

B R I G H T O N
H I S T O R I C
P R E S E R V A T I O N
C O M M I S S I O N

December 17th, 2020

At approximately 7:15 p.m.
Brighton Town Hall Zoom meeting
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JERRY LUDWIG, CHAIRPERSON

JUSTIN DELVECCHIO)
AMANDA L. DREHER)
JOHN PAGE)
DIANA ROBINSON)
DAVID WHITAKER)

BOARD MEMBERS

MARY JO LANPHEAR
Town Historian

KEN GORDON, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

NOT PRESENT:

WAYNE GOODMAN

REPORTED BY: RHODA COLLINS, Court Reporter
FORBES COURT REPORTING SERVICES, LLC
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Batavia, New York 14020

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3

MR. PAGE: Okay. So let's see here, is there anyone here for open forum?

5

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MR. BOEHNER: I don't see anyone. There's no one in the waiting room.

7

8

MR. PAGE: I will call the meeting to order and call the roll please.

9

MR. BOEHNER: Ms. Dreher?

10

MS. DREHER: Present.

11

MR. BOEHNER: Mr. Page.

12

MR. PAGE: Here.

13

MR. BOEHNER: Mr. Whitaker?

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MR. WHITAKER: Here.

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MR. BOEHNER: Mr. DelVecchio.

16

MR. DELVECCHIO: Here.

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MR. BOEHNER: Ms. Robinson?

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MS. ROBINSON: Yes.

19

MR. BOEHNER: Absent is Goodman and Ludwig.

20

21

MR. PAGE: Okay. Are there any modifications, corrections to the minutes from November 19, 2020?

22

23

MR. WHITAKER: Yes. I have a comment, on Page 33 or 34, it referred to Councilman Werner and that's not our group.

25

MS. DREHER: Yeah, I have the same, Page 33

3 Line 21 should be Mr. Gordon.

MR. WHITAKER: Not Councilman.

MR. BOEHNER: He used to be, a long time ago.

MS. LANPHEAR: Oh, and I did not attend that
7 meeting by the way, I am listed as being present.

MR. BOEHNER: You were not there.

Hey, there's Jerry.

CHAIRPERSON LUDWIG: Hey, I just woke up. No,
11 not really. I'm here.

MR. BOEHNER: All right. Rhoda, would you let
13 the record reflect that Member Ludwig has joined the meeting.
14 We will give you a few seconds to get yourself organized,
15 Jerry.

CHAIRPERSON LUDWIG: Yes. Are we still in
17 open forum?

MR. BOEHNER: No, we are already in the
19 meeting. We called the roll and did the minutes.

CHAIRPERSON LUDWIG: Okay. Did anyone have
21 any corrections?

MR. PAGE: Yeah, we are just in that now.

CHAIRPERSON LUDWIG: Okay. Whenever you're
24 ready, I've got a few. Maybe you've already covered them.

MR. BOEHNER: Amanda, did you get yours?

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3 MS. DREHER: Yeah, my only one was the change
4 from Councilman Werner to Mr. Gordon, that was the only one.

5 MR. BOEHNER: That's Page 33, Jerry.

6 CHAIRPERSON LUDWIG: Okay. I had on Page 4,
7 Line 16, I think it should be ruined and not run.

8 And on page -- pardon? Page 10, Line 19 and
9 22, it says stupors and it should be scuppers.

10 Page 12, Line 7, I think we should admit
11 those.

12 And on Page 17, Line 24, it says dorm and I
13 think it should be dormer.

14 That's all I had.

15 MR. GORDON: Jerry, since you're here do you
16 want to take over from John running the meeting and ask for a
17 motion to approve the -- minutes.

18 CHAIRPERSON LUDWIG: I ask for a motion to
19 approve the minutes, and I'm still looking for my first page
20 of the agenda which I'm sure I'll find in a minute.

21 MR. PAGE: I will make the motion to approve
22 the agenda, this is John Page.

23 CHAIRPERSON LUDWIG: Thank you, John.

24 MR. WHITAKER: I will second, David Whitaker.

25 MR. BOEHNER: Thank you, David.

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3 CHAIRPERSON LUDWIG: Okay. You are going to
4 have to kind of, John, if you don't mind until I find my
5 first page. I apologize, folks.

6

MR. PAGE: Ramsey, do we need to call --

7

MR. BOEHNER: Take a roll, if I could.

8

MR. PAGE: Yep.

9

MR. BOEHNER: Ready?

10

Member Ludwig?

11

CHAIRPERSON LUDWIG: Here, finally.

12

MR. BOEHNER: Ms. Robinson?

13

MS. ROBINSON: Here.

14

MR. BOEHNER: Mr. DelVecchio. Justin?

15

16

MR. GORDON: We're voting on the approval of
the minutes --

17

18

MR. BOEHNER: Of the minutes with corrections,
Justin? You're on mute. If you can unmute yourself? Let's
see, Bret, can we try to help him there? Justin, are you
there? Is there any chats?

21

MR. DELVECCHIO: Sorry about that.

22

MR. BOEHNER: I think it's a delay.

23

24

MR. DELVECCHIO: No, I'm sorry, I had to step
away for a minute.

25

MR. BOEHNER: Okay. We were doing the making

3 a motion to approve the November 19th minutes with
4 corrections.

5 MR. DELVECCHIO: Well, I'll defer to the group
6 as I wasn't there at that meeting, unfortunately.

7 MR. BOEHNER: If you have not reviewed that
8 maybe you want to abstain.

9 MR. DELVECCHIO: I will abstain, sorry about
10 that.

11 MR. BOEHNER: Whitaker?

12 MR. WHITAKER: Yes.

13 MR. BOEHNER: Page?

14 MR. PAGE: Yes.

15 MR. BOEHNER: Motion carries.

16 CHAIRPERSON LUDWIG: Thank you. I finally
17 found the agenda, so I might be able to ask, was this meeting
18 duly advertised?

19 MR. BOEHNER: Yes, it was properly advertised
20 in the Brighton-Pittsford Post of December 3, 2020.

21 CHAIRPERSON LUDWIG: That meeting as now --
22 was advertised will now be held.

23 We have no communications, we have no
24 designation of landmarks, no Certificate of Appropriateness,
25 no hardship applications, Public Hearings are closed.

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3 New business, demolition review, 581 -- or 561
4 and 575 South Winton Road. Is there anyone here to speak for
5 that?

6 MR. BOEHNER: No, it's a matter I put on the
7 agenda. It's a demolition review, Jerry.

8 CHAIRPERSON LUDWIG: Okay.

9 MR. BOEHNER: And there's a photo that Bret
10 will get up of the houses. We did send you some information
11 from the architect on the houses.

12 CHAIRPERSON LUDWIG: Yes.

13 MR. BOEHNER: And Mary Jo also sent out a memo
14 of the research she did with Tracey on what we know about the
15 houses. This evening what you're being asked is, if you want
16 to consider them for possible local designation. There's two
17 houses, and what they want to do is tear down both houses and
18 build a new one. And this is the first one and this 475.

19 CHAIRPERSON LUDWIG: Yes.

20 MR. BOEHNER: Oh, it's 461, sorry.

21 CHAIRPERSON LUDWIG: Yes, and the other one is
22 475.

23 MR. BOEHNER: That's right.

24 Bret, if you could show that one.

25 CHAIRPERSON LUDWIG: I have some concerns over

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3 this. I guess, one, it sets a precedent of tearing down

4 houses. Certainly 575 is about as typical for a Brighton

5 house of that vintage. It's a handsome little house, front

6 door, two-car garage, very attractive house, I think.

7

8 And I guess I am concerned about tearing down

9 vintage houses to put up a McMansion. So I guess I'd like

10 some other members to weigh in on this. Am I the only one

11 that has any concerns?

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MR. WHITAKER: This is David Whitaker. I totally agree, both are typical Brighton houses and they sit very well in the neighborhood. I know they're not designated, so I don't know what our control is. I think it very sad they are going to be torn down.

CHAIRPERSON LUDWIG: I did not see Mary Jo's -- unfortunately I did not see her memo.

MR. WHITAKER: There it is.

CHAIRPERSON LUDWIG: Okay, great.

MR. GORDON: While you're taking a look at this, if I could just remind the Commission of what their obligation is here. So, this is not before you to determine whether you like the idea of tearing down two houses and putting up one, whether you like the style of the new house, whether you like how it's laid out or anything like that.

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3 The site plan and the approval of that
4 architectural design of the new house, the actual work
5 involved in the permitting for that is all under the
6 jurisdiction of either the Planning Board or the building and
7 planning department.

8

 MR. BOEHNER: Architectural Review Board.

9

 MR. GORDON: I'm sorry?

10

 MR. BOEHNER: I was going to say there's the
11 role of the Architectural Review Board and there's also a
12 variance they will need to get. They went in front of the
13 Planning Board last night.

14

 MR. GORDON: That's right.

15

 MR. BOEHNER: I'm going to echo what Ken is
16 saying --

17

 MR. GORDON: Well, if I could just finish,
18 Ramsey, please. What I want to emphasize is what your role
19 really is, and that is, one issue and one issue only. Would
20 you consider designating either of these houses as a landmark
21 given our regular criteria for designation under the Historic
22 Preservation Code?

23

 I will say, because I think it is true, that
24 it is -- neither one of these houses were previously
25 identified by the Commission for any type of survey. They

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3 have not been on a list of properties considered but not
4 surveyed or, surveyed but not designated, or anything like
5 that.

6 So, the review under the code is to make sure
7 that something doesn't slip through the cracks that would
8 have otherwise been designated or considered seriously for
9 designation as a historic landmark under our Historic
10 Preservation laws given the criteria.

11 So, I'm go to ask you to sort of set aside
12 your feelings about the project overall and focus just on
13 these two houses. Are either of these houses worthy of
14 designation based on the criteria that you have employed so
15 often and so well over the years?

16 CHAIRPERSON LUDWIG: Ken, I know. And those
17 opening remarks were not meant to -- use of the architectural
18 review of the Planning Commission. And now that I look at
19 575 -- and I'm sure there's a lot of houses in the Town of
20 Brighton which might be worthy of designation that we just
21 have never zeroed in on. And I think 575 may be one of
22 those, after reading what Mary Jo has stated. So, might be
23 worthy of, I guess, of --

24 MR. PAGE: Jerry --

25 CHAIRPERSON LUDWIG: Can we see the -- Mary

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3 Jo's memo again, please? Thank you.

4 MR. PAGE: So, Jerry, this is John. So these
5 houses strike me as houses that would be perfectly wonderful
6 if they were part of a district. Neither of them strikes me
7 as a house individually that we would likely consider for
8 designation. I find them both pleasant, they're right around
9 the corner from where I live, but --

10 CHAIRPERSON LUDWIG: Well, is 575
11 significantly different in its heritage or its provenance
12 than the -- I think it was the one on Oak Lane that we just
13 did the review about the condition, that was zoned -- that
14 was done by a local architect and it was built for a
15 gentleman who worked for Eastman Kodak. We do know who the
16 architect was on this.

17 MS. LANPHEAR: C. Storrs Barrows.

18 MR. PAGE: Yeah. It had a more well-known
19 architect. I think it's a much better house than either of
20 these, personally.

21 CHAIRPERSON LUDWIG: Well --

22 MS. LANPHEAR: Can --

23 MS. ROBINSON: Can we review the five criteria
24 that we go by, kind of step by step?

25 MR. GORDON: Right. So, I have got them up in

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3 front of me here if you want me to walk through them.

4 So, what we're looking at is the criteria for
5 designation under Section 224-3 of the town code. The first
6 criteria is that the house possesses historic value as part
7 of the cultural, political, economic, architectural or social
8 history of the town, state or nation.

9 I am stopping there to see if you want to
10 discuss that or do you want me to press on?

11 MR. WHITAKER: Keep going.

12 MS. DREHER: Actually, could I just add a
13 comment with respect to that? I think in this vintage of
14 house we have a lot more -- have more knowledge about who
15 lives there and architects and whatnot. So, I think it's --
16 I don't think it's going to be the same process -- well, it's
17 the same process, but I think when we have this much
18 information on these houses it's going to appear that every
19 single one of them, yes, we know about them. But I don't
20 think that that necessarily rises to this -- to the level of
21 what we need to require for that.

22 I think, if once we're looking at houses in --
23 we're shifting from the older houses to houses like this that
24 should be -- we have to keep that in the back of our minds.

25 MR. GORDON: Right. Just, I mean, to restate

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criteria number one, the question that you ought to be asking yourself is, what is it about this property that makes it of particular historic value as part of the cultural history of the town or the political history of the town or the architectural or social history of the town? Is there anything of value, historic value, for this particular property? That's criteria number one.

10 Criteria number two, is that the property is
11 identified with historic personages.

12 Criteria number three, is that the property
13 embodies the distinguishing characteristics of an
14 architectural style. We have heard -- this is just my
15 commentary on that -- we really apply that criteria really as
16 whether the property is a good or unique example of an
17 architectural style.

18 And number four is, is the property the work
19 of a significant designer.

20 So, those are your criteria under 224-3, and
21 as I suggest, you would want to ask yourselves those
22 questions about each one of these properties. And, if your
23 answer is, yeah, you know, I think we would go ahead and
24 possibly designate this property given that criteria, then we
25 should let the Planning Board know that so that it does not

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3 go ahead and approve the project without letting us go
4 through our process first.

5 If, on the other hand, you don't think that it
6 meets those criteria, then we should let the Planning Board
7 know that there is really no interest in designating either
8 one of these properties as a landmark.

9 CHAIRPERSON LUDWIG: Question, Ramsey or Ken,
10 if we do not designate this 575, can we in some way send a
11 memo or whatever communication to the Planning Board and
12 request that if the house is to be demolished that the
13 architectural elements -- and the front door sticks out, and
14 there may be other architectural elements within the house --
15 that they be preserved or recycled in some way rather than
16 sent to the landfill?

17 MR. BOEHNER: So, Jerry, you're saying that
18 you would like to recommend that the Planning Board request
19 the applicant to consider recycling the material to the
20 house?

21 CHAIRPERSON LUDWIG: Yes.

22 MR. BOEHNER: I believe we could do that.

23 CHAIRPERSON LUDWIG: I would say, rather than
24 consider, I would say urge.

25 MR. GORDON: Just as long as you understand,

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3 we don't have any power to require that, but I don't think
4 there's anything wrong with urging that.

5 CHAIRPERSON LUDWIG: Thank you. Then I
6 will -- I guess I will go along with John and Amanda's
7 thoughts on this. I'd really hate to see this house
8 demolished, but on the other hand I see, yes, there's
9 probably scads of similar houses in the Town of Brighton.
10 But that doesn't make it any less, what shall I say, any less
11 significant just because there are quite a few houses like
12 this.

13 I think it is Brighton, it says Brighton. So,
14 if fellow Commission members want to go ahead with the not
15 designating the property, I hope at least you all might
16 consider sending some type of communication urging that -- I
17 don't know whether the windows are original or not, but
18 there's certainly a value and architectural storage -- or
19 architectural salvage, excuse me, and I would like to see --
20 I just wish I had a place for the front door.

21 MR. PAGE: I think that -- that it's a good
22 activity for this Board to urge consideration of salvage of
23 architecturally significant elements that might exist in any
24 house that's being considered for demolition. I would
25 almost, you know, it could be generated by this project but

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3 be a continuing statement that we would make that. We have
4 at least two really good companies in town that do salvage.

5 And, you know, there could be fireplace
6 elements or lights or other things, that if they weren't
7 going to be salvaged by the owner, would -- I agree, would be
8 far better off for reuse than going into a landfill.

9 I don't dislike these houses. I do think that
10 there's a lot of houses of equal or better quality than this.
11 There's also properties that are larger than, as large as the
12 two properties combined in this neighborhood that exist.

13 And so, having a house which doesn't seem to
14 me to necessarily rise to, from what they have shown, rise to
15 what I would throw into the McMansion category. I mean, I'm
16 surprised they're actually going for that style there,
17 frankly.

18 CHAIRPERSON LUDWIG: Well, it's certainly not
19 an unattractive facade. I will grant you that, not
20 unattractive at all. I just, well, I will -- I think John's
21 right. I think part of maybe our mission is not only to
22 protect, but also to make sure or do what we can to make sure
23 that important architectural elements don't just end up in
24 Riga, but maybe can prove valuable for somebody else that
25 might be restoring a house or wanting to use those elements

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3 in an addition or whatever.

4 MR. PAGE: I think it's a gutsy move that they
5 sent us any information. It's a real coin toss.

6 CHAIRPERSON LUDWIG: They must have been
7 concerned if we might throw a monkey wrench.

8 Is that your assistant, John, there?

9 MR. PAGE: Yeah.

10 CHAIRPERSON LUDWIG: Okay.

11 MR. PAGE: Yeah. He demanded attention.

12 CHAIRPERSON LUDWIG: Okay, that's fine. I
13 just wondered if we had a new commission member or --

14 MR. PAGE: He's ready whenever the call comes.

15 CHAIRPERSON LUDWIG: Well, he could probably
16 take my place without any trouble.

17 So, I guess on that --

18 MR. GORDON: Could I suggest a motion then,
19 Jerry?

20 CHAIRPERSON LUDWIG: Well, I guess I would
21 first ask if anyone else on the Commission has any thoughts
22 or?

23 MR. WHITAKER: Well, this is Whitaker. I
24 would express my concern, however, we don't have any power
25 over it.

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3 CHAIRPERSON LUDWIG: Okay. Anyone else?

4 Okay, Ken.

5 MR. GORDON: So, I'm going to suggest we do do
6 these separately because the issue really is a separate issue
7 for each house. So, I would suggest a Board member make a
8 motion to direct the Secretary to send a letter to the
9 Planning Board indicating that there is no interest in
10 designating 561 Winton Road South as a historic landmark.

11 MS. DREHER: I'll make that motion.

12 CHAIRPERSON LUDWIG: May I have a second,
13 please?

14 MS. ROBINSON: I'll second that.

15 CHAIRPERSON LUDWIG: Any discussion?

16 MR. BOEHNER: Could I just, before I take a --
17 do we want to add in that you would also, in that letter,
18 encourage that architectural significant elements be salvaged
19 or should be recycled?

20 MR. GORDON: I was going to preserve that for
21 the 575 motion, Ramsey. That's why I'm doing them
22 separately.

23 MR. BOEHNER: Okay, only 575 or 475?

24 MR. GORDON: Is it four -- no, it's 575.

25 MR. BOEHNER: No, no, 575, I misspoke.

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3 MR. GORDON: Yeah. I thought that those
4 comments related to 575 not 561.

5 CHAIRPERSON LUDWIG: At least my comments did.
6 I can't see enough of this house to tell, but 575 I think I
7 would.

8 MS. DREHER: I mean, I think if we're going to
9 start doing this, we should -- it should be in with all of
10 them.

11 CHAIRPERSON LUDWIG: Very good.

12 MS. DREHER: I know this is the same owner,
13 so --

14 MR. DELVECCHIO: I agree.

15 MS. DREHER: -- that person is going to get
16 the information. But I think it should probably be in all of
17 these if we're going to start saying that.

18 MR. GORDON: So the additional language I had
19 in mind was, however, the Historic Preservation Commission
20 urges the Planning Board to ensure the preservation of
21 architecturally significant elements of the property when it
22 is demolished.

23 MR. BOEHNER: How do they ensure it?

24 MS. ROBINSON: And how would they make that
25 designation? Who would decide that?

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3 MR. PAGE: My thought was that --

4 MR. BOEHNER: Or is it just an encouragement.

5 MR. PAGE: I -- my thought was that they would
6 be encouraged to, as part of the demolition package, offer
7 local preservation salvage companies the opportunity to
8 identify and remove historically significant materials as
9 part of the demolition package for any elements that aren't
10 already intended to be salvaged.

11 I mean, I realize I'm going on there, but that
12 it's sort of like they're significant if, in that way, if
13 there's -- if a need is -- if there's a company willing to
14 take them.

15 MR. BOEHNER: Just so you guys know, we try to
16 get them to recycle at least 50 percent of the demolition
17 products, in general, as a town standard condition that is
18 already on and given to the Planning Board. This is about
19 the significant architectural features too. So there's a
20 drive for sustainable purposes to reduce what goes into the
21 landfill in general.

22 MR. PAGE: So then, you could almost state it
23 that in accordance with the goal of salvaging a portion of
24 the materials, we would encourage them to include
25 historically significant items that are salvageable for

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3 future preservation.

4 MR. BOEHNER: Yes. And by the way, just, I
5 want to be clear, it's not a condition, it's a
6 recommendation, it is a request. We don't have the right to
7 require it. Just want everyone to understand that.

8 CHAIRPERSON LUDWIG: I think we understand
9 that. I mean, even the light fixture beside the front door
10 look like they're original on 575, so.

11 MR. GORDON: So, Ramsey, what I'm hearing you
12 say is that you could -- the Planning Board or the planning
13 department could not condition the demolition permit on this
14 preservation idea? It couldn't put it right into the
15 demolition permit that while you're being granted the
16 permission to demolish this property, you are also required
17 to preserve -- however we describe it.

18 CHAIRPERSON LUDWIG: Well, rather than
19 require, can we say urge?

20 MR. GORDON: Yes. I know, I'm just testing
21 something here, Jerry.

22 CHAIRPERSON LUDWIG: Okay.

23 MR. GORDON: Ramsey, so you're saying --

24 MR. BOEHNER: I don't see anywhere in any of
25 our codes, requirements, that that is outlined. It's not in

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3 the duties of the Planning Board. I guess we could. I'd try
4 to stick to the findings and what the chapter is asking for.
5 Maybe even is a consideration to maybe do a code amendment to
6 our demolition that we talk about that. We add in a section
7 on sustainability and reuse and something to that effect to
8 make it clear.

9 Can you put a condition on, you can maybe make
10 a case, it's not the strongest case. Usually, like, try to
11 have something in a plan or something that's been adopted by
12 the Town or a board to justify our position. You know, I
13 just don't have that.

14 You know, the SOC is involved, that's part of
15 where these things are, conditions about recycling, 50
16 percent of the demolition debris is coming from that thought.

17 MR. GORDON: But even that is a recommendation
18 not a mandate, correct?

19 MR. BOEHNER: Yes. They don't, you know,
20 because they're not a statutorily or sanction created board,
21 or anything like that.

22 MR. GORDON: And I just wanted to have the
23 conversation because I'm really just trying to drive home the
24 point that this is not mandatory. That what we're doing is
25 making a request. And I think, I mean, I don't want to speak

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3 for Ramsey, but I think I know Ramsey well enough to know
4 that he doesn't want and we don't want, is the town to impose
5 conditions that we don't have the ability to enforce, we
6 don't have teeth behind. We don't want to make something
7 mandatory or make it sound like it's mandatory when we really
8 can't be and we really don't have the mechanism in place to
9 enforce it if they don't follow that condition.

10

11 So, I think the strongest thing you can do is
12 make this a request, a strong request, an urging or whatever
13 language you want to use. But please understand, as such,
14 because we can't really force this to happen.

15

16 And even if we did have the ability to compel
17 it in some way, there would always be the open question as to
18 what is and what is not an architecturally significant
19 element. So, that would be very difficult for, you know, our
20 folks in the field to go out, our building inspectors to be
able to go out and say, hey, hold on, stop, you can't throw
that out, because that's architecturally significant.

21

CHAIRPERSON LUDWIG: Correct.

22

23 MR. BOEHNER: I have to say, I have found most
24 of -- there's not that many demo contractors out there. Most
of them will grab the good stuff. That's just been my
experience, what I have watched. I've seen it, they go in,

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3 they grab what they want and then they demo the house.

4 MS. DREHER: I think I see this as also a
5 function of awareness, you know, I, I don't --

6 MR. BOEHNER: I agree.

7 MS. DREHER: -- I know of several professional
8 colleagues who have no idea that places like rehouse exist,
9 or that people would want those things. So, I think it does
10 serve a purpose of making folks aware that there are others
11 out there that would love to use his materials.

12 And so, at the very least they will find out
13 something they didn't know, and if we hope that they decide
14 to pursue that path of salvaging, even if we can't require
15 it, it's -- it'll bring awareness to folks who might not have
16 known about that.

17 CHAIRPERSON LUDWIG: Now, Jim Fahy is the
18 architect; is that right?

19 MR. BOEHNER: Yes.

20 CHAIRPERSON LUDWIG: I might call him on it,
21 not as part of the commission, but just check with him.

22 MR. DELVECCHIO: Yeah, Jerry, I tend to agree
23 this seems more of like a grassroots movement here. That,
24 you know, reach out to people and try to make sure stuff's
25 handled properly, but we don't have a lot of teeth behind us

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3 here. It's more of a --

4 CHAIRPERSON LUDWIG: Sure. I just, well, I
5 will get off the pulpit.

6 Any other comments?

7 MR. BOEHNER: It's a good discussion, we can
8 start moving it forward, just has limits. I think it's an
9 excellent idea, personally, they shouldn't --

10 MS. ROBINSON: I'd like to agree with Ramsey's
11 statement about the demolition contractors. If there's
12 anything valuable, if there's anything of value, they will
13 take it. Kind of solves the problem.

14 CHAIRPERSON LUDWIG: Well --

15 MR. BOEHNER: The better -- yeah, and there's
16 not that many of them. I mean, because I've done a number of
17 demolitions in this town, and we do pre-construction with
18 them. But I think, you know, having it in writing and just
19 having it as a suggestion it definitely just supports the
20 position.

21 CHAIRPERSON LUDWIG: Okay. We have, Ken put
22 forth a motion, we have a -- it was seconded, it was a
23 motion --

24 MR. BOEHNER: Robinson.

25 CHAIRPERSON LUDWIG: -- and I think we --

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3 anymore discussion? Then a yes vote means we have no
4 interest in designating the property.

5 MR. BOEHNER: Mr. Ludwig?

6 CHAIRPERSON LUDWIG: Yes.

7 MR. BOEHNER: Ms. Robinson?

8 MS. ROBINSON: Yes.

9 MR. BOEHNER: Mr. DelVecchio.

10 MR. DELVECCHIO: Yes.

11 MR. BOEHNER: Mr. Whitaker?

12 MR. WHITAKER: Yes.

13 MR. BOEHNER: Mr. Page.

14 MR. PAGE: Yes.

15 MR. BOEHNER: Ms. Dreher?

16 MS. DREHER: Yes.

17 MR. BOEHNER: Motion passes.

18 CHAIRPERSON LUDWIG: Thank you.

19 MR. BOEHNER: Now, 575.

20 MR. GORDON: For 575 you want the same motion
21 to authorize the Secretary to send a letter to the Planning
22 Board indicating that the Historic Preservation Commission
23 has no interest in designating 575 South Winton Road as a
24 historic landmark under the Town's Historic Preservation Law
25 and urging the Planning Board to request that the

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3 architecturally significant elements of 575 South Winton Road
4 be preserved by the demolition contractor.

5 CHAIRPERSON LUDWIG: And may I have someone
6 put forth the motion please?

7 MR. PAGE: I make that motion.

8 CHAIRPERSON LUDWIG: Thank you John, a second?

9 MR. DELVECCHIO: Second.

10 CHAIRPERSON LUDWIG: Thanks, any discussion?
11 Okay, Ramsey.

12 MR. BOEHNER: Mr. Ludwig?

13 CHAIRPERSON LUDWIG: Yes.

14 MR. BOEHNER: Ms. Robinson?

15 MS. ROBINSON: Yes.

16 MR. BOEHNER: Mr. DelVecchio.

17 MR. DELVECCHIO: Yes.

18 MR. BOEHNER: Mr. Whitaker?

19 MR. WHITAKER: Yes.

20 MR. BOEHNER: Mr. Page?

21 MR. PAGE: Yes.

22 MR. BOEHNER: Ms. Dreher?

23 MS. DREHER: Yes.

24 MR. BOEHNER: Motion passes.

25 CHAIRPERSON LUDWIG: Thank you. Any other new

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3 business?

4 MS. DREHER: Can I just add something here? I
5 was wondering if Mary Jo, do you have any resources or
6 perhaps a memo on this vintage of houses that as a new
7 commission member I am not as familiar with the houses from,
8 you know, the 50s and 60s that may be coming to us in such
9 cases as demolition or, you know, come up for designation.
10 So I was wondering if there's any resources we have that
11 would just give an overview of significant architects or any
12 information about that, this vintage of house in the town?

13 MS. LANPHEAR: We really don't have anything
14 set aside for that time period. We have a list of files on
15 the architects that were active at the time. And we have
16 Tracey Major in the Public Works Department who has been
17 helpful pulling documents when they are available for the
18 time period. But nothing really, Amanda, that would have a
19 body of knowledge that we can fall back on.

20 MS. DREHER: Okay, thank you.

21 MR. BOEHNER: Tracey has gotten really good at
22 her research everyone, by the way.

23 MS. LANPHEAR: Pardon me?

24 MR. BOEHNER: I said Tracey's gotten very good
25 with her research, gotten really good.

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3 MS. LANPHEAR: Yes. And she enjoys doing it
4 too. She gets all excited about finding something
5 interesting about a property.

6 MR. BOEHNER: She does. And I have to say
7 sometimes going to go your way, but.

8 MS. LANPHEAR: I know it.

9 CHAIRPERSON LUDWIG: Any other new business?

10 MS. LANPHEAR: I just think that after this
11 discussion tonight, I would like to see us look at perhaps
12 district destination. I know we've tossed it around for
13 years and it's not in our -- in the purview of this group to
14 make that decision. It's the Town Board.

15 But these two houses are in the Bel-Air
16 Subdivision, Bel-Air Extension. And as John was saying, this
17 would be a district. They would be part of a district. They
18 would contribute to a district. And we have many
19 neighborhoods in Brighton, McFarland Farm, Bel-Air,
20 Meadowbrook, a lot of significant houses in the neighborhoods
21 but can't stand alone for designation, but could if they were
22 part of a district. So, that's what I'm tossing out tonight
23 if we could please consider that again.

24 CHAIRPERSON LUDWIG: I think it's a great
25 idea. I think, yes, it's -- but I am not sure it will fly

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3 with the Board.

4 MS. LANPHEAR: I know.

5 CHAIRPERSON LUDWIG: But it's certainly worth
6 pursuing with our Supervisor and others.

7 MR. GORDON: I think if we really wanted to
8 pursue something like that it would take some effort to sit
9 down and write up a proposal, you know, have some criteria
10 for designation, to have some examples of historic districts
11 from other geographical areas that are in place, and how
12 those would apply, and take all of that together and ask that
13 it be put on one of the committee's agendas. I probably
14 would think, Ramsey, public works or community services?

15 MR. BOEHNER: Well, it's interesting. I think
16 it's public works because it probably would be the staff that
17 would be handling it.

18 MR. GORDON: Right. So, I mean, public works
19 I believe is chaired by Chris Werner, and so that's the Board
20 member you would want to go through to get it on that agenda.

21 But I think you need to go there with
22 something more than an idea, because I don't think they are
23 going to create it for you. I think you're going to need to
24 do a lot of the heavy lifting if you want to make this a
25 reality. To come to them with a proposal that maybe isn't

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3 ready to go right out of the box, but is certainly fleshed
4 out significantly and in a convincing way.

5 CHAIRPERSON LUDWIG: Good point, Ken.

6 MR. PAGE: Jerry, you've been there from the
7 beginning. My understanding is, that our community, along
8 with lots of communities in New York, use the model code as
9 put out by the State preservation groups. And that basically
10 when it went through the process, the vast amount of
11 information that's available and it was written into it for
12 the creation of and the value of, and so on, of districts was
13 excised, like, purposely.

14 So, yeah, I think there's a hurdle there that
15 I don't -- I think we had the information, I think the
16 information, you know, with work can be rounded up again from
17 the same sources, than with all of the good examples and
18 justifications and so on, it's just going to be the hurdle of
19 the concern on the other side.

20 CHAIRPERSON LUDWIG: Yes.

21 MS. DREHER: I think the idea of districts is
22 great and it would -- I think it would benefit our community.
23 I worry about the, I mean, the increase in our work if we
24 were going to have districts, in Ramsey's department, in the
25 funding for us to survey districts, I'm concerned that we

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3 don't have the funds, or folks won't want to spend the funds
4 to do this.

5 MR. PAGE: One of the things that comes along
6 with having an ordinance that includes all of the required
7 criteria from the State preservation groups is access to
8 grants that might open up a few possibilities that would be
9 helpful in that regard.

10 MS. DREHER: Okay.

11 MR. GORDON: So, taking Amanda's comments and
12 John's comments together, and use them to supplement what I
13 said. So, not only is it the structure of what a historic
14 district would look like and how you would identify them and
15 what criteria you would use, et cetera. But also, the
16 funding mechanism, how are you going to pay for this? And
17 maybe pointing out, you know, here is some grants we could
18 get and this is what it would cost. I think all of that is
19 really important if you are going to get this through the
20 Town Board. I think thinking all of that detail is exactly
21 what's needed.

22 MR. BOEHNER: I want to comment a little bit
23 on the strategy. The Town budget right now is very
24 uncertain. And next year, until we get some Federal funding
25 to help state and local governments, it's a tough time for

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3 local governments everywhere. And I don't want something
4 being proposed while we're under tight financial constraints
5 with so many competing interests. Because you get your shot,
6 and the timing's wrong, maybe you can get it at a time when
7 things are a little past this pandemic and things are rolling
8 again, may be a time to do it.

9

10 You can do it at any time, but I think the
11 timing needs to be considered because the increase of staff
12 costs that Amanda said, is really, these days, is a true
13 consideration that we all have to take into consideration as
we take on more challenges.

14

15 CHAIRPERSON LUDWIG: Well, and Ramsey, I think
16 and Ken too, and the Commission, it's better to do what we do
17 very carefully and well. And I think we kind of try to do
18 that, than to put forth something and have it get shot down,
and then try to resurrect it again.

19

20 I know my former hometown of Naples is
21 considering a historic district, and they are working with
Cynthia Howk at Landmark to try to make that happen.

22

23 MR. WHITAKER: Jerry, didn't Park Avenue just
get designated?

24

25 CHAIRPERSON LUDWIG: I don't know.

MS. DREHER: It's a national registered

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3 district. So, I know the Landmark Society worked with the
4 neighborhood for that, but that's, I mean, I think that was
5 very attractive to the residents because of the tax
6 implications for them, which would not be as attractive for
7 us.

8 CHAIRPERSON LUDWIG: Right.

9 MR. WHITAKER: Okay.

10 MR. DELVECCHIO: I'd like to just add a
11 question. How many demolitions are we seeing come across our
12 desk each year, maybe a couple?

13 CHAIRPERSON LUDWIG: Well --

14 MR. BOEHNER: I'd say, maybe like a dozen at
15 most.

16 CHAIRPERSON LUDWIG: Most of the ones I've
17 seen were potential structures in commercial districts. For
18 instance, the one on Brighton Henrietta Town Line Road we
19 looked at and a couple of those. And there's really no
20 architectural significance at all, I think this is the first
21 one we've seen that --

22 But we did have one on East Avenue on the
23 corner of Greenfield, I believe that was. But that was an
24 individual house that was not in that great shape and it was
25 torn down. It was one house that was torn down and the new

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3 house was pretty much on the same footprint.

4 MR. WHITAKER: We had one on Cloverhills Drive
5 also.

6 MS. LANPHEAR: And 32 Southern Parkway.

7 CHAIRPERSON LUDWIG: Yep, yep. Well, anyway,
8 I think --

9 MR. BOEHNER: But I wanted to say something.
10 When we went to the McMansion legislation, one of the things
11 we did to the incentive zoning orders, which allowed people
12 to have additional square footage and they all wanted
13 additional square footage if you put an addition on your
14 house, as opposed to demoing it.

15 That has been very successful, we have greatly
16 reduced our demolition. We used to do a lot of them. We
17 were rolling there for a while and that has definitely
18 changed. The people will go for the additional square
19 footage that we give them on additions. [Inaudible] and it
20 seems to be pretty successful in my opinion.

21 MR. DELVECCHIO: The reason I asked the
22 question was to get a sense of proportion. Of, like, how big
23 is this, are we at a tipping point or not? Just trying to
24 better understand.

25 MR. BOEHNER: I don't know if we're at the

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3 tipping point, Justin.

4 CHAIRPERSON LUDWIG: Well, I think we've seen,
5 at least from what I've read, people moving into Rochester
6 from larger urban areas, and with apparently very deep
7 pockets. And we may see more of this as the time goes on.

8 Anyways --

9 MR. DELVECCHIO: Yes, I certainly agree. The
10 proposed home is out of portion.

11 CHAIRPERSON LUDWIG: Well, it's bigger than
12 the other house, I have to say, but the elevation certainly
13 sensitive, so.

14 MR. WHITAKER: There's one about four houses
15 down on the right that's also very large.

16 MR. BOEHNER: The Planning Board did discuss
17 that a little bit, but you guys, that's not part of their
18 equation, but they did discuss. And they had a little bit
19 different of a take. They thought the street as a whole was
20 pretty mixed and diverse. This stretch, this block it is
21 different than the other houses though, is what they were
22 trying to discuss last night.

23 CHAIRPERSON LUDWIG: Okay. Any other new
24 business?

25 MS. LANPHEAR: Just a happy thing to tell you,

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3 that Arlene Wright Vanderlind took an application for
4 Brighton Cemetery to the Rochester City Preservation
5 Commission and was successful. And we just heard on Monday
6 that the city's planning board has approved the designation
7 of Brighton Cemetery as a city landmark.

8 CHAIRPERSON LUDWIG: Great, well done.

9 Old business, 1037 Winton Road South, I guess
10 we'll let that rest for a while.

11 MR. BOEHNER: Yes, I would.

12 CHAIRPERSON LUDWIG: Anything else under old
13 business?

14 I do have one thing I was going to bring up in
15 open forum, and I don't know whether it's appropriate to do
16 here or not, but given Sarah's and my current health
17 conditions, which are not the best, we feel that we'd like to
18 install a generator. And we have, years ago, when we put in
19 a waterline to the carriage house we put in an extra conduit
20 and the generator would go behind the carriage house and the
21 conduit feed into the main house.

22 I personally don't feel that this is probably
23 something that this commission needs to worry about, but I
24 thought I would bring it up. We will need a building permit
25 certainly for that. But if the Commission agrees, then we

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3 won't go through the administrative deal of putting in a -- I
4 can't imagine anyone wanting to put in a generator to a
5 historic property and us wanting to go through the motions of
6 approving that. But --

7 MR. WHITAKER: It's way in the back and it's
8 out of site.

9 CHAIRPERSON LUDWIG: Yes.

10 MS. DREHER: Is this going to be permanent?

11 CHAIRPERSON LUDWIG: Yes.

12 MS. DREHER: Okay.

13 MR. BOEHNER: I think that I, I think if
14 something like that came in, I would almost start considering
15 it a certificate of appropriateness.

16 CHAIRPERSON LUDWIG: Well, I wouldn't.

17 MR. BOEHNER: I know we did air conditioners.
18 I don't know, I mean, that's up to you guys. [Inaudible].

19 Let you know is that there's also specific
20 generator regulations in our code about where --

21 CHAIRPERSON LUDWIG: Yeah.

22 MR. BOEHNER: -- they can be place.

23 CHAIRPERSON LUDWIG: Yep, I'm aware of that,
24 but I don't -- I mean, it's --

25 MS. DREHER: Have we done air conditioners

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3 before?

4

CHAIRPERSON LUDWIG: No.

5

MR. BOEHNER: Pine.

6

MS. DREHER: Oh, the pharmacy.

7

8

9

MR. DELVECCHIO: We gave, you know, I gave them a hard time on the base, to set the thing on for God's sakes. Just to --

10

CHAIRPERSON LUDWIG: I remember that, yeah.

11

12

MR. DELVECCHIO: -- cursory. Which by the way I haven't seen installed.

13

14

MR. BOEHNER: Well, they had to sell their business and a new person is there and they installed a different internal system.

16

MR. DELVECCHIO: Okay.

17

18

MR. BOEHNER: You got to watch the conduit. There's different things that go wrong when you put them in. So I don't know, it's up to you guys though.

20

21

22

23

24

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MS. DREHER: I mean, I think that I've seen the regulations and the code on those things. And I think that's sufficient for any of the concerns we would have. So, if it hasn't been done in the past routinely, we want to set a precedent, I would be in favor of saying that something like an air conditioner or a generator does not need to come

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3 before us, because I think the code covers --

4 MR. DELVECCHIO: I would just add, the
5 difference with Jerry's is that it's out of sight from the
6 street, no, way out back. The pine compounding pharmacy it
7 was in direct view, the whole property was exposed,
8 et cetera.

9 So, you know, there was a standard of care
10 there that I think was different than Jerry's, I would agree
11 Jerry's specific situation is out of sight, you know, so
12 really not a big deal.

13 MS. DREHER: I, well, I guess we don't have
14 that as a condition for things though. Like, I know other
15 villages have in their preservation, you know, their code,
16 they have it that they don't have to consider things that are
17 out of sight.

18 But, I guess I would say that, I mean, if
19 someone wanted to install a generator, and the only place for
20 them to put it was in view, I would still say yes. I don't
21 think that it affects the integrity of the house, but --

22 MR. DELVECCHIO: Yeah, I just wouldn't say,
23 you can put a generator anywhere.

24 MR. PAGE: I want to hear what Ken has to say?
25 He is biding his time.

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MR. GORDON: Ramsey --

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MR. DELVECCHIO: For instance, if you put a generator in the front yard of a historic property, that doesn't look right. So, it's different depending on placement is the only thing.

8

MS. DREHER: Does the code allow that?

9

10

MR. BOEHNER: But the Zoning Board can give a variance.

11

12

MR. GORDON: Ramsey, why does Jerry need a building permit?

13

14

MR. BOEHNER: A generator is required to get a building permit because of the electrical and the gas hookup.

15

CHAIRPERSON LUDWIG: And the what, Ramsey?

16

MR. GORDON: Is it considered construction?

17

18

MR. BOEHNER: Haven't really -- why do you ask? I'm sorry.

19

20

MR. GORDON: Is it considered an alteration or a construction to property that it requires a building --

21

22

MR. BOEHNER: I would say, yes. I understand where you're going.

23

24

25

MR. GORDON: I would too, I mean, I'm sorry guys, but the code is the code. And the code says, no person shall carry out any exterior alteration or any new

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3 construction to a landmark without getting a Certificate of
4 Appropriateness.

5 I don't care if it's behind, in front, on the
6 roof. There are exceptions, exterior painting of a structure
7 shall not require a Certificate of Appropriateness, unless
8 some or all of the surface to be painted is a brick, stone
9 ceramic, et cetera. So there are exceptions.

10 Now, if you want to make air conditioners and
11 generators an exception, go to the Town Board and see if they
12 will make that code amendment.

13 MR. BOEHNER: Yeah, no --

14 MR. GORDON: [Inaudible] does not exist.

15 MR. PAGE: I don't consider it construction.

16 MS. ROBINSON: It falls into the category of
17 the solar panels.

18 MR. GORDON: Yeah. I don't think that you
19 need to -- if it's not construction or alteration, I don't
20 think you need a building permit, Jerry. So, well, maybe you
21 should try to proceed without getting a building permit and
22 see what Ed Sherro says about that.

23 CHAIRPERSON LUDWIG: Okay.

24 MS. DREHER: Yeah, I take back my former
25 statement [inaudible].

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MR. GORDON: I'm joking --

4

CHAIRPERSON LUDWIG: I know.

5

MR. GORDON: -- Jerry, don't do --

6

CHAIRPERSON LUDWIG: I know.

7

8

MR. GORDON: -- don't do that. No,

seriously --

9

MR. DELVECCHIO: It's not really a big deal
[inaudible]. On it and it goes across the desk. It's not a
big deal.

10

MR. GORDON: Right. And here's the thing,
you're the chairman of this Historic Preservation Commission,
if we're going to, you know, not enforce the code with you,
have a hard time enforcing the code with anyone.

11

CHAIRPERSON LUDWIG: Well, we went through
this with shrubs and trees and landscaping. And we decided
if someone wants to take out a bush or something like that,
we weren't going to take the Commission's time or the owner's
time and effort to make -- now there's a huge tree in the
front yard that's a significant for the property, that's one
thing, and we made that exception.

12

And so, I would say, with something like this,
whether it's my house or anyone else's house, if you want to
put in a generator and it's not an alteration to the house at

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3 all, it has nothing to do with that, it's going to be a
4 separate standing item, out of view, to me -- and I would say
5 the same thing if anyone else were to come -- don't spend our
6 time and don't spend our money and effort to go through this.
7 Get a building permit if that's necessary and carry on.

8 MR. GORDON: I think all of that makes a lot
9 of sense, but the code doesn't read that way. I would think
10 that any time any property owner comes to the desk and makes
11 a building permit application, if the property for which they
12 are seeking a building permit application is designated as a
13 historic landmark, the front desk at the planning department
14 ought to be at least asking the owner, did you get a
15 Certificate of Appropriateness from the Historic Preservation
16 Commission? Because --

17 MR. BOEHNER: They would --

18 MR. GORDON: What's that?

19 MR. BOEHNER: They definitely would.

20 MR. GORDON: Yeah. [Inaudible] I'm not
21 kidding when I say, if you think there ought to be
22 exceptions --

23 MR. BOEHNER: We can add them to the code?

24 MR. GORDON: For generators, take it to the
25 Town Board and ask them to amend the code. That's the way

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3 to -- that's the way to tweak the code, is to do it the right

4 way, not to read words that are not there.

5 CHAIRPERSON LUDWIG: Okay.

6 MR. BOEHNER: The other thing is that, by

7 code, our code says generators require a building permit.

8 So, right there we get locked in to needing a building

9 permit.

10 MR. DELVECCHIO: You want that work done

11 right.

12 MR. PAGE: Well, anything that has -- that's

13 that significant of an electrical thing is going to require a

14 permit.

15 MR. BOEHNER: Well, part of the reason we

16 wanted to look at it is, okay, when they first came out

17 people were putting them all over the place, not hooking up

18 the gas right, and they were very noisy.

19 MR. DELVECCHIO: Quality and proper work.

20 CHAIRPERSON LUDWIG: Okay. Well, we'll see.

21 Anything else to report tonight?

22 May I have a motion to adjourn?

23 MR. WHITAKER: I'll move --

24 MR. PAGE: I'll move.

25 MR. WHITAKER: I will second then.

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CHAIRPERSON LUDWIG: All in favor?

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ALL COUNCILMEMBERS: Aye.

5

CHAIRPERSON LUDWIG: Thank you all very much.

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3 REPORTER CERTIFICATE
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7

I, Rhoda Collins, 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.

11
12 Dated this 24th day of January, 2021.

13 At Rochester, New York
14
15

16 Rhoda Collins
17 Rhoda Collins
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