

**PRESENT** Mayor Welch, Trustee Eydt, Trustee Conde, Trustee Marasco, Superintendent Wills, Clerk Fundis, Engineer Marino, Law Counsel Leone, Captain Cain

**EXCUSED** Trustee Gibson

**DONATION** The Lions Club presented a check to the Village of Lewiston for a donation to the Marilyn Toohey All-Inclusive Playground, in the amount of, \$10,285.00.

**CALL TO ORDER** Mayor Welch called the Village Board of Trustees Meeting to order with the Pledge of Allegiance at 6:14pm.

**MINUTES** A motion was made by Trustee Conde seconded by Trustee Eydt and passed unanimously to approve the September 21, 2020 Village Board Meeting and October 5, 2020 Work Session minutes.

**BILLS** A motion was made by Trustee Conde seconded by Trustee Marasco and passed unanimously to approve the October 2020 bills as presented by Treasurer Myers in the following amounts:

**General Fund – 274,705.62**

**Trust & Agency - \$236,090.87**

**REPORTS** **Recreation Director McDermott** gave a report on his Halloween event for this year; instead of the traditional Halloween Party at Red Brick, we will be having a scavenger hunt down Center Street that ends at Academy Park. Then people will loop back to Red Brick for performances. This event will be socially distanced, will be outside, and will honor our old tradition in a safe way.

**Historian Piper** commented on new pieces he has acquired for the museum, and proposed work on the cemetery.

**LIAISON REPORTS** **Trustee Marasco** discussed the Chamber of Commerce's 'Window Walk'. The Chamber has asked all the businesses to create window displays to celebrate the holiday season. Hobby Lobby will be teaming up with the Chamber of Commerce and Niagara University Students for the displays.

Marasco also commented on the Beautification committee, stating that the decision has been made to streamline a bit, and to only put wreaths up and minimal garland throughout the village for the holiday season.

**Mayor Welch** thanked Superintendent Wills and the Department of Public Works for the cleanup of the garden at Lewiston Landing and the new roof that they put on the Harbor Master Station.

**Trustee Conde** mentioned that he is currently working on a study for the expansion of the Department of Public Works building.

**Trustee Eydt** asked if there was any mention on a Water/Sewer Treatment Plan meeting. Mayor Welch said they have stated they plan to put a meeting together but have not heard anything about when this will be.

**OLD BUSINESS** **240 S. 4<sup>th</sup> Street – Historic Preservation Commission Appeal**  
**Mayor Welch** addressed an appeal by resident, Linda Hermosa, where the Historic Preservation Commission gave recommendations and concessions to the homeowner for the work being completed on the exterior of the home. Welch stated the Historic Preservation Commission approved all gray siding (no white) as well as to restore the front door, similar to the original design. Are you agreeable to this?

Hermosa stated that the issue with the Historic Preservation conditions is that the windows on the left side of the home are already metal wrapped and I want to keep

this going throughout the entire home, for the purpose of durability and cost. We purchased the house and a lot of work is needed. We want the work on the house to be done and look great, with no leaks, mold or drafts.

Mayor Welch stated that my house is in the historic district; my windows are wrapped in aluminum and it looks like wood. Other than the house being old and the architecture, there is nothing historic about their house.

Hermosa described the repairs needed on the home and stated that it did not qualify for a mortgage so they had to pay cash for the home. We did not plan to buy a home here; due to self-quarantining requirements with travel between Canada and The United States, my husband cannot work in the United States then come back to Canada. Currently we have the home we purchased here, and are renting a home in Canada.

Trustee Conde asked about the breakdown of what happened.

Hermosa stated that she recruited a realtor and attorney to represent her for the purchase of this home. I asked, because Lewiston has history to it, if we could side the home with vinyl. The selling realtor inquired about this information, and was told that we could do the necessary work on our home. After beginning work on the home, we were notified by the building inspector, Ken Candella, what was going on and were told to stop work. I then spoke to the girls in the office and explained what was going on, they put me in contact with Loretta Frankovitch, Chairwoman of the Historic Preservation Commission. I explained everything to her and she advised me to come to the Historic Preservation Commission meeting, and told me what information to provide. My proposal was denied; we then met with village representatives and worked on ideas to find a middle ground. We accepted all gray siding; breaking up with the different textures would suffice. The issue I am appealing is the metal wrapped windows. The work was already half way completed when I received a notice.

Frankovitch stated that this work started without a permit. We as a board scheduled an extra meeting to try and compromise with Hermosa, and pretty much gave the homeowner all that she wanted. I feel that regarding this appeal, we are not happy with vinyl siding but understand the financial burden. The way to keeping this home historical are in the details; Hermosa agreed to maintain this, and the detail around the windows have a lot to do with this. Covering the windows with vinyl will take away from the historic character of the house. We want this home restored, and feel this is a small thing to ask for, considering we have given them everything else.

Trustee Marasco said to Hermosa that your contractor should know that if he is doing work on the home, he is required to acquire a building permit, regardless if he is aware of our Historic Preservation Commission guidelines.

Mayor Welch said that she drove around the historic district, and saw 21 homes with vinyl siding and/or windows; how they are allowed to have this and she is not?

Marasco stated that the historic designation for homes is not well attended to as far as policy. This new Historic Preservation Commission are trained in maintaining historical homes. They are trying to do their due diligence as well as trying to compromise with the property owner to the best of their ability.

Hermosa said that I have made modifications, but what the Historic Preservation Commissions is asking of me I cannot do. We are maintaining the historical structure in the front of the house as we discussed last week. I do not think metal windows is a huge issue. We would have to take material down, as more than half of the house is already completed. I cannot do that to my family or ask this of my contractor.

Trustee Conde informed that his experience with metal wrapped windows is that the aluminum did not do well. The windows took on water, and after time the water rotted the wood underneath. I will be ripping it all down and using a material similar to hardie board.

Hermosa said that she looked into hardie board, it is beautiful, however I cannot afford it at this time. Not including installation, the cost to complete the front of the house as requested will be over \$1,000. I will not lie and tell you that I will follow through on the Historical Preservation's requests. I appreciate and respect the recommendations; however, I cannot fulfill them because of the financial hardship.

Trustee Marasco stated that we really do want to help as many people as possible in this village.

Mayor Welch said that I do not want to hold this up because of metal wrapped windows, it will be a restored home, and you will not be able to tell what material is being used. I cannot see how we can deny this resident while other historic properties have this material on them.

Hermosa said that she is not intending to be disrespectful or at all putting aside the expectations here in Lewiston; but am under compassionate grounds, hoping you can concede because I have tried.

Trustee Conde asked how the Historic Preservation proceeds in these matters in the future, how do they enforce this.

Mayor Welch said they continue; if they were able to work with the homeowner prior to the work beginning, they could have given her the information.

Frankovitch stated that this is the point; the property owner did not acquire a building permit, the village should be fining them and we are not doing that. We came up with a great compromise; we could have required them to take down all the vinyl siding to adhere to the historic standards, but we are not doing that. We made a small concession. I cannot understand why we are not fining somebody who is not following procedures.

Mayor Welch said we are not fining her because she is here before us; she came in when she was notified and is trying to work with us. There is consistency issues; we have several buildings that are sided with different materials. This would be one thing if it was the Frontier House, but this is just an old home. She is trying to make it look the best she can. She has made her concessions with the front of the house.

Frankovitch stated that as Trustee Marasco mentioned, things fall to the wayside. The Historic Preservation Commission was inactive for a time and I am glad this has restarted, and I cannot speak for what occurred outside our time period. Going forward, this Historic Preservation Commission is trying to adhere to standards. We are trying to work with the homeowner and do not feel this is a large concession we are asking.

Mayor Welch stated that she appreciates the Historic Preservation Commission and that you are trying to maintain the historic nature of Lewiston, but we have to think of the resident too. You cannot hold everyone that has an old home accountable to restore the home to exactly the way it was built, with it not being historically significant other than the age of the building. The resident is seeing many buildings around her with vinyl siding and it does not seem fair that this resident has to do exactly what you want.

Frankovitch said the resident is following the process and is appealing to the Village Board for you to make a determination, and we respect your decision.

Trustee Eydt said that he has mixed feelings on this; we have many buildings in the village that have been done in this way; and the homeowner has made concessions to the front of the building as requested, and that is my main concern with the whole building. I do not have a problem with this. We do not have a full board here tonight; Trustee Gibson is not here, so I am not sure if we can move forward.

Mayor Welch stated that I feel Hermosa has made the concession that the Historic Preservation Commission wanted, and I think we can make that concession for the windows, as I do not think that will ruin the look of the building.

Frankovitch read the following section from the Village Of Lewiston Code Book:

Sec. 15-107. - Appeals.



- (a) *Appeal from designation.* Any owner whose building, structure, site or district has been designated pursuant to [section 15-105](#) shall have ten days after the adoption of the resolution designating the building, structure, site or district to file an appeal with the village board.
- (b) *Appeal from disapproval of application.* Upon a disapproval of an application for a certificate of approval, if the applicant refuses to modify the application to meet the commission's recommendations, he shall have ten days after the issuance of the commission's decision pursuant to [section 15-106](#), to file an appeal with the village board.
- (c) *Review.* The village board shall use the same criteria as the commission in reviewing an appeal under subsections (a) and (b) of this section, and shall consider no other facts beyond those contained in the application, the proceedings before the commission and the commission decision, and shall render a decision within 30 days after the filing of said appeal.
- (d) *Deadline for appeal.* All properties heretofore designated by the historic preservation commission shall be entitled to file an appeal from such designation pursuant to subsection (a) of this section to the board of trustees provided such appeal is filed within 20 days from the adoption of the local law from which this section is derived.

(Code 1978, § 15-107; L.L. No. 1-1978, § 8; L.L. No. 3-1982, § 1; L.L. No. 6-1990, § 15)

Mayor Welch stated that I would like to see her get on with her siding; I can appreciate the guidelines you go by, however the small amount on these windows is not going to make a difference on that house. You can come to my house and see that you cannot tell whether they are vinyl, aluminum or wood.

Trustee Conde stated that he feels bad for how this process went.

A motion was made by Trustee Eydt to approve the appeal for the homeowners to have their windows wrapped in metal, and that all other Historic Preservation Commission recommendations are followed. Trustee Conde seconded the motion, while stating that he feels this is putting the Historic Preservation in a bad position. Clerk Fundis polled the board and the motion passed with three yes votes:

Trustee Conde – YES

Trustee Eydt – YES

Trustee Marasco – NO

Mayor Welch – YES

**NEW BUSINESS**

**Lewiston Fire Co. #1 Conditional Memberships**

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the request made by Lewiston Fire Co. #1 to add the following for Conditional Memberships:

**Hannah R. Heikoop**

**Matthew J. Ingham**

**Halloween – Trick or Treating**

A motion was made by Trustee Eydt seconded by Trustee Conde and passed with three yes votes to approve Trick or Treating in the Village of Lewiston for Halloween on Saturday, October 31, 2020 from 4pm – 7pm, adhering to the Governor’s safety guidelines. Trustee Marasco voted no.

**AARP – Tax Aide – Use of Village Hall Request**

A motion was made by Trustee Conde seconded by Trustee Eydt and passed unanimously to approve the request from AARP for use of the Village Hall Board Room on Tuesdays and Thursdays from 10:30am until 3:30pm, between February 1 and April 15, 2021 to provide tax return preparation and electronic submission services for residents in the Lewiston area. Proper social distancing will be required, and a maximum of eight people are permitted in the room at a time. This approval is subject to change, depending on any changes to the state of the pandemic that would prohibit this type of gathering.

**BAN Extension Request for Lewiston Landing**

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the renewal of the \$800,000 BAN for Lewiston Landing Capital Improvements for a term of one year.

**Academy Park Band Shell – Expansion & Relocation**

A motion was made by Trustee Eydt seconded by Trustee Marasco to approve the development plans as submitted for the expansion of the band shell, and relocation to the southwest end of Academy Park. The Historic Preservation & Planning Commission approved these plans on Tuesday, October 13, 2020.

**Environmental Assessment Form - 115 S. Water Street**

Engineer Marino reviewed the EAF for the development plans for 115 S. Water Street and found there is no environmental impact and he recommended the Village of Lewiston be Lead Agency and file a Negative Declaration.

**Development Plans – 115 S. Water Street**

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to approve the development plans for 115 S. Water Street based on the information and analysis of the EAF that it will not result in any adverse effect or environmental impact and a Negative Declaration was filed.

The approved plans will have double columns used on the covered walkway to mimic the design on the north side of the building. The Historic Preservation & Planning Commission approved these plans on Tuesday, October 13, 2020. This approval is conditional up the upgrade to the proper size grease trap for the property, as requested by the Department of Public Works.

**DISCUSSION****Political Signs**

Mayor Welch commented on the placement of political signs throughout the Village of Lewiston. In past years, as a courtesy, residents have not posted political signs to prevent the cluttering of signs in yards, but there seems to be a significant amount throughout the village at this time.

**Tri-Community Sewer Agreement**

A discussion ensued regarding the sewer portion of the Town of Lewiston shared sewer agreement; what the Village of Lewiston intends to honor, along with possible procedures to set in place in the event of future requests. No action was taken.

**REPORTS**

**Superintendent Wills** stated that the Department of Public Works would begin the fall leaf pick up this week, and they are currently shutting down the public restrooms for the season.

**Law Counsel Leone** spoke on the fire protection plan, stating that the Town of Lewiston is preparing documentation for the village to review.

Leone mentioned that he has been working with Clerk Fundis for the proposed subdivision on South 1<sup>st</sup> Street, and whether or not it is appropriate.

Regarding the ongoing issue with Sesac, I have spoken with their lawyer and will report on this on a later date.

**Engineer Marino** stated that there are plans for the ice boom to arrive sometime this week. Marino also mentioned that he would follow up on the repair the surveillance cameras at Lewiston Landing; somebody was supposed to come and fix these by now.

**BOARD  
REPORTS**

**Trustee Eydt** commented on the progress they have made with removing signs in the village, stating that we have a few more to repair and remove, but have gotten a lot done.

**Trustee Marasco** asked about handicap signs being take down along Fourth Street, addressing her concerns with the limited handicap accessible parking in the village. Mayor Welch replied stating that the street is supposed to be painted instead of having signs posted. Marasco asked that the police patrol these spots, as she receives frequent complaints about them being used by cars that do not have handicap tags.

**ANNOUNCEMENTS**

The Zoning Board of Appeals meeting will be held on Tuesday, October 27, 2020 at 6:30pm.

The Historic Preservation Commission meeting will be held at 6:00pm, followed by the Planning Board meeting at 6:30pm on November 9, 2020.

The Village Board of Trustees Board work session will be held at 6pm on Monday, November 2, 2020.

The Village of Lewiston Recreation Department will be holding a Halloween event on Saturday, October 31, 2020 from 2pm – 4pm

**ADJOURN**

A motion was made by Trustee Eydt seconded by Trustee Conde and passed unanimously to adjourn the Village Board of Trustees meeting at 8:09pm.

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Shannon Fundis, Village Clerk