

TOWN OF AMHERST
Historic Preservation Commission
February 9, 2021
Minutes

7:06pm: Meeting called to order

Attendees:

- **Members:** Kate; Sue; Joe; Norm; MaryLou; Brian; Tom
- **Resource Personnel:** Carrie
- **Other:** Debbie Bucki; Roberta; Ann
- **Public:** Nicole Overcamp

Approval of December 8, 2020 minutes:

Motion to accept minutes: Joe Buscaglia

2nd: Sue Palmer

Approval: All in favor

Approval of January 12, 2021 minutes:

Motion to accept minutes: Joe Buscaglia

2nd: Kate Waterman-Kulpa

Approval: All in favor

New Business

1. Recap of Amherst Preservation Code Training

- a. Topic was Walkthrough the Historic Preservation Code; all training attendees were to make list of recommendations; training host used Town's Historical Preservation code during training and provided best practices/insight
- b. Most important principles included a) transparency and b) defensibility; transparency – become familiar with Open Meetings law; defensibility – documenting everything we are doing
- c. Other key items learned included a) Are we acting within our authority? b) Are we acting according to statutory criteria and process
- d. Purpose of the law includes protecting and enhancing the landmarks, sites and historic districts which represent the distinctive elements of Amherst's historical architecture and cultural heritage; just because something is old and has history doesn't mean it should be landmarked; 'distinctive elements' is interpreted by the community
- e. Powers of the HPC should focus on recommending designation of historic landmarks, sites, districts; it's extremely important for Commission to be able to document and defend the decisions we make as a Commission, and will allow the Town Board to understand the decisions; also important for the future and for recordkeeping purposes
- f. Other general recommendations include a) training is important; b) having binders and be prepared and informed; must have written documentation and records of all decisions; applications must be complete to ensure defensibility; must indicate criteria, provide

documentary evidence to support criteria; applications should also explain why the evidence fits the criteria

- g. Could consider an application review process; all applications should be complete before they are put on an agenda; might be appropriate for someone from HPC do Executive Summary to help explain; if application is complete, they should not be discuss on merits; if you start to discuss the merits of something without having all the info, it makes decision less defensible
- h. Consider templates for resolutions, motions, etc. to ensure consistency and thorough process; will allow you to go back and find details and rationale when needed
- i. Document retention schedule – may be appropriate
- j. Refresher on Open Meetings Law
- k. Host made one recommendation in the code –Section 121.8 does not have specific reference to Secretary of Interior Standards for Certificates of Appropriateness; if no standards referencing, have it in code; Town's Council should look at this
- l. Question regarding Section 121.14 penalties for offenses Item B which talks about failure to comply with any provisions of this chapter shall result in termination of any permits -- does this apply to exterior permits or any permit that could be issued to revise the interior?
- m. Suggestions: Can this group discuss these items, in particular putting together application review process after reviewing the current process and put together recommendations? Also, look at templates and statutory changes; look at records retention schedule
- n. Question: When are agenda items due to this Board so they can be placed on this agenda? Agenda should be sent around the week prior to each meeting; need to nail down rules for this process
- o. Ann Demopoulos offered to put together set of rules for review

2. Landmark Application Submission - 625 Frankhauser

- a. Applicant not present on meeting
- b. Thought application was incomplete; some of the unknowns were parts that need to be addressed in order to move forward; no awareness of what the structure is; need timeline of building and as well as physical descriptions so HPC can understand what the original structure or property was compared to what the property or structure is now; need to evaluate the merit of the building based on those criteria; specific statutory criteria should be identified on the application; HPC should not have to interpret it; application should be revised for ease of completion by applicants; needs to reference code section 121-6 – need to have from 'A' a 1, 2, 3, 4 or 5; application reads 'initial construction of building' but resident put 'from 1985 to present' – inaccurate
- c. Applications need to be clear; applicants need to understand what HPC is seeking
- d. It is unclear whether applicant is asking Commission to landmark building or landmark the fact that the building has significance because of its inhabitance; further clarification is needed from applicant
- e. Applicant is applying for designation for the home he doesn't own; nothing in the code to prohibit someone from doing that on another home
- f. Prior conversations with applicant discussed
- g. Need to formalize procedure for applications
- h. Recommendation to assist applicant on completing the application rather than kicking it back
- i. Discussion about assisting applicants as needed

- j. Discussion among members about how to assist applicants with completion of applications; communications with applicants should be by letter
 - k. Suggestion that nothing should be on the agenda that is not complete; perhaps having one person to review applications for completeness; will try to obtain checklist from City of Buffalo
 - l. Decision made to adjourn this application until next meeting
 - i. Motion: Kate Waterman-Kulpa
 - ii. 2nd: Brian
 - iii. Approval: All in favor
3. Open Meetings Law Requirements
- a. Section 102, Subdivision 2 defines public body – everything must be transparent; if going to discuss anything official in any capacity or via email, it must be before general public and must be recorded;
 - b. Section 100 read and clarified by A Demopoulos; everything must be on record and public see what's being discussed
 - c. Clarification – it's acceptable to email Commission members with questions about logistics/agenda compilation or any observations, but the key point is that no decisions are made; no business can be discussed if a quorum is present
 - d. As an example, 4 members could go to data gathering for a landmark but no decisions can be made; but there should be a record of what was discussed
 - e. Legal advised Councilwoman Bucki that smaller groups should not be referred to as 'sub-committees', but rather 'working groups'
4. Training Policy and Recordkeeping – Proposed Language
- a. Potential to establish policy to require training of members
 - b. Kate Waterman-Kulpa put together proposal (shared on screen)
 - c. Councilwoman Bucki - encouraging that training is aspirational and an education purpose; make the requirement more loose and aspirational
 - d. Roberta will inquire whether there is a budget line item for HPC member training and/or memberships
 - e. Self-reporting of each members' training; training to be turned into Chairperson prior to December HPC meeting – added language about reporting to policy
 - f. Additional modifications made to policy language per discussion
 - g. Motion made to put forth this language as HPC rule for the year of 2021 (effective now)
 - i. Motion: Kate
 - ii. 2nd: Norm
 - iii. Approval: All in favor
 - h. Motion to approve informational presentation conducted by Christiana L of Preservation Buffalo Niagara on 1/21/21 as meeting the criteria for training requirements for 2 hours for members in attendance
 - i. Motion: Kate
 - ii. 2nd: MaryLou
 - iii. Approval: All in favor

Old Business

1. BNHV properties - Update on research for possible landmarking
 - a. Put applications together for 5 of the 11 properties (10 total properties as corrected by Carrie)
2. Westwood - Possible landmark
 - a. No updates
3. Harlem Road Community Center
 - a. No updates
4. CLG Grant Award grant - Preservation Day-August 2021
 - a. Meeting next week with working group
5. Education Plan
 - a. Website Plan – will do work next week; update at March meeting
 - b. Presentations – No update
6. St. Pauls; St. Benedicts
 - a. No update
7. Forest Lawn Project
 - a. No update
8. Historic Entranceway at Main and Lamarck
 - a. Update from DOT provided by Roberta; discrepancy with one item, Kate will draft response to DOT
9. Eggertsville Burial Grounds - Sign dedication ceremony
 - a. No update
10. 404 Mill Street Boilerhouse
 - a. No update

Public Comment

1. N Overcamp re: 1323 North Forest – purchased historical schoolhouse; brick is actually deteriorating and decay/rot that needs to be repaired; how should she submit to HPC and what is the process to get repairs done? Also needs to paint shutters and sign. Asking for clarification on how to proceed
 - b. Discussion about repairs that need to be done; input from HPC members provided to resident; need to complete Certificate of Appropriateness (to be done by building owner)

Motion made to adjourn meeting

Motion: MaryLou

2nd: Joe

Approval: All in favor