

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

April 22nd, 2021

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

PRESENT:

JERRY LUDWIG, CHAIRPERSON

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:

JUSTIN DELVECCHIO
WAYNE GOODMAN

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

MR. BOEHNER: Okay, Jerry,

CHAIRPERSON LUDWIG: Do you all have the photo
that was distributed labeled tree?

MR. BOEHNER: This is for the open forum,
Jerry?

CHAIRPERSON LUDWIG: Yes.

MR. BOEHNER: You may want to --

MS. DREHER: Yes, I have it.

MR. WHITAKER: I don't have it, but that's
okay.

MR. GORDON: Go ahead, Ramsey.

MR. BOEHNER: I was just going to say, Jerry,
you may want to let people know if there's anyone who wants
to speak in the open forum.

CHAIRPERSON LUDWIG: Yes. Is there anyone
else that would like to speak in the open forum?

MR. GORDON: We have one person.

MR. BOEHNER: Who is that? I don't see that,
Jerry -- I mean, Ken.

MR. GORDON: Julie, on an iPad.

MR. BOEHNER: Did she raise her hand?

MR. GORDON: Yes, she did. She's waving it at
us now.

MR. BOEHNER: Oh, I'm sorry. I was looking for the hand signal. Okay.

MR. GORDON: She's using her real hand.

MR. BOEHNER: All right. Julie, how are you?

JULIE JEFFRIES: I'm good. How are you tonight?

MR. BOEHNER: Good.

JULIE JEFFRIES: I have a question. I don't know what the right -- who to go to about this, so I thought I'd start with you guys.

MR. GORDON: Julie, sorry, I'm just going to interrupt. I don't know you, so could you introduce yourself please?

JULIE JEFFRIES: Sure, I'm sorry. I'm Julie Jeffries, I live over in Bronsonwood off Landing Road South, Buffard Drive, Cromwell Drive, and Hillsboro. We're a tiny neighborhood, but we're an awesome neighborhood. We're a very tight-knit neighborhood. A lot of walkers.

So, the two streets both end in a dead end and there's a little path between the two. Our houses were all built around 100 years ago, or that's when they started being built. Crawford was all built in the late 20s, early 30s, Cromwell was a little bit later.

And between the two streets, there's a path
and the town has put up this hideous metal guardrail all of a
sudden. They just need to block it off. You can still walk
around it, it's difficult, but you can do it. But it's ugly
and it doesn't fit the neighborhood. Who would I talk to
about it?

CHAIRPERSON LUDWIG: I would suggest you talk
to the head of public works, Mike Guyon. Wouldn't you --

MR. BOEHNER: Yeah, I agree. Where was the
guardrail?

JULIE JEFFRIES: The two streets both end in a
dead end, but then there's a walking path in between. I
think the original plans for the town was to have the road
cut, you know, connect, but it was never done. And we all
walk through there and this is kind coming up because later I
believe Mary Jo is going to bring up the bridge or wall,
whatever you call it on Landing Road. It's set for repairs
and, you know, we're concerned that that's going to hit the
ugly guardrail too.

But, I thought since we're on the subject of
walls and stuff like that, I didn't know -- can a
neighborhood be, you know, it's not like there's one
structure that's historic. We do have one very historic home

3 in the neighborhood, the farm house here. I know the
4 neighborhood --

5 CHAIRPERSON LUDWIG: Julie?

6 JULIE JEFFRIES: Yeah?

7 CHAIRPERSON LUDWIG: May I interrupt for a
8 second? Is the guardrail to prevent people from driving
9 across it?

10 JULIE JEFFRIES: I think there's a ravine off
11 to the side, and my guess is somebody expressed concerns, in
12 theory, somebody could drive through. But, there used to be
13 the metal, the met post. There's a name for them.

14 MS. LANPHEAR: Ballard.

15 JULIE JEFFRIES: Ballard, yes.

16 MR. BOEHNER: Is this right at the end of the
17 road, Julie?

18 JULIE JEFFRIES: Yeah, but the road --

19 MR. BOEHNER: So, what you will want to do is
20 to talk to Mike Guyon, the Commissioner of Public Works. His
21 number is 784-5225. He's also the highway superintendent.

22 JULIE JEFFRIES: Okay. What do you think my
23 chances are with him to get something not so ugly?

24 CHAIRPERSON LUDWIG: No idea. It's worth a --
25 I need to go by. I thought -- I didn't realize you were

3 talking about that. I know you're talking about the stone
4 wall on South Landing. But, I'd like to see it and I'd be
5 happy to give him a call too and see if there is anything we
6 can do to put just something to prevent people from driving
7 through, but maybe not quite so --

JULIE JEFFRIES: Ugly.

CHAIRPERSON LUDWIG: -- ugly. Well, I haven't
10 seen it so I can't tell you --

JULIE JEFFRIES: Right, my opinion. But I'm
12 not the only one in the neighborhood who was upset by it.
13 But, I also personally feel it's a safety issue, the way they
14 put it in encourages people to walk way close to the ravine
15 to get around the guardrail.

CHAIRPERSON LUDWIG: Okay.

JULIE JEFFRIES: Which, kind of seems a little
18 silly to me.

CHAIRPERSON LUDWIG: Well, we will see what we
20 can do and a call from you is a good idea.

JULIE JEFFRIES: Okay.

CHAIRPERSON LUDWIG: If you'll call Mr. Guyon
23 that would be a good thing to do.

JULIE JEFFRIES: Thank you very much. That
25 would be great, thank you, I appreciate your input.

3 is showing the correct area of interest here?

4 MR. BOEHNER: I don't know if you'll see the
5 tree, but you can try.

6 CHAIRPERSON LUDWIG: No, that's not my house.

7 MR. BOEHNER: That's not going to do to.

8 BRETT CARLOCK: Repeat the address for me,
9 please, I must have misheard it.

10 CHAIRPERSON LUDWIG: 2940, no, you have the
11 right house, but this is -- that's not going to show us.

12 MR. BOEHNER: Let me give the time that Diana
13 would have gotten it.

14 CHAIRPERSON LUDWIG: Brett, let me hold this
15 up and see if, in fact --

16 MS. ROBINSON: I do have -- I do have it,
17 sorry.

18 MR. BOEHNER: Oh, you got it? Okay.

19 CHAIRPERSON LUDWIG: Okay. It is a tree on
20 the -- if you will -- this photo was taken from our driveway
21 and it is the silver maple between the two evergreens way at
22 the back with the ivy growing up it.

23 Several years ago we came back in the spring
24 and there was a huge branch that had fallen off probably
25 15 inches in diameter, to just miss the pool cabana,

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3 fortunately. And it's probably time to take it down because
4 the electric lines from the transformer down by across from
5 the fire department up the rear lot lines to serve the houses
6 on East Avenue and South Landing Road.

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8 certificate of appropriateness process. It's on the lot line
9 plus it's very close to the electric line. So, unless
-0 there's any major --

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CHAIRPERSON LUDWIG: Well, it still branches out at the top, but certainly the limb that fell off was dead.

MR. BOEHNER: The person that went out, did they say it was dead or dying and that it should be removed?

CHAIRPERSON LUDWIG: Well, he suggested, yes.

Tom Leckner said it should come down and we feel the same way. I mean, we can leave it up and wait until it falls on the cabana and then we've got a huge repair bill to deal with in insurance.

Or, we can -- like I said, it has no, as far as I'm concerned, you wouldn't even know it was on the property because it is probably at least two to three hundred feet from East Avenue. It is behind the carriage house, behind the other garage and behind the pool cabana. So, there's not much -- the only thing behind it is the electric lines and a little sliver of the adjacent lot on Golfside Parkway.

MR. PAGE: So, Ken, what's the rule? Give us the Gordon rule on this.

CHAIRPERSON LUDWIG: We have approved other trees that were not healthy. I think we approved one on the corner of Greenfield Lane. And, if it was a contributing

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3 factor to the house, certainly we would do something about
4 it. But, I can't believe that this is, so.

5 MR. PAGE: I have no problem, I just want to
6 get -- sometimes --

7 CHAIRPERSON LUDWIG: The Gordon Rule?

8 MR. PAGE: -- Ken hangs in there and then
9 tells us what we can and can't do after we've talked about
10 it.

11 MR. BOEHNER: I will say this, so Ken can have
12 some background, is in the past if the tree was dead/dying, I
13 had a letter from my arborist saying the tree is dead or
14 dying, needs to be removed.

15 CHAIRPERSON LUDWIG: Okay.

16 MR. BOEHNER: If it's not been part of the
17 cultural survey, discussed or any other way, if it's a
18 situation of being unsafe, in the past we haven't had a
19 problem with that.

20 CHAIRPERSON LUDWIG: Well, I would say it's
21 unsafe.

22 MR. BOEHNER: But, if someone was to take down
23 a live tree, we have made people come back in for that.
24 That's why I was asking you --

25 CHAIRPERSON LUDWIG: The fact that -- the fact

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23 that a branch, a dead branch had fallen off previously, and
4 we did look at that and it had a huge cavity in it. I would
5 say that the tree is on its last legs.6 MS. ROBINSON: Well, we came in for taking
7 down three or four trees and, you know, it went pretty
8 smoothly.9 CHAIRPERSON LUDWIG: Well, yeah, I know. But
10 it's bureaucracy and it serves no purpose to the house, it
11 serves no purpose to the survey architectural heritage of the
12 house. So, in cases like these, whether it's our tree or
13 somebody else's tree, I would like to not require a
14 Certificate of Appropriateness for something like this.15 MR. FADER: If Tom Leckner says it was not
16 really safe, he knows what he's talking about.17 CHAIRPERSON LUDWIG: Yes. Now, if you need a
18 written statement from Tom Leckner, I can certainly provide
19 that.20 MS. DREHER: It's my understanding that we
21 have been telling folks consistently since I joined the Board
22 that if a tree is dead and dying, that they don't need to
23 come before the Commission to take down trees. I think
24 that's --

25 MR. BOEHNER: Because it's a violation of our

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3 property maintenance code.

4 CHAIRPERSON LUDWIG: Yes.

5 MS. DREHER: Right. So, I believe that's what
6 we've been telling folks.

7 MR. BOEHNER: And that's why we've done it.

8 Anything short of that -- go ahead, I'm sorry, Amanda.

9 MS. DREHER: I was going to say, just so, I
10 mean, I personally have taken down a completely dead tree
11 without coming for a Certificate of Appropriateness. So,
12 unless Ken tells us otherwise, I think there's no need for a
13 certificate.14 MR. GORDON: So, what our rules tell us is
15 that any exterior, I believe the phrase is alteration,
16 restoration, reconstruction or new construction of or to a
17 landmark requires a Certificate of Appropriateness. However,
18 the Commission may establish rules and/or policies following
19 a Public Hearing for determining when repairs to and
20 maintenance of landmarks will not require a Certificate of
21 Appropriateness.22 So, have we done that? Have we established a
23 policy or rule that says when there's a dead or dying tree,
24 you do not need a Certificate of Appropriateness? I have
25 only been the attorney to this Board for the last nine years.

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23 I don't recall adopting that policy during the last nine
4 years, but this Commission goes before me, so perhaps it was
5 something established previously.6 MR. BOEHNER: It was not, I don't believe,
7 established to a Public Hearing. It came down to being that
8 when someone's in violation, we tell them that they have to
9 file an approval to get approval from the Town over something
10 that we deem unsafe, was the background to it, Ken.11 We looked at it that the code and it being a
12 violation was the reason for the policy. If you're saying we
13 need to go through a Public Hearing, we can do that.14 MR. GORDON: So, I think that would be the
15 right way to do this is, it sounds like a sensible rule, it
16 sounds like a sensible policy. I agree with everything you
17 all said, but we have a way to establish those policies and
18 rules and if we haven't done that yet, then we should.19 And, I think it's fairly simple that all we
20 need to do is put on next month's agenda a rule or policy
21 proposal that says that if a -- if there is an existing
22 hazard on a landmark property, that would be otherwise
23 consider a violation of Town Code, that the homeowner does
24 not need to seek a Certificate of Appropriateness to remedy
25 that Town Code violation.

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3 If you want to say something like that or if
4 you want to make it specific to a tree, make it specific to a
5 tree. I don't want to tell you what the policy needs to be,
6 but I can tell you procedurally how you adopt a rule or
7 policy.

8 Now, if you haven't done that yet, sounds like
9 you should, and then Jerry can go ahead and take down his
10 tree after you adopt that policy.

11 CHAIRPERSON LUDWIG: We did approve, as I
12 said, the gentleman that owns the house on the corner of
13 Greenfield Lane and East Avenue did come and just ask if the
14 house has to be certified -- or designated, and he asked if
15 he could take down, it was a tree in the front yard, and we
16 said, yes. And there was no policy then, but the tree was
17 not healthy, and he took it down, so.

18 MR. GORDON: All right. Prior violations of
19 the code by the Board or by individuals doesn't justify this
20 one.

21 CHAIRPERSON LUDWIG: Well, whatever. So,
22 okay.

23 MR. GORDON: Not whatever, that's --

24 CHAIRPERSON LUDWIG: No --

25 MR. GORDON: You asked for a legal opinion,

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3 I'm giving you a legal opinion.

4 CHAIRPERSON LUDWIG: Okay.

5 MR. GORDON: The Commission is free to do
6 whatever it wishes.

7 CHAIRPERSON LUDWIG: So, let's put that on the
8 agenda next month then. Very good.

9 MR. GORDON: I would be happy to write
10 something up. Do you want it specific to trees and do you
11 want to require a letter from an arborist or, you know,
12 landscape person to certify that it's --

13 MR. BOEHNER: That's what I would do, Ken.
14 What we have been doing is an arborist or someone that's
15 certified, is they submit that letter to us. Is usually the
16 documentation that I keep to show there was a reason why the
17 tree was allowed to come down.

18 And I would specify for right now, for dead
19 and dying trees.

20 MS. DREHER: Is that a grey area though?
21 There's, so, if someone does not have a designated property,
22 do they need that letter?

23 MR. GORDON: No, not as long as it is not a
24 town tree.

25 MS. DREHER: Right. If it's a tree on their

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3 property.

4 MR. GORDON: If it's a tree outside of the
5 right of way, then --

6 MR. BOEHNER: That's a whole different
7 process.

8 MR. GORDON: It has to be outside of the right
9 of way on their property, outside of the right of way, they
10 do not need any approval.

11 CHAIRPERSON LUDWIG: Well, here is another
12 question.

13 MR. GORDON: What if they need -- I'm sorry.

14 CHAIRPERSON LUDWIG: Is there a right of way
15 for RG&E telephone lines? Do they have a right of way or
16 their electric lines, do they have a right of way for them?

17 MR. GORDON: Generally, they have easements
18 for their maintenance of their lines and poles, and those
19 include tree trimming.

20 CHAIRPERSON LUDWIG: Okay.

21 MR. GORDON: But not tree removal, generally.

22 CHAIRPERSON LUDWIG: Okay.

23 MR. BOEHNER: Yeah, they don't usually do
24 that.

25 MR. PAGE: So, Ken,

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3 MR. GORDON: Yes, John?

4 MR. PAGE: If we wanted to do what Amanda is
5 thinking about and remove trees from designation if they are
6 not identified as contributing, is there a process for that?7 MR. BOEHNER: I think that would be done at
8 the Certificate of Appropriateness.9 MR. GORDON: Well, I think what John is saying
10 is, I'm sorry, I think what John is saying is, in the first
11 instance when a property is designated, is there a way to not
12 designate trees within that designation. Is that what you're
13 asking, John?14 MR. PAGE: Yeah. I'm saying let's treat the
15 landscape, which we sort of do, certainly hard scape I think
16 we are very conscious about. You know, if you wanted to be
17 kind to the property owner, you would make us identify those
18 things that they need to be conscious about and eliminate
19 some of the gray areas that might fall in there.20 So, I was just saying, if we started from the
21 standpoint that we are doing the building and whatever the
22 200 feet or whatever it is that we have, but let that be hard
23 scape or manmade thing, unless it's identified as
24 contributing. Which, occasionally landscaping will, I know
25 that we have gone out of our way on occasion, like when

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23 there's a pool house that is newer or a pool that we've
4 excluded those things at the request of the homeowner.5 And if we are going to, you know, run into
6 this question with vegetation and maybe it's worth
7 considering that also, but --8 MR. GORDON: Well, yeah, there's two ways to
9 accomplish that. One would be to have a code amendment, but
10 that would be for the Town Board to do. And the other would
11 be to craft a specific exception in a designation.12 MR. BOEHNER: That's what we've done in the
13 past.

14 MR. GORDON: It is.

15 MR. PAGE: Thank you.

16 MR. BOEHNER: We have excluded things out, and
17 we've made it clear that certain things are included in, when
18 they're of vital importance in the past. I would suggest we
19 put this on agenda for further discussion for next month,
20 since we are in open forum. Because it seems like there's a
21 lot of discussion circulating around this potential policy.

22 CHAIRPERSON LUDWIG: Very good.

23 MR. GORDON: But rather than just have it on
24 for discussion, do you want it on as a Public Hearing to
25 adopt this policy?

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3 MR. PAGE: Yes, please.

4 CHAIRPERSON LUDWIG: Yes.

5 MR. GORDON: Okay. I will draft something.

6 Ramsey, if you could shoot me a simple e-mail just
7 summarizing what the practice has been, and then I'll take
8 that e-mail and craft it into a policy, and then we will have
9 it as part of our agenda. Is that okay, Ramsey?

10 MR. BOEHNER: Sure.

11 MS. DREHER: Well, I don't know if the --

12 MR. BOEHNER: I'm not sure what the policy is.

13 MS. DREHER: Well, that's what I'm wondering.
14 I mean, I'd like some more discussion --15 MR. GORDON: All I want to know is what is the
16 past practice. That's what I'm looking for.

17 MR. BOEHNER: Okay.

18 MS. DREHER: I mean, I'd like to see some more
19 discussion about whether we need to require someone to submit
20 a letter to Ramsey, or if we can empower our homeowners to
21 consult with an arborist to determine together the tree is
22 dead, and move forward with taking it down without the extra
23 layer.24 CHAIRPERSON LUDWIG: And I suggest, we've got
25 a very busy agenda tonight, let's just hash this out some

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23 more next month. How about that? And before Ken drafts a
4 policy, let's talk about things. We can maybe include
5 generators and air conditioning compressors, or something
6 like that in the general policy.

7 But, let's -- I'll --

8 MS. DREHER: Thank you.

9 CHAIRPERSON LUDWIG: -- hopefully the tree
10 won't fall down before next month. So --11 MR. GORDON: And I'm sorry, Jerry, I know we
12 have a busy agenda, but I'd really would like to just get
13 some clarity on this.14 So, if we just put it on for discussion for
15 our next meeting then we're not adopting a policy until the
16 meeting after that.

17 CHAIRPERSON LUDWIG: Right.

18 MR. GORDON: It's a two-month delay.

19 CHAIRPERSON LUDWIG: Well.

20 MR. GORDON: And if that's fine, that's fine.
21 But, if we draft a policy and I put it on the agenda and we
22 have a Public Hearing about it, we can change the policy and
23 we can have a discussion about the policy following the
24 Public Hearing, and then adopt whatever revised policy the
25 Board agrees on.

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3 CHAIRPERSON LUDWIG: Very good.

4 MR. GORDON: Why don't we do that?

5 MS. DREHER: Okay.

6 CHAIRPERSON LUDWIG: Yes, sounds like a plan.

7 Thank you. Okay.

8 MR. BOEHNER: So, just to summarize, I will be
9 e-mailing Ken what our existing policy is just to get the
10 draft going.11 MR. GORDON: Yes, just the past practice,
12 Ramsey.13 MR. BOEHNER: And that's all we're going to
14 start with?

15 MR. GORDON: Yes.

16 CHAIRPERSON LUDWIG: Very good. Is there
17 anyone else for open forum? If not, I'd like to call the
18 meeting to order.

19 Ramsey, could you call the roll please?

20 MR. BOEHNER: Mr. Ludwig? Ready? Okay.
21 Ludwig?

22 CHAIRPERSON LUDWIG: Yes, I'm here.

23 MR. BOEHNER: Mr. Page?

24 MS. ROBINSON: Maybe we should have a
25 better --

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3 MR. PAGE: Yes, I'm here.

4 MS. ROBINSON: Maybe we should have a better
5 background for you for these meetings.

6 MR. BOEHNER: I'm sorry, okay. Ms. Robinson.

7 MS. ROBINSON: Here.

8 MR. BOEHNER: Ms. Dreher?

9 MS. DREHER: Here.

10 MR. BOEHNER: Mr. DelVecchio, absent.

11 MR. BOEHNER: Mr. Whitaker?

12 MR. WHITAKER: Here.

13 MR. BOEHNER: Mr. Goodman, absent is Goodman
14 and Delvecchio.15 CHAIRPERSON LUDWIG: Very good. Motion to
16 approve the agenda please.

17 MR. WHITAKER: So moved.

18 MS. ROBINSON: Second.

19 CHAIRPERSON LUDWIG: All in favor?

20 ALL COUNCIL MEMBERS: Aye.

21 CHAIRPERSON LUDWIG: Thank you. As far as I
22 know we don't have minutes from the last meeting.

23 Was this meeting duly advertised?

24 MS. DREHER: We have minutes, didn't we?

25 MR. WHITAKER: Yes, from March 25th.

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23 MR. BOEHNER: Yes, we have a meeting of
4 March 25th.5 CHAIRPERSON LUDWIG: Okay. I didn't -- very
6 good. I don't recall seeing those. They were to come out
7 Monday, and I don't recall seeing them. But, any additions
8 or corrections to the minutes then?

9 MS. DREHER: I don't have any.

10 MR. WHITAKER: I don't.

11 CHAIRPERSON LUDWIG: Anyone else? Motion to
12 approve?

13 MR. PAGE: I'll make the motion, Page.

14 CHAIRPERSON LUDWIG: Thank you, John.

15 MR. WHITAKER: Second.

16 CHAIRPERSON LUDWIG: Second, David seconded.

17 MR. BOEHNER: Whitaker.

18 CHAIRPERSON LUDWIG: All in favor?

19 ALL COUNCIL MEMBERS: Aye.

20 CHAIRPERSON LUDWIG: Opposed? Minutes stand
21 approved. Thank you.

22 Was this meeting duly announced?

23 MR. BOEHNER: Yes. It was properly advertised
24 in the Brighton-Pittsford Post of April 8, 2021.

25 CHAIRPERSON LUDWIG: Well, that meeting was

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3 duly announced will now be held.

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5 We have no communications, although I think we

did receive one. We will bring that up later.

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We have no designations of landmarks.

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Certificates of Appropriateness, first one.

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APPLICATION 4H-01-21

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4H-01-21 Application of JEM Rochester Properties, LLC, owner of property at 1829 Monroe Avenue, tax number 137.10-1-52, for a Certificate of Appropriateness to erect a sign for a new business. All as described on application and documents on file.

14

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CHAIRPERSON LUDWIG: Is there anyone here to speak for that application?

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KEN BUCKLEY: It's Ken Buckley, I'm the owner of Lakeside Restorations.

18

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CHAIRPERSON LUDWIG: Very good. Ken, do you want to just, we have your application here, do you want to just briefly summarize what you want to do?

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22

KEN BUCKLEY: Yeah. It's just swapping out the sign that's currently there that was for Aldo's Tailor Shop, and putting in our sign.

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Our sign, we did a similar process when we were just up the street near Litman's, and we just moved down

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3 the block and we're just looking to put a similar sign in.

4 CHAIRPERSON LUDWIG: Okay.

5 MR. BOEHNER: What is the sign made out of,
6 Mr. Buckley?7 KEN BUCKLEY: It's a vinyl sign, it's just
8 vinyl going over a kind of a plywood-type material.

9 MR. BOEHNER: So, is it lit?

10 KEN BUCKLEY: It is not lit.

11 MR. BOEHNER: It is not lit, okay.

12 CHAIRPERSON LUDWIG: Is the exiting sign the
13 same size?

14 KEN BUCKLEY: Correct, yes.

15 CHAIRPERSON LUDWIG: Oh, so you're just going
16 to cover over what's there with new --17 KEN BUCKLEY: If it's -- we believe that we
18 might need to replace some of the wood, because I think
19 there's some rotted pieces on the trim. So, I think there
20 are some minor repairs on the wood that's currently there,
21 but it's going to be the exact same size and the same
22 thickness.

23 CHAIRPERSON LUDWIG: Okay, very good.

24 Any questions from the Commission?

25 MR. GORDON: I just had one. The sign at the

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3 Litman's building, is that still up?

4 KEN BUCKLEY: It is still up. The -- I think
5 the owner of that property, I'm not sure if they've released
6 that or not. We have not taken that sign down or anything,
7 it was attached to the building.8 MR. GORDON: So, you don't have the ability or
9 authority to take it down; is that correct?10 KEN BUCKLEY: Correct, yeah. And, I was happy
11 to move down to the different location.12 CHAIRPERSON LUDWIG: I think -- yeah, never
13 mind. Very good.

14 Any other questions or comments?

15 MR. WHITAKER: The temporary sign is up now,
16 right?17 KEN BUCKLEY: That is correct, yeah. A quick
18 thing, just because we had -- since we are able to have
19 limited people come in, to be able to purchase something just
20 to keep the business going.

21 MR. WHITAKER: Yeah, I saw it.

22 CHAIRPERSON LUDWIG: Any other questions or
23 comments?

24 Ken, do you have a motion?

25 MR. GORDON: Any conditions that the Board

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3 would like to impose, if not I can proceed with a resolution.

4 MR. BOEHNER: I have one comment. I don't
5 know if it's necessarily a condition.6 Mr. Buckley, are you aware that you need to
7 get a CFC from the building and planning department?

8 KEN BUCKLEY: Yes.

9 MR. BOEHNER: Okay. And you may need to get a
10 C of O.11 KEN BUCKLEY: The -- I believe the REM, which
12 is the land hold -- or the owner of the property is working
13 with the town on getting that completed.14 MR. BOEHNER: Okay. Because when I did come
15 in here, I was told that no one -- it hasn't happened. So,
16 you may want to follow up with them.17 KEN BUCKLEY: Okay, all right. I did reach
18 out to Jason Mang, the owner.19 MR. BOEHNER: If you could, and if they have
20 questions they can contact us, but you really should get that
21 before we can allow the sign to go any further.22 MR. GORDON: With that, let me make the
23 following proposed resolution.24 Whereas, Application Number 4H-01-21 has been
25 submitted for a Certificate of Appropriateness with the

3 Town's Historic Preservation Law for improvement to property
4 located at 1833 Monroe Avenue, in the Town of Brighton, owned
5 by Jason Mang, that's M-A-N-G, doing business as JEM, as in
6 Mang Rochester properties, to perform work described as the
7 replacement of a current sign with a similar sign with new
8 business name.

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3 It is hereby resolved that the Historic
4 Preservation Commission hereby receives and files the above
5 described application.

6 And it is further resolved that the Historic
7 Preservation Commission hereby approves Application Number
8 4H-01-21 for a Certificate of Appropriateness for the above
9 described work to be performed at the property located at
10 1833 Monroe Avenue in the Town of Brighton, subject to the
11 condition that the sign will be made of Omega bond board,
12 three mill, with vinyl graphics, and that no exterior
13 lighting will be added.

14 And further subject to the condition that the
15 above described work will be completed within one year of the
16 date of this approval.

17 CHAIRPERSON LUDWIG: Very good. Thank you,
18 Ken.

19 Would someone like to put forth a motion
20 please?

21 MS. DREHER: I will make the motion, this is
22 Amanda Dreher.

23 CHAIRPERSON LUDWIG: Thank you, Amanda. A
24 second please?

25 MR. PAGE: I will second, John Page.

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3 CHAIRPERSON LUDWIG: Thank you, John.

4 Any discussion?

5 Ramsey, will you call the vote please?

6 MR. BOEHNER: Mr. Ludwig?

7 CHAIRPERSON LUDWIG: Yes.

8 MR. BOEHNER: Mr. Page.

9 MR. PAGE: Yes.

10 MR. BOEHNER: Ms. Robinson?

11 MS. ROBINSON: Yes.

12 MR. BOEHNER: Ms. Dreher?

13 MS. DREHER: Yes.

14 MR. BOEHNER: Mr. Whitaker?

15 MR. WHITAKER: Yes.

16 MR. BOEHNER: Motion passes.

17 CHAIRPERSON LUDWIG: Very good. Thank you.

18 The next item, 4H-03-21, Application of 29 --

19 2290 East Avenue Properties, LLC, owner of property at

20 2290 East Avenue --

21 MR. BOEHNER: I think we had 4P-02-21, Jerry?

22 CHAIRPERSON LUDWIG: Pardon me?

23 MR. BOEHNER: I think the second item was

24 4P-02-21, Application of --

25 MR. GORDON: The next application should be

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3 4H-02-21.

4 MR. BOEHNER: Yes.

5 CHAIRPERSON LUDWIG: Oh, yes. I'm sorry.

6 APPLICATION 4H-02-21

7 4H-02-21 Application of Mitchell and Kimberly
8 Ball, owners of property at 15 Southwood Lane, tax number
9 150.06-5-12, for a Certificate of Appropriateness to install
10 a wood, shadow box style, 6'6" fence to enclose rear yard.
11 All as described on application and documents on file.12 CHAIRPERSON LUDWIG: Is there anyone here to
13 speak to that application?14 MITCHELL BALL: Yes, I am here. This is
15 Mitchell Ball.16 CHAIRPERSON LUDWIG: Mitchell, fine. Would
17 you tell us what you'd like to do?18 MITCHELL BALL: Sure. So, what we're looking
19 to do, is we currently have a split rail fence. The split
20 rail fence encloses the majority of the portion of the lawn
21 that we're talking about, which is on the instrument survey
22 map listed a little further down below.23 The split rail fence, portions of it are in
24 disrepair, so it's been something we've targeted since we
25 moved in here in December of 2018. And so, through the

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3 course of the last few years we've been investigating fences
4 that are of the style and/or period of the house. And, in
5 addition to that we're looking for something that provides a
6 little more security. We have two small children.

7 As you know approximately a year ago,
8 unfortunately, there was a car that exited the road and a
9 young child and a woman were killed across street from us.
10 And so, being on Edgewood a busy road, we're looking for an
11 opportunity to provide a little bit more security for our
12 yard and where our children play.

13 So, this was the option that we selected or
14 are requesting, to install, to enclose the property as you
15 see on the instrument survey.

16 CHAIRPERSON LUDWIG: Thank you. And there are
17 diagrams of the type of fence, in addition to where the fence
18 is going.

19 MR. BOEHNER: The fence is going to be
20 installed along your property line?

21 MITCHELL BALL: We have a setback on the west
22 and south side of approximately three inches. And then, on
23 the north side we were looking to set it back approximately
24 where the fence -- or the front of the garage is located,
25 19.29 feet off of the center. And then, which the furthest

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23 point, the offset from the house is 18.35, so we're going
4 beyond the -- or, you know, behind the front of the house.
5 And then on the east side, we are going back to kind of the
6 first bump out of our house, which is about 12 feet, 1 inch.7 MR. BOEHNER: And then, the rest of it is
8 right along the property line?9 MITCHELL BALL: Well, the two portions on the
10 west --

11 MR. BOEHNER: On the south.

12 MITCHELL BALL: I mean south, would be three
13 inches.14 CHAIRPERSON LUDWIG: And Ramsey, will a
15 variance be required, zoning variance, for the height of the
16 fence?

17 MR. BOEHNER: No.

18 CHAIRPERSON LUDWIG: No, it would not. Okay.

19 MR. BOEHNER: The fence can be six and a half
20 feet tall.

21 CHAIRPERSON LUDWIG: Very good.

22 MR. GORDON: I just -- can I just get some
23 clarification? I'm looking at the survey we have up. The
24 fence shown on the survey is the proposed fence?

25 MITCHELL BALL: The proposed fence is in red.

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3 MR. GORDON: Okay, thank you.

4 MR. BOEHNER: Split rail fence is what's shown
5 on the survey.6 MR. GORDON: So there is -- there are no
7 measurements on this survey to tell us where that red line
8 actually is located? We're relying on what you are telling
9 us.10 MITCHELL BALL: There's offset distances, but
11 from, you know, having a surveyor or a landscape architect
12 plot it out with complete accuracy, that has not been done at
13 this time.14 MARV WOLK: Can I ask a question, being just
15 the public neighbor?16 MR. BOEHNER: Not at this point, we will give
17 you an opportunity later.

18 MARV WOLK: Thank you.

19 MR. PAGE: So, Ken, you can tell where the
20 east fence is going to be. There's two enough dimensions
21 that locates that one.22 MR. GORDON: I'm sorry, the picture's just
23 small and my eyes are bad.24 MR. PAGE: Well, the corner, the southeast
25 corner of the house, that's closest to the road is 12.07 feet

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3 away from the property line. And then, that section of house
4 going back is 12.1, so it's 24.17, assuming that that is
5 parallel to the Edgewood there. So that one is well
6 identified and the other ones, as Mitchell said, are three
7 inches inset from the south and from the west.

8

9 So, and actually you have information there
10 where the corner of the garage is that he wants to go to,
11 it's identified as 19.29 feet. And so, I guess that one is
12 actually pretty easy to identify too, assuming that it is
perpendi -- parallel to the south wood lane.

13

14 CHAIRPERSON LUDWIG: And it looks as if at
19.29 would be pretty much the setback all along --

15

16 MR. BOEHNER: It's the required setback. It
17 couldn't go any closer than that. That would be the closest
18 they could go. And from a fence permit standpoint, just
19 drawing in the dimensions, saying that the fence -- showing
20 that the fence is actually going to be 19.29 feet off would
fix that problem, at least from the fence permit standpoint.

21

22 MR. GORDON: I'm sorry, Mr. Ball, I was not
23 listening as carefully as I should have been. Is the picket
fence then being removed if this fence is approved?

24

MITCHELL BALL: That is correct.

25

CHAIRPERSON LUDWIG: You mean the split rail

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3 fence?

4

MITCHELL BALL: The split rail fence.

5

MR. GORDON: I'm sorry, yes.

6

CHAIRPERSON LUDWIG: What about Commission
members, any thoughts on the design of the fence?

7

MR. PAGE: I'm fine with it.

8

CHAIRPERSON LUDWIG: Okay. Anyone else have
10 any comments?

11

MR. WHITAKER: It's okay with me.

12

MS. ROBINSON: Can we see it again quickly?

13

MR. PAGE: There you go, you saw it.

14

CHAIRPERSON LUDWIG: Was that quick enough?

15

Let's go down a little more if we can please. One more.

16

MR. WHITAKER: There you are.

17

CHAIRPERSON LUDWIG: All right, right there.

18

MITCHELL BALL: And so, the fence, the trim on
19 the house is white. It's the paint color on the house,
20 although we did not paint it. The bear color, is called sly
21 fox, it's a red color. So we looked to stain the fence white
22 to match the trim of the house, after it does the year of so
23 off gassing.

24

CHAIRPERSON LUDWIG: Okay.

25

MS. ROBINSON: Stain or paint?

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3

MITCHELL BALL: Stain.

4

5

CHAIRPERSON LUDWIG: I would recommend a
stain, if it's treated wood, over paint, I think.

6

7

MITCHELL BALL: Thank you.

CHAIRPERSON LUDWIG: Okay.

8

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MS. ROBINSON: I'm just wondering about the --
wondering about the other property lines with relation to the
house. We have some pretty set dimensions, but do you have
markers to mark the boundaries?

MITCHELL BALL: No. We probably have to have
someone come out and mark that. We understand them to be
locations, we understand them to be the telephone pole that
exists in the corner of the property and then extending out
to another telephone pole that runs parallel to the property
line.

MS. ROBINSON: So, will you have to have it
surveyed?

MITCHELL BALL: I believe so, yes.

MS. ROBINSON: Okay.

CHAIRPERSON LUDWIG: Yes, best keep it on your
property, I think.

MR. GORDON: Well, if I could -- this is just
some free legal advice for you, Mr. Ball. If you are going

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3 to put this fence up, absolutely have your property surveyed
4 and have your fence installer have a copy of that survey, so
5 that they place this fence on that south boundary and on that
6 west boundary. Right on the property line would be ideal,
7 and the reason is because you don't want to create a title
8 problem for yourself down the road if you cut off a portion
9 of your property, even if it's a matter of a foot or more, it
10 will create a title problem. Within a foot, no problem, but
11 if you are more than a foot deviation you create yourself a
12 title problem.

13

14

CHAIRPERSON LUDWIG: Good point, Ken, thank
you.

15

16

Any comments from members of the Commission?
Ramsey, I believe we have someone who wants to speak.

17

18

MARV WOLK: I would like to speak, if I may.

MR. BOEHNER: Yes, Mr. Wolk.

19

20

MARV WOLK: I am on the south border -- I'm
sorry, west border.

21

22

Mitch, how much further is the new fence going
to be from the split rail?

23

24

25

MITCHELL BALL: I honestly have not measured
those distances, but I believe that to the shed it's 22 feet.
I have not measured those dimensions, hold on.

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3 to talk.

4 MITCHELL BALL: So, this is a question for the
5 Historic Preservation Commission. If, let's say the
6 Certificate of Appropriateness was approved and then it was
7 determined that we wanted to put the fence in closer to our
8 property line. What would that mean? Do we have the ability
9 to do that or do we not? I mean, within our property line,
10 not closer to the property line but closer -- further away
11 from the property line, would we have the ability to do that
12 or would we need to come back to the Historic Preservation
13 Commission?

14 CHAIRPERSON LUDWIG: Ken?

15 MR. GORDON: Sure. I think you would be fine
16 with the approval as I will draft it momentarily. But, your
17 three-inch tolerance is fine, that map showed that the
18 southwest corner of the fence was 16.97 feet from your
19 property line. So, you know, I think you're talking about
20 moving it closer to that western property line. You can move
21 it 16 feet and it would be less than a foot away from the
22 property line, which will be, as I said, within the
23 tolerances that are accepted by Monroe County title
24 standards.

25 You know, if you are thinking about having it

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23 more than a foot off the property line, I would suggest that
4 you talk to a real estate attorney before you do that.5 MITCHELL BALL: If we're -- can you repeat
6 that again?7 MR. GORDON: If you are thinking about having
8 it more than, in other words, set back from your western
9 property line, more than one foot, you should probably speak
10 with your real property attorney before you do that to find
11 out if that would create a problem for you or your successors
12 in interest, then they go to sell the property, whenever in
13 the future that may be.

14 MITCHELL BALL: Okay.

15 MR. GORDON: What you're proposing within
16 three inches is certainly within Monroe County title
17 standards and there is no side yard setback for a fence.18 CHAIRPERSON LUDWIG: Okay. Any other comments
19 from anyone not on the Commission?

20 Ken, would you like to draft a motion please?

21 MR. GORDON: Yes, just give me one second to
22 get the paperwork together here.23 I would offer the following proposed
24 resolution whereas, Application Number 4H-02-21, has been
25 submitted for a Certificate of Appropriateness under the

3 Town's Historic Preservation Law for improvement to property
4 located at 15 Southwood Lane owned by Mitchell and Kimberly
5 Ball to perform work described as the insulation of a wood
6 shadowbox style fence to enclose the yard area of the
7 property.

It is hereby resolved that the Historic

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3 Preservation Commission hereby receives and files the above
4 described application and it is further resolved that the
5 Historic Preservation Commission hereby approves Application
6 Number 4H-02-21 for a Certificate of Appropriateness for the
7 above described work to be performed at the property located
8 at 15 Southwood Lane in the Town of Brighton subject to the
9 condition that above described work be completed within one
10 year from the date of approval, and that the fence be located
11 in approximately the location as depicted on the survey map.

12

Be it further resolved that pursuant to
13 Chapter 224 of the Town Code the above described work
14 qualifies for the exemption set forth in New York Real
15 Property Law Section 444-A.

16

CHAIRPERSON LUDWIG: Thank you, Ken.

17

Would someone put forth a motion?

18

MR. PAGE: I will make that motion.

19

CHAIRPERSON LUDWIG: Thank you, John. A
20 second please?

21

MR. WHITAKER: I will.

22

CHAIRPERSON LUDWIG: Thank you, David.

23

Any discussion? Ramsey, would you call a vote
24 please?

25

MR. BOEHNER: Ms. Robinson?

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3 MS. ROBINSON: Yes.

4 MR. BOEHNER: Mr. Ludwig?

5 CHAIRPERSON LUDWIG: Yes.

6 MR. BOEHNER: Mr. Page?

7 MR. PAGE: Yes.

8 MR. BOEHNER: Ms. Dreher?

9 MS. DREHER: Yes.

10 MR. BOEHNER: Mr. Whitaker?

11 MR. WHITAKER: Yes.

12 MR. BOEHNER: Motion passes with conditions.

13 CHAIRPERSON LUDWIG: Thank you.

14 MITCHELL BALL: Thank you.

15 CHAIRPERSON LUDWIG: All right. Now,
16 hopefully I got the right one this time.

17 APPLICATION 4H-03-21

18 4H-03-21 Application of 2290 East Ave.

19 Properties, LLC, owner of property at 2290 East Avenue, tax
20 number 122.20-1-1.1, for a Certificate of Appropriateness to
21 construct an accessible ramp to the renovated carriage house,
22 parking spaces and other site improvements. All as described
23 on application and documents on file.24 CHAIRPERSON LUDWIG: Went by the other day and
25 saw some roof branding going on.

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3 Who is here to speak on this application
4 please?

5 LINCOLN SWEDROCK: This is Linc Swedrock with
6 BME Associates, also Troy Beckwith with East Avenue
7 Properties is here as well to speak to this application.

8 The project as you can see, the building, we
9 already -- you guys have already looked at for a Certificate
10 of Appropriateness for the renovations of the carriage house
11 itself. This, we're back to discuss adding that accessible
12 ramp that you can see on that elevation there with the
13 stairs. Because of the grade out there, we just needed to
14 get everybody up to the first floor elevation where they can
15 walk into the carriage house.

16 I believe that's -- we called about the
17 details for ADA accessible ramps and handrails. The brick
18 and everything else with the garden in the front is
19 consistent with what you saw before.

20 So, we also had added some parking in front of
21 2300, which I'm not sure we need to talk about with this
22 Board, but the Planning Board granted us site plan approval
23 for that last night, so it's just shown there.

24 MR. BOEHNER: They do have to review the
25 parking. It is part of the Certificate of Appropriateness

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3 application.

4 LINCOLN SWEDROCK: Okay. So, we added eight
5 parking spaces over by 2300, which is where we did the
6 building addition and the accessible route before. We're
7 adding the eight spots and a sidewalk too, and with moving
8 some accessible spots around to try to make it easier access
9 to that first floor where they put an elevator in to provide
10 access to that. And also, to provide just a little closer
11 area.

12 We'll be cutting into that bank there, you can
13 see where the grade changes up behind the parking, just add
14 those spots there. They're all far back off of 96 and it
15 will be down below. It's about all -- no trees are being
16 removed. We are just trying to add a few more spots and get
17 some accessible spots closure to the door for 2300.

18 So, I think that's about what we're here to
19 discuss with you tonight. And, like I said, Troy and I are
20 here to answer any of the questions the Board might have.

21 CHAIRPERSON LUDWIG: Thank you.

22 Any other comments from you, Troy?

23 LINCOLN SWEDROCK: Did I miss anything, Troy?

24 TROY BECKWITH: No, I think we got it all.

25 Obviously, when we designed the -- as we presented before

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3 with the rear house for 2300, we kind of overlooked the fact
4 that we need a ramp to get in there. So, to meet ADA
5 compliance. So, I think between Gary and Linc, we've come up
6 with a good plan to fix the character of the house and I
7 think you guys will be happy with it, so.

8 CHAIRPERSON LUDWIG: Okay, very good.

9 Any questions from the Commission? Comments?

10 Okay, anyone from the audience?

11 Okay, Ken?

12 MR. GORDON: Ramsey, did you have something?

13 MR. BOEHNER: No, I'm fine.

14 MR. GORDON: Any conditions that the Board
15 would like to see imposed or Ramsey, any conditions that you
16 would suggest?

17 MR. BOEHNER: I don't have anything besides
18 the usual condition that the work has to be completed within
19 one year, Ken.

20 MR. GORDON: Okay.

21 MR. BOEHNER: And it must be done according to
22 the plans submitted, testimony provided.

23 MR. GORDON: Yes.

24 MR. BOEHNER: Materials presented.

25 MR. GORDON: Okay, all right. So here is the

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3 resolution that I would propose in this matter.

4 Whereas, Application Number 4H-03-21 has been
5 submitted for a Certificate of Appropriateness under the
6 Town's Historic Preservation Law for improvement to property
7 located at 2300 East Avenue in the Town of Brighton, owned by
8 2300 East Avenue Properties LLC, to perform work described as
9 providing a new ADA accessible ramp and concrete sidewalk
10 along the south and eastern side of the carriage house.11 Are the eight parking spaces part of this C of
12 A application?

13 MR. BOEHNER: It is.

14 MR. GORDON: And to install eight parking
15 spaces adjacent to 2300 East Avenue to the west, with two
16 designated ADA parking spaces with sidewalk connection to the
17 existing ADA route to 2300 East Avenue.18 And whereas, the Historic Preservation
19 Commission duly called a Public Hearing to consider the
20 matter on April 22, 2021.21 And whereas, the necessary legal notice was
22 published and the required sign posted pursuant to Town Code.23 And whereas, the Public Hearing was held and
24 all persons having an interest in such matter having had an
25 opportunity to be heard therein.

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And whereas, the Historic Preservation Commission hereby determines pursuant to the factors set forth in Section 224-5 of the Town Code that the proposed above described work to the subject property is consistent with the purposes of the Town's Historic Preservation Law and compatible with the property's historic character based upon its review of the application and documents on file and received at the Public Hearing and the testimony presented at the Public Hearing.

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19

It is hereby resolved that the Historic Preservation Commission hereby receives and files the above described application, plans attached thereto, and it is further resolved that the Historic Preservation Commission hereby approves Application Number 4H-01-21 for a Certificate of Appropriateness for the above described work to be performed at the property located at 2300 East Avenue in the Town of Brighton.

20

21

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24

25

Subject to the condition that the above described work be completed within one year from the date of approval, and that the work be performed in accordance with the plans and specifications submitted with the application.

And, be it further resolved that pursuant to Chapter 224 of the Town Code the above described work

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23 qualifies for the exceptions set forth in New York Real
4 Property Law in Section 444-8.

5 CHAIRPERSON LUDWIG: Thank you, Ken.

6 May I have a motion please?

7 MR. WHITAKER: I will move.

8 CHAIRPERSON LUDWIG: Thank you, David.

9 MS. ROBINSON: Second, I will second that.

10 CHAIRPERSON LUDWIG: Thanks, Diana.

11 Any comments?

12 MR. WHITAKER: Yeah, they did a good job.

13 They had to do it.

14 CHAIRPERSON LUDWIG: Thank you, David, I
15 agree.

16 Anything else? Ramsey?

17 MR. BOEHNER: Nope, I don't have anything
18 else. Ready?

19 CHAIRPERSON LUDWIG: Want to call the vote?

20 MR. BOEHNER: Mr. Ludwig?

21 CHAIRPERSON LUDWIG: Yes.

22 MR. BOEHNER: Mr. Page?

23 MR. PAGE: Yes.

24 MR. BOEHNER: Ms. Robinson?

25 MS. ROBINSON: Yes.

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3 MR. BOEHNER: Ms. Dreher?

4 MS. DREHER: Yes.

5 MR. BOEHNER: Mr. Whitaker?

6 MR. WHITAKER: Yes.

7 MR. BOEHNER: Approved with conditions.

8 CHAIRPERSON LUDWIG: All right.

9 MR. PAGE: Thank you.

10 CHAIRPERSON LUDWIG: Very good, thank you,
11 gentlemen.12 We have no hardship applications. Public
13 Hearings are now closed.14 New business. Want to address this letter
15 that was sent by Julie Jeffries.16 Is that, Mary Jo, is the wall on South Landing
17 part of her letter or is this strictly -- oh, yeah, this is
18 part of the letter, yeah.

19 MS. LANPHEAR: Uh-huh.

20 CHAIRPERSON LUDWIG: Went by this the other
21 day, I called Mike Guyon. I said, what are you planning to
22 do? And he said, well, not much. He said, they -- I said,
23 well, it looks like it needs some repointing and some masonry
24 repairs. But, I think that's the extent of what they would
25 do. I don't think they'll put up any metal guardrails. I

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3 brought that up specifically and he said, no.

4 MS. LANPHEAR: This reminded me of the Corwin
5 Road bridge, which I guess we'd been keeping an eye on just
6 to be sure that nothing serious happens to it. So that's why
7 I wanted this to go to the Preservation Commission to review.8 CHAIRPERSON LUDWIG: Well, we cannot -- I
9 don't think we can officially designate something on town
10 property, but we -- I did talk to Mike and he assured me that
11 they would not do anything drastic to this. But, it does
12 need -- there are some reenforcing bars that are exposed and
13 it certainly could use some masonry repairs.14 MR. WHITAKER: Stephanie and I owned
15 282 Landing Road South, and 270, the nursery school in the
16 front I knew that bridge was there, but until today I never
17 knew it said 1926 on it. And it's what they call rattlesnake
18 bridge, where rattlesnake Pete used to get his rattlesnakes,
19 supposedly. Anyway, it does need work. Would hate to see it
20 taken down.21 CHAIRPERSON LUDWIG: Well, I didn't get the
22 impression there were any plans to do that, David.

23 MR. WHITAKER: Good.

24 CHAIRPERSON LUDWIG: So, that's where we are
25 with that.

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3 Any other new business?

4 Then we need to move on to the old business,
5 properties to be surveyed, or, yeah, properties to be
6 surveyed and surveys to be updated.

7 MR. WHITAKER: What about 290 North Landing?

8 CHAIRPERSON LUDWIG: You mean 960?

9 MR. WHITAKER: Or 960, yeah.

10 CHAIRPERSON LUDWIG: That has been around for
11 quite while, in fact, the owner did come in to us when he
12 rebuilt the garage just because he knew the house had been
13 surveyed. We have not designated it. I don't know how the
14 Commission feels about that.15 MS. LANPHEAR: I asked you to keep it on the
16 list a little bit longer so I could do a little bit more
17 research. And I did, I sent you out a memo about the house.
18 I learned about Dr. Sawyer and, you know, he was quite a
19 prominent person in his time. The house is quite old, it
20 might be worthy of consideration.

21 CHAIRPERSON LUDWIG: Okay, very good.

22 MR. BOEHNER: Mary Jo, when was the survey
23 done?

24 MS. LANPHEAR: Back in September.

25 CHAIRPERSON LUDWIG: The surveys were

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23 originally done, unless I'm mistaken they were done when they
4 were part of the initial survey bunch, weren't they?

5 MS. LANPHEAR: Yes.

6 CHAIRPERSON LUDWIG: Yeah, it was 1995.

7 MR. BOEHNER: That's what I was thinking, we
8 haven't done an update on that, right?9 CHAIRPERSON LUDWIG: No, no. But, there's
10 probably -- unless we think we're going to designate it,
11 there's probably not a need to spend money doing that unless
12 we feel that we're going to designate it.13 MS. LANPHEAR: I think it's worth spending
14 some money on.15 CHAIRPERSON LUDWIG: Okay. Well, do you want
16 to briefly go through the list here? And, I did so and I
17 think there's certain things that we certainly could remove
18 from the list. Of course, not everyone will probably agree
19 with me, but.20 3030 Brighton Henrietta Town Line Road, any
21 thoughts about that?22 MS. LANPHEAR: That's a very sad situation
23 that's going -- deteriorating badly. It's in a commercial
24 area and it's very sad. The people that are descendants of
25 the family that lived there would like very much to see it

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3 preserved. Red, it's painted red, at least it was.

4 CHAIRPERSON LUDWIG: Yeah.

5 MS. LANPHEAR: Yeah, there it is.

6 CHAIRPERSON LUDWIG: Do they live there now,
7 Mary Jo?

8 MS. LANPHEAR: Pardon me?

9 CHAIRPERSON LUDWIG: Descendants, do they
10 still live there?11 MS. LANPHEAR: No, they don't. They're just
12 very active. I think they live in the east suburbs, but they
13 are very interested in seeing it preserved.14 MS. DREHER: Is it vacant? It looks vacant to
15 me.16 MS. LANPHEAR: Could be. I believe it's part
17 of the survey, isn't it?

18 CHAIRPERSON LUDWIG: Yes.

19 MR. WHITAKER: Could be off the list.

20 MS. DREHER: I agree. I drive by it a lot and
21 it is in pretty bad shape. I would be surprised -- I don't
22 know if anyone's -- it doesn't look like anyone's living
23 there or doing anything with it. So, I would say we might as
24 well move forward with the survey updates or take it off the
25 list, because I don't think it's -- it's time to make a

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3 decision.

4

5 CHAIRPERSON LUDWIG: Well, there's the -- and
6 along that regard, there's the house on, I believe it's South
7 Clinton, the one of the bricks that has just gone into total
8 disrepair. Pardon?

9

MS. LANPHEAR: 1981 South Clinton.

10

11 CHAIRPERSON LUDWIG: Yes, 1981. And the
12 problem with designating a house like this in the middle of a
13 commercial zone is tough. Especially if nobody is living
14 there, and do we know who, yes, who owns the house on
15 Brighton Henrietta Town Line Road?

16

MS. LANPHEAR: No, I don't know.

17

18 CHAIRPERSON LUDWIG: I mean, this is, this is
19 really sad, but apparently we -- there's not a whole lot that
20 we have been able to do to keep it maintained.

21

22 MR. PAGE: And we tried as hard as we could on
23 this particular one --

24

CHAIRPERSON LUDWIG: Right.

25

MR. DELVECCHIO: -- there's the law doesn't
really have anything that is going to protect it.

26

27 CHAIRPERSON LUDWIG: And the owners, I guess,
28 going to live there until the house collapses or he dies, one
29 of the two.

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23 MS. DREHER: What is the town's -- assuming
4 the one on Brighton Henrietta Town Line Road is vacant, what
5 is the town's position on that? What do they do? Is
6 anything being done to monitor it or secure it or anything?7 MR. BOEHNER: It looked like it did not need
8 to be secured.

9 MS. DREHER: Okay.

10 MR. BOEHNER: If a house needs to be secured,
11 we'll board it up --

12 MS. DREHER: Okay.

13 MR. BOEHNER: -- to make it secure per our
14 property maintenance regulations. There's a process you
15 would go through, you would be cited for a violation for
16 unsecured buildings or unsafe buildings. And if the building
17 is in bad enough shape, we would consider it unsafe and go
18 through a process of having it demolished.19 MS. ROBINSON: We looked into this a few
20 months ago, quite a while ago and I thought it had some
21 charm, but it doesn't seem to be on anybody's to-do list, so
22 I guess I have to change my mind.23 MS. DREHER: I mean, I think it's the sort of
24 thing that could be repurposed for, you know, I don't think
25 it would have to stay a residence, I think it could be

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3 repurposed. But --

4 MS. ROBINSON: That's what I thought. I
5 thought it could be a charming little entryway to something,
6 but it's not happening.7 MS. DREHER: There are other residences in the
8 area that have been. I don't think they are a big, historic
9 quality of this, but they have been repurposed into
10 businesses, so, but. Do we -- we did not have a survey
11 update on this, correct?

12 CHAIRPERSON LUDWIG: That is correct.

13 MS. ROBINSON: Mary Jo, you said the people
14 who own it are interested in doing something. Have they
15 tried to offer a sale?

16 MR. PAGE: The people who used to own it.

17 MS. LANPHEAR: The people that descended from
18 the original owners.19 MS. ROBINSON: Well, does whoever owns it now,
20 are they interested in selling it or making an effort to --

21 MS. LANPHEAR: I don't know.

22 MS. ROBINSON: -- sell it? You don't know.

23 MR. GORDON: Any idea what the property is
24 assessed for or valued at?

25 MR. BOEHNER: No, I don't know. It's been on

2

3 the foreclosure, on the court steps of foreclosure two times
4 or three times.

5 CHAIRPERSON LUDWIG: Which one, the one on
6 Brighton Henrietta Town Line Road?

7 MR. BOEHNER: No, the one on South Clinton.

8 CHAIRPERSON LUDWIG: Oh, South Clinton, yeah.
9 Well, we had batted that around a hundred times and there are
10 many times, and without any success and it looks like the --

11 MR. GORDON: Is there a driveway or parking at
12 the property?

13 MS. LANPHEAR: Yes.

14 MR. BOEHNER: Yes.

15 MS. LANPHEAR: Along the side near the garage
16 there's a large barn near the garage.

17 MR. BOEHNER: Yeah, right there.

18 CHAIRPERSON LUDWIG: Well --

19 MS. DREHER: Ken, were you -- if you were
20 talking about Brighton -- the one on Brighton Henrietta Town
21 Line Road --

22 MR. GORDON: Yeah, this one -- no, the one on
23 Clinton that we're looking at.

24 MR. BOEHNER: That's, this is on Clinton.

25 MS. DREHER: Oh, okay.

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3 MR. GORDON: I mean, you know, here's a crazy
4 idea. Is this a property that you want to try to talk to the
5 town about acquiring this property by the town for some use?

6 MR. PAGE: We've talked about stuff like that,
7 it didn't seem like -- I mean, yeah, if they want to buy it,
8 I don't know that they want us -- the impression they wanted
9 to be property owners.

10

11 CHAIRPERSON LUDWIG: I don't think the Town
12 wants to -- yeah, I think John's right. I don't think they
13 want to be property owners. And I don't think they want to
14 outlay the -- buy a property in a commercial zone that is
15 practical.

16

17 Let's go back to Brighton Henrietta Town Line
18 Road. I am inclined to say, let's take it off the list. If
19 the descendants of the owners lived there, that might be a
20 different story, but I don't see any reason to keep it on the
21 list, but I'd appreciate some other input.

22

23 MS. DREHER: I just looked it up on the County
24 property lookup, it's assessed for 153,900.

25

CHAIRPERSON LUDWIG: Okay.

26

MS. LANPHEAR: The land.

27

28 MS. DREHER: And it is in the -- well, that's,
29 no that's the total assessed value. The land assessed value

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23 is 24,7. But it is in the Rush-Henrietta School District. I
4 didn't know where those lines were.

5 MR. BOEHNER: This is Town Line Road?

6 MS. DREHER: Yep.

7 MR. PAGE: Yeah, I mean, I think it's just in
8 a sad spot. It's not drawing any attention for ownership.9 MS. LANPHEAR: It was owned by the
10 Starkweather family who farmed that area in the 1800s, early
11 20th-century.12 CHAIRPERSON LUDWIG: Well, what's the hold
13 here? Leave it on or take it off?14 MS. ROBINSON: Well, that's why I asked if we
15 know if anybody is trying to sell it? Is it offered for sale
16 or is it just in a dead limbo? Do we know that?17 CHAIRPERSON LUDWIG: But, even if it wasn't,
18 is this worthy of designation?19 MS. ROBINSON: No, I'm just saying if someone
20 is not even offering it for sale, then this could go on
21 forever.

22 CHAIRPERSON LUDWIG: Right.

23 MR. BOEHNER: I think what we were trying to
24 do tonight was determine surveys that we want updated or
25 surveys that we're going to want to have done. I have asked

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23 the Town Board if it's coming up at the next Town Board
4 meeting, the -- for the ability to go out for the RFP thing,
5 hiring consulting services.

6 CHAIRPERSON LUDWIG: Right.

7 MR. BOEHNER: So the question more should be,
8 do we want to update the survey? Do we -- are there any
9 properties that someone knows that we should have surveyed
10 from the first time?11 MR. PAGE: I think we are going to want to do
12 one of those things or some combination, for sure. I think
13 we last year focused primarily on going and weeding out the
14 list, which we've done a pretty good job of.

15 MR. BOEHNER: Yes.

16 MR. PAGE: And, if we are stuck on all of
17 these, for instance, then I would say we would be interested
18 in getting a couple of new ones. There's various properties
19 that have been identified as candidates. We sort of pushed
20 off them last year in part because we wanted to attend to
21 this. And a lot of these on here are, you know, sort of have
22 their own little quirks about them, that have not made us
23 rush to them.24 So, I certainly hope that we get some money
25 and I am interested in designating more properties because

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23 there's more properties that are worthy. And we can, you
4 know, we can apparently, only designate between three and six
5 a year the way things roll out.6 And, based on if we had to pay to get a new
7 survey, we would only be able to get either two or three
8 right, Ramsey?9 MR. BOEHNER: Yes, that's right. Because what
10 we've done in the past is that we've developed like a list,
11 you know, we'd have ones that are on deck.

12 MR. PAGE: Right.

13 MR. BOEHNER: And get those and start getting
14 the surveys going.15 CHAIRPERSON LUDWIG: Well, Mary Jo sent around
16 a Jim Johnson house.

17 MS. LANPHEAR: Yes. 340 Avalon Drive.

18 MR. BOEHNER: That's right.

19 CHAIRPERSON LUDWIG: And I would -- that has
20 not been surveyed; is that correct?

21 MS. LANPHEAR: Pardon me?

22 CHAIRPERSON LUDWIG: That has not been
23 surveyed?

24 MS. LANPHEAR: No, it hasn't.

25 CHAIRPERSON LUDWIG: Well, I would --

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3 MS. LANPHEAR: I didn't know about this house
4 until the other night. I went to a program done by Katie
5 Eggers Comeau and Chris Brant on the James Johnson
6 architecture in the area. And this was on their list of
7 houses that he had done, and I looked into it with Tracy and,
8 at the town hall, and indeed he did design this particular
9 house on Avalon Drive.

10

11 It is really interesting. It's different,
12 very different from the Lambert house on Elmwood Avenue that
13 you designated the last year, a couple years ago.

14

15 CHAIRPERSON LUDWIG: Did you send the
16 information around to the Commission?

17

18 MS. LANPHEAR: I sent it to you and Ramsey.

19

20 CHAIRPERSON LUDWIG: And I said, yes, I
21 thought it would be good to survey that one. So, I think
22 maybe a first step would be to have that sent around to
23 everyone. It is certainly different. I think that's
24 appropriate, but it's also Jim Johnson, so that makes sense.
25 And then you mentioned also updating Landing Road mare hair
the guilt.

26

27 MR. BOEHNER: Can I get the address on Avalon?

28

29 MS. LANPHEAR: 340 Avalon. It was built in
30 1971.

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3 MR. BOEHNER: Mary Jo, do you have information
4 on it or what am I sending out to the members on?

5 MS. LANPHEAR: Not a lot of information, but I
6 think a survey would be a slam dunk, because as I said, Katie
7 Eggers Comeau was one of the people who presented information
8 about that house to this -- there it is -- at the meeting
9 that I attended, the architecture James Johnson.

10

MS. DREHER: How old is this house?

11

MS. LANPHEAR: 1971, it just makes it.

12

MS. DREHER: Well, I think that's -- we do
13 need to turn our focus to some of the, I think the newer
14 houses because I, you know, I think we discovered that there
15 are things that are worthy of designation.

16

So, I would be -- I have seen a previous
17 presen -- I did not see the presentation you did, Mary Jo,
18 but I have sen a previous presentation by the two, the same,
19 you know, architectural historian and architect before and
20 agree that the architect is, you know, falls within the
21 possible designation requirement. So, I would be in favor of
22 getting a survey on this once we have a contract to do so.

23

MR. PAGE: We had posed some other properties
24 like 69 Glen Road --

25

MS. LANPHEAR: Yes.

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3 MR. PAGE: -- and 1041 Highland Avenue had
4 been loaded and then put on hold for consideration while we
5 weeded.

6 And the 69 Glen Road is a quirky little house
7 built in the, like, early 1950s by a carpenter and has a
8 great backstory, and, it is a nice house. And then the one
9 on Highland Avenue, 1041, is called the Storybook --

10 MS. LANPHEAR: Yes.

11 MR. PAGE: -- or at least identified as the
12 Storybook.

13 MS. LANPHEAR: Yes.

14 CHAIRPERSON LUDWIG: Well, the one on Glen
15 Road was surveyed, so we just need an update for that.

16 MR. PAGE: Oh, do we have that one?

17 MR. WHITAKER: Yes.

18 MS. LANPHEAR: There it is.

19 CHAIRPERSON LUDWIG: Yeah, Sarah loves this
20 house, she calls it the dowager cottage.

21 MS. LANPHEAR: Yeah.

22 CHAIRPERSON LUDWIG: Now, this one has not
23 been surveyed, right?

24 MS. LANPHEAR: Not been surveyed, it's not on
25 the list.

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3 CHAIRPERSON LUDWIG: Right. So --

4 MR. BOEHNER: That's 994 Highland?

5 MS. LANPHEAR: 1041.

6 CHAIRPERSON LUDWIG: 1041 and I certainly
7 would be -- I would vote for that, for sure. If I didn't,
8 I'd have to move out. Glen Road would be an update and Mary
9 Jo, you wanted to also update --

10 MS. LANPHEAR: Landing Road, 960 Landing.

11 CHAIRPERSON LUDWIG: 960 Landing Road.

12 MS. DREHER: I would agree to that based on
13 Mary Jo's memo. I think that makes sense, one to make a --
14 move forward and make a decision on.

15 MR. BOEHNER: So what I have here, which I
16 think is a good start, because I still have to secure those
17 consulting services, but we do have a list to work from now.
18 I believe we have 340 Avalon Drive for a new survey.
19 1041 Highland, new survey. 69, I mean not 69 Glen Road is an
20 update. And 690 Landing Road is an update.

21 CHAIRPERSON LUDWIG: 960, yeah.

22 MR. BOEHNER: 960, I'm sorry.

23 CHAIRPERSON LUDWIG: Yeah. So, we've got
24 two --

25 MR. PAGE: That's a good group.

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23 MR. BOEHNER: That's a good group, because we
4 always like to reserve a little money towards the end of the
5 year in case something pops up, but I think this will get us
6 going and rolling for the year.

7 CHAIRPERSON LUDWIG: Okay, great.

8 MS. DREHER: I was going to say, in regards to
9 3030 Brighton Henrietta Town Line Road, I would suggest we
10 take it off the list. I think, based on the condition and
11 the original survey at this point it's -- and it's location
12 in a commercial district, I think it is not -- I mean, I
13 don't -- if we were to designate it, I don't know what the
14 next -- what would that mean? If it is vacant, but someone's
15 still paying the taxes on it, they would have a duty to
16 prevent further deterioration.17 CHAIRPERSON LUDWIG: Well, not really.
18 Because, we designated Clinton Avenue and look where that
19 went.20 MS. DREHER: Oh, okay. Well, would they have
21 the duty, but whether they do anything is, you know --

22 MR. BOEHNER: That's the problem.

23 MS. DREHER: -- whether they meet the duty or
24 not. And I think this is in such a location that at some
25 point I imagine it will be sold and commercial development

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23 will go there. And, while it is a loss, I don't think it is
4 of the impact that it would be worthy of designating it at
5 this point.6 CHAIRPERSON LUDWIG: Very good, okay. So, we
7 can remove -- I would -- well, let's --8 MR. BOEHNER: We would need to do that by, I
9 believe a resolution if we -- and a vote, if we want to
10 remove it off the list.11 CHAIRPERSON LUDWIG: Well, let's, Ram -- the
12 other thing is, can we -- yes, I guess we need to do them
13 individually because I'd certainly would agree that
14 868 Clover Street should come off. That, we batted around
15 several times. It was Ken Keeting's house but, you know, who
16 knows who Ken Keeting is anymore.

17 Oh, come on, come on, come on. No, seriously.

18 MS. LANPHEAR: The only I said he was from
19 Upstate New York.20 CHAIRPERSON LUDWIG: We also got Ken Keeting's
21 house on, I believe it's on, it's either Elmwood or Allens
22 Creek.23 MS. LANPHEAR: It's Elmwood Avenue, is
24 designated and that was his --

25 CHAIRPERSON LUDWIG: Right. But this house

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23 has got aluminum siding on it, it's nothing special. We've
4 talked about it before, I would be in favor of taking it off
5 the list.6 MR. PAGE: Yeah, me too. But, Jerry, if we
7 are going to mark what we do by what people know about, we
8 can just close up shop right now.9 CHAIRPERSON LUDWIG: No, no, no. I know I
10 know, but, you know.11 Okay, well, all right. So, how -- do you want
12 to try to do some of this tonight or do you want to just --13 MR. BOEHNER: The purpose of what I put on the
14 agenda is to just get a list and get ourselves together for
15 the upcoming year.

16 CHAIRPERSON LUDWIG: Okay.

17 MR. BOEHNER: We can do surveys that we wanted
18 to have updated, we have surveys that we would want to
19 perform. There's been times where it's taken us a few months
20 to get to this list, so I'm feeling pretty good that you guys
21 were able to punch it out tonight.22 CHAIRPERSON LUDWIG: Well, then I would
23 suggest for folks to go through the list to see who feels
24 things should -- what houses might be taken off the list. We
25 can address that at some point.

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23 that, and I do appreciate that. Right now you guys have
4 talked about 3030 Brighton Henrietta Town Line Road and
5 868 Clover Street removing it from the list, you have that
6 much done.7 CHAIRPERSON LUDWIG: Well, would someone like
8 to put forth a motion to remove those two properties from the
9 list?

10 MS. DREHER: I will make the motion.

11 CHAIRPERSON LUDWIG: Thank you, Amanda. A
12 second please.

13 MS. ROBINSON: I'll second that.

14 CHAIRPERSON LUDWIG: Any discussion? Ramsey?

15 MR. BOEHNER: Mr. Ludwig?

16 CHAIRPERSON LUDWIG: Yes.

17 MR. BOEHNER: Mr. Page?

18 MR. PAGE: Yes.

19 MR. BOEHNER: Ms. Robinson?

20 MS. ROBINSON: Yes.

21 MR. BOEHNER: Ms. Dreher?

22 MS. DREHER: Yes.

23 MR. BOEHNER: Mr. Whitaker?

24 MR. WHITAKER: Yes.

25 MR. BOEHNER: The motion was approved.

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23 CHAIRPERSON LUDWIG: Very good. So, please
4 look through the list and consider other properties that
5 might be removed. We can maybe tackle them one or two at a
6 time over the next few meetings.

7 Any other old business?

8 Motion to adjourn?

9 MR. PAGE: I want to say thank you, Brett, for
10 doing a great job of moving around the town.11 MR. BOEHNER: Yeah, taking us around the
12 globe.

13 CHAIRPERSON LUDWIG: Thanks, Brett.

14 BRETT CARLOCK: Yeah, it's fun to see all the
15 stuff. Honestly, I enjoy it, so no problem, guys. Glad it
16 worked out.

17 MR. BOEHNER: Thank you, Brett, good job.

18 CHAIRPERSON LUDWIG: All right. There's a
19 motion -- or I'm asking --

20 MR. BOEHNER: Rhoda, thank you.

21 CHAIRPERSON LUDWIG: Wait a minute, I'm still
22 asking for someone to put --

23 MR. WHITAKER: I make the motion to adjourn.

24 CHAIRPERSON LUDWIG: Great, second?

25 MS. DREHER: I will second.

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CHAIRPERSON LUDWIG: Thank you. All in favor?

4

ALL COUNCIL MEMBERS: Aye.

5

CHAIRPERSON LUDWIG: Meeting stands adjourned.

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Thank you all very much.

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3 REPORTER CERTIFICATE
45 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 24th day of May, 2021.13 At Rochester, New York
14
1516 Rhoda Collins
17 Rhoda Collins
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