

**Amended Minutes of the Village of Williamsville Historic Preservation Commission meeting held in person at Williamsville Village Hall, 5565 Main Street, Williamsville, NY on Tuesday, August 23, 2022, at 7:00 p.m.**

**Present:** Kate Waterman-Kulpa, Chair  
Kathleen DeLaney, Vice-Chair  
Susan Fenster  
James Tamarro  
Anthony Bannon  
Thomas Barrett (Resource Officer, non-voting member)

**Also Present:** Mary Lowther, Trustee Liaison  
Charles Grieco, Attorney  
Judy Kindron, Administrator

**Absent:** Chuck Akers  
Patricia Walker  
Susan Palmer (Resource Officer, non-voting member)  
Wesley Stone (Resource Officer, non-voting member)

Kate Waterman-Kulpa opened the meeting at 7:10pm.

**On Motion** by Jim Tamarro, seconded by Susan Fenster, it was moved to approve the minutes of the HPC meeting on July 26, 2022.  
Motion Carried. 5 - 0

**On Motion** by Kate Waterman-Kulpa, seconded by Kathleen DeLaney, it was moved to go off agenda for the purposes of discussing an Historic District in the Mill area.  
Motion Carried. 4 – 1

Kate purposed the name of the purposed district to be: Williamsville Water Mill Historic District.  
The proposed period of significance is 1811-1949.  
The proposed boundaries of the district:  
North – Glen Park  
South – Main St  
East – Glen Park  
West – Rock St

The area includes 13 proposed resources – 10 Contributing and 3 non-Contributing.  
15 Rock Street  
42 East Spring Street  
56 East Spring Street (Already a Local Landmark)  
60 East Spring Street (Already a Local Landmark)  
78 East Spring Street (Already a Local Landmark)  
80 East Spring Street (Already a Local Landmark)  
5570 Main Street  
5574 Main Street  
5578 Main Street (Already a Local Landmark)

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5586 Main Street  
5590 Main Street (Already a Local Landmark)  
5596 Main Street (Already a Local Landmark)  
5604 Main Street

(Note: Attorney Grieco found an address was omitted in draft nomination. The address 5604 was added to the nomination during the discussion.)

**On Motion** by Kate Waterman-Kulpa, seconded by Susan Fenster, it was moved to nominate these 13 properties as the Williamsville Water Mill Historic District.

On the Question: Jim Tammaro asked why this couldn't wait to be put on the September agenda.

Kate Waterman-Kulpa responded that the Village code has changed since she was previously on this board.

Anthony Bannon – He would like to understand the benefits of creating a district.

Kate Waterman-Kulpa read from the following Codes: 47-9 and 47-11

Chip Grieco stated that this starts a process – Notify the property owners, HPC Public Hearing, recommendation to the Village Board, Village Board may or may not have a public hearing, Village Board has the final decision

Jim Tammaro – Would like to wait until September.

Kate Waterman-Kulpa - the motion is on the table and has been seconded.

Roll Call Vote: Kate Waterman-Kulpa Yes

Kathleen DeLaney Yes

Susan Fenster Yes

Anthony Bannon Yes

James Tammaro No

Motion Carried 4 – 1

HPC will hold a public hearing at 6:00pm on September 27, 2022.

At 7:35pm, James Tammaro motioned to return to regular agenda, Kathleen DeLaney seconded.

Motion Carried 5 - 0

**OLD BUSINESS: 30 EAGLE STREET – DEMO** –Kate distributed documents she requested from the Building Department for the Commission to review, including permits and violation reports. The property owner previously shared the abstract of title with the board.

The Applicant, Kathy Young, and her Architect, Dave Sutton were present. Ms. Young stated that she would sell the property before she would rehabilitate it, if not allowed to demo it. An economic rehab would exceed the benefit of the property to her. She asked if the garage could be demolished if the house could not. Kate asked why the garage needed to be demolished. The owner said it was a fire hazard. Kate asked if the garage had been condemned. Mr. Sutton said it had not been. Kate asked why it was a fire hazard. The owner responded that there was storage in the garage from the renter and the

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electrical. Kate replied that the owner has the ability to remove hazardous materials from the garage. She also responded that the electrical in the garage is a very simple install and can be inspected and should be removed/updated if it is a fire hazard.

Ms. Young currently lives behind this property on Orchard Street. She stated that the neighbors have expressed concern about the property at 30 Eagle. Kate stated according to the Building Department's files (violation tickets) show the property's issues have been for property maintenance issues like vegetation overgrowth. Ms. Young said the overgrown vegetation would be removed soon.

Mr. Sutton stated that Ms. Young would like to create a parklike setting, open concept park, well landscaped, an enhancement to the neighborhood. In the future Ms. Young would like to possibly build a low scale home at 30 Eagle with first floor amenities. Kate questioned why the existing house would need to be demolished to accomplish the owner's goals, when according to previous listing information, the house has several living room type spaces that can be converted to first floor bedroom(s) and there is an existing first floor laundry.

Kathleen DeLaney – she lives in the neighborhood. She is sick of the demolitions. Feels neighborhood cannot handle anymore demolitions. She asked why the owner had not required to clean up the property.

Chip Grieco – Should this property be designated as a landmark? You cannot put conditions on the property. *This needs context. Chip can weigh in on the accuracy of this. Conditions?*

Kathleen DeLaney – She would like it designated as historic.

Anthony Bannon – Asked if there were other residential properties that are currently designated  
School House on S. Cayuga  
Cambria Castle  
75 Evans Street

Sue gave a synopsis of her findings of the research for 30 Eagle Street. Built circa 1854, was owned by a member of the Reform Mennonite community who were prominent first settlers of the Village of Williamsville. 20 Mennonite families were lured to Williamsville at the turn of the 19th century by the Holland Land Company who offered cheap acreage to residents in and around Lancaster, PA.

One of the first owners of the 30 Eagle property was CZ Frick, husband of Anna Reist. Anna's father, John Reist, owned the Reist Mill complex and was the bishop of the Williamsville Reform Mennonite congregation that built the meeting house at Main and North Forest.

During the time CZ Frick lived at 30 Eagle, he was supervisor for the town of Amherst and a member of the Erie County Board of Commissioners. Shortly after departure back to Pennsylvania (due, in part, to his young wife's passing), Abram Bowman purchased the home. Bowman operated a large farm and family gristmill in Lancaster, New York. Bowmansville was named after his father.

James Tammaro – Concerned about the greenspace being sold & a huge house being built on the property.

Mr. Sutton – The house needs to stand on its own merits to be classified as historical.

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Is it possible to get approval to demo the garage as a separate item?  
Architectural Character or Historic?

Anthony Bannon – Historic significance by historic occupancy?

Thomas Barrett – Not providing facts, basing information on assumptions

Ms. Young – Asked to demo garage today and push out for a 30 day extension for the house. Offered to invite Kate to property.

Thomas Barrett – Asked if there was an environmental review. No.

Ms. Young – it smells – moldy, musty

Mr. Sutton – Did research. Could not find any architectural uniqueness.

Kate Waterman-Kulpa – the vernacular Style of this home is common to the historic makeup of the village.

Mr. Sutton – His take away is that he will let all villagers know that this board will not allow demos.

Kathleen Delaney – Of course that is not true.

Chip Grieco – This board, tonight, needs to designate the building or give 30-day extension.

Kate Waterman-Kulpa – What structural issues are there?

Mr. Sutton – Garage as a significant contributing factor. Asked that his client can move forward with the demo of the garage.

Kate Waterman-Kulpa – Believes that the garage was built in the 1850's.

Anthony Bannon – Foundation? Beams? There is no information on them on the submitted material.

James Tammaro – Suggest that the board approve the demo of the garage.

Kate Waterman-Kulpa – She is not ready to separate the house and the garage.

Chip Grieco – This board does not approve demos.

James Tammaro – Can the board separate the garage from the house?

Chip Grieco – Yes, you can approve all or part.

Mr. Sutton – On behalf of his client, he is requesting a 36-day extension.

**On Motion** by Anthony Bannon and seconded by James Tammaro, it was moved to give consent of property owner to extend 36 days for the Historic Preservation Commission to conduct further investigation prior to making its determination for the property at 30 Eagle Street, Williamsville, NY as an historic local landmark.

Motion Carries. 5 – 0

**Share Addition, 5590 Main Street (Cont.) –**

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Architect for the project, Mr. Dave Sutton, presented the history of the iterations the design has taken over the past several years; patio, covered patio, addition with 2<sup>nd</sup> floor patio. The HPC could not take action on any of the proposals as the proposal was on village property. The patio property was recently purchased from the village. Their request today is for approval of the project as submitted. A Site plan and a floor plan were submitted on August 10, 2022 to the Building Department. -Benefits & economic growth for the Village. Positive growth. Project respects the historic building.

Kate Waterman-Kulpa – stated again that the proposed addition makes the late 1800’s 2-story commercial vernacular building feel like a 1-story building with a partial 2<sup>nd</sup> floor addition. This property and the neighboring property are the only remaining examples of this architectural form in the village. It is the reason they were made local landmarks.

Anthony Bannon – 9’8” addition to property line. This is not larger than the current patio.

Kate Waterman-Kulpa – asked if the existing patio was to be used as a foundation for the addition?

Mr. Sutton – Yes.

Kate Waterman-Kulpa – Has a structural engineer evaluated the patio to act as a foundation?

Dave Sutton – Not yet. If the patio cannot be used, Minimal foundation. Additional support in back. Isolated piers. They will do a complete structural investigation before beginning work. A new foundation would be independent from the existing building.

James Tammaro – Beautiful improvement. Will add to the restaurant.

Kathleen DeLaney – Still concerned about the stairs.

Mr. Sutton – They will put a protective tread on steps. Building Dept. will make sure they are up to NYS standards. There will be a security gate so no one gets on to the patio after hours. The roof will pitch towards the back of the building.

Kate Waterman-Kulpa – Explained there two issues for her:

- 1.) Massing of the building; as this a character defining feature listed in the nomination of this building.
- 2.) Site Plan – The addition narrows the sight line to the Mill from Main Street.

Mr. Sutton – Positive evolution of the building.

Kate Waterman-Kulpa – This proposal is About the landmark, not the sale of the property.

Mr. Sutton – The intent of the purchase was for the business to use the property. He feels The 10’ expansion does not diminish the historic site line of the Mill.

Kate Waterman-Kulpa – She thinks The existing patio does not diminish the ~~site~~ of sightline to the Mill. She feels that a 1-story addition will Impact the sight line.

Anthony Bannon – Asked about where the view-shed is. He asked the architect for the trigonometry of the Mill view-shed from different vantage points as they are affected by the proposed addition.

Mr. Sutton – The Village has allowed the business owner to expand his project by selling off the right of way to the property owner.

Kate Waterman-Kulpa- Or the Village has sold the property owner the property they have used for 10+ years for personal profit.

James Tammaro – Let’s take a vote. Let’s not drag this out.

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**On Motion** by Kate Waterman-Kulpa, seconded by Susan Fenster, moved to deny the proposed expansion for 5590 Main Street for two reasons. First, the addition limits the sight line from Main Street to the Mill complex and second, the additional massing of the proposed addition negatively affects the character defining feature of the original massing of the building.

On the questions, Anthony Bannon stated that it is a sensitive issue of site-sight line. Encouraged by the adaptations that have been made with care. Difficult proposition.

Roll Call Vote:

Anthony Bannon – Abstain

James Tammaro – Voting NO on the denial

Kathleen DeLaney – has concerns about the density of the addition – Abstain

With the 3 votes, Motion Failed.

**On Motion** by James Tammaro, seconded by Anthony Bannon, moved to approve the Certificate of Appropriateness for 5590 Main Street, Williamsville, NY.

Chip Grieco – If denied, applicant would be able to file Hardship.

Roll Call Vote:

Kate Waterman-Kulpa No

Kathleen DeLaney No

Susan Fenster No

James Tammaro Yes

Anthony Bannon Yes

Motion Failed 3 – 2

Kate Waterman-Kulpa – Asked for modification

Mr. Sutton – He has been given no direction for modifications.

Chip Grieco – Put back on agenda for next month. Suggested applicant looks into Hardship.

**On Motion** by James Tammaro, seconded by Kate Waterman-Kulpa, moved to include on agenda for the meeting on September 27, 2022.

Motion Carried: 5 - 0

**TESORI WINDOWS** – Dave Sutton presented.

**On Motion** by Susan Fenster, seconded by Kate Waterman-Kulpa, moved to approve the Certificate of Appropriateness for the replacement window as presented for Tesori at 5688 Main Street, Williamsville, NY.

Motion Carried: 5 – 0

**5409 MAIN STREET:**

Kate went to the site and measured. She believes the fence, as installed, violates the American with Disabilities Act. The neighboring business no longer has an accessible entrance due to the fence.

**On Motion** by Kate Waterman-Kulpa, seconded by Anthony Bannon, to table the railing discussion until the Building Inspector does his review.

Motion Carried: 5 – 0

**AWNING AT D’AVOLIO’S ENTRY** – the Awning was installed without a Certificate of Appropriateness. Sight line issues depending on where you stand.

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**On Motion** by Kate Waterman-Kulpa, seconded by James Tammaro, to deny Certificate of Appropriateness for the awning based on the fact that it impedes the sight line of the neighboring business.

Motion Carried: 5 – 0

**NEW BUSINESS**

**ONE EYED CAT – 5893 Main Street**

Ryan Walser, Owner of Pork Bellies, presented regarding the area for the smoker at One Eyed Cat Brewery, 5893 Main Street, Williamsville, NY. Smoker patio with grill gazebo. Patio to be 10' from the building. The current trailer will be stored off property. Smoker will be under the Gazebo, anchored to the pavers. Large scale pavers, 2' x 2'. It is not a permanent structure.

Kate Waterman-Kulpa – Concerned with mature trees drip line being affected and dying. Suggested contacting an arborist.

Ryan Walser (Pork Bellies) – It should not affect the trees. Patio is 5' from trees and 10' from building.

**On Motion** by James Tammaro, seconded by Susan Fenster, moved to accept the Certificate of Appropriateness for the Smoker Patio with Grill Gazebo.

Kate Waterman-Kulpa pointed out that it must be inspected by the Building Dept.

Motion Carried: 5 – 0

Joe Salteri, 23 Rinewalt St., Williamsville – pointed out that the winds whip down Highland. Issue with wind uplifting. (*Gazebo will be securely anchored to patio.*)

**5578 MAIN STREET – EAGLE HOUSE**

Dave Sutton, Architect for the project, presented the Patio Extension.

2-tier paver of existing patio. Expand & elevate to current patio. Repurpose as many products as possible. Respectful to Historic Building.

Kate Waterman-Kulpa – What decorative gate will look like, what height, and what the proposed material will be

Dave Sutton - Wood structure—6' – 8' in height.

Kate Waterman-Kulpa- 8' may be against code.

Dave Sutton – 2 iron gates – security gates. Code compliant/metal painted black.

Chip Grieco – No limitation on height of screening.

**On Motion** by Kate Waterman-Kulpa, seconded by Anthony Bannon, moved to approve the Certificate of Appropriateness with clarification of black metal security gates & wood screening painted black.

Screening will be even on top of 6' or 8'. Building & Fire inspections to be completed.

Motion passed: 5 – 0

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**MEETING HOUSE – LOCAL LANDMARK NOMINATION, INTERIOR –**

Kate Waterman-Kulpa – More than just the pews. Looks like there were interior modifications by Ken Seldon, who previously lived on Mill Street, Williamsville, NY, but moved to Orchard Park, NY. He may be able to help to tell the story of the 2<sup>nd</sup> floor. Pews may not have been original. Kate will try to get in touch with Mr. Seldon.

**On Motion** by James Tammaro, seconded by Anthony Bannon, it was moved to table this until the next meeting.

Motion Carried: 5 – 0

**EVANS/N. ELLICOTT/EAGLE/ACADEMY – NEW INTENSIVE LEVEL SURVEY – 1800’S VILLAGE STRUCTURES**

Kate asked if the Village Board would consider Hiring a consultant to perform an Intensive Level Survey of this oldest part of the village? Kate would offer to write the grant. Anthony Bannon will look at distinguished people who lived in the area. Mary Lowther will help identify area & structures. (Evans/Eagle – Mrs. Knox) Trustee Lowther asked for the Boundaries, and number of structures to be included be identified so she could take that to the Board.

**CLARIFICATION OF “LANDMARK” LANGUAGE IN CODE** – cleanup language. “Scenic” not “Site.” Chip will circulate the language amendments to the Commission for comment that he is proposing to the Village Board.

**ADJOURNMENT**

**On motion** by Kate Waterman-Kulpa, seconded by James Tammaro, it was moved to adjourn the meeting of August 23, 2022 at 10:22pm.

Motion carried. 5 – 0

Submitted by:

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As Amended, Catherine Waterman-Kulpa, Chair

**Next scheduled HPC meeting is planned to be held on September 27, at 7:00 p.m. Public Hearing Scheduled for 6:00pm prior to the regular meeting.**