



Meeting Minutes

Meeting Date: Wednesday, December 11, 2019 postponed to December 18, 2019

Time: 6:15 p.m.

Place: Village Hall, 571 Main St., East Aurora, NY, Basement Conference Room

Ms. Mary Ann Colopy called the meeting to order at 6:15 PM, and she noted that there was a quorum present.

- Present: Mary Ann Colopy, Saxon Deck, Michael Lennon, Chuck Case, Linda Ulrich-Hagner
- Excused: Patrick Capruso, Maggie Lindstrom, Daniel I. Sheff, Michelle Schoeneman (Village Board liaison),
- Visitor: Tom Stynes, 273 Girard

Old Business:

- November 13, 2019 meeting minutes. Motion to approve the minutes by Mary Ann Colopy, with correction on page 3: motion to adjourn made by Mike Lennon. Seconded by Linda Ulrich-Hagner. Motion approved (5-0).
- Mary Ann reviewed Clerk-Treasurer Maureen Jerackas email responding to Mr. Sheff's email regarding corrections and clarifications to the November meeting minutes. The Clerk Treasurer's noted the correction to replace Mike Reid's name on page 3 with Mike Lennon's name and grammatical corrections will be completed, but there would be no other changes made. Any clarifications would have to be commented and reviewed at the following meeting. Ms. Deck said this is correct.
- St. Matthias Episcopal Church
 - Chuck-spoke with Barb Ulrich regarding local designation of historic landmark. He referred Barb to the national registrar application available on the website. Barb said she will review it. Chuck will reach out to John Whitney for his assistance.
 - Mary Ann-keep in mind to review with St. Matthias as to the costs and options for a plaque, if designated.
- Saxon-Suggested the HPC looks at possible nominees for the Kitty Awards. Explanation to members of the Kitty Award followed.
- Demolition Addendum
 - Chuck-communicated with Village Administrator, Cathie Thomas, regarding her concern with the 30-day time frame in the proposed changes to the Village's addendum to the Town's demolition permit, as it conflicts with time frames in the Historic Preservation sections of the Village code. Chuck sent a detailed legal analysis of the HPC's review process of demolition permit applications. Cathie stated the Village Board would make the changes and sent it to the Town.
- Boyce Lydell Properties
 - Mary Ann-reviewed Code Enforcement Officer, Liz Cassidy's email regarding the timeline and steps taken for noncompliance per the Village code (mailings, notices with time frames for response, violation notices) for Noncompliance. This information was not given to HPC previously. Liz asked that the HPC forward copy of the Certificate of Appropriateness (Mary Ann sent it today). Suggested Mrs. Cassidy's email be added as attachment to the minutes. (see attachment #1).



Chuck-there is a prosecutor for each municipality, Ted Snyder is the prosecutor for Town. Introduced himself to Bob Pierce, discussed the property. Reviewed NYS's procedure. Could prepare affidavit with involved HPC members who have been involved with this situation to give account of what has occurred and the significance of the property to the Roycroft Campus as well as the Village and what is at stake. Saxon-commented that she understood Bob Pierce had sent the first letter previously. She spoke with Mayor Mercurio, he asked what the status was on the Boyce Lydell property. The Mayor asked that he and the Village Board be copied on communications regarding this matter to create a paper trail.

A discussion of the timeline of actions regarding this property ensued (attachment #2), a Notice of Violation was sent in March. There has not been an official inspection of violations by the CEO. There are procedural steps that need to be followed, it is a six-step process. The next step needs to be the sending of the friendly letter, which is CEO Bill Kramer's responsibility. Communications need to be shared with the Village Board and the CEO's office. An inspection by the CEO's office needs to be requested as well. The documentation of steps taken throughout this procedure is imperative. In context of case, a meeting in chambers can be requested with Town Attorney as long as the property owner and his/her council is present.

New Business:

➤ 273 Girard Demolition Application

Mary Ann-introduced Mr. Todd Styne, contractor for 273 Girard, will be building a new structure on the foundation on site. The current structure not locally landmarked or part of a historic district. Because of this, the HPC does not have a say in what the new structure is going to look like going forward. The HPC looks at the historic use and history of the property. Mary Ann checked with Rob Goller, Town Historian, and he replied he found nothing of significance other than it was built in 1953. It was once owned by Town Supervisor Jim Bach, and it was one of the last homes built on that stretch of Girard, part of the post WWII housing boom, there was a fire in the home a few years back, but no news reports were found, that area part of development was sold off beginning in the 1920s after the sale of Cicero Hamlin's village farm.

Mr. Styne described the condition of the house, due to the fire and neglect, the damage is quite extensive and therefore requesting demolition. He and his partner plan to build and then sell the property.

The recommendation of the HPC to the Village Board was discussed. Linda Ulrich-Hagner made a motion to approve the Addendum to the demolition permit application, seconded by Saxton Deck, unanimously approved (5-0).

Mr. Styne asked who makes the final determination. Mary Ann explained the HPC has approved the addendum and the matter goes before the Village Board.



➤ The Bank, 649 Main St

Mary Ann- Michelle asked if it is a historic building.

Yes, as it is over 50 years old, it is listed in the Reconnaissance Survey. However, it is not locally landmarked. It is eligible to be listed locally and state and nationally. Regarding the need for an elevator, the age of building does not mean it is exempt from the ADA or building codes. The use of the building also affects the need of an elevator.

A discussion ensued on the planned use of the stories in the building, is the basement considered a story, and the use of the building as a whole and how these items affect the ADA requirements. There are 1990 and 2010 ADA codes which are civil rights matters. Another example of the code and ADA requirements is the renovation of the barn on Mill Street. The property owners may not be aware of the benefits of historical designation, for example tax credits. The cost of installing an elevator reviewed.

Saxon-suggested the HPC have a presence at Village and Planning Board meetings to clarify items they and the property owners should be aware of with regard to opportunities for owners of property in the Village. First, speak to Michelle and get her opinion on this.

Mary Ann-would like to propose a planning, training retreat informational meeting in January-February with HPC members to plan and organize subjects for the coming year, to create a framework for next year. This type of meeting would be subject to the open meeting requirements.

➤ HPC Local Law

Mary Ann-is concerned with time frame to adopt the changes to the HPC local law being delayed.

Mike-should be clear because it uses the NYS model law as a base, and can be customized if desired.

Saxon-suggests working with Cathie Thomas on this so there will not be any delays.

Chuck-Michelle is in the loop and believes the Village Board should be kept involved as well.

➤ Chuck asked if national and local historic landmarks are on the Village website. Mary Ann responded yes, they are listed on the website.

➤ Mike-Roycroft updates: firstly, it looks like Roycroft will be receiving a \$100,000 grant from Erie County, so they will be continuing work on the Copper Shop, working on stabilizing walls, windows and repairing where fireplace was removed. The County has essentially committed to \$100,000 a year, for next several years, but it is not definitive due to who is in office.

Secondly, the HPC should pay attention the Chapel as there are issues with the interior of the building and roof leaks, the repair to steps was haphazard. It is a Wendt Foundation building. An inspection can be requested based on HPC concerns and the matter being brought to the HPC's attention. Mary Ann asked Mike to draft a letter to begin a review of the building to be discussed at the next meeting on January 8, 2020.

Saxon Deck made a motion to adjourn the meeting at 7:20 PM. Seconded by Chuck Case and passed unanimously (5-0).



Attachment#1, CEO Liz Cassidy's email:

From: Elizabeth Cassidy
Sent: Tuesday, December 17, 2019 12:22 PM
To: mac.colopy@gmail.com
Cc: Cathie Thomas; michelle.schoeneman@east-aurora.ny.us; William Kramer
Subject: Followup from Village Board meeting last night

Mary Ann,

Bill Kramer is not available for the meeting tomorrow as he has a previously scheduled event. As mentioned last night and at the previous board meeting, he will begin the enforcement proceedings and will update accordingly.

I reviewed the Village Code Chapter 156, the March 2019 HPC meeting minutes, and the letter sent by the Village. Although the code section mentioned in the letter is still relevant, the narrative portion of the letter is what has caused issues for us in court paperwork. The narrative needs to be separated out from the Notice of Violation/Order to Remedy portion of the enforcement proceedings. It may be included in court documentation as an exhibit, but the violation notices are current condition notices only.

That said, after the site inspection and the deficiencies noted in both property maintenance code(s) and the appropriate historic preservation code section, the "friendly letter" will be sent. This is the warning to the property owner that there are specific deficiencies and a defined period of time to remedy those deficiencies. All notices must be sent certified, return receipt mail or hand delivered, as we are required to prove to the court that the defendant was given due notice. If the mailing is not accepted by the property owner, we will have to hand deliver or have it served (increasing the timeline). After the timeframe expires, a follow-up inspection is needed to determine the status and if non-compliant, the first violation notice must be sent with a stated timeframe to comply. If the property remains non-compliant after the deadline, we can begin court paperwork. Also of note, we have the ability to extend the compliance deadline if necessary.

Would you please forward a copy of Mr. Lydell's certificate of appropriateness for repair of the Stockhouse, so that our files are complete?

Thank you,

Elizabeth Cassidy
Town of Aurora
Asst. Code Enforcement Officer
Office 716-652-7591
Cell 716-695-5194



Attachment #2, re: Lydell property:

1998.10.19 properties approved as local landmarks by the Village Board

25 S Grove St (Stockhouse)

46 Walnut St (Fournier house)

54 Walnut St (Bungle house)

2003 Lydell submitted application for repair and replacement of deteriorated concrete blocks for the Stockhouse, HPC determined at that time that the condition would fall under maintenance and repair.

2009 .09.09 Lydel is issued a Certificated of Appropriateness for Stockhouse. He stated building was evaluated by a structural engineer and stabilized.

2015 fall case against Boice Lydell dismissed by Judge Markey for \$25

2016 RCC and Village discuss means to have Lydell comply with COA and Village Code.

2016, 2017 numerous attempts to contact, have Boice Lydell provide information about buildings conditions.

10.2016 Lydell attends HPC mtg, notes some window repairs.

2017 HPC notes that the Bungle house roof is compromised, covered with blue construction tarp.

2018 spring HPC again invites Lydell to meeting to discuss properties

August Lydell has phone call w Linda UH and agrees to come to a HPC

November 14 Linda UH, Saxson Deck meet at Fournier House with Lydell he agrees to provide 3 month update of work at February HPC mtg.

2019 Februaray meeting is not attended, Lydell agrees to come to March mtg

2019 March meeting is not attended, emails Linda UH to arrange call, does not follow up

2019. 03 HPC drafts Notice of Violation, signed 3.31 by Mary Ann C, Bill Krammer

2019 05 attempts made by hpc to inquire from village attorney status of NoV

2019 .07 Bob Pierce relates to Mary Ann attempts to speak w/Lydell , address issues

2019.10 HPC sends letter inviting village attorney to Nov mtg.

2019.11 Bob Pierce calls Mary Ann, can't make mtg.

2019.13.03 Village board agrees to address issue at next vb mtg 12.16