda item. **Ms. Limniatis** advised the HPC that when they are ready to vote and have a landmark nomination go up for public hearing that the nomination needs to be finalized with all the examples and then that's [the nomination] should be placed on the agenda that's released and made available to everybody.

Andrea Fortin-Novassage requested if **Ms. Limniatis** could share with us a sample of what a good quality complete draft hearing nomination might look like.

Christiana Limniatis stated she would send the HPC an example. **Ms. Limniatis** explained the basics of what should be contained in a nomination.

The HPC members then asked about the procedure from the planning board. **Mr. Forma** stated that the HPC would want to solicit public comment on the application and the city council can choose to accept or not. **Mr. Forma** and the HPC members discussed how it [the recommendation] still has to go through public hearing, you're talking about the process for the application and specifics just for the HPC to make the nomination. **Ms. Limniatis** joined the conversation to speak about the process for public

hearings in other jurisdictions and how ideally public hearings should be managed and organized, including notifications to neighbors. **Mr. Forma** gave a synopsis on how the planning board provides notice as it's stated in the Zoning Ordinance.

Mr. Forma and **Ms. Limniatis** discussed with the HPC members what they can likely require or request under Section 1335 and how the structure of public hearings may be voted on, how public hearings are advised for any action due to potential ramifications especially for sensitive topics like the Turtle, including potential media issues such as we experienced earlier in the meeting.

Ms. Limniatis discussed what the job is of the HPC, landmarking, not enforcing building code, or making sure that the property owner takes care of the building. You [the HPC] are here to execute the Preservation Law and identify whether or not successfully use the criteria to articulate that and present that report to the current city council so they can vote on that landmark nomination.

Ms. Limniatis provided a background of Preservation Buffalo Niagara and how they can assist the HPC and the planning department with resources. **Ms. Limniatis** discussed what they have recommended in the past to the HPC and the planning department in terms of training, comments on the Historic Preservation Law and reconfirmed PBN's commitment to assist the City and the HPC. **Ms. Limniatis** discussed providing comments on the Turtle nomination, **Mr. Forma** requested that she did not in this forum. **Ms. Limniatis** discussed potential research avenues related to the nomination.

Mr. Forma discussed providing additional guidance on open meetings after discussion with Corporation Counsel in addition to procedures for the planning board as guidance to the HPC.

A recap on open meetings and the interaction with **Mr. Sheer** occurred along with a discussion of follow up items, future changes to the agenda to identify ways of including public participation, changes to the HPC application forms. It was generally agreed that no additional agenda items would be discussed. A discussion of if the Historic Preservation Law has any deadline regarding designation or who may nominate occurred. The discussion included process for the City of Buffalo and who may bring forth nominations. Further discussion on the position Secretary of the HPC occurred per the Historic Preservation Law. **Mr. Forma** discussed the open Planner II/HPS position, and their duties related to the HPC and planning board. **Mr. Forma** discussed the need to address the procedural issues related to upcoming projects which will come before the HPC.

MEETING WAS ADJOURNED AT 7:25 PM