

1 Historic Preservation Commission of Brighton 7/25/19

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3 PROCEEDINGS HELD BEFORE THE HISTORIC PRESERVATION
4 COMMISSION OF BRIGHTON AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW
YORK ON JULY 25TH, 2019 AT APPROXIMATELY 7:15 P.M.

5

July 25th, 2019
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

9

PRESENT:

10 JOHN PAGE, ACTING CHAIRPERSON
DIANA ROBINSON
DAVID WHITAKER
11 AMANDA L. DREHER
WAYNE GOODMAN

13 MARY JO LANPHEAR
Town Historian

15 KEN GORDON, ESQ.
Town Attorney

18 RAMSEY A. BOEHNER
Town Planner

20 NOT PRESENT:
JERRY LUDWIG
JUSTIN DELVECCHIO

23 REPORTED BY: RHODA COLLINS, Court Reporter
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
24 Batavia, New York 14020

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3 MR. PAGE: Yes.

4

MR. BOEHNER: Ms. Dreher?

5

MS. DREHER: Yes.

6

MR. BOEHNER: Motion passes.

7

CHAIRPERSON PAGE: We have the names for the
May 23rd, any others?

9 MS. LANPHEAR: I have some corrections for the
10 three that I found. Page 26, Rowlands, not Rolands; Page 21,
11 Storrs, not Spurs Barrows; Page 50, capitalize and hyphenate
12 stone and tolan, Stone-Tolan.

13 CHAIRPERSON PAGE: Any other corrections?
14 Someone make a motion.

15 MR. WHITAKER: I move.

16 MS. ROBINSON: Second.

17 MR. BOEHNER: Ms. Dreher?

18 MS. DREHER: I'll abstain

19 MR. BOEHNER: Mr. Page?

20 MR. PAGE: Yes.

21 MR. BOEHNER: M

22 MR. WHITAKER: Yes.

23 MR. BOEHNER: Mr. G.

24 MR. GOODMAN: Yes.

25 MR. BOEHNER: Ms.

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MR. GORDON: Well, technically, yes.

4

CHAIRPERSON PAGE: If someone could suggest that motion?

6

MR. GOODMAN: I'm happy to make a motion to table Application 6H-01-19.

8

MR. BOEHNER: You can't act on it.

9

MR. GORDON: I think it just needs to be tabled based on the lack of a quorum for this matter and we'll hold it at the next meeting.

12

MR. BOEHNER: It's held over.

13

CHAIRPERSON PAGE: We'll move on to the next item.

15

APPLICATION 7H-01-10

16

7H-01-19 Application of Rufus and Amy Judson,
owners of property at 3541 Elmwood Avenue, tax number
137.12-2-15, for a certificate of appropriateness to install
a new driveway, arrival court, garage court, planting and
landscape enhancements, and the rehabilitation and
modification of the stone terrace located at the rear of the
house. All as described on application and documents on
file.

24

MARK BAYER: Good evening, I'm Mark Bayer from
Bayer Landscape Architecture and I'm here tonight with Amy

3 and Rufus Judson the owners of this great property, and we
4 are in the midst of kind of master planning for the future.
5 They recently acquired the place and we built a preliminary
6 master plan and we're here tonight to talk about Phase 1
7 improvements.

3 challenging to walk on. They would like to change that, but
4 salvage all of the Medina. And what we're planning to do is
5 a border of Medina on the inner circle. The detailed drawing
6 here actually is we're proposing to do Medina on the inner
7 circle and use it for curbing along the outside of the
8 circle. And then as I mentioned before, do like a Medina
9 apron.

10 We're also planning to do some future phases.
11 We actually have planned like a cutting garden, many other
12 features that will be appropriate. We plan to reuse the
13 Medina for border and edging. And so, again, the purpose
14 would be to enhance that arrival experience, improve the
15 circulation so it actually functions for today and today's
16 vehicles and the way the Judsons will be using this space so
17 that actual guests can park and still move around the circle.

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3 and parking goes.

4 The other component that we would like to do
5 is actually modify the rear terrace. Currently it is
6 basically a rectangle that is truncated about here and we
7 would like to actually give it a little bit of a softness on
8 the outer edge that would gesture to that unbelievable view
9 out to the golf course and give them more room to set up
10 furnishings, set up furnishings a little different way.

11

12 which we would actually like to eliminate and kind of get
13 more options for the way the furnishings are there. So that
14 is another piece that, again, we are planning to do. And
15 with all of these improvements I put in your packet some of
16 the kinds of planting ideas, of plant material ideas, we
17 intend to use as part of the project.

18

improvements with the drive, I mentioned starting a miniature woodland effect here and doing enhancements with tree plantings and reworking the planting. The same with the terrace and so on, so those are the major elements of what we're planning to do. I'm sure you have a lot of questions and I'd be happy to address any questions you have.

25

CHAIRPERSON PAGE: Thank you. It looks very

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3 nice. I think my main question would be for you to detail
4 specifically what you are looking for approval for tonight.

5 MARK BAYER: Okay. What we would like
6 approval for is really the main element would be we would
7 like approval for realigning the drive and doing an apron,
8 the apron on Elmwood Avenue and revising the turning circle,
9 and enhancing and widening the drive by the garage, and doing
10 the work at the garage court. And also modifying the
11 terrace, which would be, again, done with the same flagstone
12 material that's there now.

20 Those are the pieces that we are seeking your
21 approval for right now. We have long-range visions which
22 we're going to come back and see you about as things evolve.
23 The Judsons would like to do potentially a swimming pool
24 area, but that's not on the table yet. We're still thinking
25 about all of that and we have some other enhancements, so

3 what I mentioned is what we're seeking tonight.

4 CHAIRPERSON PAGE: Okay. Well, I think that
5 what you're planning for the driveway is a big improvement,
6 And I know that the landscaping that you'll come up with will
7 be very nice. I don't have any particular issue with making
8 the important drive areas work for the house. In general the
9 circle is there and you're going to increase it and
10 supplement plantings. And the drive from there to the garage
11 is there, and the garage area is there, you're just going to
12 increase that.

16 MARK BAYER: Yes.

17 CHAIRPERSON PAGE: Would that be true for the
18 remainder of the drive at the auto court?

19 MARK BAYER: I would say wherever we have --
20 the drive itself will be fully reconstructed, it's a
21 different alignment. The auto court, I suspect we will see
22 what kind of base we run into, but I suspect most of that
23 will be reconstructed. Maybe salvage some base, we'll
24 salvage all Medina as we intend to use it for many purposes
25 including edging and border here.

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I suspect we will salvage some of this
pavement here, the base is in decent shape. I suspect this
driveway will get reconstructed, and the terrace, we're going
to see what kind of base is there and probably salvage some
of it and build some of it new.

8

MR. BOEHNER: The drive will be asphalt?

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is asphalt, but Medina cobble apron and the turning circle will be asphalt and Medina cobble interior edge, and Medina cobble curb and then flagstone kind of threshold right there to match the stairs or the porch.

14

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CHAIRPERSON PAGE: The rear terrace, you're going to reconstruct it and change the configuration?

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MARK BAYER: Yes. Basically just adding about 9 feet with a soft radial form on that other edge, that would be the change. And then I mentioned previously there's some dry set I think it's three risers that are over on this deck that are kind of -- we want to capture that space and seating area and so we're planning to take those out.

22

23

CHAIRPERSON PAGE: Are there any new elements other than the radial edge that you're introducing?

24

25

MARK BAYER: Possibly a fire feature we're talking about but it will be more like a piece of furniture

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3 set on that. That's the only thing, then we will have a
4 small grilling area and basically that's it at this point.

5 MR. WHITAKER: I was there today. You didn't
6 come out and stop me. I drove in and I drove around, the
7 circle is quite small so I can see why you want to increase
8 that, also very muddy because of all of the vehicles. There
9 are a lot of roof and soffits, I can certainly see why you
10 want to increase it. Only by the garage I didn't have a
11 problem swinging in to get into the garage, so I don't know
12 why you're going to expand that.

13 MARK BAYER: It's not the width, it's just the
14 turn. Depending on which bay you're trying to get into, if
15 you're trying to get into this bay here it's a tight swing,
16 and with the vehicles that they have, they find it
17 challenging. And the other thing is they have four little
18 kids, so we are also thinking of multi-purposing space for
19 play and, you know, games, and that's the area where we have
20 a hard surface for that kind of --

21 MR. WHITAKER: How is that different from what
22 is there now?

23 MARK BAYER: The current limits are about here
24 so we are adding about 20 feet or so, it's going to be 36 by
25 60 when we are done.

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3 MR. WHITAKER: Okay.

4

5 about 12 by 20.

about 12 by 20.

about 12 by 20.

6

MR. WHITAKER: Okay.

7

CHAIRPERSON PAGE: Any questions?

8

9 fine design. I think it not only goes well with the setting
10 I think it compliments the architecture. I think it's a good
11 plan.

12

13 your attention not in a positive way.

14

15 when I came to the site I said, we have to change your
16 driveway. Because it just is such a beautiful property and
17 is very unimaginative the way they developed that entry.

18

18 CHAIRPERSON PAGE: Anyone else wish to speak?
19 to this? If not, we'll close the Public Hearing and is there
20 any further discussion from the Board? If not, we'll ask for
21 a motion.

22

22 MR. GORDON. So other than having the work
23 being consistent with the plans and drawings that were
24 submitted, are there any other conditions other than your
25 usual completing within the time?

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3 Is there any -- this is not a historic
4 preservation question, I'm just curious for my own
5 edification -- is there any restriction on the materials that
6 can be used on a curb cut in the State highway? They are
7 using Medina cobble to curb at the apron, is there going to
8 be a problem? It's not a Historic Preservation problem, but
9 is there going to be a highway permit problem?

10 MR. BOEHNER: I don't know. That's not our
11 highway.

12 MR. GORDON: I know it's not our highway.

13 MR. BOEHNER: I don't know. Mark, do you have
14 any idea?

15 MARK BAYER: I may have to talk to the State
16 or County to get a curb cut. We did that at a number of
17 places.

18 MR. GORDON: I just didn't know. It's not us.

19 MARK BAYER: No, we will have to investigate
20 that, but we've done it many times.

21 MR. GORDON: So yes, I have a proposed
22 resolution for the Board to consider. Whereas Application
23 7H-01-19 has been submitted for a certificate of
24 appropriateness under the Town's Historic Preservation Law
25 for improvement to property located at 3541 Elmwood Avenue

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3 owned by Rufus and Amy Judson to perform work described as
4 the installation of a new driveway, arrival court, garage
5 court, and related planting and landscape enhancements, and
6 also the rehabilitation and enhancement of the stone terrace
7 at the rear of the house, all as shown on a set of drawings
8 by Bayer Landscape Architecture dated July 8, 2019, and as
9 described in a memorandum from Bayer Landscape Architecture
10 regarding the Judson residence, and as depicted in the
11 photographs also submitted at the Public Hearing.

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And whereas the Historic Preservation Commission duly called the Public Hearing to consider the matter on July 25, 2019, and whereas the necessary legal notice was published and a required sign posted pursuant to Town Code. And whereas the Public Hearing was held and all persons having an interest in such matter having 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 compatible with the property's historic character based upon its review of the application and documents on file and receipt at the Public Hearing and the

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3 testimony presented at the Public Hearing, it is hereby
4 resolved that the Historic Preservation Commission hereby
5 receives and files the above described application and all of
6 the materials submitted in support thereof.

20

CHAIRPERSON PAGE: Any further discussion?

21

Would someone like to put that --

22

MR. GOODMAN: I will make that motion.

23

MR. WHITAKER: Second.

24

MR. BOEHNER: Ms. Dreher?

25

MS. DREHER: Yes.

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remove this from the list. I will make that motion.

4

MS. ROBINSON: Second.

5

CHAIRPERSON PAGE: Any discussion?

6

MS. LANPHEAR: I feel kind of strongly because of its age, it should be kept on the list. Because there was a settlement on Landing Road South for a long time and this was one of the anchor houses. That and the house next door across the glen that is a designated landmark.

11

That settlement at Allens Creek is kind of important to the history of the town and I would not like to see this one come down. I know there are provisions if it ever did come up for a demolition that we would talk about it then, but I think it should stay on the list just because of its age. Early 19th century houses, we don't have a whole bunch of them.

18

MR. GORDON: If I could frame it this way, if it's your thoughts that you might want to take on the potential designation of this property, maybe not this month but in some reasonable amount of time, then it should remain on the list as something that you want to consider designated. On the other hand, if it's a property that you are fairly certain you're not going to ever want to designate because of the changes or because there's other better

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3 examples, et cetera, then it shouldn't remain on the list as
4 a way of preserving the property. That's my opinion.

5

CHAIRPERSON PAGE: Any other discussion?

6

7 used to own this house and the other house behind it. A lot
8 of people remember it from the old days, it was a nursery
9 school. I think it's lost its grandfather designation. We
10 were the ones who put the vinyl siding on it a long, long
11 time ago. That was an excellent decision because the siding
12 was in terrible condition. But it's a neat place and the
13 department involved, quite modern and -- down below.

14

CHAIRPERSON PAGE: Any other discussion?

15

¹⁶ conflict to some degree.

17

18 there that didn't have some kernel of something.

19

MR. GOODMAN: I know.

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about social importance. I think that particularly this old architect here is a little less satisfied with only social. I lean towards removing it.

24

25 throw myself in front of a bulldozer for. That's my criteria

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3 for that.

4 MS. DREHER: Its use as a nursery school, to
5 me, almost poses a threat. At some point if someone takes
6 over I can see somebody thinking that it's a good idea to
7 make substantial changes to further that use, that would be
8 detrimental to the property.

9 CHAIRPERSON PAGE: It's possible. I think a
10 lot has already happened.

11 MR. WHITAKER: We made those changes to the
12 exterior of the house, but essentially so that there have
13 been more on the back, and added some stairs with the
14 interior pretty much the same.

15 CHAIRPERSON PAGE: Any more discussion?

16 MR. GOODMAN: I just feel keeping it on the
17 list allows for the possibility of designation in the future,
18 correct?

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3 MS. DREHER: Perhaps this is -- I'm kind of
4 thinking this is in keeping on the list and as budget allows
5 maybe getting an updated survey on this to get some
6 additional information and then making a decision on
7 designation. So I guess I would say keep it on the list for
8 that purpose, would be my thought.

9

MR. GOODMAN: I agree with that.

10

11 budget-wise as to how many surveys we can get. However, this
12 is one I feel we would want to know any further -- I think
13 that getting the information to the architectural historian
14 would be helpful.

15

16 the property doesn't have to take place this year to keep it
17 on the list. That was sort of my point, it could be when the
18 budget allows.

19

20 back and forth on other properties and come to an opposite
21 conclusion about not keeping it on the list.

22

23 house in the back, that's no longer part of this property.
24 That belongs to 280 Landing Road South which is the house in
25 the back. That's been converted to a garage.

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3 MR. GORDON: You have a quorum of five members
4 voting and you have a majority of that quorum voting.

5 MR. BOEHNER: I thought you would have to have
6 four members? A majority of the four -- a quorum for the
7 transaction of business shall consist of four of the
8 Commission members, but any action taken by the Commission
9 shall require not less than the majority of its full
10 authorized membership. I am reading from 224-2-F.

11 MR. GORDON: So it stays on the list, because
12 it did not have four members voting to take it off.

13 CHAIRPERSON PAGE: Okay. Now 2331 Westfall
14 Road. This is the Jalna house, a rare art barduhn-style
15 house. I like this one. I decided it is so unusual in
16 Brighton, I am in favor.

17 MS. LANPHEAR: This has a history to it also,
18 with the Jalna business. But also because it was built by
19 Walden Moore whose wife was Isabelle Herdle Moore of the art
20 gallery. That is their decision to build it. It was 1940s.
21 And another important owner was Virginia Jeffrey Smith who
22 chronicled life in the third war in Rochester. She then
23 moved to Westfall Road in the 1950s and then she went to
24 Valley Manor and her paintings are still hanging in the
25 gallery at Valley Manor.

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3 MS. DREHER: I think I did drive by it
4 recently, a month ago. I think I swear it was painted and
5 they painted over the Javama.*****

6

7 other similar houses of that style in that area.

8

9 keep it on the list.

10

MR. BOEHNER: That would be no action.

11

12

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14

CHAIRPERSON PAGE: All right. So then we go on to old business.

16

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10

MS. DREHER: In reading the minutes before I
think you had come to the opposite conclusion that you
thought --

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MR. GORDON: Ramsey and I decided that it confused the record more to have the -- if there's no action. It was on the agenda, you considered it, there's a record of it being on the agenda, it was not removed from the list, it stays on the list, there's no action needed. And you are right, Amanda, I had come to the opposite conclusion and then leading back on the minutes and thinking about it, Ramsey and

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I said, yeah, I don't think so.

4

MS. ROBINSON: I'm going to vote the opposite way.

6

MR. GORDON: If there's interest in removing it from the list, someone should make a motion to remove it from the list.

9

CHAIRPERSON PAGE: So let's say then based on your current interpretation, we should only make a motion if it is to remove it, and so I made a false motion.

12

MR. GORDON: Well, he withdrew his motion.

13

MS. ROBINSON: Do we have to make a motion to remove? Okay. I make a motion to remove it from the list.

15

MR. GORDON: Is there a second to the motion?
Because if there's not then the motion dies without a second.
Which the chair will then declare.

18

CHAIRPERSON PAGE: The motion dies without a second.

20

MR. GORDON: And now we actually in the minutes that a motion was made and it died without a second.

22

CHAIRPERSON PAGE: Moving on to old business.

23

MR. GORDON: Before we move on, I will ask the Board's indulgence to take up a matter of new business that is not on the agenda, my apologizes. And it involves the

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3 scheduling of the next meeting of this Board which is
4 currently set for August 22nd, and Mr. Boehner nor I can
5 attend, we will both be out of town. I don't know what is
6 the pleasure of the Board with respect to the August meeting,
7 if we want to still hold it in August, if we want to push it
8 to August 29th, I would be able to attend, but Mr. Boehner
9 still will not able to attend. I will leave it to you to
10 discuss. But I would like to have that discussion before you
11 move on to new business where we might be setting a Public
12 Hearing.

13 MS. DREHER: Is there someone else from your
14 office, Mr. Boehner, that can sit with the Commission?

15 MR. BOEHNER: They are not fluent with it. I
16 have some reservations. Mary Jo is probably the best person,
17 but I don't know if she would feel comfortable doing that.

18 CHAIRPERSON PAGE: I would have, to the best
19 of my knowledge, no difficulty with having it on the 29th.

20 MR. GOODMAN: I will be delivering my daughter
21 to college, so I will be in Wyoming.

22 MR. WHITAKER: What about the 15th?

23 MS. DREHER: Is that enough time to properly
24 advertise?

25 MR. BOEHNER: No, that is not enough time.

1

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3 REPORTER CERTIFICATE

4

5 I, Rhoda Collins, do hereby certify that I did
6 report in stenotype machine shorthand the proceedings held in
7 the above-entitled matter;

8 Further, that the foregoing transcript is a true and
9 accurate transcription of my said stenographic notes taken at
10 the time and place hereinbefore set forth.

11

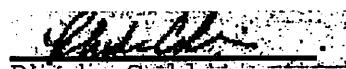
12 Dated this 25th day of August, 2019.

13 At Rochester, New York

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Rhoda Collins

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