

Village of Penn Yan
Historic Preservation Commission Meeting Minutes
Tuesday, March 11, 2025 at 5:30 p.m.
Village Hall, 111 Elm Street, Room 202

Present:

Andy Baus, Chair
Shirley Owens

Kelly Saner
Anna Sweet

Eileen Wunder
Dan Henries, Trustee

Absent:

James Marshall, CEO

Guests and Public:

Frances Stern, NYSHPO
Kyle Spinks

Sarah Haberstroh
Maggie and Mike Kessler

The meeting was called to order by A. Baus at 5:30 p.m. After roll call, he noted that a quorum was present. There were no concerns with the minutes from the January 14, 2025 Historic Preservation Commission Meeting.

Applications for Certificate of Appropriateness

140 Main Street – Sign for new business

K. Spinks described his business needs with regard to updating his sign on the front of the building. There are currently two hanging signs; one is for a salon and the other for a massage therapy business. The salon is closing and so they would like to replace the two signs with one. It is similar in size, color and style to the signs being replaced.

Motion by A. Sweet to approve the application as submitted, seconded by K. Saner and carried with all in favor.

17 Main Street – Sign for new business

S. Haberstroh is opening a plant and gift shop. The proposed sign is similar to the business next door as it will hang from an arm or mounted bracket that will extend from the building. A vinyl sign for the front door will have the business logo and hours of operation. Additionally, she'd like to position a planter on either side of the front door. K. Saner noted that it will look nice and all were looking forward to the store opening.

Motion by E. Wunder to approve the application as submitted, seconded by K. Saner and carried with all in favor.

NYS Office of Parks, Recreation & Historic Preservation (SHPO)

Frances Stern, Historic Site Restoration and Statewide Certified Local Government Coordinator, joined us remotely to discuss requirements related to expanding or contracting the size of a historic district. A. Baus expressed appreciation for F. Stern taking time to meet with the commission virtually. And went on to ask what requirements are required to make any changes to the Village's

Historic District. F. Stern stated that requirements for adding or subtracting local landmarks always have to be rooted in the local law. She is aware that the Village is making code revisions and has a copy of them which she is completing a thorough review of. She wanted the opportunity to meet with the Commission before finalizing her formal response to the revisions so to best answer any questions. Noting that this is a good time to think about implementing changes. The procedure for adding a landmark is considered in the NYS model law for preservation [although it was not confirmed during the meeting, there are provisions for landmark designation in Village Code] and noted items of criteria like integrity and process. Removing landmark designation also has to be rooted in the code and will follow a very similar procedure as landmarking a new structure, but is sort of the opposite. On occasion she does receive inquiries on removal of landmark designation and has spoke at length to the National Park Service about this. The only reason for removing a landmark designation is a severe loss of historic integrity. Continuing, F. Stern offered that if there were other challenges or issues causing this conversation to occur then we can meet and discuss on how to prevent them. There are very few municipalities with CLG programs that have rescission provisions in their code because it is not recommended. F. Stern asked for the Commission to share their thoughts and concerns so that they may be able to offer suggestions for program improvement.

A. Baus notes that some of the questions that have arisen in the past were because the current Village Code does not provide, in some people's opinion, adequate ability to enforce code decisions regarding buildings in the Historic District. Consequently, if we cannot enforce what the code says about the District, is the Historic District relevant? It is understood that enforcement falls on the Village, not SHPO. This is one consideration and why altering the size of the District is being considered. E. Wunder added there are two houses across from the Hospital on North Avenue in severe disrepair and can't foresee them ever being able to meet the standards – one on Main Street was noted. A. Baus stated that there are currently buildings or structures in the District that may never be able to be brought back and at some point they are going to fall into such disrepair that someone is going to say what's the next step – tear down? Additionally, there are other areas with older homes that are in fine condition – what keeps houses in good shape? Is it the Historic Designation or is it the owner? Why are some buildings taken care of, while others are not? Owner pride?

A. Sweet reiterated F. Stern's statement that it is very rare to remove properties from the Historic District. Municipalities that have standards and procedures for both landmarking and removal of landmark designations seem to be very rare. And instances where removal of landmark designation have been considered it has always been fraught with challenges. F. Stern acknowledged and understands the issues the commission is experiencing; it can be disheartening to see some properties fall out of line. This is a valuable learning opportunity when thinking about making sustainable changes to your code and processes moving forward. F. Stern will continue to review proposed amendments to our code and go a little bit deeper and look at the overall structure of the code and make some broader recommendations. Additionally, make some recommendations of what the Commission can do to help.

S. Owens noted that it's been difficult enforcing the code – especially when the Board of Trustees chooses to have a structure demolished, overriding the Commission's decision. F. Stern can offer materials that go a little bit deeper on enforcement; noting that NAPC has some really good training sessions on enforcement. A. Baus, on behalf of the board, appreciates the offer of help.

M. Kessler, a member of the public, noted that in past minutes there were discussions about reducing Clinton Street; however, there are many nice houses on the street. A. Sweet mentioned that the discussions have not concentrated on any particular areas, despite some concerns. Instead,

from a Code Enforcement perspective, it has been suggested that if the overall size of the District were smaller, the standards might be more easily enforceable. A. Baus clarified that no recommendations have been made, only conversations. M. Kessler asked that the discussion continue. E. Wunder confirmed that Clinton Street was discussed, but asked if there is a way to encourage property owners to take action. A. Baus noted that there have been times when work was done without a Certificate of Appropriateness. He perceives enforcement as the driving force to the discussion and examples mentioned are simply that – examples. What are we talking about? Establish what we think we might want to recommend to the Trustees – enlarge the district or make it smaller – is achieved by discussing boundaries and the reasons for any recommendations. M. Kessler noted affordability. A. Sweet noted that the topic of expanding or reducing has been discussed at several meetings at the request of Code Enforcement and Board of Trustees; there are tradeoffs for either. The main focus tonight is to get SHPO's guidance on how other districts are addressing these concerns.

M. Kessler insisted that affordability, burden, benefit and enforcement all be addressed now. A. Baus reiterated that the purpose of this meeting is to seek guidance on what the Village needs to do to alter the District; and it has been learned that it is based on codification. F. Stern added that all decisions for landmarking and landmark removal should be supported in local law. Sufficient basis for removal, in the eyes of the National Park Service, of landmark designation is sufficient loss of integrity. One way to determine if there has been a loss of integrity within a district is to complete a survey through a professional consultant. Certified Local Government (CLG) may be able to provide grant funding available for a project of this nature. F. Stern's final report will include outreach solutions, such as neighborhood captains, educational tools, virtual training and tax credit opportunities. Take a good hard look at where you are and where you want to be in the future.

F. Stern confirmed that the federal tax credit program with an accompanying state program is specifically for commercial or income producing properties and New York State has a residential tax credit program for homeowners of private properties; suggesting outreach materials and training for members. In addition to reviewing applications, members can be an information clearing house for folks in the community – talking with neighbors, making best recommendations and connect people to resources. SHPO's job is to make Commissioners feel prepared and offer support. It is expected that properties receiving a federal tax credit use the Secretary of the Interior's Standard for Rehabilitation and NYS state also uses the Secretary's standards. Many CLGs use these standards and their local law reference them. As reviewers of homeowner Tax Credit programs, SHPO is familiar with recent trends like substitute materials and often work with the National Park Service for guidance.

S. Owens asked if the list of addresses should be in the code. F. Stern noted that each commission handles it differently and is based on their circumstances; sometimes it is explicitly outlined in the code and other times it is made available on their website – the information should be publicly accessible.

A. Baus thanked F. Stern; she appreciates the conversation and opportunity to gain a better understanding of the Village and is still interested in visiting at some time in the future and can assist in connecting us with other folks who deal with similar things.

In summary, A. Baus noted that provisions in the code will be what is used to make decisions to changes in the district. S. Owens' takeaway is that decreasing the size of the District may not be supported because there is not severe degradation anywhere – like a burned down area. A. Sweet added that this was very helpful – a professional survey or assessment of the District would be a

helpful tool for decision making. A CLG grant could help pay for a survey; grant applications are typically submitted annually in the spring. Maybe something to act on for next year.

2026 Budget

Motion by S. Owens to maintain the Historic Preservation Commission 2026 budget at 2025 funding level, seconded by K. Saner and carried all in favor.

National Alliance of Preservation Commission Membership Renewal

A. Baus noted that the membership is paid for after taking a few of the virtual trainings and is money very well spent.

Motion by A. Sweet to renew the Commission's membership to the National Alliance of Preservation Commission at the current \$150 Medium Renewal level, seconded by K. Saner and carried all in favor.

Motion by A. Sweet to adjourn at 6:10 p.m., seconded by E. Wunder and carried all in favor.

Submitted by Katie Tomlinson