



# City of Niagara Falls, New York

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

## NIAGARA FALLS HISTORIC PRESERVATION COMMISSION

**Brett Doster, Vice Chairperson**

**MEETING MINUTES**

**Thursday, July 6, 2023**

**City Council Chambers**

**745 Main Street, Niagara Falls, NY 14301**

### CALL TO ORDER

Meeting called to order at 6:08 PM.

#### BOARD MEMBERS PRESENT:

Brett Doster, Vice Chairperson

Georgia Robinson-Bradberry

Kristian Ruggiero

#### BOARD MEMBERS ABSENT:

Andrea Fortin-Nossavage

**The Pledge of Allegiance was recited.**

### APPROVAL OF THE AGENDA

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

Brett Doster	YES
Kristian Ruggiero	YES
Georgia Robinson- Bradberry	YES
Noah Munoz	YES

**Motion passed unanimously.**

### APPROVAL OF THE MINUTES

A motion to approve the minutes of June 1, 2023, with corrections was made by **Mr. Ruggiero** and seconded by **Mr. Munoz**.

Brett Doster	YES
Kristian Ruggiero	YES
Georgia Robinson- Bradberry	YES
Noah Munoz	YES

**Motion passed unanimously.**

## **PUBLIC PARTICIPATION**

There was no public participation.

## **ACTION ITEMS**

1. Certificate of Appropriateness – 621 4<sup>th</sup> Street

Dr. Arshad Mahmood, Niagara Holdings LLC, applicant and owner of the property at 621 4<sup>th</sup> Street is seeking a Certificate of Appropriateness to renovate the roof, front porch, fence and siding of the property.

Mr. Doster asked if anyone was present to speak on the project. Dr. Arshad Mahmood stated he was there to speak and was asked to briefly describe the project.

Dr. Mahmood stated that he purchased the property for Niagara Holdings. At that time he did not know it was a historical property. He had various contractors come in but the project did not move forward due to the Covid-19 pandemic. He is now prepared to begin work on the property. The work will be done by him and his son. Dr. Mahmood explained that a tree fell on the house causing damage that needed to be repaired. The roof, the front porch, the awning, fence and siding will be replaced. Dr. Mahmood will also change the color of the house. Dr. Mahmood requested a Certificate of Appropriateness to get the work done.

Dr. Mahmood also stated that he has had some problems with neighbors and said the windows had been shot out. The police were contacted and a complaint has been filed. Mr. Doster stated that he was sorry for the problems that had occurred at the property and hoped that the situation with the neighbors had improved.

Mr. Doster asked if any member had questions regarding the project. Ms. Robinson-Bradberry asked if Dr. Mahmood was going to change the color of the property. Dr. Mahmood stated that the color would be changed to blend with the neighbor's homes and stated he was considering grey or light blue, depending on the Commission's preference. The building is currently painted green.

Mr. Doster asked if the building had wood shingles or asbestos shingles. Dr. Mahmood stated that his guess would be that asbestos shingles were used because of the age of the building.

Mr. Doster stated that he understood that the porch would be restored and asked if the siding was damaged by the tree hitting the front. Dr. Mahmood stated that there are windows in the front so most of the front was good.

Mr. Doster stated that the drawings show Hardie Vertical Panels will be used to replace the vertical siding or shingle siding and said that type of material would not be appropriate for the property. Mr. Doster suggested that Dr. Mahmood look at another product made by Hardie that would be a closer match to the existing shingles.

Dr. Mahmood stated that he was open to Mr. Doster's recommendation and use the product that would best work for the house. Mr. Doster stated that the proposed vertical siding would be foreign to the house, and that it's not asbestos siding but it's meant to look the same.

Mr. Munoz stated that he would advocate for the wooden to be completely replaced because the fence is currently missing panels and seems to be mismatched. Mr. Doster asked Dr. Mahmood if he was thinking about replacing the entire fence. Dr. Mahmood stated that he was not. He explained that some portions are good and one side made of wire, and that he would remove the rotten wood. Mr. Doster suggested that whatever Dr. Mahmood decided to do with the fence that the final result would be the same style and color of the current fence.

Mr. Doster stated that the overall application was great. Mr. Doster asked Dr. Mahmood if he was opposed to just normal asphalt shingles for roofing as the drawings showed EBM shingles. Dr. Mahmood stated that he would use asphalt shingles.

Mr. Doster stated that there's a general note that says the contractor shall wrap all exposed non-pressure treated lumber with aluminum coil or vinyl trim. Mr. Doster stated that the vinyl should match the wood.

Dr. Mahmood stated that the dumpster would be taken to Modern Disposal by him.

Mr. Doster had a question pertaining to the drawing about the railing height. Dr. Mahmood explained the railing height and Mr. Doster acknowledged that it was a misunderstanding referring to the railing on the steps.

**Mr. Doster** said that the Certificate of Appropriateness could be approved on conditions that the front facade would be Hardie Shingle Staggered Edge siding, that the fence panels match existing, that the porch roof be architectural shingles, and that the front façade is painted to match whichever color Dr. Mahmood chose for the rest of the structure.

A motion to approve the Certificate of Appropriateness at 621 4<sup>th</sup> Street was made by **Mr. Doster** and seconded by **Mr. Ruggerio**.

Brett Doster	YES
Kristian Ruggiero	YES
Georgia Robinson- Bradberry	YES
Noah Munoz	YES

**Motion passed unanimously.**

Dr. Mahmood thanked the Commission for their help with the project.

**OLD BUSINESS**

Mr. Forma stated that Mr. Pesarchick sent out a request for City department comments on June 8, 2023 regarding “The Turtle” building at 25 Rainbow Boulevard which is being considered for local historical landmarking status. Mr. Pesarchick clarified that he had received a comment from the Assessor’s Department that they had no concerns. Mr. Pesarchick also said that he spoke with Tom Tedesco of the Community Development department earlier that day and that Mr. Tedesco had no formal comments either, but that would be formalized.

Mr. Forma stated he is hopeful that the Commission would receive comments from the Planning Board on their July 19, 2023 meeting. Mr. Forma also stated that there will be a Directors meeting on July 7 and he will mention comments then.

Mr. Doster stated that July 19 was fine and that the HPC would not wait in perpetuity but would wait a reasonable amount of time on the Planning Board comments.

Mr. Forma reminded the HPC members that they are technically on hiatus in August.

Mr. Pesarchick stated that the HPC members had an educational training opportunity in the beginning of August. Linda Mackay from NYS SHPO is offering a Certified Local Government training on August 3, 2023 while she is in town leading a training session for some other municipalities. Mr. Pesarchick said he would get the information out formally by the next day.

Mr. Forma added that Ms. Mackay also sent a virtual training session towards the end of August that will be sent out to members.

Ms. Robinson-Bradberry asked if they were members of the National Alliance of Preservation Commission. Mr. Doster stated that after the original training, you were asked if you want membership

and if you responded yes you would receive your membership. It took weeks, but eventually he received an email apologizing for the delay and making him an official member.

Ms. Robinson-Bradberry brought up a derelict property at 125 Buffalo Avenue she previously mentioned in an earlier meeting. She said she was hopeful that the art at the property would receive attention from those able to preserve it. She stated that the Museum is in better condition and can survive the winter.

## **NEW BUSINESS**

Mr. Forma stated that the Mayor interviewed Jessica Berry for a vacant position on the Commission. Mr. Forma stated that they are checking out the bylaws and the preservation law just to make sure they were following procedure. Mr. Forma said that there was one more applicant who is on vacation and will interview when she returns.

Mr. Pesarchick stated that is his understanding that if Ms. Berry is appointed by the Mayor, she would fill out the rest of the term, but if she was appointed by the City Council, she would get a full four-year term.

## **COMMITTEE REPORT**

Mr. Doster stated that he and Mr. Ruggerio were working on updating the Commission Bylaws and believed they were off to a solid start. Mr. Munoz asked if there was date of finality that they wanted to have the bylaws completely set. Mr. Doster replied that he got the sense that Mr. Forma wanted to have the public participation section at least more flushed for the vote. Mr. Doster stated that he did not want to rush the comments.

Mr. Munoz asked if there a certain time period when they expected that to happen even with the deadline a decent way off.

Mr. Forma stated that with “The Turtle” application, the Commission is moving the application forward at its own pace. He stated that there is nothing in the law that he sees that provides a date.

Mr. Forma stated that the law says the HPC can remove anything that’s troubling.

Mr. Doster explained that his intention was to work on one section of the bylaws but after looking at the rest of it, continued to clean them up. He explained that if need be, they could always just scale back to the public participation section, adopt that, and then revisit the bylaws.

Mr. Forma stated that he is working on getting the City's GIS data material on the Niagara County GIS website so that applicants can go to the county website, search their homes, and know whether they're in a historic district or not. Applicants will know whether their design district is a heritage district as well via a searchable tool. Essentially, you can search by your property address, you can search by your SBL number, with links to the PROSGAR parcel information system. So it gives you all the tax information, it gives you all the information.

Mr. Munoz asked if one had to be the property owner to use the site and noted that Dr. Mahmood would not have caught off guard that his property was a historical site with this tool.

Mr. Doster explained that whenever somebody sells a property, the previous owners are supposed to tell the buyers that the property is a historical property as part of a legal disclosure.

Mr. Doster asked if the website would push through to the New York State CRIS system. Mr. Pesarchick stated that the CRIS website is separate and that this would just be the county website.

Mr. Forma suggested that they talking about grants because at the beginning of the year the state will begin issuing grants.

Mr. Pesarchick stated that he had a meeting last Tuesday with Linda Mackey of the NYS SHPO regarding grants. He said that the Commission may wish to consider a public education campaign about historic preservation. Mr. Pesarchick stated that New Paltz, N.Y., did an interesting campaign with videos, which are nice because you can have subtitles in different languages. He said that there's a lot the Commission can do with grants because they can range from \$15,000 to \$4,000.

Mr. Pesarchick explained that the Commission can do surveys or they could do material for the public. They cannot do anything brick and mortar with the grant money, like rehab.

Mr. Doster asked if the Planning Dept. gets a notice when a property is sold or change hands. Mr. Forma said no, that would strictly go through the assessor's office and then to the county.

Mr. Doster stated that it would be nice to inform people of properties located in landmark districts. Mr. Munoz stated that most people miss the small print on contracts when it's disclosed. Mr. Doster stated that it was suggested that the HPC send out a yearly reminder to get permits every year. It's something that the HPC can explore.

Mr. Pesarchick asked the Commission to keep an eye on vacant historic properties for code violations and to let him know if they saw any so he could report it to Code Enforcement. He noted that there was an issue at the old St. Mary's Hospital on Sixth Street that he reported and had Code Enforcement

secure. Mr. Doster asked if that site was going to be renovated. Mr. Forma stated that there might be a reallocation of funds or state funding related to that project.

Mr. Forma stated that the Planning Department staff is still cleaning through the office and they continue to find interesting artifacts. He stated they found papers from Japan and Germany's surrender from World War II in their filing cabinets and the map drawers. He said they also have an eight millimeter film of the dewatering of Niagara Falls in 1969. Mr. Forma noted that all City departments are supposed to do something for the City Hall anniversary next year and that they plan to use things for the Planning Department display.

Mr. Doster called for a motion to adjourn. Motion was made by **Ms. Robinson – Bradberry** and seconded by **Mr. Doster**.