

**Village of Williamsville  
Historic Preservation Commission  
Meeting Minutes  
October 24, 2017 at 7:00 p.m.**

Present: Wes Stone, Chairman  
Chuck Akers, Member  
Mary Lowther, Member (Arrived at 7:45 p.m.)  
Susan Palmer, Member  
Dr. Stephen Dyson, Member

Also present: Lynda L. Juul, Village Administrator/Clerk-Treasurer  
Deborah A. Habes, Deputy Clerk

Excused: Kate Waterman-Kulpa, Member  
Anthony Bannon, Member  
Al Yates, Trustee Liaison  
Charles Grieco, Village Attorney  
Evan Bussiere, Acting Village Attorney

Mr. Stone opened the meeting at 7:04 p.m.

**ON MOTION** by Mr. Akers, seconded by Dr. Dyson, it was moved to approve the minutes of the August 22, 2017 meeting, as submitted.

Motion carried. 4 – 0.

**Application for Certificate of Appropriateness - 5402 Main St.**

**Applicant/Owner** – The Buffalo City Cemetery Inc. (Forest Lawn)

For **Williamsville Cemetery, 5402 Main St.**-Proposed demolition of one-story service building.

Present: Joseph Sapienza, Forest Lawn Cemetery  
William Murray, Counsel for Forest Lawn  
Drew Kosicki, Pinto Construction

Mr. Murray stated they have applied for a demolition permit to demolish the one-story concrete block service building at the rear of the cemetery. The building is no longer used, as all equipment is now stored off-site. There is no office onsite. The reason for demolition of the building is to open up space for 85 single in-ground burial plots in the cemetery. They need more space. They have discussed it with the Mayor. The round-about will remain intact. Each single plot has room for 1 casket and up to 3 urns or no casket and up to 4 urns.

HPC members' comments and questions *[Applicants' answers in italics.]*:

Ms. Palmer – How long will the demo and restoration process take? *[About 1 week.]*

Mr. Stone – Any buried oil tanks? *[No.]*

**ON MOTION** by Dr. Dyson, seconded by Mr. Akers, it was moved to **APPROVE**, as submitted, the *Certificate of Appropriateness* for demolition of the service building on the site of the Williamsville Cemetery, 5402 Main St.

Motion carried. 4 – 0.

**Proposed landmark designation - 5429 Main St. (Starbucks/Alex and Ani)**

On behalf of the property owner, Main-Cali LLC, Attorney Laura M. Smith, of Harter, Secrest & Emery LLP was present.

Ms. Smith stated their research suggests that the building was not built in 1932 as the Intensive Level Survey states, but rather it was built in 1952. She provided additional documents to the HPC members. As per the Sanborn Map of the property in 1947, there were 2 buildings on the property, not the current structure. Public Service Commission maps and Amherst Town Assessor records suggest that the present building dates to 1952.

HPC members' comments and questions *[Applicants' answers in italics.]*:

Ms. Palmer – Has anyone asked National Fuel when it was built? *[No. This structure, as it stands was not there.]*

Mr. Akers – Why are owners so adamant about it not being landmarked? *[To protect their business and attract the caliber of clients they want.]*

Ms. Palmer – HPC made recommendation to the Village Board. If it was built in the 1950s, does that mean it does not have historic value? *[Designation is based on Village's consulting firm saying it personifies 1930s architecture. But if it was built in 1952 it does not fit.]*

Mr. Akers – Isn't a building that's about 50 years old have historical value for our community? *[Does not fit the test. Clearly not 1950s enough for the consultant to identify it as such.]*

Ms. Palmer – A property can still have significance as far as the story of our Village is concerned. We need clarification on its significance. Iroquois Gas – Does that company's presence in our Village weave into our story?

Mr. Stone – We need to go back to the consultant for clarification before any determination can be made. *[Could be considered arbitrary and capricious.]*

Ms. Palmer – We need to have our consultant check it out.

Mr. Akers. – Need to table the issue tonight. *[The mortgage holder says their mortgage would be invalidated if the property were to be designated a landmark.]*

Ms. Juul will contact Clinton Brown for further clarification.

Mr. Stone – Read a statement from the Village Attorney, Charles Grieco, regarding his opinion about the legality of a mortgage being invalidated due to landmarking. *[The building's windows were replaced in 2008.]*

### **Application for Certificate of Appropriateness – 72 S. Cayuga Rd.**

**Applicant/Owner** – Architectural Elements LLC

Present: Barry A. Muskat for Architectural Elements LLC

Mr. Muskat submitted an Application for a Certificate of Appropriateness in April 2017 for various alterations/repairs to the building (aka “Old Schoolhouse”). He appeared before the HPC on April 25, 2017. At that time, the HPC tabled the application.

**Roof** - Mr. Muskat stated he was before the HPC again because the building’s roof is leaking and is in need of replacement. He brought a sample of the proposed asphalt shingle. It is a Landmark 50-year certainteed architectural shingle in charcoal black. He stated there appears to have been a fire there years ago and the timber at the peak was affected. The roof is spongy. The gutters are twisted and not well strapped on. Any new roof must be vented in order to gain a manufacturer’s guarantee.

**Gutters** – At the April 2017 HPC meeting, HPC members were concerned about the gutters. Someone mentioned the possibility of “Yankee gutters”. This proves to be impractical and unsightly. He distributed illustrations of what a Yankee gutter entails and looks like. Instead, he proposes removing the existing gutters and not replacing them. After consulting with his architect, he proposes to dig a trench a bit out from the foundation that would act as a proper drainage system for rain water to drip off the roof and into. He distributed an illustration of the proposed system. Water would drain off towards a tie-in with the stormwater system at the front of the property. The roof extends out about a foot. There are no gutters on the front of the building. It would be only for the sides of the building. He stated this will cost him more. He will be landscaping extensively.

**Exterior stone restoration** - Has received several quotes from stone repair experts and likes the work of Jeff Morris Masonry who has extensive experience in historic structures. Wants to keep the look of the front of the building pristine. Mr. Muskat distributed proposals from two companies for the stone work, Morris and R.E. Kelly.

**Door**– The building now has an industrial metal door that does not fit the historic nature of the structure. He wants to remove the non-historic brick frame at one time was inserted to make the metal door fit, and replace it with historically appropriate stone around the frame and install a new larger door.

**Front lighting fixtures** – He is removing them entirely and will not be replacing them. Will be doing extensive ground lighting instead.

Mr. Akers – What is the chosen period of significance for the structure? [*Leaning towards the period of 1900-1920 when the building was used as a schoolhouse called “Miss Spaulding’s Schoolhouse”. But he has not received national or state historic designation as of date. So far, Mr. Muskat stated he has not experienced good cooperation from these other agencies.*]

**ON MOTION** by Ms. Lowther, seconded by Dr. Dyson, it was moved to approve a Certificate of Appropriateness ONLY for the following work *as submitted to the HPC on October 24, 2017, with conditions as follows:*

1. *Roof – As presented with ridge vent. Shingle color shall be “charcoal black”, according to the manufacturer’s website.*
2. *Front Stone Work – As presented. Repointed and cleaned as per Dept. of Interior Standards.*
3. *Removal of industrial metal door and non-historic brick surround and restoration with historically appropriate material and new door.*
4. *If lamp brackets or vent are to be replaced, HPC must first review and approve. Holes from any removed items must be filled in with appropriate material to match existing.*
5. *Proposed drainage system plans must be approved by the Building Inspector before installation.*
6. *No sealant shall be applied to the stonework. No elastomers. If more than the repair of the side stone work is contemplated, applicant must return to HPC for approval.*

Motion carried. 5 – 0.

Mr. Muskat asked HPC for their opinion on the windows. Stated the lower level windows were replaced by the previous owner 14 to 18 years ago. The rest of the building’s windows need to be replaced for energy efficiency and aesthetics. The current ones are ugly and energy inefficient. He would like to put in thermal windows for this reason. He believes he shouldn’t be held to a different standard than the former owner was when she was allowed to replace the lower level windows.

Mr. Stone – Could the 2 front windows be replaced in kind with true divided lights and the side windows be replaced with Marvin windows? Mr. Muskat liked that idea. Ms. Lowther and Mr. Akers were concerned that the sides of the building were not being considered as important as the front of the building. Mr. Stone stated he was of a different opinion since the front of the building is what is seen from the street. Mr. Muskat stated he is not sure if he will go through with seeking national and state historic designation since he has not has good luck with them so far. Dr. Dyson suggested he give the windows some further thought and come back to HPC when he has a firmer plan of what he wants.

Mr. Muskat was reminded that he must get all necessary building permit approvals before he can start any of the HPC approved work.

### **S. Cayuga Intensive Level Survey**

Members shared their opinions that sections of the survey contained recommendations and opinions on the part of the consultant. The consensus was that these sections should not be part of the survey itself. They could be addendums but should not be part of the actual survey. They believed those sections were editorial in nature. Administrator Juul will contact the consultant to ask him to remove all recommendations from Section 5 of the Survey.

Ms. Lowther was concerned that the few buildings north of the initial survey area that were added to the list were not deemed to be of enough significance to be included in the proposed Historic District. She is concerned that soon there will be no homes along Main Street to the Thruway.

***\*Mr. Stone asked that HPC members carefully review the Intensive Level Survey and associated documents and email him any comments by NOVEMBER 7th.***

***Ms. Juul will complete this process by reporting the comments to LaLuce Mitchell of Flynn Battaglia.***

### **Other Business**

Mr. Akers reported that he has been working on a timeline of world history and how the Village fits into it. Ms. Palmer reported she will be in touch with Community Development Director Maggie Winship regarding Ms. Palmer's project on educating the community about the Village's history and why it is important to us all.

**ON MOTION** by Dr. Dyson, seconded by Ms. Palmer, it was moved to adjourn the meeting at 9:03 p.m.

Motion carried. 5 – 0.

**Next HPC meeting will be held on November 28, 2017 @ 7:00 p.m.**

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Deborah A. Habes,  
Deputy Clerk