

1 PROCEEDINGS HELD BEFORE THE HISTORIC PRESERVATION
2 COMMISSION OF BRIGHTON AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW
YORK ON DECEMBER 19TH, 2019 AT APPROXIMATELY 7:15 P.M.

3
4 December 19th, 2019
5 Brighton Town Hall
2300 Elmwood Avenue
6 Rochester, New York 14618

7 PRESENT:

8 JERRY LUDWIG, CHAIRPERSON
9 JUSTIN DELVECCHIO
AMANDA L. DREHER
JOHN PAGE
DIANA ROBINSON

10
11 MARY JO LANPHEAR
Town Historian

12
13 KEN GORDON, ESQ.
Town Attorney

14
15 RAMSEY A. BOEHNER
16 Town Planner

17 NOT PRESENT:
18 WAYNE GOODMAN

19
20
21
22
23 REPORTED BY: ALEXANDRA K. WIATER, Court Reporter
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1 CHAIRPERSON LUDWIG: Okay. I'd like to call
2 the meeting to order. Call the roll please,
3 Ramsey.

4 MR. BOEHNER: Delvecchio?

5 MR. DELVECCHIO: Here.

6 MR. BOEHNER: Robinson?

7 MS. ROBINSON: Here.

8 MR. BOEHNER: Ludwig?

9 CHAIRPERSON LUDWIG: Here.

10 MR. BOEHNER: Whitaker?

11 MR. WHITAKER: Here.

12 MR. BOEHNER: Page?

13 MR. PAGE: Here.

14 MR. BOEHNER: Dreher?

15 MS. DREHER: Here.

16 MR. BOEHNER: Absent is member Goodman.

17 CHAIRPERSON LUDWIG: Okay. Motion to approve
18 the agenda, please?

19 MR. WHITAKER: So moved.

20 CHAIRPERSON: Second?

21 MS. ROBINSON: I'll second.

22 CHAIRPERSON LUDWIG: All in favor?

23 ALL COUNCIL MEMBERS: Aye.

24 CHAIRPERSON LUDWIG: Okay. We have minutes.

25 Any additions or corrections?

1 MS. LANPHEAR: I had a couple that I passed
2 along to the stenographer. I would note that on
3 Page 5, Line 13, I don't know what that phrase
4 meant, what Ken said.

5 CHAIRPERSON LUDWIG: I don't know.

6 MS. LANPHEAR: You were here.

7 CHAIRPERSON LUDWIG: Okay. Page 5 of the
8 minutes.

9 MS. LANPHEAR: LALUPA.

10 MS. ROBINSON: LALUPA? On Line 13, LALUPA.

11 MS. DREHER: Oh, yes. I saw that one too. I
12 think we were referring to the Religious Freedom
13 Land Use Act. I don't know where LALUPA came from.

14 MR. GORDON: Re what?

15 MR. DREHER: It says LALUPA in the minutes.

16 MR. GORDON: How about RLUPA? Religious --

17 MS. DREHER: Oh, okay. So, that's --

18 MR. BOEHNER: Ken, what are the initials of
19 that?

20 MR. GORDON: I would spell it RLUPA.

21 CHAIRPERSON LUDWIG: Okay. So, motion to
22 approve the minutes?

23 MS. ROBINSON: I have more.

24 CHAIRPERSON LUDWIG: Oh, you've got some more?

25 MS. ROBINSON: On Page 4, Line 25, Mr. Gordon

1 said mark house.

2 MS. DREHER: I also -- I'm sorry. I left my
3 minutes at home, but I'm pretty sure that these
4 were the two things on it. I don't recall what
5 that meant either.

6 MS. ROBINSON: Does anyone have it in front of
7 them who can read that? Page 4, Line 25.

8 MS. LANPHEAR: Mr. Gordon said the mark house.

9 MS. ROBINSON: Correct. Does that mean
10 something?

11 MS. DREHER: Is that the name of the previous
12 owner?

13 CHAIRPERSON LUDWIG: Maybe it's landmark
14 house?

15 MR. GORDON: I believe so. I believe so.
16 They must have bought that house. It's a brick
17 house. I would have said Chabad house, C-h-a-b-a-d
18 house.

19 MS. DREHER: That must have been what it was.

20 CHAIRPERSON LUDWIG: Okay. Any other
21 corrections?

22 MS. ROBINSON: On Page 6, Line 10, destination
23 to be designation. Change destination to
24 designation.

25 CHAIRPERSON LUDWIG: Anything else? Motion to

1 approve the minutes as amended?

2 MS. DREHER: I'll move.

3 MR. PAGE: I'll second.

4 CHAIRPERSON LUDWIG: All in favor?

5 ALL MEMBERS: Aye.

6 CHAIRPERSON LUDWIG: It stands approved. Was
7 this meeting duly advertised?

8 MR. BOEHNER: Yes, it was properly advertised
9 in the Brighton Pittsford Post of December 5th,
10 2019.

11 CHAIRPERSON LUDWIG: Okay. That meeting was
12 duly advertised and will now be held. We have no
13 communications.

14 The first item on the agenda is designation
15 landmark 11H-01-19, Application of Mary Jo
16 Lanphear, Town Historian, for property owned by
17 Ferdinand and Elaine Smith, at 3225 East Avenue,
18 tax number 138.09-1-54.11, for landmark
19 designation.

20 I assume someone is here to speak about that.
21 If so, come on up, state your name and pick up your
22 glasses.

23 JOHN LIEBSCHULTZ: My name is John
24 Liebschultz. I'm an attorney at Woods, Oviatt,
25 Gilman. I'm here with Mr. Smith today. And based

1 on the little fuel after the discussion we just
2 heard, but I'm actually here to request that you
3 deny the application for landmark status.

4 Mr. Smith and his wife have owned the house
5 for over 30 years. I think it's without question
6 that they have been very good stewards of this
7 property. It's in impeccable condition. They've
8 done a wonderful job in improving it. If anybody
9 can remember back 30 years ago -- I can say I can.
10 I represented them when they bought it -- it was in
11 far worse shape than it is today.

12 MR. BOEHNER: It's true.

13 JOHN LIEBSCHULTZ: And they have spent
14 considerable resources to improve their property.
15 And, you know, having owned the property for 30
16 years, their horizon for the future is in view.
17 And there will come a time in the not so distant
18 future where they will be looking to pass the
19 ownership of this property to someone else.

20 Having invested substantially in the property,
21 they will get none of the benefits of any of the
22 tax benefits that you've spoken about before. And
23 with all due respect to this Board, boards change
24 over time, attitudes change over time, but board
25 minutes remain the same. And there is a great deal

1 of digression with what will be allowable and the
2 respect that this Board has is well-meaning. And
3 the discussions we just had -- that you all had --
4 there is no guarantee that that will remain.

5 But let me address a couple other things that
6 I think you certainly have the authority to act on
7 this property, no one questions that. But I hope
8 you might pause for a moment and think about what
9 the authority you have is, you're regulating your
10 property, you are composing a regulation on a house
11 that wouldn't otherwise be applicable to its
12 neighboring property. I think there's a couple
13 things that distinguish this property from some of
14 the other ones you might have designated.

15 If you look up Paul Wagner (phonetic), you
16 have some beautiful pictures of significant homes.
17 Every one of them you're looking at the front.
18 From the street, they're readily visible, they are
19 at grade. The Smith house is well above grade.
20 It's set well back from the street. You can drive
21 down East Avenue in the summer and not even know
22 it's there. In every picture in this application
23 is taken from the side. The Knollwood Drive side.
24 Not the East Avenue side. And that's because from
25 the East Avenue side, where most people in the

1 public would be able to see the property, you
2 really don't see it. And I mention that because
3 your ordinance is based upon providing a public
4 benefit of promoting general welfare of the public.
5 I would ask you to at least consider whether
6 designating this property, that very few people can
7 see it unless you're going down Knollwood Drive.
8 And I think we all can agree unless every five or
9 ten years when the PGA comes into town, not that
10 many people drive down Knollwood Drive. You know,
11 whether you prefer the public benefit on the public
12 or whether that achieves the purpose of what your
13 ordinance allows you to do.

14 Another thing I would just mention that even
15 in your own application, it's noted that the
16 architecture does not meet with the town or region.
17 We all know Claude Bragdon. You can Google him.
18 There are plenty of examples of his properties
19 around. Mr. Smith, in fact, owned one once before
20 in the City of Rochester which was a designated
21 landmark and readily visible from a public street.
22 But we just think that this property does not meet
23 the criteria for you to exercise in your
24 jurisdiction.

25 If you have any questions of Mr. Smith, he's

1 here. He'd be happy to answer them. But we would
2 just be asking you to give some considerations
3 whether this is an appropriate property for that
4 designation.

5 MR. BOEHNER: Thank you, John.

6 FERDINAND SMITH: Do you think that disco I
7 was planning in the backyard would be a problem?

8 CHAIRPERSON LUDWIG: What?

9 FERDINAND SMITH: I'm just kidding. I said
10 that disco in the back that I was planning -- we've
11 had that house --

12 MS. DREHER: Not if we're invited.

13 FERDINAND SMITH: We've had that house for a
14 long time and we've kept it -- we really -- you
15 know, there was some rot in it we fixed it up very
16 nicely with mahogany to keep the, you know, quality
17 of the house. And we had lead windows that were
18 rotted or whatever that we replaced with new lead
19 windows and mahogany.

20 My only worry was -- I don't want to brag that
21 I'm -- I really like the whole history of it. I'm
22 a little worried that when I am bragging downtown,
23 when I sold it, they kept money aside because they
24 had to replace the downspouts with copper. So,
25 several thousand dollars -- several thousand

1 dollars was taken out of our closing cost. And the
2 person who bought that house never did anything
3 with it which I found it fascinating. I should
4 probably make this very clear, it's not like I'm
5 horribly opposed to this meeting. The only thing
6 is, after all this time, it's just my wife and I
7 and our children are long gone and out on their
8 own -- is, if I sell that house -- it's something
9 we've been considering for the last couple of
10 years. It's -- my worry is that somebody is going
11 to go, oh, I don't want to have to go through that.
12 You know, that's really my biggest concern is that
13 it will impede the fact that we want to sell the
14 house because we're probably going to sell it
15 within the next -- I would say year or two. We're
16 not really -- we're not doing anything more to it
17 on the outside. I mean, we replaced the roof, the
18 driveways, the furnace, all of those things. And
19 we've really restored the interior to be much
20 more -- the man who bought it -- that I bought it
21 from was from California. And some of the things
22 he did inside were just cheesy. And we're antique
23 collectors. And not only is that house antique,
24 but everything in it is, if -- I would just be
25 concerned, if there was a problem, somebody would

1 go, oh, I don't want to go through all that grief.
2 I don't know where that rumor comes from, but it's
3 definitive. You know, I've had realtors go, oh,
4 boy, you don't want that. You know, I don't mean
5 that as an insult to your committee. But -- and by
6 the way, thank you for moving this. I was in
7 Arizona when they said they wanted me to be at the
8 last meeting. I appreciate that.

9 CHAIRPERSON LUDWIG: Well, we did -- this may
10 not answer all your questions, but I know a number
11 of years ago we did a review of all the houses.
12 We've been here for 20-something years. So, we
13 reviewed, up to that date, all the houses that had
14 sold and whether or not they sold for more -- I
15 think it was more than the appraised value or
16 something like that.

17 MR. PAGE: More than asking.

18 CHAIRPERSON LUDWIG: Or more than asking or
19 whatever, and every single one had.

20 FERDINAND SMITH: Really?

21 CHAIRPERSON LUDWIG: Yes. There was no -- and
22 frankly, if someone doesn't want to go through
23 that, you probably don't want them to buy the house
24 anyway. You've worked hard to maintain what you
25 have.

1 JOHN LIEBSCHULTZ: See, that's an interesting
2 point because now here we have the Town of Brighton
3 telling Mr. Smith who he should sell his house to.

4 CHAIRPERSON LUDWIG: No.

5 MS. DREHER: I would say no.

6 JOHN LIEBSCHULTZ: But it's not an appropriate
7 criteria.

8 CHAIRPERSON LUDWIG: But just as you said, the
9 guy from California did something that was cheesy.
10 Well, you haven't -- at least in our eyes -- I
11 haven't been in the house, but you maintained it
12 very well. And for that, well done.

13 FERDINAND SMITH: Thank you.

14 CHAIRPERSON LUDWIG: But I don't think -- you
15 know, unless somebody wanted to put a Dunkin Donuts
16 there on the corner --

17 MR. PAGE: But I guess we haven't found that
18 to be a problem in the Town of Brighton. And I
19 think it's a benefit, actually. Some of the issues
20 that you've indicated, visibility is not a defining
21 factor in considering the -- it's a factor, but
22 it's not a key factor -- it's a benefit for
23 retaining the history that comes with the house as
24 a single issue. It would be nice if we could see
25 every house that had significance, but we can't.

1 JOHN LIEBSCHULTZ: Can I ask you --

2 MR. PAGE: You're a good example of a kind of
3 steward that a house like that deserves, you know.
4 And I hope that when you go to sell it, that
5 someone who has your sensitivity to the house is
6 interested in it. And Bragdon -- well, Bragdon,
7 unfortunately, in terms of architecture, he was a
8 particularly prolific architect, unlike the other
9 local major architects. He's just a very good
10 architect. And he's special in a lot of ways
11 because he -- he wasn't only an architect. He had
12 all these other interests that I think sort of --
13 he sort of drifted into architecture and drifted
14 out of architecture.

15 FERDINAND SMITH: He did Broadway.

16 MR. PAGE: Yeah. He moved to New York and did
17 sort of these crazy things with lights and --

18 FERDINAND SMITH: Was he from here?

19 CHAIRPERSON LUDWIG: I don't know.

20 MR. PAGE: He was here for a good long time.
21 But I don't know he was from here.

22 MS. LANPHEAR: It says he was based in
23 Rochester, New York up till World War I and then
24 New York City. He was born in Oberlin, Ohio.
25 Raised in Watertown, Oswego, Dansville and

1 Rochester, New York. His father worked as a
2 newspaper editor.

3 MR. WHITAKER: So, what we want to do is, make
4 sure that in the future, this house is kept as well
5 as you've kept it.

6 MR. GORDON: And I think David's point is a
7 good one. You know, you've been a wonderful
8 steward for that house. I think that's very clear.
9 And one of the purposes of the Historic
10 Preservation Law, and Mr. Liebschultz, he didn't go
11 into all of this, but actually, there's a whole
12 list of purposes in our law. The very first is to
13 safeguard the heritage in the Town of Brighton by
14 protecting and enhancing the landmarks which
15 present cultural, social, economic, political and
16 architectural history. So, you've done a very
17 great job doing that. You've now told The Board
18 that sometime in the next year or two, you plan to
19 turn that property to someone else to sell that
20 property. And so, that fact that you are looking
21 to transfer it to someone else certainly raises the
22 spectrum that someone else can come in there and
23 not be as sensitive to the historic value of this
24 property.

25 MR. WHITAKER: Just as I said.

1 MR. GORDON: This is exactly what David was
2 saying. So, that certainly lends itself to the
3 argument that, while this Board has the opportunity
4 to designate it and preserving the wonderful
5 condition that you've made it, and now is the time
6 to take that action.

7 MS. ROBINSON: I have a question. I didn't
8 understand exactly what this holding back was on
9 your previous property or who's involved. But I
10 don't think you'd have to have the power of
11 attorney --

12 MR. PAGE: He didn't say it was an attorney.
13 It was a buyer thing.

14 MS. ROBINSON: It was a buyer/seller?

15 FERDINAND SMITH: It was definitely that.

16 MR. BOEHNER: It was a closing issue.

17 FERDINAND SMITH: It was brought up at the
18 closing that they had to hold money for copper
19 downspouts. And I would drive by it and nobody
20 ever did it.

21 MS. ROBINSON: So, they -- but we don't have
22 that kind of power.

23 JOHN LIEBSCHULTZ: I have a question, Ken, for
24 you.

25 MR. GORDON: Yeah?

1 JOHN LIEBSCHULTZ: So, Mr. Smith's house was
2 identified on a Cultural Resources Survey in, I
3 think, 1998. 20 plus years ago. So, it's taken
4 this Board 20 plus years to make this designation.
5 What's your policies on houses that are on -- that
6 identified on this -- as to when you designate the
7 landmarks?

8 MR. GORDON: So, when we -- when this
9 commission was first formed there were a number of
10 properties -- I can't tell you, Ramsey might be
11 able to tell you the number of properties that were
12 regionally identified or --

13 MR. BOEHNER: I couldn't say. Mary Jo might
14 know.

15 CHAIRPERSON LUDWIG: Seventy-five properties.

16 MR. GORDON: Seventy-five properties? And I
17 would say on average we designate --

18 MR. PAGE: Four to six.

19 MR. GORDON: -- four to six a year. It takes
20 a while to work through all of those properties.

21 MR. PAGE: It's pretty much just random.

22 JOHN LIEBSCHULTZ: What is your criteria for
23 picking the properties?

24 MR. GORDON: What's done is, The Board reviews
25 regularly the properties that are on that list,

1 sets priorities based upon what threats there are
2 to the property in terms of development, and what
3 threats there are to the property in terms of the
4 condition. Also what the Cultural Resources Survey
5 reveals in terms of the value. And there isn't a
6 ranking per se, but when a property comes up for
7 consideration as, in this case, an update is
8 ordered for that property -- I think the update was
9 just done in May of this year it looks like -- to
10 make sure that the property is still of the value
11 that The Board originally thought it was and saw in
12 that Cultural Resources Survey. And moves to take
13 action, if appropriate, or if not, moves to remove
14 it from the list of those properties that have been
15 surveyed but not yet been designated. So, it's
16 just a lengthy process. Like many voluntary boards
17 in many towns across the country, there's only so
18 much these folks can do and --

19 MS. ROBINSON: We also have a budget
20 constraint. We can only pay for so many surveys.

21 JOHN LIEBSCHULTZ: It's kind of
22 helter-skelter.

23 MS. ROBINSON: It's closed now.

24 JOHN LIEBSCHULTZ: Okay. And it's
25 serendipitous as to when you get called off the

1 list?

2 CHAIRPERSON LUDWIG: You'll never see it.

3 There's this huge dartboard.

4 MR. GORDON: There is not.

5 JOHN LIEBSCHULTZ: I'm not sure where the town
6 line ends. I presume most of Knollwood Drive is in
7 Brighton?

8 MS. LANPHEAR: Knollwood?

9 JOHN LIEBSCHULTZ: Yeah.

10 MS. LANPHEAR: Part of it is.

11 JOHN LIEBSCHULTZ: I'm not sure how far down
12 it goes, but does it go to the cul de sac?

13 MR. BOEHNER: No, it does not.

14 JOHN LIEBSCHULTZ: You don't think so?

15 MR. BOEHNER: I don't think it does.

16 CHAIRPERSON LUDWIG: It doesn't go much past
17 the house on the hill across from you. It goes a
18 little ways. But Knollwood, I think, at the --

19 FERDINAND SMITH: It's my understanding the
20 house across the street, maybe from the documents
21 you sent me, was the original house.

22 MS. LANPHEAR: The house on the hill there?

23 FERDINAND SMITH: Yes.

24 MS. LANPHEAR: It's called Knollwood. It was
25 originally built in about the early 1980s by a man

1 who owned a coal company when coal was very big in
2 that time period.

3 JOHN LIEBSCHULTZ: Has that been designated?

4 MS. LANPHEAR: Pardon me?

5 JOHN LIEBSCHULTZ: Has that been designated as
6 a landmark?

7 CHAIRPERSON LUDWIG: No, it's not.

8 JOHN LIEBSCHULTZ: Is that in the Town of
9 Brighton?

10 MS. LANPHEAR: It's in the Town of Brighton.

11 JOHN LIEBSCHULTZ: Is it on the Cultural
12 Resources List that you can identify?

13 CHAIRPERSON LUDWIG: I think it is, yes.

14 MS. LANPHEAR: Yes.

15 CHAIRPERSON LUDWIG: Whether that was one of
16 the original ones, I can't tell you.

17 FERDINAND SMITH: That house has just been
18 re-done.

19 CHAIRPERSON LUDWIG: Yeah. They had the
20 interior done. It's also been re-done several
21 times since we've --

22 FERDINAND SMITH: Oh, yeah.

23 CHAIRPERSON LUDWIG: Not necessarily for the
24 better.

25 FERDINAND SMITH: Well, actually, these four

1 young men took me on a tour of it. And they
2 actually did a very good job. They really did a
3 nice job on it.

4 CHAIRPERSON LUDWIG: Is the tree still growing
5 up from the barn roof?

6 FERDINAND SMITH: No. They cleaned up all of
7 that. Re-did the roof. The thing that was
8 fascinating to me, having lived across it all these
9 years, the back barn has horse stalls in it and a
10 wooden floor. I mean, it's really -- we kind of
11 love that stuff. So...

12 CHAIRPERSON LUDWIG: I stopped years ago to
13 see if I could rent a place for a car there in the
14 winter and I remember talking to him about it.

15 FERDINAND SMITH: Well, my wife is in the
16 antique business and I wanted to use that space and
17 I remember the roof was leaking. There was a tree
18 through the roof. And, you know --

19 CHAIRPERSON LUDWIG: The other thing I want to
20 just throw out, it's kind of interesting, I know
21 the house next to ours, it got sold a couple years
22 ago, and the person that bought it, in fact, went
23 to the town and said she wanted the house --
24 historic property. Well, they got it. So...

25 JOHN LIEBSCHULTZ: Ken, just to go back to the

1 comment you made, other than the fact that
2 Mr. Smith has owned the house for 30 years, were
3 there any threats or criteria that caused the town
4 to act on this property at this time?

5 MR. GORDON: I don't think that's a factor one
6 way or another with designations. I think the
7 criteria and code are pretty clear. I can go over
8 them if you'd like?

9 JOHN LIEBSCHULTZ: No. I'd just like to --

10 MR. GORDON: I don't think the fact of the
11 property has been on the list and then The Board
12 hasn't designated it yet is a factor one way or the
13 other. And so I'm not sure that any answer to your
14 question will be helpful to The Board.

15 JOHN LIEBSCHULTZ: I'm just looking for the
16 criteria that The Board uses when it picks --

17 MR. GORDON: Right. So, the criteria -- since
18 I was going to go into it, you said you didn't want
19 to hear it, but now you're going to. Under 224-3,
20 the criteria is did the property possess historic
21 value as part of cultural, political, economic,
22 architectural, or social history or the locality,
23 region, state, or nation. Number 2 is, identified
24 with historic personages. Number 3 is, embodies
25 the distinguishing characteristics in architectural

1 style. And number 4 is, the work of a significant
2 designer.

3 Mary Jo, you've done a report for us today.
4 Can you talk a little bit about which of those
5 criteria are met and how?

6 MS. LANPHEAR: I've said that all four
7 criteria that's met with this house that
8 historic -- possesses historic values as part of
9 the cultural and political -- that's kind of the
10 all-purpose in the criteria. It's identifiable
11 with historical personages. Mr. Smith, you are a
12 historic personage in this community. So,
13 that's -- we based that on that.

14 FERDINAND SMITH: You're telling me I'm an old
15 guy? Is that what you're telling me?

16 MS. LANPHEAR: Historic personage. It's
17 different.

18 MR. WHITAKER: He's John's associate.

19 MS. LANPHEAR: Pardon?

20 MR. WHITAKER: He's John's associate also.

21 MS. LANPHEAR: Yes, yes.

22 JOHN LIEBSCHULTZ: Mr. Petrosi (phonetic)
23 owned the house behind it?

24 MS. LANPHEAR: And embodies the distinguishing
25 characteristics of the architecture --

1 MR. WHITAKER: Who owned that house?

2 MR. SMITH: Yeah. Petrosi owned that house
3 for 25 years.

4 MR. GORDON: It's hard for the stenographer to
5 take down more than one person. So, let's let Mary
6 Jo talk about the criteria.

7 MS. LANPHEAR: I said historic personages.
8 Embodies the distinguishing characteristic of an
9 architectural style. And this, I want to bring up
10 the fact that our application is kind of narrow.
11 When you said that it's not unique in the region,
12 that's because the boxes say yes or no. And we do
13 have Dutch colonial houses in this region but
14 nothing as grand, obviously, as Gray Stones. But
15 there's no place in that application to say -- the
16 "x" that I put in the "no" box. So, that's why it
17 is there. It is obviously -- it embodies the
18 distinguishing characteristics of the Dutch
19 colonial style. And it is the work of a
20 significant designer, Claude Bragdon and Alling
21 Deforest. The fact that the gardens were done
22 originally by Alling Deforest. And that was turned
23 up by Katie Eggers Comeau, who was the one who did
24 the update for the original survey. She's the one
25 who did the survey in May. And she found the plans

1 at U of R's -- a department at U of R.

2 FERDINAND SMITH: So, I'm clear, when you were
3 talking about the gardens. I understand your
4 jurisdiction does not extend to the exterior -- to
5 the gardens -- because I have made changes over the
6 years to the gardens.

7 CHAIRPERSON LUDWIG: We, generally --

8 MR. PAGE: It does.

9 MR. BOEHNER: It does extend.

10 CHAIRPERSON LUDWIG: I mean, we don't -- you
11 want to cut down a tree, you want to plant a tree,
12 you don't have to come to us. But to do a major --
13 what shall we say -- major landscaping --

14 FERDINAND SMITH: What if you want to put in a
15 pool?

16 CHAIRPERSON LUDWIG: Yeah, you'd probably come
17 to us or the Architecture Review Board.

18 FERDINAND SMITH: The pool is already there.

19 JOHN LIEBSCHULTZ: Like we were saying, there
20 have been changes already to this property.

21 CHAIRPERSON LUDWIG: Oh, sure.

22 JOHN LIEBSCHULTZ: But it still doesn't get
23 back to my point. Everything you've said was true
24 30 years ago -- 20 years ago -- why is this coming
25 up now instead of 20 years ago when maybe Mr. Smith

1 could have gotten some tax benefit for some of the
2 work.

3 MR. GORDON: Again, it all comes down to the
4 criteria of The Board. So, it's a question you can
5 ask, but I don't think that anyone here is going to
6 answer it, Liebschultz, because it's just not
7 relevant to designation. It has no relevance
8 whatsoever.

9 JOHN LIEBSCHULTZ: Governments are supposed to
10 act rationally. And do you notify everybody that's
11 on the Cultural Survey List?

12 MR. BOEHNER: As the houses are being
13 surveyed, they are notified.

14 CHAIRPERSON LUDWIG: You had a question? I
15 didn't -- did you just have a question? I'm sorry.

16 FERDINAND SMITH: I think you don't -- well,
17 first of all, we're not going to do any
18 additional -- the house is a little big for two
19 people. And my wife is in Arizona right now and
20 I'm going, hello? Is anybody here? So, there you
21 go. I was just concerned because I did -- I had a
22 realtor telling me, oh, boy, that's going to be a
23 problem. And I have a niece who is a realtor and I
24 have friends who are realtors. They've kind of,
25 you know, set this paranoia up that that was the

1 situation. But I'm glad you like my house.

2 MS. DREHER: But those were my first two calls
3 too. I'm an attorney, but I called my attorney
4 mentor and my real estate agent and said, what does
5 this mean? So, I totally understand your concerns.
6 Given the nature of your house, obviously, as
7 you've indicated, we cannot speak to that. But
8 with the house, the Claude Bragdon house like
9 yours, I think you're in good standing.

10 MR. GORDON: What I saw in the original
11 survey, Mary Jo, the designation of this or the
12 rating of this was red. What does that show you?

13 MS. LANPHEAR: Red. According to Paul Malo,
14 means it's the highest rating that you can give.
15 It came from the Landmark Society of Western New
16 York who said that. They gave five categories.

17 Red is extremely high architectural or
18 historical merit. And the highest importance to
19 the community. It should be in violet, and it
20 retains the prosperity. The next category down
21 from that is green, of utmost importance to the
22 surrounding area. Should be saved. Possesses high
23 architectural merit or historical importance to the
24 community.

25 And all the houses that were surveyed so far

1 in Brighton have been red or green.

2 MR. GORDON: And this house is?

3 MS. LANPHEAR: It is red. No red minuses,
4 this is a red.

5 After that comes yellow. Then following is,
6 navy and brown. But red and green are the most
7 important.

8 CHAIRPERSON LUDWIG: Are there any other
9 comments for this application? The Public Hearings
10 are closed. What we'll do is, we'll have a motion.
11 And then we'll have a concrete discussion on it
12 before we vote.

13 MR. GORDON: So, I would propose the following
14 for one of the Board Members to make as a motion or
15 as a condition of 3225 East Avenue: Whereas
16 Application 11H-01-19 has been submitted for the
17 designation of 3225 East Avenue, in the Town of
18 Brighton, County of Monroe and State of New York,
19 the tax account number 138.09-1-54.11, as a
20 landmark under the town's Historic Preservation
21 Law.

22 And whereas the Historic Preservation
23 Commission duly called a Public Hearing to consider
24 such designation. Which Public Hearing was duly
25 held on December 19th, 2019. And all persons

1 having an interest in such matters having had an
2 opportunity to be heard therein.

3 And whereas, based on the materials submitted
4 at, and the testimony at the Public Hearing,
5 together with the application of Town Historian,
6 Mary Jo Lanphear, dated June 6th, 2019, and the
7 Cultural Resources Report dated 1998, and the
8 update to the report prepared by Katie Eggers
9 Comeau, C-o-m-e-a-u, dated May 16th, 2019, and the
10 memorandum prepared by Town Historian, Mary Jo
11 Lanphear, December 18th, 2019, the Historic
12 Preservation Commission finds that the subject
13 property possesses such historic value based upon
14 the fact that the house has been rated red pursuant
15 to the Landmark Society of Western New York rating
16 system, indicating that it is of extremely high
17 architectural or historical merit and of the
18 highest importance to the community and should be
19 in violet and retained for prosperity.

20 And also due to its design in or about 1912 by
21 the former renowned architect Claude Bragdon,
22 B-r-a-g-d-o-n and landscaping design by Alling,
23 A-l-l-i-n-g Deforest, D-e-f-o-r-e-s-t, who grew up
24 nearby or on Allens Creek Road. And also its
25 connection with persons of historic significance in

1 the town. And the fact that it presents an
2 excellent example of a Dutch colonial home in the
3 Town of Brighton, its characteristic of its era,
4 and has retained good integrity due to the
5 thoughtful stewardship of its present owners.

6 It is hereby resolved that the Town of
7 Brighton, Application 11-H-01-19, for designation
8 of landmark of 3225 East Avenue, together with the
9 referenced materials presented, along with the
10 application, and at the Public Hearing, be received
11 and filed.

12 And be it further resolved that the Historic
13 Preservation Commission hereby designates the above
14 referenced property located at 3225 East Avenue as
15 a historic landmark pursuant to Chapter 224 of The
16 Town Code.

17 Based upon the commission's above articulated
18 findings regarding the historic value of the
19 subject property and its association with the
20 social, cultural, political and economic history of
21 the town.

22 CHAIRPERSON LUDWIG: Can I have a second?

23 MR. WHITAKER: I'll second.

24 CHAIRPERSON LUDWIG: Okay.

25 MR. BOEHNER: I'm sorry, who made the motion?

1 MR. PAGE: I'll make the motion.

2 CHAIRPERSON LUDWIG: Motion, then we have
3 second.

4 MR. BOEHNER: Mr. Whitaker?

5 MR. WHITAKER: I second.

6 CHAIRPERSON LUDWIG: Okay. Any other
7 comments? Ramsey, would you call the roll, please?

8 MR. BOEHNER: Dreher?

9 MS. DREHER: Yes.

10 MR. BOEHNER: Page?

11 MR. PAGE: Yes.

12 MR. BOEHNER: Whitaker?

13 MR. WHITAKER: Yes.

14 MR. BOEHNER: Delvecchio?

15 MR. DELVVECHIO: Yes.

16 MR. BOEHNER: Robinson?

17 MS. ROBINSON: Yes.

18 MR. BOEHNER: Ludwig?

19 CHAIRPERSON LUDWIG: Yes.

20 MR. BOEHNER: It passes as a historic
21 landmark.

22 CHAIRPERSON LUDWIG: We have no certificates
23 of appropriateness. We have no hardship
24 applications. The Public Hearings are now closed.

25 MR. BOEHNER: Just before we start under new

1 business, the properties that are listed under new
2 businesses are the surveys that I sent out -- had
3 Gretchen send out last month -- I put them on the
4 agenda just in case you wanted to discuss any of
5 the properties. If there is no discussion tonight,
6 that's fine. We can pick them up another time.
7 But I did send them out.

8 MS. DREHER: We're at the end of the year.
9 So -- we're at the end of the year, so we're into
10 the fund for next year for updates.

11 MR. BOEHNER: Yeah. When we extended the
12 funds that we --

13 MR. GORDON: I think we -- right. We picked
14 all the properties, we have one left to update or
15 survey this year.

16 MR. BOEHNER: Yup. So, in coming -- in
17 January, we can pick it back up and start looking
18 at if there are additional property we want to
19 survey or have updated, that is a process.

20 CHAIRPERSON LUDWIG: Okay. So, new businesses
21 we'll postpone till after the first of the year.
22 Lo and behold is 1140 Clover Street. And have we
23 sent a letter?

24 MR. BOEHNER: We've sent a letter.

25 MR. GORDON: You sent a letter and you have

1 not set a hearing?

2 CHAIRPERSON LUDWIG: That's correct.

3 MS. DREHER: I'll move to set a hearing on
4 1140 Clover.

5 MS. ROBINSON: I'll second that.

6 MR. GORDON: So, when will that hearing be set
7 for?

8 CHAIRPERSON LUDWIG: Are you folks here most
9 of the time? In other words, if we were to set a
10 date in January for instance or whatever --

11 MS. LEE: Sure.

12 CHAIRPERSON LUDWIG: You don't travel a lot,
13 do you?

14 MS. LEE: Oh, yeah, we're not going to be in
15 Arizona.

16 MR. BOEHNER: January 23rd.

17 MR. GORDON: January 23rd.

18 CHAIRPERSON LUDWIG: Ramsey, you want to
19 call -- can we have a motion and a second on the
20 floor as to whether to set a hearing for 1140?

21 MR. GORDON: I just want to clarify for the
22 Lee's, this is not designating your property. This
23 is just to send out a notice to you and the public
24 to set the Public Hearing for January so then we
25 can have a discussion about it.

1 MS. LEE: Okay.

2 MR. BOEHNER: Ludwig?

3 CHAIRPERSON LUDWIG: Yes.

4 MR. BOEHNER: Robinson?

5 MS. ROBINSON: Yes.

6 MR. BOEHNER: Delvecchio?

7 MR. DELVECCHIO: Yes.

8 MR. BOEHNER: Whitaker?

9 MR. WHITAKER: Yes.

10 MR. BOEHNER: Page?

11 MR. PAGE: Yes.

12 MR. BOEHNER: Dreher?

13 MS. DREHER: Yes.

14 MR. BOEHNER: Motion passes.

15 CHAIRPERSON LUDWIG: Any other business?

16 MR. BOEHNER: Thank you. See you next month.

17 CHAIRPERSON LUDWIG: Any other business at

18 all?

19 MS. DREHER: I'll move to close.

20 MR. DELVECCHIO: Second.

21 CHAIRPERSON LUDWIG: All in favor?

22 ALL MEMBERS: Aye.

23 * * *

24

25

REPORTER CERTIFICATE

I, Alexandra K. Wiater, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

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

Dated this 21st day of January, 2020

At Rochester, New York

Alexandra K. Wiater