***The City of Auburn***

***Historic Resources Review Board***

*c/o Office of Planning and Economic Development*

*Memorial City Hall-24 South St.*

*Auburn, NY 13021*

*(315)255-4115 Fax253-0282*

**Meeting Minutes**

October 13th, 2020 7:00pm

Council Chambers

**Present:** Mike Deming(Chair), Jim Hutchinson, Linda Frank, Ed Onori, Richard Stankus

**Absent:** Andy Roblee, Jackie Gumtow

**Staff Present:** Holly Glor, Office of Planning and Economic Development; Nate Garland, Assistant Corporation Council

**Mike Deming** 00:04

Okay, we can start and we'll move right along. There are no minutes to approve today we will have to do next meeting. Public be heard if anyone would. You're the only one here and you have anything other than what's on the agenda. Since there's no one who would like to be heard, we'll move on to number 9 Grover St.

**Holly Glor** 00:36

Michael, this is your item on the agenda. So if you want to just come up to either of the podiums, and just, I guess, explain your application for us, please.

**Michael Calarco** 00:48

Okay, as you guys all know, Grover Street is old. Houses are old, my fence was old. I highly doubt that fence was original to the house. But I should have got a permit to repair it. I did not and then that's how you find me here. Now. They sent me to planning. And they said I had to come to a meeting. So what I did was, I braced it up, I stood up straight. And then I took some roofing material, metal roof roofing material, which I had gotten a permit for to do the roof of my carriage house. I had leftovers that I thought it would look nice as fencing material. So that's what I did. So I went over, I had a couple slats mess in here and there. I went over the old fence with a metal fence. And the future I'd like to go all the way up to the house with it. But I just did what a little bit of metal had left over from the roof. I submitted a couple pictures. There's a layout of the backyard there also. I am surrounded by tenement buildings, shopping carts. There's a landfill behind 11 Grover Street, trash in the backyard, always. I find heroin needles in my driveway. My wife runs a daycare. And that's one of the reasons I felt it was important to repair that fence.

**Linda Frank** 02:40

I just want to make I thought that you were just going where it is. So you're actually making the fence longer.

**Michael Calarco** 02:46

The existing fence is always gone from the carriage house always to the house. So I stopped that short

**Linda Frank** 02:53

Ok , so you are stopping thing where the okay.

**Michael Calarco** 02:55

In the picture, you can see there's a big old walnut tree there. That's why I stopped it. Just because I ran out of metal if I had more metal, I would have went the whole way.

**Mike Deming** 03:09

So none of this is visible from the road.

**Michael Calarco** 03:12

From the road no, from city Hall's parking lot, yes and from City Hall, second floor. Absolutely. The paint, on the metal is brown on one side is white on the other side, it is painted on both sides. The way the vines are growing, I got imagined the fence on that side will be totally blocked by next spring. I should have got your picture from the other side. But the bracing I had off that was not very pretty. But that's gone now.

**Ed Onori** 03:52

Now what is the framing behind the actual

**Michael Calarco** 03:56

What I did was some of the framing was good. The 4x4 were not rotted, they were just listing. There's elevation change between the two yards. So what happened over the years, had washed away wash away wash away so the posts were leaning. I was able to stand them back up. So I kept the old four by fours then the original fence is still actually there. And where I needed some help I used press tree 2x4's.

**Richard Stankus** 04:30

(Inaudible)

**Michael Calarco** 04:33

Sure.

**Richard Stankus** 04:34

Just to review, the purpose of all fences is just that what is the purpose? So as you said, this is not a story fence. So your purpose is to keep people from moving into. Inaudible

**Michael Calarco** 04:51

Sure. You know, obviously I don't need people trafficking through the backyard. I have a dog as well. So I'd like to keep the dog in the backyard where he belongs. I want to repair the fence that was busted. So I just know what we've been doing for 200 years, whatever you have left on hand to use, right.

**Richard Stankus** 05:12

First question, is what is the purpose of the fence and it sounds pretty reasonable.

**Michael Calarco** 05:12

Okay.

**Richard Stankus** 05:21

So the question is, is that, are we allowed to basically complete the facts as it exists? Versus try to do something historically accurate, which isn't reasonable.

**Michael Calarco** 05:40

Sure.

**Richard Stankus** 05:40

So I would suggest that if the purpose is security, resolved for adoption, longer about the undesirable neighbors from trespassing, property.

**Michael Calarco** 05:53

Sure.

**Richard Stankus** 05:54

Sounds like a reasonable approach.

**Michael Calarco** 05:57

I appreciate that

**Richard Stankus** 05:59

I want to know why get a ride next time when I come to a meeting in the fire truck.

**Michael Calarco** 06:04

I would let you I probably have to go through my boss and make sure it's okay. But I'd have no problem with that.

**Richard Stankus** 06:09

I am just teasing you know that.

**Michael Calarco** 06:12

We'd have to sit six feet.

**Richard Stankus** 06:14

You have all saved my life once or twice. So, I have no complaints.

**Michael Calarco** 06:19

We got a job to do and we do it.

**Mike Deming** 06:28

The only problem with this fence, this doesn't exist virtually any place in Auburn metal fence like this other than around the junkyard on North Division.

**Michael Calarco** 06:37

Yeah, I'm not sure

**Mike Deming** 06:38

Is this something that is acceptable.

**Holly Glor** 06:42

I believe that there is a fence on the other side of it your neighbor's fence, right. That's not necessarily in the best of condition.

**Michael Calarco** 06:50

The whole fence is shot.

**Holly Glor** 06:51

Right. Yeah

**Mike Deming** 06:53

No, I'm just saying the object of the fence. There's I don't see anything wrong with that you need you need a fence. But is it acceptable to have this? Is this something that we're going to allow to go through the neighborhoods?

**Jim Hutchinson** 07:05

Yeah, I don't, I don't think this is something we probably would have approved, we were approached prior to being put up. I would suggest that, but as a temporary, I would suggest that if when you go to extend this fence to the front of the house,

**Michael Calarco** 07:21

It would never go to the front, it would just end at the back of the house.

**Jim Hutchinson** 07:24

Okay, so you're not going to do any more of this.

**Michael Calarco** 07:27

The only thing I would love to do it to the back of the house, which would complete the backyard fence. The property lines are tight there. So the fence line actually runs right into the house into the back of the house. Okay, the house acts as a barrier to the neighbors.

**Jim Hutchinson** 07:46

I guess if you wanted to extend the fence somehow, then maybe we look for a whole different fence in the future.

**Michael Calarco** 07:54

Yeah, if I if I like I said, if I extended it, it would go to the house. Not the rest the way down the driveway and then to the front yard.

**Mike Deming** 08:01

We're gonna approve tonight what's on here is what's existing. And if you wish to extend it further than this, you'll have to come back with your proposal.

**Michael Calarco** 08:09

Okay.

**Mike Deming** 08:11

That sounds good.

**Ed Onori** 08:16

Or maybe in the future if you do want to replace it replaced it with something a little more in with the neighborhood.

**Michael Calarco** 08:26

I thought it looked really nice with the you know, matching the roof of the barn. And I and like I said I had it so hate to waste something.

**Jim Hutchinson** 08:34

Doesn't look bad.

**Ed Onori** 08:37

I've seen worse. Yeah.

**Mike Deming** 08:44

Someone want to make a motion.

**Richard Stankus** 08:47

Motion to accept application as submitted.

**Mike Deming** 08:54

Second. Linda, Any further discussion? So the proposal is what's existing we're gonna allow it and come back if there's any good thing additional. All in favor? Aye. Aye. You're all set.

**Michael Calarco** 09:12

Okay. Thank you for your time. Keep up the good work.

**Holly Glor** 09:22

Thank you.

**Mike Deming** 09:25

It's interesting. I haven't heard anybody come in here and talk about the neighborhood in a long time. So people do deal with a lot of issues. Still, they fix one and it goes the other way and so hard. Move on to 33 South Street.

**Holly Glor** 09:50

So I guess Mitch is not able to be here this evening. I emailed him and he had a reminder, but maybe something came up. So 33 South Street is the Seward House Museum. They are going through the I think it's part of the DRI process for the rehabilitation of the barn and carriage house on the property. You have all the attachments of the scope of work for the repair. This has to go through SHPO for review as they are receiving DRI funding for it, therefore it requires state review. But ultimately, you all know that it has to be approved by the board in order for a building permit to be issued.

**Jim Hutchinson** 10:56

This is kind of the opposite extreme of our last approval.

**Holly Glor** 10:59

Yeah.

**Jim Hutchinson** 11:01

This is, I don't know, I don't know what questions we would even have for that. I mean, it's being done to the letter.

**Mike Deming** 11:13

Remember years ago, I think Andy was run that they did a lot of work on this?

**Jim Hutchinson** 11:18

It's never-ending I don't think they've done much.

**Ed Onori** 11:21

It's a mess in there. I walked through it. It's a mess.

**Jim Hutchinson** 11:27

When you look at it from William Street to go, what are they spending the money on here? And then you read this? And you say, ooh, there's a lot. Yeah, there's a lot.

**Ed Onori** 11:36

They want to bring it back.

**Jim Hutchinson** 11:39

And you really need to spend some time with them and get an explanation of everything. Because I tried to follow it. And it was somewhat difficult. But clearly, they're doing it the right way.

**Ed Onori** 11:48

I did a walk through it when they a put out the RFP for this

**Jim Hutchinson** 11:52

Oh, okay.

**Ed Onori** 11:54

Took a look at all the issues, you know, there's some, there's some issues. But it will be nice to see the plans when they get done. Before we give any mean, I know what they're trying to do. It's a good thing to protect the building. They're gonna spend a lot of money to protect it. But it'd be nice to see the plans before we approve anything. I think with the project, the size would be prudent for us to take a look as to what's going on.

**Jim Hutchinson** 12:26

Do we need we don't need to do that now, though, with what they're doing here. This is mostly structural and basic, this all it's what they want to do inside. After that. I'd make a motion to approve it as presented.

**Mike Deming** 12:46

Second. Richard. All in favor? Aye.

**Nate Garland** 12:53

Chair, I'd just like to know for the record that Dr. Frank is no longer at this meeting indicated that she wanted to vote yes. On any motion before she left.

**Mike Deming** 13:10

Okay, we'll move on to other business. The Shine Theater.

**Holly Glor** 13:19

All right. Here's Mitch. I don't know if this, Mitch we just we just approved, we actually just approved your application. As is they thought it was very well put together. So I don't know if there's if you are requesting anymore any further information from Mitch while he while he's here about the Seward house unless you think it was all set. So, everyone's all good with that then.

**Mike Deming** 14:08

Moving on to the Shine Theater.

**Holly Glor** 14:09

All right. Mitchell, we'll get you your certificate of appropriateness probably this week. Okay. So other business, this is just an update for the Shine Theater restoration project. I believe the board approved or you saw an update maybe a couple of years ago with approvals on what was being done. They're just at the point now of they're going to pull the building permits. So

**Mike Deming** 14:45

Jenny sent us (inaudible) for everybody

**Holly Glor** 14:48

Yep. Yep. So this just background memo is just a list of I guess the phase of what they're planning to get done with the restoration. I don't really have any answers, if anyone's has questions about what's going on. I think Jenny has those. So if you have any comments, I can relay them to her and

**Mike Deming** 15:25

So are you out of the picture with them, Ed.

**Ed Onori** 15:29

Yep. I tried to call them a couple of times, but they don't respond.

**Mike Deming** 15:45

Anybody have any other business? Questions about anything going on?

**Nate Garland** 15:52

Mr. Chair, I am I'm sorry, go ahead. There was some inquiry last meeting about the church on Wall Street. Just to update the board, we filed papers and through various, for procedural reasons, we had to re-file those papers. But we currently have a court date for the order that we're seeking to demolish the church for the beginning of December. That hopefully relief will be granted at that time.

**Mike Deming** 16:32

What is the process? Is the church objecting to giving it up? Or what are the court procedures for?

**Nate Garland** 16:41

Well, there is ideally, I think the church just wants to be done with it. But there is a you may know this, there's the religious corporations law that sets certain parameters as to how a religious corporation can transfer property. So if they wanted to just give the city the property, they would need a court order from a judge of Supreme Court to make that happen. So we made a tactical decision to pursue a demolition order and Supreme Court or City Court rather than asking a judge of the Supreme Court to issue an order pursuant to the religious corporations law, which frankly, they're probably not all that familiar with. So I don't, but to answer your question directly, I don't think we're going to get a whole lot of blowback from the church, they really have been pretty upfront about not having the means or desire to restore the church. There, we finally have someone at the A M E Zion that is a realist about the situation. But we're ready to BID the project out, I believe we've shepherded the funds that hopefully will get us there. And we're currently working with SHPO, to show them how much work that we've put in. Mainly, the planning department is put into trying to essentially, save the church. So we're pretty, we're in as good of a spot as we've ever been in terms of getting some direct action on this. But that won't happen until December.

**Richard Stankus** 18:44

Inaudible. And I think my take away is that there was a consensus of the city council, that there should be, I think, more transfer of information between Planning, Zoning and the Historic Resource Review Board, in terms of public hearings and public meetings, I think an appropriate legal distinction between the two in terms of us either as board members or the public the general understanding some of the issues and concerns that come before Planning, Zoning and in clearly with 70 South Street with the Historic Resource Review Board. I think the council decided, and again I am paraphrasing, that there should be uniform code that meets the standards of what Historic Resources Review Board with the except by any new Tony would accept in terms of his personal information, public department. And I did here I think Jenny Haynes misspeak. When she said that we, as members for resources, newborn are form seven days prior to our board meeting in terms of what our agenda is, it's actually four days at best. I received the packets in the mail this week, so, I think that fact needs to be corrected, because city council is going by what they're told in terms of what they decide in the future and again I think all of us would love to have a seven day minimum, 10 day preferable, 14 day optimal window of knowing what's being presented before us that may also be presented before planning board and zoning board that impacts historical resources. She made a comparison between members need to hear about something that might be going on that is significant, that is expansions of certain things, versus someone replacing the window. But I would say that there are members in the community who would like to at least have that information. It's not that every board meeting, what happens in planning and zoning overlaps with what's going on in Historic District it's rare, rather uncommon. But when the impact is of such significance, as 70 South Street was, I think, the plan is Sir Cuddy have brought up those sorts of things City Council, I think, and the mayor agreed would like to be avoided. So the public can put in the appropriate committees can meet and that get to the level of discourse that we were without last few meetings.

**Nate Garland** 21:52

I would say that's a fair and succinct, rather, relatively speaking summation of the council's guidance. We're waiting for more specific instructions from the council as to exactly how they want to address that. But I think that, as you saw, Dr. It was pretty clear that they want to move in the direction of more notice to the public and more notice to boards. So I think that you’re the desire to get more information sooner. I think that is the driving force behind whatever they're going to give to us in terms of direction.

**Richard Stankus** 22:32

If you could just explain to us as a board the distinction between notices for public hearings versus public meetings, because I think what you said in so many words, is that public hearings in terms of timespan of information, given in terms of transparency to the public, is really something that the council can decide, in terms of dates.

**Nate Garland** 22:58

Yes, the council is authorized by the city of Auburn charter to set the manner by which notice is given and the time in which it must be given. That's for meetings and for hearings. Hearings are not specifically covered by the open meetings law hearings are a special kind of meeting where the body that the issue is in front of has to have input from the public to in order to address that particular issue. So the law that governs hearings is either local or state, but it's not the open meetings law. So in our case, in this for this board, it's section 178 of the of the city code for the board of Assessment Review, it's section 512, with real property tax law. So there are, you know, and there are independent and not particularly congruous, sections of law that deal with public hearings, but the city council is authorized by charter to, if they wish, try to line those requirements up. And I think that's likely what will happen.

**Richard Stankus** 24:24

Last but not least, if I am not mistaken and Jenny Haines I think affirmed it, is that while planning boards, zoning board, have certain distances beyond something that's going to be planned or zoned or rezone. That anchors in that vicinity need to be notified work for HRRV there is no such criteria 100 feet 400 feet or so people who live in an area where something may be decided by this board may not receive any information regarding that,

**Nate Garland** 25:03

Right. I mean, I guess the idea or the, you know, the philosophical underpinnings for that are Historic Preservation belongs to everyone in the city, right? It doesn't necessarily belong, the concept of what this board does, doesn't necessarily belong to the people only to the people that reside within the historic district. That being said, I, I anticipate that there will be some request to perhaps line up the notice requirements that this or to add notice requirements, specifically tied to location to for the sport. My guess is they're going to want to that will be one of the key issues they want to line up.

**Richard Stankus** 25:46

So this is being looked into by counsel.

**Nate Garland** 25:49

Yes, I, I have yet to receive specific guidance as to what exactly that they want. But that not to say that they're certainly thinking of it. But there's the there's a Planning Department, the clerk’s Office and the Corp Counsel's office that are all involved in this sort of thing. So it's quite possible, the Clerk or the Director of Planning has received direct instructions as to what the council wants. I don't think our office has yet, but it's only been a couple of days. But it's put it this way, it's more of a hot button issue than I thought it was going to be. So it's something that we will we will absolutely be addressing in the next month or so it's my guess.

**Richard Stankus** 26:35

I mean I certainly feel that people are gonna make a decision regarding what happens in the Historic District outside what Planning and Zoning maybe involved with. Those people in that neighborhood within whatever business should be notified.

**Nate Garland** 26:54

Seems pretty reasonable to me.

**Richard Stankus** 26:57

I think what they're looking for is a uniform policy that one size kinda fits all to some degree, with certain exceptions. And again, rarely, through decisions that the Planning and Zoning make impact Historical Resources. They do. They seem to, like an overwhelming fashion. And with that said, there has to be some I think, safety guards built into the system. So we don't come to a meeting one night and realize that we have to make a decision that has been in the process for the last several months. We have no clue as to how evolved, what the public input is, because, again, we're all public servants, you Holly are more public servants that we are we're volunteers, we basically come out because of the goodness of our heart. Looking at what we can do to help out we're not employed, we don't collect the salary we don't get benefits. But you and Holly work for the City and with that said, and I would agree that you look for input as often as you can, from people in the city, rather than trying to make arbitrary decisions. We try to help in whatever way we can, realizing that you folks who really may have more access to information than we have. And so he can share that information and give you our input for what it's worth realizing we may not have all the details, that I think it makes the system much more transparent, and much more user friendly, so that we don't come to these confrontations. As often as we may have in the past.

**Nate Garland** 28:45

Completely agree. I think that we'll think we'll get there sooner rather than later.

**Richard Stankus** 28:50

Thank You

**Nate Garland** 28:51

You're welcome.

**Mike Deming** 28:54

70 South Street planning that they approached you with at all since our last time they were here?

**Holly Glor** 29:02

Not me personally. As far as I know, it's still kind of decisions still being made on really what to what to move forward on or how to move forward after this board made us decision. With it, so, as far as I know, I haven't personally talked to the property owner or really heard much about.

**Mike Deming** 29:40

So they haven't applied for a building permit for the roof or anything.

**Nate Garland** 29:45

I was in a meeting with Jenny Haines today and this 70 South St came up and kind of off the cuff way and I think she indicated that they had not pulled any permits. That backs up what Holly says that they're I think they well in their Ed's clients so I feel kind of odd talking about them behind Ed's back but I think that there, they haven't made it seem it appears that they haven't made any decision as to how to proceed from the point that they're at right now.

**Ed Onori** 30:23

They're working on it.

**Holly Glor** 30:24

Yep.

**Mike Deming** 30:28

Any other business? Motion to adjourn Richard second Ed.