

Summary of Minutes
Tuesday, January 30, 2018, Regular Meeting Minutes
City of Binghamton Commission on Architecture and Urban Design
City Council Chambers, City Hall

CALL TO ORDER

Chairman K. Ellsworth called the meeting to order at 12:00 p.m.

ROLL CALL

Commissioners Present: K. Ellsworth, P. Klosky, S. Edwards, J. Darrow

Staff Present: S. McGee, N. O'Neil, T. Konetchy, B. Murphy

Others Present: S. Campbell, V. Sartino, D. Cronce, M. Martin, R. Levy, J. Jacobs, J. Von Mechow, P. Benz, R. Lambert, P. Verdet, J. Green, M. Anderson, C. Walstratzky

The Commission entertained motions for Chairman and Vice Chairman for the 2018 review period.

Motion to nominate K. Ellsworth as Chairman.

Moved: J. Darrow, seconded by S. Edwards

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

Motion to nominate J. Darrow as Vice Chairman

Moved: P. Klosky, seconded by S. Edwards

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

APPROVAL OF THE MINUTES

A quorum of Commissioners who had attended the December 20, 2017 special CAUD meeting was not present to take action on the meeting minutes.

DETERMINATION OF HISTORIC SIGNIFICANCE FOR LANDMARK DESIGNATION

61 Prospect Avenue (2017-78)

The Commission on Architecture and Urban Design held a public hearing to review 61 Prospect Avenue and determine if the property met the criteria for Local Landmark Designation.

Staff presented all findings. Staff findings indicated that the property appeared to possess four of the five criteria for Local Landmark Designation, including:

1. Possess special character or historic or aesthetic interest or value as part of the cultural, political, economic, or social history of the locality, region. State or nation
2. Is identified with historic personages
3. Embodies the distinguishing characteristics of an architectural style.
4. Because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood

K. Ellsworth asked if there was anyone present who wished to speak about the application.

M. Martin, the property owner of 61 Prospect Avenue, participated in the meeting by phone and spoke on behalf the application. She explained that she has considered preservation in all alterations to the building since she had acquired it. She explained that designating the building a Local Landmark had emerged at this point in time as a way to provide the building with relief from some of its current parking requirements. She stated that she had no issue with the Commission reviewing proposed alterations to the property moving forward.

No other persons present indicated that they wished to speak about the application.

Motion to close the public hearing.

Moved: J. Darrow, seconded by P. Klosky

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

Motion to issue a Determination of Historic Significance for Landmark Designation as the Commission has determined that the property meets the criteria for Local Landmark Designation.

Moved: P. Klosky, seconded by J. Darrow

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

CERTIFICATES OF APPROPRIATENESS

31 Lewis Street (2018-04)

The applicant, Jax Signs & Neon, Inc., proposed the installation of a new wall sign. Details of the proposed sign were included in the staff report. Staff presented all findings. Vince Sartino was presented to speak about the application.

Motion to issue a Certificate of Appropriateness.

Moved: J. Darrow, seconded by P. Kloksy

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

DETERMINATION OF HISTORICAL SIGNIFICANCE FOR DEMOLITION

113 Hawley Street (2018-01)

The applicant, Security Mutual Life – Rick Wortman, has proposed the demolition of the two-story residential dwelling unit located on the property. The applicant proposed an integrated parking plan for its employees as they future use of the site. Staff presented all findings provided in the staff report for the application.

S. Campbell, of Hinman, Howard, & Kattell, spoke on behalf of the application as the applicant's representative. She detailed the intent of Security Mutual's application and the need for additional parking. She indicated that although the property received funding for rehabilitation in 2009, the house has not been utilized for any real purpose except to act as construction office space while the Southern Tier Incubator was being built across the street. She spoke specifically about the criteria for historic significance in relation to demolition.

1. If the structure is an outstanding example of a structure or memorial representative of its era, either past or present;

S. Campbell said that there have been alterations to the building, but it did appear to be a structure representative of its era.

2. If the structure is one of the few remaining examples of a past architectural style or combinations of styles.

She indicated that, although the house is the last on the block, there appeared to be other houses with the same features and of the same style.

3. If the structure is associated with a historical person or event of significance to the City, region, state or nation.

She indicated that the house did appear to be associated with a person of significance, the second mayor of Binghamton, however, she indicated that she was not sure if mere residency was enough to validate this criteria.

S. Campbell indicated to the Commission that each of those criteria are considerations for the Commission to take into account. She said that those criteria appear to be based on the *Secretary of the Interior's Standards for the Treatment of Historic Buildings*. Those standards are meant to allow for the managing of change, not to prevent it. She indicated that considerable change has occurred in the neighborhood, and that the neighborhood in which the house existed is no longer extant. The house has been vacant despite a significant rehabilitation and marketing attempts. She indicated no one wants to tear down old homes for parking lots, but parking lots are a necessity that we all use. She cited the recent reports in the news which address parking issues in the downtown area and that while Security Mutual could not solve all the parking issues, this was a small step that they could take.

R. Levy, a former chair of CAUD, spoke in favor of a Positive Determination of Historic Significance. She indicated that, in accordance with the criteria, the building is an outstanding example of a structure or memorial representative of its era. This highlighted by the fact that the City afforded it Restore NY funding for its rehabilitation. She also indicated that the building is associated with a historical person of significance to the City and, even though George Washington hadn't slept there, it was a house associated with the second mayor of Binghamton and a prominent Binghamton physician. R. Levy also indicated that the proposal flies in the face of the City of Binghamton Historic Design Guidelines which recommend:

"Do not demolish historic structures that have historic or architectural significance within the City of Binghamton.

Do not demolish a building that contributes to the historic setting and character of a district

Do not demolish a building that contains historic building materials or evidence of historic craftsmanship that would be difficult or impossible to replicate or reproduce...

A building should not be demolished without definitive plans for the reuse of the property. The reuse of the property should never be a parking lot, which would generally have a negative impact on the overall character of a street."

She emphasized the importance of losing a building on that street. She indicated that if the building was demolished, there would be a vast sea of pavement and cars. She said the City had made efforts, informed by the public, to make Binghamton amenable for walking on the street and the walking past asphalt and parked cars is not conducive to walking in the City.

D. Cronce stated that 47 North St. was a building without an interior which had been on the demolition list but she had worked hard to have it removed from that list. She emphasized that we can always make parking lots but history takes years to build. She further indicated that the removal of symbols of Binghamton's history results in a loss for what Binghamton presently is. She spoke about bringing future uses to Binghamton's historic buildings and offered her support as a member of City Council to assist in this effort for this case.

Jeff Jacobs, Security Mutual, thanked the Commission for hearing the case. He spoke about the 130 year history of Security Mutual in the City and the historic property the company presently occupies. He indicated that as S. Campbell has indicated, history does not preclude change and that that neighborhood has undergone substantial change. He stated that the proposal would actually support some of the criteria that the Commission is reviewing such as making the area more walkable, safe, and increasing green space. He asked that the Commission give thoughtful consideration of the proposal before them.

J. Darrow stated that the building did appear to be unique in its architectural style and that, as the last building on the block, its removal would eradicate the entire history of the block. He said he believed the property to be easily salvageable. The interior work did not appear extensive, and the building appeared very viable. He asked how many parking spaces would be lost for if the house were to remain standing.

S. Campbell informed him that 10 spaces would be lost.

J. Darrow stated that the house appeared to be historic in its appearance and through its association with historic persons of Binghamton. He referenced his own historic house as a comparison.

He stated that it was his belief, that the Commission had a responsibility to the community to save what they could, where they could, when they could.

K. Ellsworth stated that if a positive determination of historic significance was issued, the Commission should consider Landmark designation so as to further enable making future use of the building possible and he also stated that the house should have some sort of physical representation of its significance such as a plaque.

J. Darrow stated that Security Mutual was a fine company, but that they could likely pursue an alternative option given their substantial resources. This would alleviate the parking issue for their employees and provide further assistance for the parking issue in the downtown.

P. Klosky stated he concurred with J. Darrow.

S. Edwards said she was concerned that, despite grant funding, the property had not been placed back into service. She agreed with K. Ellsworth and that if the building will not be demolished it needs to be recognized appropriately as historic.

P. Klosky stated the Commission's review should only consist of reviewing the historic significance of the property.

S. Edwards asked if this determination was final.

J. Darrow responded that the property appeared to possess the criteria for a determination of significance despite its interior condition.

S. Edwards asked about whether or not the structure really conveyed its significance.

S. Campbell stated that the applicant did not own the building and they could not speak for the owner, but the owner had received the grant funding and there has been no productive use of the property.

S. Edwards asked as to the nature of the Board's review.

S. Campbell asked if the second mayor of Binghamton lived in the house or if it was built on land owned by him.

Staff clarified that the home was built on land owned by the second mayor of Binghamton and that, based on the 1885 Atlas Map of Binghamton, the second mayor had subdivided the plot of land and the house was built on the newer, smaller parcel, but that it appeared that he continued to own the property after subdivision has occurred, and utilized the property for some other purpose.

P. Klosky indicated that the context of the building was also important. P. Klosky stated that the preservation of the building would actually preserve a significant amount Binghamton's history within the context of the neighborhood, which has essentially become a parking lot or a series of parking lots.

J. Darrow emphasized that it the last remaining example of its kind in that area.

Patrick Benz, speaking on behalf of Security Mutual, stated that he had been in the building several times and that he thought the Commission should be aware that considerable work was needed for the house to operable, not just to the house itself, but also the retaining walls which are falling apart. He stated that the former owner had utilized the building for the testing of construction materials which is why the Kitchen had been removed and that new Masonite doors and Anderson windows had been installed. He mentioned that the house had not been treated in is historically significant manner and that he worried about the dollar investment needed to maintain the property moving forward. He stated that the increase in green space would prevent the area from becoming a sea of parking from a visual point of view.

K. Ellsworth stated that understood the applicants concerns and that is the difficult task the board is charged with.

S. Campbell stated that a decision would have to be made at some point and asked that the Commission be clear for the record what criteria that decision is being based on. She emphasized that it was her belief that you have to look at the structure as it appears now. The decision about what the block was to become was made a long time ago by other Boards and that just because it's the last one standing that doesn't necessarily satisfy the criteria.

K. Ellsworth said that point was an important point and that this would require reasoned judgment based, in part, on precedence by the Commission.

J. Darrow asked if reviewing the criteria would be of assistance.

K. Ellsworth suggested that the Commission read through the criteria and comment after each criteria.

S. Edwards asked about the building in relation to the historic district.

Staff explained the process by which the District boundaries were determined in the 1970s.

P. Klosky restated the Commission's charge to review structures that are over 40s years of age.

J. Darrow indicated that the District was based on the Susquehanna Urban Cultural Park System.

J. Darrow stated the criteria for a determination of historic significance for demolition:

1. If the structure is an outstanding example of a structure or memorial representative of its era, either past or present; or

J. Darrow stated that it was his belief that the building met this criteria as the only remaining example of the building in that area. It is the only remaining house of its kind in that area.

2. If the structure is one of the few remaining examples of a past architectural style or combinations of styles; or

J. Darrow stated the he believed the structure met this criteria as again, it is the only remaining house of that style which is still extant on the block. He stated that there are other examples of the style elsewhere in the City, but that structure does meet the criteria, as the last remaining example in that area.

K. Ellsworth noted the distinction that J. Darrow made.

3. If the structure is associated with a historical person or event of significance to the City, region, state or nation.

J. Darrow stated that house was associated with the second mayor of Binghamton, and therefore, a person of significance to the City.

K. Ellsworth asked if anyone had anything to add to J. Darrow statements. P. Klosky stated that although there are likely other examples of similar styles of homes in Binghamton, they are likely found in wealthier neighborhoods. He stated that CAUD has a responsibility to serve all neighborhoods of Binghamton's. He said that again, considering the overall context in which the house is situated is important in this case. The house, itself, almost functions as a museum and represents when Binghamton was a different place.

J. Darrow review the compatibility of the proposal with the Historic Design Guidelines for the City of Binghamton:

- *Do not demolish historic structures that have historic or architectural significance within the City of Binghamton.*
- *Do not demolish a building that contributes to the historic setting and character of a district.*
- *Do not demolish a building that contains historic building materials or evidence of historic craftsmanship that would be difficult or impossible to replicate or reproduce.*
- *Do not demolish a building that is a rare example of its type, style, period of construction or historic associations.*
- *A building should not be demolished without definitive plans for the reuse of the property. The reuse of the property should never be a parking lot, which would generally have a negative impact on the overall character of a street.*
- *Do not demolish a building when reasonable efforts can be made to maintain its structural integrity.*
- *If a historic building is active and is earning a reasonable economic return, it is not appropriate to demolish the building, even if the return is not deemed to be the highest and best use.*

J. Darrow stated that the only Guidelines which the property appeared inconsistent with was the last one stated.

S. Campbell asked about the landmark designation process.

Motion to issue a Positive Determination of Historic Significance.

Moved: J. Darrow, seconded by P. Kloksy

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

J. Darrow made a motion to set a public hearing to review the property located at 113 Hawley Street for Landmark Designation at the February 27, regular CAUD meeting.

Moved: J. Darrow, seconded by P. Kloksy

Motion carried (4-0-0)
Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards
Nays: None
Absent: M. Atchie, M. Lombardini, M. E. Mauro
Abstention: None
Recused: None

63 Carroll Street (2018-02)

Staff presented all findings. S. Campbell presented the application. No other persons spoke about the application.

J. Darrow spoke about the building and thought the style was more abundant in the area. He stated this building was about as far away from the preceding structure.

P. Klosky thought that it was not an outstanding example of the style.

Motion to issue a finding of No Historical Significance. (Completed following SEQR review)

Moved: J. Darrow, seconded by P. Kloksy
Motion carried (4-0-0)
Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards
Nays: None
Absent: M. Atchie, M. Lombardini, M. E. Mauro
Abstention: None
Recused: None

SEQR Review

Motion to Declare Lead Agency for determination of historical significance purposes only.

Moved: K. Ellsworth, seconded by J. Darrow
Motion carried (4-0-0)
Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards
Nays: None
Absent: M. Atchie, M. Lombardini, M. E. Mauro
Abstention: None
Recused: None

Motion to declare the action as an Unlisted Action.

Moved: K. Ellsworth, seconded by J. Darrow
Motion carried (4-0-0)
Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards
Nays: None
Absent: M. Atchie, M. Lombardini, M. E. Mauro
Abstention: None
Recused: None

The Commission reviewed all relevant SEQR Criteria and found no or small impact for each.

Motion to issue a Negative Declaration for historical significance.

Moved: K. Ellsworth, seconded by J. Darrow

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

16 Emma Street (2018-03)

Staff presented all findings as provided in the staff report. S. Campbell presented the application. No one else spoke about the application. The applicant is seeking to demolish two accessory structures on the property which require CAUD review.

J. Darrow made a motion to issue a finding of No Historic Significance. (Completed following SEQR review)

D. Cronic asked the Commission about the application and the overall improvements that were to be made to the building.

Moved: J. Darrow, seconded by P. Klosky

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

SEQR Review

Motion to Declare Lead Agency for historical significance only purposes only.

Moved: J. Darrow, seconded by P. Klosky

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

Motion to declare the action as a Type I action.

Moved: K. Ellsworth, seconded by J. Darrow

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

The Commission reviewed all relevant SEQR Criteria and found no or small impact for each.

Motion to issue a Negative Declaration for historical significance.

Moved: K. Ellsworth, seconded by J. Darrow

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

CERTIFICATES OF APPROPRIATENESS

95 Court St. (2017-77)

Not enough members were present to take action on the application.

S. Campbell asked about having a special meeting for the application. Staff indicated they would attempt to schedule.

65 Court St. (2018-05)

J. Darrow made a motion to table the application as the applicant was not present at the meeting.

Moved: J. Darrow, seconded by S. Edwards

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

DAS Wireless Multiple Location (2018-06)

Staff presented all findings associated with the application. The applicant spoke about the application.

Staff reiterated the Commission's purview in regard to the application.

R. Lambert presented the application.

D. Cronic spoke about cell service on the west side.

K. Ellsworth

J. Darrow ask about one node in particular near Spring Forest Cemetery.

Patricia Verdet, construction manager, answered J. Darrow's question.

SEQR Review

Motion to declare CAUD as the lead agency for purposes of issuing a Certificate of Appropriateness.

Moved: K. Ellsworth, seconded by J. Darrow

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

Motion to declare the action a Type 1 Action.

Moved: K. Ellsworth, seconded by J. Darrow

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

The Commission reviewed all relevant SEQR Criteria and found no or small impact for each.

Motion issue a Negative Declaration.

Moved: K. Ellsworth, seconded by J. Darrow

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

Motion to issue a Certificate of Appropriateness for the application as presented.

Moved: J. Darrow, seconded by S. Edwards

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

255 Washington Street (2018-07)

Staff presented all findings. Staff spoke about the previous cases where EMC signs had been proposed.

J. Green spoke about the previous sign on the property and the need for a new sign.

K. Ellsworth spoke that there was no issue in regard to the location of the sign.

Staff reiterated that EMC signs are not permitted in the Downtown Business District and that the applicant will need to seek an area variance from the ZBA.

J. Darrow asked about the previous approval.

Staff spoke about how EMCs signs can be used as Static LED Signs, but the City cannot ensure that.

B. Murphy spoke about the applicant.

J. Darrow spoke about consistency.

Staff spoke about the procedural history with the United Presbyterian Church.

J. Green spoke the need for an EMC sign.

M. Anderson spoke about the quality of Static LED signs and EMCs.

Staff reiterated the Commission purview in this case.

C. Walstrazky spoke about the church's needs and purposes.

The Commission discussed setting precedent.

J. Green spoke indicated that they would not utilize the sign in a certain manner.

Staff indicated that there was a good faith effort on the part of the applicant, but management of the sign could change over building's and sign's life cycle.

C. Walstrazky asked what the outcome of that United Presbyterian Church application was.

Staff stated the decision in that case.

M. Anderson was spoke about the quality difference between the two signs.

J. Darrow asked about whether or not the difference of one property being in the district was relevant.

J. Darrow indicated he thought the Commission needed to adhere to precedent.

K. Ellsworth indicated he had no issue with the size and location of the sign.

T. Haines spoke and asked about the size of the sign.

D. Cronic asked about brightness.

K. Ellsworth suggested making a recommendation to the ZBA.

P. Klosky spoke about achieving consistency with the design of the sign, logo, and colors in accordance with the historic architecture.

J. Darrow asked about vandalism protection.

J. Green indicated that that sign company offered lifetime vandalism protection.

J. Green spoke about the design of the sign.

M. Anderson spoke about other future applications.

K. Ellsworth stated that location and size of the sign appeared acceptable and that the Commission should make a recommendation to the ZBA of appeals stating as such.

K. Ellsworth stated that having a rendering of the sign in its present location would be helpful for the Commission.

K. Ellsworth made a recommendation to ZBA that the location of the sign is appropriate.

Moved: K. Ellsworth, seconded by S. Edwards

Motion carried (4-0-0)

Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards

Nays: None

Absent: M. Atchie, M. Lombardini, M. E. Mauro

Abstention: None

Recused: None

196 State Street (2018-08)

Staff presented all findings.

Thomas Haines spoke about the application and explained all proposed changes.

Drawings of the proposals were passed around to the Commission.

The Commission asked about the proposed changes to the alley.

Motion to issue a Certificate of Appropriateness based upon the application as presented and as detailed in the staff report.

Moved: J. Darrow, seconded by S. Edwards
Motion carried (4-0-0)
Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards
Nays: None
Absent: M. Atchie, M. Lombardini, M. E. Mauro
Abstention: None
Recused: None

7 Hawley Street (2018-09)

Motion to defer lead agency to the Planning Commission.

Moved: J. Darrow, seconded by K. Ellsworth
Motion carried (4-0-0)
Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards
Nays: None
Absent: M. Atchie, M. Lombardini, M. E. Mauro
Abstention: None
Recused: None

Motion to adjourn.

Moved: J. Darrow, seconded by S. Edwards
Motion carried (4-0-0)
Ayes: K. Ellsworth, P. Klosky, J. Darrow, S. Edwards
Nays: None
Absent: M. Atchie, M. Lombardini, M. E. Mauro
Abstention: None

Meeting adjourned at 2:40 p.m.