

Proceedings held before the Historic Preservation Commission of of Brighton at 2300 Elmwood Avenue, Rochester, New York on November 17, 2016 commencing at approximately 7:30 p.m.

PRESENT: Jerry Ludwig  
Wayne Goodman  
John Page  
Arlene Vanderlinde  
David Whitaker  
Diana Robinson

NOT PRESENT Justin DelVecchio

Kenneth W Gordon, Town Attorney  
Ramsey Boehner, Town Planner  
Mary Jo Lanphear, Town Historian

FIRE ALARM PROCEDURES WERE ANNOUNCED

MR. CHAIRMAN: I would like to call the meeting to order. May I have a motion to approve the agenda.

MR. WHITAKER: So moved.

MS. VANDERLINDE: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED  
Jerry Ludwig Yes Wayne Goodman Yes  
David Whitaker Yes John Page Yes  
Arlene Vanderlinde Yes Diana Robinson Yes

MR. CHAIRMAN: We have minutes from the October 27, 2016 meeting. I would like a motion to approve those with corrections.

MR. PAGE: So moved to approve the minutes for the October 27, 2016 meeting with corrections.

MR. GOODMAN: Second

UPON ROLL CALL VOTE MOTION CARRIED  
Jerry Ludwig Yes Wayne Goodman Yes  
David Whitaker Yes John Page Yes  
Arlene Vanderlinde Yes Diana Robinson Yes

MR. CHAIRMAN: Mr. Secretary was this meeting properly advertised?

MR. BOEHNER: Yes, it was properly advertised in the Brighton Pittsford Post of November 10, 2016.

MR. CHAIRMAN: That meeting as duly advertised will now be held.

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#### COMMUNICATIONS

NONE

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#### DESIGNATION OF LANDMARKS

10H-02-16 10H-02-16 Application of Lindsay McCutchen, owner of property at 2924 East Avenue, tax number 138.05-1-72, for a certificate of appropriateness to construct a deck off the second floor master suite. All as described on application and documents on file. TABLED AT THE OCTOBER 27, 2016 MEETING.

MS. MCCUTCHEN: Lindsay McCutchen. I am very pleased with the changes that have occurred. I love it.

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MR. PAGE: As far as I am concerned all of the things  
that -

MR. CHAIRMAN: You did communicate with  
him?

MR. PAGE: Yes, we prepared a sketch and sent it over and we have a copy of it and Ramsey has a copy if there was a need to comment on it but I took the comments that the Board had and did a sketch over the top and wrote it down and sent it off to the architect and this is the result and I am very pleased with it and I hope that you are appreciative of it.

MS. MCCUTCHEON: Yes, I want to say thank you and I am super excited about it and I want to thank you John.

MR. CHAIRMAN: Are there any other questions or concerns. You have already provided us with a picture of the door. Any other questions? This is a public hearing. Is there anyone in the audience that would like to speak? Hearing none this public hearing is closed. Would you like to prepare a motion for us.

MR. GORDON: Sure.

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WHEREAS application 10H-02-15 has been submitted for Certificate of Appropriateness under the Historic Preservation Law for improvement located at 2924 East Avenue, owned by Lindsay McCutchen tax account # 138.05-1-72 to perform work described as adding a deck off the second floor master suite .

AND WHEREAS the Historic Preservation Commission duly called a public hearing to consider the matter on October 27, 2016 and on November 17, 2016.

AND WHEREAS the necessary legal notice was published and the required sign posted pursuant to town code..

AND WHEREAS the public hearing on each of said dates was held and all persons having an interest in such matter had an opportunity to be heard therein

AND WHEREAS the Historic Preservation Commission hereby determines pursuant to the factors set forth in Section 224-5 of the Town Code that the proposed above described work to the subject property as shown in the plans and specifications of Carini Engineering and Design P.C. most recently revised on November 10, 2016 is consistent with the purposes of the Town's Historic Preservation Law and is compatible with the properties historic character based upon the Historic Preservation Commission review of the application and documents received and filed at the public hearing and testimony presented at the public hearing .

IT IS HEREBY RESOLVED that the Historic Preservation Commission hereby receives and files the above described application and revised plans submitted therewith

AND IT IS FURTHER RESOLVED that the Historic Preservation Commission hereby approves application 10H-02-16 for the Certificate of Appropriateness for the above described work to be performed at the property located at 2924 East Avenue subject to the condition that the above described work be in conformance with the above mentioned plans and be completed within one year of the date of this approval

AND BE IT FURTHER RESOLVED that pursuant to chapter 224 of the Town Code that the above described work qualifies for the exemption setforth in New York Real Property Tax Law section 441-A

MR. WHITAKER: I will make that motion.

MS. VANDERLINDE: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Jerry Ludwig Yes Wayne Goodman Yes  
David Whitaker Yes John Page Yes  
Arlene Vanderlinde Yes Diana Robinson

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11H -01-16 Application of Steven King, owner of property at 2550 East Avenue, tax number 122.20-3-3, for a certificate of appropriateness to install a man-door or passage door in the new garage and shutters on the house. All as described on application and documents on file.

MR. KING: Steven King. I would like to ask for your forgiveness.

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MR. CHAIRMAN: You know what they always say forgiveness is easier than permission but in this case I have some problems the plans called for a wooden door similar to the one on the garage and you went out and bought the cheapest dam door that you could find or steal and now you are asking for permission to put that in.

MR. KING: It was not the cheapest.

MR. CHAIRMAN: All right probably the cheapest metal door you could find. I think it is a typical builders quality metal door, and I don't think that's appropriate.

MR. KING: What would you like me to do? Where can I buy such a door?

MR. CHAIRMAN: Well, you have two options. One you could go down to House of Parts and try to find a used door that would be similar or you could buy a wooden door that was new either one.

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MR. KING: That is easier said than done.

MR. CHAIRMAN: You can't buy a wooden door.

MR. KING: You have a three quarter view with 12 lights. I bought a half view with 12 lights. That was the only way.

MR. CHAIRMAN: I guess I am not so concerned about the number of lights. I am concerned about the material. I guess what rubs me the wrong way is that you went ahead and did something without asking us first.

MR. KING: That was not done on purpose.

MR. CHAIRMAN: It was an accident.

MR. KING: I ordered the door and that is what came. I wasn't given any options. I just said it has to look like the lights and –

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MR. CHAIRMAN: So you went ahead and put it in as opposed to coming to us first.

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MR. KING: No I came to you many times but not on this specific one. It is not that I did this on purpose. If you want a wooden door that is not a problem.

MR. CHAIRMAN: I guess I would like to ask the Commissions thoughts on this.

MS. ROBINSON: There is another alternative of having a door made.

MR. CHAIRMAN: I don't think we are quibbling about the number of lights the configuration.

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MR. KING: So if its 9 or 12 you are okay with that? If its three quarter or half you are okay with that?

MR. CHAIRMAN: I think the door looks fine I just wish it wasn't metal and maybe I will get over ruled here but what is the rest of the thoughts here?

MR. GOODMAN: I would agree with Jerry, that there is probably several variations of light that would be appropriate and I think the issue I share as well is the material that is not appropriate being metal and I feel that way as well. Metal is not appropriate but the design I think is fine. Nine lights is fine.

MR. CHAIRMAN: I don't have a problem with that. I would like to see a wooden door but I am one out of six tonight.

MS. VANDERLINDE: I want to see an appropriate door .

MR. CHAIRMAN: Is this an appropriate door?

MS. VANDERLINDE: By the design yes, but not by the material exactly as you said.

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MR. PAGE: I am fine with it but not the process he did it in. I am sorry and we have worked with him a long time.

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MR. CHAIRMAN: John is okay with the door. David how do you feel?

MR. WHITAKER: Based on the looks and this is the actual door?

MR. PAGE: Yes that is the door as it exists.

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MR. WHITAKER: I am fine with it.

MS. ROBINSON: We asked for wood and I would like to have it.

MR. CHAIRMAN: Okay. Are we going to do the shutters with the door? Steve, do you know how you measure shutters?

MR. KING: They are cosmetic.

MR. CHAIRMAN: I am not asking you that. I am asking you how do you measure shutters. It is half of the window opening and if you will look at the house when it had shutters on it they are probably the original shutters. The lower left window the bay window did not have shutters and the upper windows had shutters which looked like, at least from this view, that they are the appropriate ones probably the ones that came with the house. The ones that are installed are too narrow and they are outside the trim. The original ones were attached to the trim which is the way shutters are supposed to be.

MR. KING: They weren't operable.

MR. CHAIRMAN: Steve I don't think that is the issue. The issue is that the shutters are too small.

MR. KING: I'll take the shutter off then.

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MR. CHAIRMAN: Okay, am I the only one that feels that way?

MS. VANDERLINDE: No. I think every one in the room circled particularly the first story window. If they aren't operable they should at least look like they could be operable. In this instance there is no way they would be operable and whenever you see them it doesn't matter if the house is historic or not when the shutters are

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Applied as jewelry on a house it doesn't work and that is what is happening here Steve I am so sorry.

MR. CHAIRMAN: You are missing the point. The shutters you put on are not the same size as the ones you took off.

MR. KING: We don't need them if we close them they are two or three inches short.

MR. GORDON: I want to get some clarification, the man door that was installed was there ever a C of A ever issued for that door?

MR. CHAIRMAN: No there is not.

MR. GORDON: So there was no application that was made for the new door. So there wasn't an application made to put in a wood door and he put in a metal door anyway?

MR. CHAIRMAN: No it wasn't part of the original drawing.

MR. GORDON: How about the shutter was there any C of A for those?

MR. CHAIRMAN: No that has never come up before.

MR. BOEHNER: That was not part of the plan.

MR. GORDON: So what we have procedurally is two fairly simple issues. The question before the Board is, is the installation of the door consistent with the historic character of the property. It is the same standard that we would apply for an original C of A application. The same with the shutters the same question. So it

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doesn't matter about whether the shutters are functional or not what matters is exterior renovations whether these are renovations or not, this is not replacing with like kind, we understand that, so are the installation of the shutters consistent with the historic character of the property. Those are the only two questions. If you answer either or both of those as no then the home is in violation of the law and needs to be corrected or the owner will be subject to penalties under the law. So I don't think we need to have this back and forth about good or bad shutters, good door bad door, but is what is there consistent with the historic character and if you are okay with it great and we can grant a C of A, I'll use a little latin, nunc pro tunc, and that would be fine and it will cure your problem but if you find that it is not consistent with the historic character we don't need to have a discussion.

MR. GOODMAN: I was going to ask a question about the shutters Jerry, and the location of the shutters where there is a very wide window and very narrow shutters in my opinion it is obviously inappropriate for that window.

MR. GORDON: Mr. King please do not interrupt the Board member when he is speaking we are trying to get a public record here. Let the person speak and you will get an opportunity to speak.

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MR. GOODMAN: So the question that I have on the top row I was trying to get an idea if you were to put those shutters over the trim would that then make the shutters the appropriate size I guess that is what I am asking.

MR. KING: The only reason I interrupted you is those can be taken off. My question was and you are talking about a bay window too and clearly that shutter shouldn't be there.

MS. VANDERLINDE: No, I wasn't. I was talking about the first floor window to the left.

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MR. KING: You make the decision and let me know and I will figure it out from there because I have spent tens of thousands of dollars on the exterior of the home. You have to admit that. That thing was condemned when I bought it. It's called a broken house. You could stand on the third floor and look down and see the basement. You know I inherited decades of deferred maintenance on that house.

MR. CHAIRMAN: Steve we are not on your case here about that. The only thing we are concerned about is procedure. Since we approved a steel overhead garage doors I am willing to go with John and Dave and say well it's in and its not perfect but it is okay with me.

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MR. PAGE: I am not sure I wouldn't have considered it had it not been submitted.

MR. CHAIRMAN: I guess we will give you a pass on the garage doors

MS. ROBINSON: What was on the original drawings.

MR. CHAIRMAN: It was supposed to be identical to the one the carriage house.

MS. ROBINSON: So we did ask them?

MR. GOODMAN: What did it call for?

MR. CHAIRMAN: I am not sure if it called for fiberglass or wood. Either way it is not either one. So I think we can give you the pass on the garage door. We will consider it. As far as the shutters go -

MR. PAGE: The down stair shutters I think are going to have to go and I think the question that Wayne is raising is if the

shutters on the upper floor are moved inward toward covering the appropriate amount of trim. Would they be acceptable?

MR. GOODMAN: If the windows on the upper level were moved in to cover the trim obviously it's closer.

MR. CHAIRMAN: I am not sure it would make it any better. I would just as soon leave them the way they are rather than taking them off and trying to cover the trim because the closer they are to the window the more it is going to be apparent they are not the right size.

MR. PAGE: There are two things that catch your eye one is that they are potentially small and two is that they are located in the wrong spot. Wayne mentioned that and that is what I noticed when I see shutters. Is that they tend to put them next to the trim then screw them in because that is the simplest thing to do and you don't have to worry about how to have spacers and so on to make it work. So I am not certain that I would be unhappy with them if they were relocated on the upper personally.

MR. WHITAKER: The shutters on the old house and the new house certainly are not in character with what the house looked like. And what we want to do is keep the house looking as it did before. Those are so very different. I am just looking at a picture of the old house and the new house.

MR. KING: How are they different?

MR. WHITAKER: Well, their location, they were on the frame before and now they are outside of the frame. That is a huge difference.

MR. CHAIRMAN: And please understand that we appreciate your bringing it back from the edge. We certainly don't want

to discourage anyone from doing that. Its just that shutters were up one day and I think Diana went by and said "What the heck is going on." How many of you feel that if we just take the shutters off the window to the left which are obviously too small and leave the ones on the top the way they are. What do you think about that?

MR. WHITAKER: As long as you have the same character of the house.

MS. VANDERLINDE: I think that this looks like it could be in any track in Brighton the way the shutters are right now. And this is an historic home and I do appreciate it as a historic home and you wouldn't have bought it if it didn't have that going for it. And this home is important and it is important to the community and it is in a place that speaks to the community as well and I think everybody appreciates it. I get comments all the time have you see that house on the corner and you should be very proud of what you have done. I wouldn't stop with this – this is saying as much about what this house is and it's history as what you have done already to bring it back. And number one I would suggest taking the shutters off on the first floor. They weren't in any historic pictures and they don't work and if you move those in I think it could work with the same shutters. I was looking at the proportions and I think it is close to what I was looking at in the original picture and that way it just shows that you are making an attempt to have it be accurate historically as to what shutters were for in the first place. Not that it has to operate or anything but to make your house different because it is historic from what you find in the track all over Brighton where they just slap them up because it is an ornament and makes it look nice. Yours has to be a different statement your standard has got to be higher in this beautiful house that you have saved. So I wouldn't stop there I would –

MR. PAGE: I would say that the placement is also going to be consistent with the quality of what you bought. So you spent a lot of money to get the wood painted and finished and with really nice hardware and if the shutters are just moved in then it's unfortunate that

move would change the character in a way that would make a difference I think.

MR. WHITAKER: I would also add the removal of all the trees and shrubbery the house stands out prominently and that is all the more reason that the house should look the way it used.

MS. ROBINSON: We have a dimension of 14 plus 14 inches and I am going to guess that the windows are 31 or 42 and if you move the shutters I don't think I would have seen it.

MS. VANDERLINDE: If you were not looking for it I might not detect that they would not close or be operable.

MR. PAGE: I would suggest that we craft a motion saying we approve those things and then you can decide how they want to proceed from there. Does that sound reasonable?

MR. GORDON: So we have an application which seeks a certificate of appropriateness I guess for allowing the man door in the garage the steel man door to be deemed consistent with the historic character of the property and we have an application for a C of A for shutters that had been installed will be consistent with the historic character of the property.

MR. PAGE: With conditions.

MR. GORDON: I think what I hear you saying you will be willing to grant the first part of that application without conditions and we are going to grant the second part of that with two conditions one being removal of the first floor shutter and the second would be the relocation of the second floor shutters to cover a majority of the door jam trim.

MR. CHAIRMAN: Originally they would have been on hinges and a little bit of that trim would have shown but they wouldn't have been outside the trim and you would just have to relocate the shutters and that shouldn't be that big of a deal. There is a little bit of trim showing on the picture in the packet that would help you. Any other comments or questions before we close the hearing. Anyone else care to speak? Okay would you like to craft a motion?

MR. GORDON: I will try.

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WHEREAS application 11H-01-16 has been submitted for a Certificate of Appropriateness under the town's Historic Preservation Law for improvements to property located at 2550 East Avenue, owned by Steven King tax account # 122.20-3-3 to perform work described as installation of a steel man door in the garage and installation of shutters on the front façade of the house .

AND WHEREAS said application is for work that has already been completed and approval of the Certificate of Appropriateness is sought to be issued nunc pro tunc.

AND WHEREAS a Historic Preservation Commission duly called a public hearing to consider the matter on November 17, 2016.

AND WHEREAS the necessary legal notice was published and the required sign posted pursuant to town code..

AND WHEREAS the public hearing on each of said dates was held and all persons having an interest in such matter had an opportunity to be heard therein

AND WHEREAS the Historic Preservation Commission hereby determines pursuant to the factors set forth in Section 224-5 of the Town Code that the proposed above described work to the subject property is consistent with the purposes of the Town's Historic Preservation Law and is compatible with the properties historic character except as noted below and based upon it's review and documentation the Historic Preservation

Commission review of the application and documents received and filed at the public hearing and testimony presented at the public hearing .

IT IS HEREBY RESOLVED that the Historic Preservation Commission hereby receives and files the above described application and revised plans submitted therewith

AND IT IS FURTHER RESOLVED that the Historic Preservation Commission hereby approves application 11H-01-16 for the nunc pro tunc for a Certificate of Appropriateness for the above described work previously performed work at the property located at 2550 East Avenue except that the shutters that have been installed on the first floor of the property must be removed and subject to the condition that the shutters installed on the second floor windows be relocated so as to be placed consistently with the shutters as depicted on the 6<sup>th</sup> page of the application packets.

AND BE IT FURTHER RESOLVED that said work shall be completed within one year from the date of this approval and be it further resolved that pursuant to chapter 224 of the Town Code that the above described work qualifies for the exemption setforth in New York Real Property Tax Law section 441-A

MR. WHITAKER: I will make that motion.

MR. GOODMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Jerry Ludwig Yes Wayne Goodman Yes

David Whitaker Yes John Page Yes

Arlene Vanderlinde Yes Diana Robinson Yes

MR. GORDON: Mr. King, if I may speak and I am just speaking for myself here as to how I would counsel the commission

in moving forward. You are well aware of our procedures and you are well aware that before making any exterior renovations to the property you need to get a certificate of appropriateness before proceeding with any work and I would expect that that would be the pattern going forward and I would recommend to this Board not to grant any further nunc pro tunc applications for a certificate of appropriateness if you were to do work without coming before this Board. That would be my recommendation

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11H-02-16 Application of Amanda and Michael Dreher, owners of property at 1300 French Road tax number 150,09-1-8, for a certificate of appropriateness to install a new window in the kitchen. All as described on application and documents on file.

MR. DREHER: Michael Dreher, owner of 1300 French Road. Are there any questions? It is a fairly small project.

MR. CHAIRMAN: I have seen it.

MR. PAGE: I don't have any questions.

MR. CHAIRMAN: Any questions?

MS. VANDERLINDE: No.

MR. CHAIRMAN: Does anyone wish to speak? The public hearing is closed. Could I have a motion?

MR. GORDON: Sure.

WHEREAS application 11H-02-16 has been submitted for a Certificate of Appropriateness under the town's Historic Preservation Law for improvements to property located at 1300 French Road, owned by Amanda and Michael Dreher tax account # 150.09-1-8. to perform work described as installation of a new window in the kitchen..

AND WHEREAS a Historic Preservation Commission duly called a public hearing to consider the matter on November 17, 2016.

AND WHEREAS the necessary legal notice was published and the required sign posted pursuant to town code..

AND WHEREAS the public hearing was held and all persons having an interest in such matter had an opportunity to be heard therein

AND WHEREAS the Historic Preservation Commission hereby determines pursuant to the factors set forth in Section 224-5 of the Town Code that the proposed above described work to the subject property is consistent with the purposes of the Town's Historic Preservation Law and is compatible with the property's historic character based upon the Historic Preservation Commission review of the application and documents received and filed at the public hearing and testimony presented at the public hearing .

IT IS HEREBY RESOLVED that the Historic Preservation Commission hereby receives and files the above described application and plans submitted therewith

AND IT IS FURTHER RESOLVED that the Historic Preservation Commission hereby approves application 11H-02-16 for a Certificate of Appropriateness for the above described work to be performed at the property located at 1300 French Road Avenue subject to the work being completed within one year of the date of this application.

AND BE IT FURTHER RESOLVED that pursuant to chapter 224 of the Town Code that the above described work qualifies for the exemption set forth in New York Real Property Tax Law section 441-A

MS. VANDERLINDE: I will make that motion.

MR. PAGE: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

|                    |     |                |     |
|--------------------|-----|----------------|-----|
| Jerry Ludwig       | Yes | Wayne Goodman  | Yes |
| David Whitaker     | Yes | John Page      | Yes |
| Arlene Vanderlinde | Yes | Diana Robinson | Yes |

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HARDSHIP APPLICATIONS

NONE

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MR. CHAIRMAN: The public hearings are closed.

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NEW BUSINESS

None

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OLD BUSINESS

MR. PAGE: I would like to take the opportunity to say how gratifying it was to have Arlene be acknowledged by the Landmark Society of Western New York this past weekend at a beautiful ceremony in the beautiful chambers of City Hall. So thank you for all the work that you do and sharing your expertise with us.

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PRESENTATIONS

NONE

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ANNOUNCEMENTS

PRESENTATIONS

NONE

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ANNOUNCEMENTS

NONE

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MR. CHAIRMAN: Can I have a motion to adjourn?

MS. VANDERLINDE: So moved.

MR. WHITAKER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY APPROVED

Jerry Ludwig Yes Wayne Goodman Yes  
David Whitaker Yes John Page Yes  
Arlene Vanderlinde Yes Diana Robinson Yes

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## C E R T I F I C A T I O N

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the November 17, 2016 Meeting of the Town of Brighton's Historic Preservation Commission at 2300 Elmwood Avenue, Brighton, New York, is a true and accurate transcription of those notes to the best of my ability as recorded and transcribed by me.



Judy Almekinder

State of New York  
County of Wayne

On this 17<sup>th</sup> day of December in the year 2016, before me personally came Judy Almekinder to me known, and known to me to be the person described herein and who executed the foregoing instrument, and she acknowledges to me that she executed the same.



Notary Public

LISA D. GRIMES  
Notary Public, State of New York  
No. 01GR6117761  
Qualified in Ontario County  
Commission Expires Nov. 1, 2020