

1 Historic Preservation Commission of Brighton 10/24/19

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PROCEEDINGS HELD BEFORE THE HISTORIC PRESERVATION
COMMISSION OF BRIGHTON AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW
YORK ON OCTOBER 24TH, 2019 AT APPROXIMATELY 7:15 P.M.

5

October 24th, 2019
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

6

PRESENT:

JERRY LUDWIG, CHAIRPERSON
JUSTIN DELVECCHIO
AMANDA L. DREHER
JOHN PAGE
DIANA ROBINSON
DAVID WHITAKER

13 MARY JO LANPHEAR
14 Town Historian

15 KEN GORDON, ESQ.
16 Town Attorney

18 RAMSEY A. BOEHNER
Town Planner

20 NOT PRESENT:
WAYNE GOODMAN

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

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3 CHAIRPERSON LUDWIG: I'd like to call the
4 meeting to order. Would you call the roll please, Ramsey?

5 MR. BOEHNER: Goodman is absent.

6 CHAIRPERSON LUDWIG: May I have an approval of
7 the agenda please?

8 MR. WHITAKER: So moved.

9 MR. PAGE: Second.

10 CHAIRPERSON LUDWIG: All in favor?

11 ALL COUNCIL MEMBERS: Aye.

12 CHAIRPERSON LUDWIG: Stands approved. Do we
13 have minutes?

14 MR. BOEHNER: No, they will be approved at the
15 November meeting.

16 CHAIRPERSON LUDWIG: Okay. Was this meeting
17 duly advertised?

18 MR. BOEHNER: Yes, it was properly advertised
19 in the Brighton Pittsford Post of October 10, 2019.

20 CHAIRPERSON LUDWIG: Okay. That meeting as
21 duly advertised will now be held. We had no communications,
22 no designation of landmarks, no certificate of
23 appropriateness, no hardship applications. Public Hearings
24 are now closed.

25 New business, we have four houses here, four

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3 properties I should say. Now, these have been designated; is
4 that correct?

5 MR. BOEHNER: No, they have been surveyed but
6 not designated.

7 CHAIRPERSON LUDWIG: When were they surveyed?

MR. BOEHNER: I did send them out --

9 MS. DREHER: Somewhere in '98.

10 CHAIRPERSON LUDWIG: So the original bunch.
11 Okay.

12 MR. BOEHNER: Before we go into that we have a
13 balance of \$2,853, which will give you one survey and two
14 updates, or six updates. So you can think about.

15 MR. GORDON: One survey plus two updates, or
16 six updates.

17 CHAIRPERSON LUDWIG: It needs to be spent
18 before the beginning of year?

19 MR. BOEHNER: Yes. This is why we're doing
20 this, trying to get them ordered up.

21 CHAIRPERSON LUDWIG: I guess the question is:
22 Do you want to get any of the properties updated? Do you
23 feel strongly enough to? And I think we really have to look
24 at these closely. Are they -- we had this little matrix
25 before and that is we go down through the list and the ones

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that are threatened adds quite a bit to the need to survey.

4 The architecture, if we know who the architect was, that is
5 important. Social, is it something that would relate to the
6 social history of the town. Famous owner, a famous
7 architect, or a famous tenant in the case of --

8 MS. DREHER: I think 1140 Clover Street is
9 worthy of designation.

10 MS. LANPHEAR: That's a J. Foster Warner.

11 It's John Finucane, the son of Thomas Finucane.

12 MS. DREHER: I think that was done in 2004, so
13 it's still a long time ago.

14 CHAIRPERSON LUDWIG: As far as the house goes,
15 it's just another Tudor house and Brighton has those in
16 spades. I think we've batted it back and forth enough we
17 ought to proceed, I think.

18 MR. PAGE: That be the reason that we have
19 these four here is because we've been doing that, right?
20 Every month we're trying to go through this list here and
21 we've removed maybe three to five, I can't remember.

22 MS. LANPHEAR: 1037 Winton Road South is the
23 Buckland house. It's a brick house, one of the last bricks
24 in Brighton.

25 MR. GORDON: Is that the Mark house?

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3 CHAIRPERSON LUDWIG: Yes.

4 MR. PAGE: That's certainly a designatable, I
5 think that -- I don't know whether they came to this Board, I
6 was on the other Board when the addition was done, and they
7 sought input from you guys and Arlene gave some input. They
8 came to us because they had to and although they started by
9 saying, you know, we didn't really have any jurisdiction over
10 them, but go ahead.

17 So I just want to bring that subject up so
18 that, for example, if you do designate the property, I think
19 there's a question as to whether they really have to come
20 back in for a C of A to do any modifications to the property.
21 Do you have a different thought on that, Ramsey?

22 MR. BOEHNER: I think it's a good question,
23 Ken. I know we have some right to regulate and require. The
24 question I wonder is about reasonableness. We could maybe
25 have them come through the process, but the reasonableness of

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3 what we may require them to make the improvements to
4 building.

5 MR. GORDON: I think municipality can regulate
6 religious properties for health and safety reasons, but I
7 don't know. I really just do not know whether for historic
8 preservation purposes this particular property would -- I
9 guess, I don't know how much teeth would be behind our
10 destination if we did designate it at this point. If the
11 owner is cooperative and they welcome the designation, I
12 think all of that is good.

13 There's no reason to think that the property
14 will always be in the hands of this religious institution.
15 So if it did change hands, there was a purchase by a
16 non-religion entity, the designation would carry forward and
17 protect the property. But there just is a pretty severe
18 limitation on what we would have the ability to compel. I'm
19 just raising the issue.

20 MR. PAGE: No, I think we held it there
21 because we don't want it to be off list. Whether we want to
22 proceed, whether -- which I would agree with you -- if we
23 wanted to send them an informal letter that said, as you
24 remember we are interested in your building, would you talk
25 to us about the possibility of designating it? And then --

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3 MS. ROBINSON: That's my question.

4

5 would happen if Chabad came in and said, we want to demolish
6 the structure and build a more modern facility that would
7 serve our religious purposes better. I think we would have a
8 hard time stopping them from doing that even if it's on the
9 list.

10

11 that be true even if it was.

12

13 looking at you, Ramsey, because you have a longer history on
14 this stuff.

19

16 to Chabad years and years ago about becoming designated. The
17 interest was not there. Their cooperation with us was to
18 work with us on it but they went to the Architectural Review
19 Board instead. But you got to realizing this was a --

21

21 Architectural Review Board instead?

2

23 Architectural Review Board.

3

25 make

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3 can't remember. But he's got a good, close relationship with
4 the Rabbi and Chabad. He could at least have a friendly
5 conversation, I think, about it.

6 MR. WHITAKER: It wouldn't hurt for her to
7 ask.

8 MR. GORDON: On the legal side, sure, any
9 information is good to have, but --

10 MS. DREHER: I think it would be good for us
11 to know what would happen if we did designate them. I do
12 think in the future it's worth considering.

13 MR. DELVECCHIO: So we will put it aside for
14 now?

15 CHAIRPERSON LUDWIG: I would suggest we put it
16 aside as long as there's no inherent threat.

24 MR. GORDON: I do think it's worth maybe as
25 Ramsey mentioned, Supervisor Moehle as well and get his sort

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3 of head going on, I am sure he would be willing to have a
4 chat with the Rabbi.

5 MS. LANPHEAR: It's the last of the brick
6 houses that has not been designated. It's the last one.

7 MR. GORDON: It's not an issue as to whether
8 this is a worthwhile property, it is. But what it would mean
9 in terms of the teeth of the law is where I'm struggling,
10 so . . .

11 MS. DREHER: I will report back.

12 MR. GORDON: I could go online and see what I
13 can find as well. This probably isn't the first time this
14 issue has been dealt with.

15 MS. DREHER: I would propose that 1356 Winton
16 Road be taken off the list. The survey and the fact that
17 there seems to be kit houses of similar nature but more
18 identified the source and whatnot are already designated.

19 CHAIRPERSON LUDWIG: It looks like they've
20 been working on the property some. I don't know whether
21 that's the place where the three lots are?

22 MR. BOEHNER: Behind it.

23 MS. LANPHEAR: That was the McGrath William
24 house that's got the flag lot next it.

25 MR. BOEHNER: It's kind of on the side, the

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3 road goes back. It's weird.

4 CHAIRPERSON LUDWIG: But it's adjacent to this
5 house.

6 MR. BOEHNER: Yes, next to the --

7 CHAIRPERSON LUDWIG: We do have one Sears
8 house, which is a very good example. I would say that's
9 probably sufficient, but what do you think?

10 MR. DELVECCHIO: I tend to agree.

11 MS. ROBINSON: It's been modified.

12 MS. LANPHEAR: Edgewood Avenue, the one across
13 the street from you.

14 CHAIRPERSON LUDWIG: So we are going to pass
15 on 1356, we're going to pass on 1037. Are we all agreed?

16 MS. DREHER: I think we are going to wait on
17 1037.

18 MR. GORDON: I think 1037 stays on the list.
19 Is somebody going to make a motion to remove?

20 CHAIRPERSON LUDWIG: I wasn't necessarily
21 suggesting we remove it.

22 MR. GORDON: I thought that's what I heard
23 Amanda say.

24 MS. DREHER: I suggested we remove it because
25 of the unremarkable quality of the house and the fact that we

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have that Sears house designated.

4

CHAIRPERSON LUDWIG: Well, I guess the question being if someone ten years from now sits at this commission and says, oh, there's a Sears house on Winton Road why don't we get surveyed? Will they know somehow that this property had been surveyed? I think that's one thing we want to make sure that it was in fact surveyed and looked at and put aside.

11

MS. DREHER: I think a record of the survey is kept.

13

MR. GORDON: In the minutes of this commission it is kept as well. If you are interested in doing that if you do it by way of motion to remove it from the list of survey but not designated.

17

MS. DREHER: So I'll make the motion to remove 1356 Winton Road South from the list of surveyed properties that have not been designated.

3

MS. BOBTNISON: I will second that.

8

CHAIRPERSON LUDWIG: Any discussion? All in favor?

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ATT. COUNCIL MEMBERS: Aye.

8

CHAIRPERSON LUDWIG: Ramsey, do you want to call the roll?

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3 corner of Westfall and Winton Road. There was another house
4 there once before that was torn down. The people living
5 there now are very interested in preserving it. I don't know
6 if they're interested in a designation, but I've had several
7 calls from them about tracing the history of the house. And
8 it was owned by somebody who did work at the brickyards, as
9 did the McGrath across the street and further down the road,
10 the Kerry Harper house that's been designated, so it's got
11 some value in a sense but it's part of the social, political,
12 cultural, fabric of the community.

13 MR. PAGE: It seems to be the strongest suit
14 in an otherwise weak situation.

15 MS. LANPHEAR: It's part of the brickyard
16 history. If they weren't living in Brighton and walking up
17 to two miles to go to work in the morning, they were living
18 in places like that to go to work.

19 CHAIRPERSON LUDWIG: What are we doing?

20 MR. WHITAKER: I have to be honest, I don't
21 know the house.

22 MR. GORDON: So not that you are considering
23 designation at this point in time, but to keep it on the
24 list. The concept has been that this is a house you perhaps
25 in the future might consider designating it. So the idea

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3 behind this, the grounds for designation would be that
4 there -- not that it's an example of anything, but simply
5 that there was somebody who lived in it once and worked at
6 the brickyard.

7 MS. LANPHEAR: There's more than that, I'm
8 sure. I haven't delved into the history of the house that
9 deeply, but I know that it's important to the 19th and early
10 20th century history of the town. I will go that far out on
11 a limb.

12 MR. GORDON: This house?

13 MS. LANPHEAR: The people that lived in the
14 house. And the fact that there is interest from the current
15 owners for preservation and learning about the history of the
16 house, I think that's a factor too that should be taken into
17 consideration.

18 MS. ROBINSON: Could it be made whole? Could
19 it be --

20 MS. LANPHEAR: It's in pretty good shape.
21 It's been well cared for in the last few years. It was not
22 well cared for ten years ago. The people who own the house
23 seem to be keeping it up.

24 MS. DREHER: The survey was done in 1998.
25 I've never approached the house. Did they remove the

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aluminum siding or is the yellow --

4

MS. LANPHEAR: I don't know.

5

MS. ROBINSON: There's a lot of greenery in front.

7

MS. DREHER: If we knew if there had been specific changes since the survey, we'd consider an update before deciding on taking it off the list.

10

CHAIRPERSON LUDWIG: Well, the other option is to say, okay, we may not be in perfect order here, but there are other houses we should look at before we look at this one. And again, I'm open to suggestions as to whether we should pick something else that perhaps stands out a little clear.

16

MS. DREHER: Well, did we decide for certain on 1140 Clover Street?

18

CHAIRPERSON LUDWIG: Well, we have to update the survey on that if we're going to designate that. I think the mood was we were designating that.

21

MS. DREHER: Yes.

22

MR. GORDON: So you have 30 properties to pick from that are currently on your list that have been surveyed but are not yet designated. Of those 30, I don't know if any of them are prime for designation without an updated survey.

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3 So the real question is if 1140 is one, and your idea is to
4 spend your money this year updating rather than finding brand
5 new properties to survey, then you have five more out of the
6 remaining 29 properties to survey. And is 1495 one of your
7 top five on the remaining list to update?

8 MS. DREHER: We haven't talked --

9 MR. GORDON: Just trying to be analytical.

10 MS. DREHER: We haven't talked recently about
11 anything that hasn't been surveyed at all, have we? Is there
12 anything that --

13 MR. PAGE: Not for a few meetings.

14 MS. DREHER: -- anyone wants to talk about?

15 CHAIRPERSON LUDWIG: Well, that will usually
16 rear its head if there's a demolition permit or a request for
17 one, it will pop up. But other than that --

18 MR. BOEHNER: But if they can make substantial
19 improvements to that house you would not see it under a
20 building permit. You would see it under a demolition
21 scenario.

22 MS. LANPHEAR: There's the Houston Barnard
23 neighborhood which we've never gone anywhere near. There are
24 many architect designed houses there that are probably worthy
25 of designation.

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3 MR. PAGE: My interest has recently been to
4 deal primarily with this because why are we hanging on to
5 them?

6 CHAIRPERSON LUDWIG: That's a good question.

7 MR. PAGE: We should take them off or update
8 them and designate them. Not that we can't consider new
9 ones, but it seems like we did pretty good for a while and
10 then really slowed down.

11 MS. DREHER: We've been through all of the
12 ones recently on the list, right?

21 MR. BOEHNER: Yes.

22 MR. GORDON: Like I said, I think 1140 Clover
23 is one out of these 30 properties and then you've got money
24 to do five more, and you need to make that decision if not
25 tonight certainly by the next meeting.

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but --

4

MS. LANPHEAR: Yes.

5

CHAIRPERSON LUDWIG: I think 332 South Landing
a stucco house is fine.

7

MS. DREHER: I don't -- not seeing a survey on 3333 Elmwood Avenue. Did we get that one to talk about that one?

10

CHAIRPERSON LUDWIG: It's been surveyed. It was part of the original surveys.

12

MS. DREHER: Was it sent to us in the last couple months?

14

CHAIRPERSON LUDWIG: No. I don't think so.

15

MS. DREHER: Okay. So that would be one we should see the survey on. I guess that one really wasn't given full consideration.

18

MR. DELVECCHIO: Can we make a motion to update 332 South Landing?

20

MR. PAGE: I think we can maybe get the three.

21

MR. GORDON: You have two so far stop there for tonight or you can keep going.

23

MR. PAGE: Let's get one more.

21

MR. GORDON: Understand if you go one more
then you have to go to six eventually before the end of the

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MS. DREHER: But those other two?

4

MR. PAGE: Did you say 3644 also?

5

MS. DREHER: I'm also not finding 3644 or 2762.

7

MR. BOEHNER: I would have sent them out unless I was directed by you guys. I don't remember doing that, but after a while you lose track of --

10

MS. DREHER: I think we might have skipped over a few in the middle of the list. I think that's what happened. If we could get the surveys for those, the original surveys.

14

MR. BOEHNER: Okay. So give me the numbers, that's Elmwood Avenue, 35 --

16

MS. DREHER: 3541 we already got.

17

2762
MR. BOEHNER: Okay. So 3333, we got 3644, and

10

MS. DREHER: So there's three

30

CHAIRPERSON LUDWIG: So what we do is we say proceed with updates.

22

MR. GORDON: Right. I think Justin was going to make a motion to direct an update for 332 South Landing and 1144.

25

MR. DELVECCHIO: Yes

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3 MS. LANPHEAR: Can we just go back to the list
4 for just a second. I just want to let people know that
5 2331 Westfall Road has elicited some interest from a historic
6 point. I think there's going to be an article about the
7 place, the one called Jalna, and the one that was designed
8 for Isabelle and Walden Moore and also lived in by Virginia
9 Jeffrey Smith. So again, there's some interest there, there
10 could be developing some more history about the place. So
11 that might be something of interest at another time to update
12 the survey on that.

13

14

MR. GORDON: Sounds like you're going to take this issue up again at the November meeting.

15

16

CHAIRPERSON LUDWIG: Anything else?

1

1495? CHAIRPERSON LUDWIG: That's in limbo right now.

20

21

MR. BOEHNER: So keep it on the agenda?

22

25

take a look at it if they haven't.

2

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3 MR. GORDON: I think we have one matter of old
4 business.

5 CHAIRPERSON LUDWIG: 3225 east.

6 MR. BOEHNER: We did send out a letter. We
7 have not heard anything back from them.

8 MR. WHITAKER: When did you send the letter?

9 MR. BOEHNER: September 27th.

10 MR. WHITAKER: That's enough time to reply.
11 MR. GORDON: So the next step of the process
12 would be to set a Public Hearing for designation.

13 MB PAGE: Yes

14 MS. DREHER: I think we should move on to the
15 next step, so I would move to set a Public Hearing on
16 3225 East Avenue.

17 MR. PAGE: I will second that.

18 CHAIRPERSON LUDWIG: Any discussion?

19 MR. BOEHNER: Mr. Ludwig?

20 CHAIRPERSON LUDWIG: Yes.

21 MR. BOEHNER: Ms. Robinson?

22 MS. ROBINSON: Yes.

23 MR. BOEHNER: Mr. D.

24 MR. DELVECCHIO: Yes.

25 MR. BOEHNER: Mr. White

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3 REPORTER CERTIFICATE

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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.

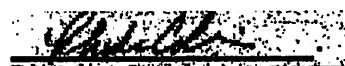
11

12 Dated this 25th day of November, 2019.

13 At Rochester, New York

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16 
17 Rhoda Collins

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