

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

March 24th, 2022

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

PRESENT:

JERRY LUDWIG, CHAIRPERSON

JUSTIN DELVECCHIO)
WAYNE GOODMAN)
JOHN PAGE)
DIANA ROBINSON)
DAVID WHITAKER)

BOARD MEMBERS

MARY JO LANPHEAR
Town Historian

KEN GORDON, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

JEFF FRISCH
Planning Technician

NOT PRESENT:

AMANDA L. DREHER

REPORTED BY: RHODA COLLINS, Court Reporter
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Batavia, New York 14020

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3 CHAIRPERSON LUDWIG: I'd like to call the
4 meeting to order. Mr. Secretary, whoever you are, please
5 call the roll.

6

MR. FRISCH: Ludwig?

7

CHAIRPERSON LUDWIG: Here.

8

MR. FRISCH: Robinson?

9

MS. ROBINSON: Here.

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MR. FRISCH: DelVecchio?

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MR. DELVECCHIO: Here.

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MR. FRISCH: Goodman?

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MR. GOODMAN: Here.

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MR. FRISCH: Whitaker?

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MR. WHITAKER: Here.

16

MR. FRISCH: Page?

17

MR. PAGE: Here.

18

MR. FRISCH: Dreher? Dreher is not here
tonight.

20

CHAIRPERSON LUDWIG: May I have a motion to
approve the agenda please?

22

MR. WHITAKER: So moved.

23

CHAIRPERSON LUDWIG: Second?

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MR. GOODMAN: I will second.

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CHAIRPERSON LUDWIG: Thank you, Wayne.

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3 All in favor?

4 ALL COUNCIL MEMBERS: Aye.

5 CHAIRPERSON LUDWIG: Okay, thank you all.

6 Did you all have a chance to look at the
7 minutes from February 24th? Hello, anyone? Any additions or
8 corrections?

9 MS. LANPHEAR: I have a couple on Page 15.

10 CHAIRPERSON LUDWIG: Okay.

11 MS. LANPHEAR: Amanda is not here, Amanda is
12 always the one that's got those.

13 CHAIRPERSON LUDWIG: I know, I know.

14 MS. LANPHEAR: On Page 15, Line 15, the name
15 Mary Francis is in there, and I don't know what that means.
16 I don't recall speaking about a Mary Francis.17 CHAIRPERSON LUDWIG: I saw that, I don't
18 either.19 MS. LANPHEAR: And Line 19, it says fifth
20 century ranch house, I think they mean mid-century ranch
21 houses. So, those are my two.22 CHAIRPERSON LUDWIG: I only have one, it's on
23 Page 33, Line 18. I think it's supposed to say -- and I said
24 it so I may have a clue -- I think it's supposed to say, to
25 death. Let's not beat this to death, rather than let's not

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3 beat this together.

4 Any other additions or corrections? May I
5 have a motion to approve as corrected?

6 MR. PAGE: John Page, I will make that motion.

7 CHAIRPERSON LUDWIG: Thanks, John. Second
8 please?

9 MR. WHITAKER: I will.

10 CHAIRPERSON LUDWIG: All in favor?

11 ALL COUNCIL MEMBERS: Aye.

12 CHAIRPERSON LUDWIG: Minutes stand approved as
13 corrected.

14 Was this meeting duly advertised?

15 MR. FRISCH: This meeting was duly advertised
16 in the Daily Record of March 17, 2022.17 CHAIRPERSON LUDWIG: Thank you. That meeting
18 as duly advertised will now be held.19 The first items, we have no communications, no
20 designation of landmarks, no certificates of appropriateness,
21 no hardship applications. The Public Hearings are closed.22 New business, the first item, properties to be
23 surveyed and updated.

24 Jeff and Ramsey, do you want to lead us off?

25 MR. FRISCH: Yes. I can pull that up. This

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23 is the list we had from -- that we had before, and Mary Jo
4 picked out a house that she was thinking would be a good one
5 to look towards surveying.6 CHAIRPERSON LUDWIG: That was 245 Thackery
7 Road.8 MR. FRISCH: Correct. One of the Don Hershey
9 houses.

10 CHAIRPERSON LUDWIG: Right.

11 MS. LANPHEAR: I've also looked at 321 Council
12 Rock Avenue. I'm still working on that.13 CHAIRPERSON LUDWIG: Okay. And also, since
14 that time, Mary Jo and I've been talking about one of the
15 Boyde houses. And, Mary Jo, would you just fill us in a
16 little bit on that one?17 MS. LANPHEAR: That's 321 Council Rock Avenue.
18 That's Jules Freedman's house. It was built for the
19 Freedman's in 1953, Thomas Boyde is on the permit for that
20 house. They bought the land in 1952, Jules Freedman was the
21 operator of Jay's Baby Furniture on State Street in Rochester
22 for many, many years. He took over from his father, Abraham
23 Freedman, in the late 1940s after his father died. His
24 father had run a large furniture store in that area.

25 And, but Jay -- or Jules who was, I guess,

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23 nicknamed Jay, decided to concentrate on baby furniture, and
4 it was a very popular store. I remember it, it lasted
5 probably through the 1980s.6 CHAIRPERSON LUDWIG: Okay. And, this is
7 important, I think Cynthia Howk sent around an article about
8 Boyde, and of course, he was a black architect of no small
9 renown.

10 MS. LANPHEAR: Right.

11 CHAIRPERSON LUDWIG: And, the fact that he
12 designed a house -- or, I don't know, Mary Jo, I think there
13 were a couple that he did.14 MS. LANPHEAR: We had two Boyde houses on the
15 list, and -- I need the Council Rock list -- and, here it is.

16 CHAIRPERSON LUDWIG: Oh, 240 Thackery.

17 MS. LANPHEAR: 240 Thackery and 321 Council
18 Rock, and then the rest were the Don Hershey houses.19 CHAIRPERSON LUDWIG: And I asked Mary Jo to
20 sort of pick one that sort of would rise above the others as
21 far as perhaps who the owners were. I think both are in
22 quite great condition. In fact, Chris Brandt sent around a
23 thing that shows the interior photographed, as well as the
24 exterior, and it's amazing how little has changed, and I
25 believe it's 321.

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MR. PAGE: Yeah, 321 interior is really nice for the period.

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CHAIRPERSON LUDWIG: Right. So, I think one of these certainly deserves a survey, and may rise above the Hershey house as far as desirability for designation. But, I think it certainly deserves a survey.

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Any other comments? I mean, I guess that's why we are here to maybe select a house to be surveyed for the calendar year.

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MR. DELVECCHIO: I like the idea of surveying this place.

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MR. PAGE: So, the 245 Thackery that we have some more information on is, you know, got a good social history and it's a nice house. I like 211 Thackery of the Hershey ones, personally, but I don't know anything about the social part of it, but it's a more unusual house.

19

MS. LANPHEAR: Okay.

20

21

MR. PAGE: Maybe in a negative way, but I like it.

22

23

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CHAIRPERSON LUDWIG: Well, John, driving down Council Rock and Thackery, and around the corner on Esplanade, I mean, it's amazing that this little section has some wonderful, wonderful houses on it.

MR. PAGE: Yeah.

CHAIRPERSON LUDWIG: Makes a great district.

MR. PAGE: Yes, it would, yes, it would.

So, Jerry, we are going to try and make some decision on whether we ask for two things -- or surveys, or whether we ask for one survey and hold, in honor of our leaders?

CHAIRPERSON LUDWIG: Well, John, I think we should definitely have a survey. I'm not -- I would love to see two, but then that leaves us a little short in case we need to do something at the end of the year, but Ramsey knows the politics.

MR. GORDON: Actually, I think our budget has been modified upwards so that we could actually perform two full surveys and still have money left over at the end of the year to do, if you will, an emergency survey, if that's what we want to call it.

So, Jeff, I don't know if you have information on the budget particularly?

MR. FRISCH: These are, I think my screen is showing that the last that I knew, we had a budget that was enough for two full surveys and an update, or one survey and four updates.

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23 MR. BOEHNER: Yeah. I think the idea is to go
4 through the properties, determining which properties we want
5 surveys for, then we should also go through our properties
6 that we have surveyed that's on the list but not designated,
7 to see if any of them should be updated.8 And, you need to start a list, kind of like
9 what we've had in the past, what I used to call the on-deck
10 circle, where we list them. Because, what you can do, and
11 which we've done in the past, we do one now, we save one for
12 later, we prioritize. And then, you could also do an update,
13 but that's kind of up to you guys.14 One of the things is before these new
15 properties can be done, a request needs to be made to the
16 Town Board, through the Town Board to extend the contract for
17 the consulting services necessary to perform the surveys or
18 the update.19 CHAIRPERSON LUDWIG: I would like to suggest,
20 I sort of follow John's thoughts here. I think I would like
21 to have the Hershey house done, and I'd also like to have the
22 Boyde house done, and I think that's probably more important
23 than doing updates at this stage.

24 MR. WHITAKER: That would be 321 Council Rock.

25 CHAIRPERSON LUDWIG: 321 Council Rock and --

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MR. FRISCH: 245 Thackery.

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CHAIRPERSON LUDWIG: Well, 321 Council Rock
and 245 Thackery -- no?

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MS. LANPHEAR: Yes.

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MR. PAGE: That's the one that we have, the
one Mary Jo's put the information together for.

9

CHAIRPERSON LUDWIG: Yes.

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MR. PAGE: So, can I -- do we -- am I right
that we have an on-deck survey that we will be talking about
tonight?

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CHAIRPERSON LUDWIG: Yes, it's the one on
Varinna Drive.

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MR. PAGE: Right. So, we already have one and
then we're going to add either one or two more that will --
that we can follow up on for the next several months. Am I
--

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MR. BOEHNER: Yeah. We ordered under our last
year's contract some updates and a survey, Varinna being one
of them. These are to use the funds for 2022.

22

MR. PAGE: Right.

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MR. BOEHNER: Is that -- and I'm just trying
to get you guys to have your list and think about what ones
you want to do now and, you know, and how you want to proceed

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3 with the upcoming year.

4 MS. LANPHEAR: There was also some discussion
5 about the 340 Avalon and 1041 Highland Avenue, or 140 Avalon
6 is the James Johnson house, 1041 is the storybook house on
7 Highland Avenue.8 CHAIRPERSON LUDWIG: Right. Boy, that's
9 tough. I guess we have some Johnsons, but we don't have any
10 Boydes, and Thackery has already had some research done on it
11 by you. I don't know, it's up to the Commission, but I would
12 vote for the Hershey house because we are lacking in
13 mid-century modern for sure.14 And before Wonder Windows gets around to it,
15 would be nice to have these two surveyed, I think, but I
16 would bow to the rest of the Commission.

17 Thoughts, folks?

18 MR. PAGE: I'm good with that.

19 CHAIRPERSON LUDWIG: Thank you, John. Anyone
20 else?21 MR. GOODMAN: Jerry, I think it's a -- I'm
22 very much supportive of the Boyde, 321; and you know,
23 certainly I support the 245 Thackery as well. I think it'd
24 be interesting to have the survey of Boyde, particularly both
25 being mid-century, I think it's a good direction to go in.

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23 CHAIRPERSON LUDWIG: Great. Justin, I heard
4 you say something, I'm not quite sure whether that was --5 MR. DELVECCHIO: My apologies, my dog wants to
6 go outside and see the neighbor dog, but he's got to behave
7 himself here.8 I definitely would love to see a survey on
9 321 Council Rock. And, Jerry, I'm aligned with what you are
10 calling out, so looking forward to it, if we could do it.11 CHAIRPERSON LUDWIG: Okay, thank you. Well,
12 any other thoughts? Folks?13 MR. GORDON: I just want to, Jerry, I just
14 want to go back and touch on something Ramsey mentioned.
15 Jeff or Ramsey, can you tell us when the contract with Bero
16 currently expires, or has it already expired?17 MR. BOEHNER: No. We had a contract for '21
18 that has the right to extend that has to go back to the Town
19 Board to seek that permission. But, it is in the contract
20 with them too that we can request an extension.21 MR. GORDON: Okay. But, what you are telling
22 me is that the contract has expired as of January 1, 2022,
23 although we have the right to renew that contract?

24 MR. BOEHNER: Yeah.

25 MR. GORDON: Okay.

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23 MR. BOEHNER: I don't know, I haven't looked
4 at the terms of the contract. Maybe I made it for two years,
5 I don't know.

6 MR. GOODMAN: Is there a resolution?

7 MR. BOEHNER: I don't know, I haven't looked
8 at it. I know I have to do something with the contract, and
9 I have to --10 MR. WHITAKER: Don't we have a little bit of
11 funds from that?12 MR. GORDON: No. We don't roll funds over
13 from one year to the next. We have to encumber them in the
14 year that they're budgeted for, or else they drop into the
15 general funds and we would lose out.

16 MR. WHITAKER: Okay.

17 MR. GORDON: But, let me just talk about the
18 contract. So, why don't we just either get a sense of the
19 Board or have a vote of the Board, as you wish, Jerry, that
20 directs the secretary and the Board to research the status of
21 the contract with Bero and if it needs renewing to write a
22 letter to the Town Board to request that the Town Board renew
23 that agreement. Let's just get that done, so that that piece
24 is in motion so we don't have to wait another month for that
25 to happen.

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23 CHAIRPERSON LUDWIG: Okay. Ken, do you want a
4 motion to effect?5 MR. GORDON: I think, sure, why not? Go
6 ahead.

7 MR. BOEHNER: Doesn't hurt.

8 CHAIRPERSON LUDWIG: Okay. May I have someone
9 put forth the motion to, as Ken said, send this -- well, Ken,
10 your words --11 MR. GORDON: The motion would be to direct the
12 secretary of the Commission to research the status of the
13 Bero contract, and if it is in need of renewal, then to write
14 a letter to the Town Board to request that the Town Board
15 renew the contract with Bero for performing cultural surveys.

16 CHAIRPERSON LUDWIG: Thank you, Ken.

17 May I have someone put forth that motion
18 please?19 MR. GOODMAN: Jerry, this is Wayne. I would
20 put forth that motion.

21 CHAIRPERSON LUDWIG: Thank you, Wayne.

22 MR. DELVECCHIO: I second, Justin.

23 CHAIRPERSON LUDWIG: Thanks, Justin.

24 Want to call the roll, Jeff?

25 MR. FRISCH: Yes.

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3 Ludwig?

4 CHAIRPERSON LUDWIG: Yes.

5 MR. FRISCH: Robinson?

6 MS. ROBINSON: Yes.

7 MR. FRISCH: DelVecchio?

8 MR. DELVECCHIO: Yes.

9 MR. FRISCH: Goodman?

10 MR. GOODMAN: Yes.

11 MR. FRISCH: Whitaker?

12 MR. WHITAKER: Yes.

13 MR. FRISCH: Page?

14 MR. PAGE: I feel like I should probably
15 abstain.

16 MR. FRISCH: Okay. Motion passes.

17 CHAIRPERSON LUDWIG: Thank you. Now, you also
18 want to -- I think we should probably go ahead and vote on
19 potential properties, if that's appropriate?

20 MR. BOEHNER: I'm sorry, what was that?

21 CHAIRPERSON LUDWIG: I want to go ahead and
22 nominate a couple of properties to be surveyed, or do you
23 want to wait until the Board --24 MR. BOEHNER: No, that's okay. No, you can
25 continue on that discussion, Jerry.

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23 CHAIRPERSON LUDWIG: I would suggest that
4 321 Council Rock Avenue be on the list for properties to be
5 surveyed. If someone would like to put forth that motion, I
6 would appreciate it.7 MR. PAGE: I will put forth that motion, John
8 Page.

9 MR. WHITAKER: I second it, Whitaker.

10 CHAIRPERSON LUDWIG: Second, David.
11 Jeff?

12 MR. FRISCH: Yes.

13 Ludwig?

14 CHAIRPERSON LUDWIG: Yes.

15 MR. FRISCH: Robinson?

16 MS. ROBINSON: Yes.

17 MR. FRISCH: DelVecchio?

18 MR. DELVECCHIO: Yes.

19 MR. FRISCH: Goodman?

20 MR. GOODMAN: Yes.

21 MR. FRISCH: Whitaker?

22 MR. WHITAKER: Yes.

23 MR. FRISCH: Page?

24 MR. PAGE: Yes.

25 MR. FRISCH: Motion passes.

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23 CHAIRPERSON LUDWIG: Thank you. Now, I think
4 it does make sense to go ahead and request two surveys. We
5 have a choice of Thackery -- I think Thackery is very
6 popular -- and we also have a possibility for the Jim Johnson
7 house. Any thoughts on those?

8 MR. PAGE: I'd go for Thackery.

9 CHAIRPERSON LUDWIG: I concur, but anyone else
10 like to voice an opposition or alternative?11 MR. GORDON: So, I told Ramsey that I was
12 going to slowly be trying to push Boards in the direction of
13 complying more with Roberts Rules of Order. So, what I would
14 suggest is that somebody make a motion, somebody second that
15 motion, and then and only then will the Board be able to
16 discuss the motion, pros and cons of surveying whatever house
17 is moved to be surveyed.18 CHAIRPERSON LUDWIG: Yes, we used to do that.
19 I hear you loud and clear.20 MR. PAGE: This is John Page, I will move that
21 we add 245 Thackery Road to the list to be surveyed.

22 MR. WHITAKER: I will second.

23 CHAIRPERSON LUDWIG: Thank you, David. Any
24 discussion?

25 Okay, Jeff, will you call the roll please?

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3 MR. FRISCH: Yes. Ludwig?

4 CHAIRPERSON LUDWIG: Yes.

5 MR. FRISCH: Robinson? Robinson?

6 MS. ROBINSON: Yes, I said yes.

7 MR. FRISCH: Okay, I didn't hear you. Thank
8 you.

9 DelVecchio?

10 MR. DELVECCHIO: Yes.

11 MR. FRISCH: Goodman?

12 MR. GOODMAN: Yes.

13 MR. FRISCH: Whitaker?

14 MR. WHITAKER: Yes.

15 MR. FRISCH: Page?

16 MR. PAGE: Yes.

17 MR. FRISCH: Motion passes.

18 CHAIRPERSON LUDWIG: Thank you.

19 Any other new business?

20 MR. BOEHNER: I have one question. Do we want
21 to phase those surveys, first do 321 Council Rock and then
22 due Hershey a little later in the year?23 CHAIRPERSON LUDWIG: Well, what's your -- I
24 mean, you brought it up. You think that's what we should do?

25 MR. BOEHNER: Well, the reason being, we

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3 usually try to do two a year, but we do one in the beginning
4 and hold in case there's an emergency or something becomes
5 threatened that we didn't know about and we would have funds
6 available. And, as we get into the fall, if the funds are
7 still there then we pick off at 245 Thackery Road, because we
8 have funds for two surveys and one update.

9 CHAIRPERSON LUDWIG: But also, if there was an
10 emergency towards the end of the year, we can certainly use
11 our excess funds, plus possibly apply for an emergency
12 infusion to do a survey as was mentioned earlier.

13 MR. BOEHNER: That would need Town Board --

14 CHAIRPERSON LUDWIG: No, I understand.

15 MR. BOEHNER: -- approval for budget
16 amendment.

17 CHAIRPERSON LUDWIG: Well, it's a tough call.

18 MR. BOEHNER: The reason being, those things
19 just don't happen quickly when, you know, so, that's more of
20 the issue. It's not necessarily that the Town Board would
21 say, hey, no, we're not going to help you with your
22 emergency. It's how quickly we can respond if an emergency
23 comes up.

24 CHAIRPERSON LUDWIG: Well, it's tough because
25 these two houses are pristine examples and we just as soon

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23 not anything, you know, replacement by Anderson shows up one
4 day, but on the other hand, I hear your point.5 MR. PAGE: So, I have a question then, and
6 that is if we've identified an interest in a property, but we
7 haven't authorized the proceed -- the consultant to proceed
8 with the research yet, does that give it a -- does that tag
9 it, Ramsey, Jeff?10 MR. BOEHNER: What was that question, John? I
11 didn't quite follow it.12 MR. PAGE: Okay. So, we have now identified,
13 the Board has identified these two properties as properties
14 of interest.

15 MR. BOEHNER: Yes.

16 MR. PAGE: Right? We've said we'd like them
17 to be on the list to be surveyed this year, now we're talking
18 about timing. Does the fact that we have been listed in the
19 minutes as properties of interest, does that already put a
20 flag on them? Similar to --21 MR. GORDON: Well, no. I mean, first of all,
22 understand that all properties have a flag on them, in the
23 sense that if there is an entire, you know, if there is a
24 demolition of a property of more than 50 percent, it's coming
25 before this Board no matter what.

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3 Secondarily, if you have added a property to
4 the list of properties that have been surveyed but not yet
5 designated, that puts a little bit more protection on that
6 property. And any time a demolition of -- I can't remember,
7 I can't quote the code on that, Ramsey, but it gives it more
8 of a protection.

9 Saying that you're interested in surveying a
10 property provides no more protection than any other property
11 in town. And a property isn't truly protected until you
12 actually start the designation process.

13 MR. PAGE: Okay.

14 MR. GORDON: And, asking for a survey on a
15 property does not start the designation.

16 MR. PAGE: Okay, good clarification. I'm not
17 too worried about it one way or another, but I was interested
18 in that clarification.

19 MR. GORDON: So, I mean, so, you know, and I
20 hear what Ramsey says. I would say that there is also the
21 possibility of in an emergency situation if you learned of a
22 property that was threatened that was not on a list anywhere,
23 and had not been surveyed, you still could initiate the
24 designation process, even though a survey has not yet been
25 completed, and you could order the survey in the midst of the

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3 designation process.

4 MR. PAGE: There ya go.

5 MR. GORDON: Typically not the way we do
6 business, but that would put the brakes on somebody going
7 forward.

8 Certainly not the way we proceed normally,
9 because it is not as objectively protected if somebody
10 challenged that kind of action in court. And, we wouldn't
11 want to take any kind of final action, certainly, without a
12 survey because we always want to have a good record.

13 But, and this is just me talking, we have an
14 extraordinarily talented historian who is -- would be able to
15 come up with proper justification even in the absence of a
16 formal survey that I believe would stand a challenge in court
17 such that we could take action in an emergency situation,
18 even without a survey being done. That's my thoughts.

19 MR. PAGE: I like that thought.

20 CHAIRPERSON LUDWIG: 100 percent agreed.

21 So, with that in mind, shall we try to
22 coordinate the two surveys relatively soon?

23 MR. WHITAKER: Yes.

24 CHAIRPERSON LUDWIG: Okay.

25 MR. PAGE: Well, I think that the question

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23 that Ramsey asked and that is, we going to ask them to be
4 done at the same time or are we going to ask them to be done
5 sequentially and suggest a time frame?6 CHAIRPERSON LUDWIG: Well, John, since your
7 office will be doing the surveys, what's your thought on
8 that?9 MR. PAGE: From the person who's doing the
10 surveyor standpoint, there's -- it's good not to have both of
11 them, do it at the same time, but there's some value to doing
12 research at the same time, but it's not a big -- it's not a
13 deal, so in other words they -- the office would probably not
14 be eager to have it requested that the surveys both be done
15 and delivered at the same time, you know, quickly, if you
16 will, or expeditiously. They would prefer to do -- to focus
17 on one and then do the second one.18 And so, I think that that's actually a
19 perfectly fine thing to do and to give them probably a
20 minimum of a month per survey to go after it. And, if you
21 want to say that if the money is available that you'd like
22 them to start in April, with a deliverable by middle of the
23 May or something like that, and then something later than
24 that, that tends to move us closer to the end of the year, I
25 think that's fine too.

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23 MR. WHITAKER: Is there any possibility we
4 could do both at once?

5 MR. PAGE: No.

6 MR. WHITAKER: Okay.

7 CHAIRPERSON LUDWIG: Well, I would suggest
8 we -- if the Commission is agreeable that we start one as
9 soon as we hear the Town Board's approval of the funds, and
10 the other one to follow as soon as possible.

11 MR. PAGE: Sounds good to me.

12 CHAIRPERSON LUDWIG: Do we need a motion on
13 that?

14 MR. WHITAKER: I don't think so.

15 CHAIRPERSON LUDWIG: Ken?

16 MR. FRISCH: I think Ramsey's saying no.

17 MR. GORDON: No. I'm saying, no, as well.

18 CHAIRPERSON LUDWIG: Okay.

19 MR. BOEHNER: It's no, and need to authorize
20 to check the status of the contract and renew the agreement,
21 if necessary. And then, with that I can certainly have
22 enough information to help Jeff get through that process, and
23 get that rolling.24 CHAIRPERSON LUDWIG: Very good. So, we're all
25 set then? Very good.

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3 Any other new business?

4 Old business? 42 Varinna Drive, you saw the
5 recent addition to that survey that Mary Jo sent around, in
6 fact, that family that bought Varinna Drive was not the first
7 African-American family to buy a house in Brighton.8 Given that, do we proceed with designation or
9 do we consider perhaps another alternative, such as a marker?10 MR. PAGE: I think the point of the survey as
11 I read it was, that being the first was not an important
12 aspect of the value of the property, and that the social
13 history of the property had a lot going for it other than
14 that.15 If you -- if I read the additional information
16 that Mary Jo provided, it sounds like they could -- and
17 again, I don't think this is important, per se to the
18 designation process -- but that they may well be the first
19 owners of a house that remains in Brighton --

20 CHAIRPERSON LUDWIG: Okay.

21 MR. PAGE: -- since the State used to allow
22 municipalities to rate other municipalities.

23 CHAIRPERSON LUDWIG: Okay.

24 MS. LANPHEAR: I e-mailed Chris about this,
25 and asked him about the statement in quotation marks that

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3 Peter and Yvonne Tolliver were the first black homeowners in
4 Brighton. And it was a tongue in cheek kind of thing that
5 we're always looking for the first or the biggest or the
6 oldest, and it was more he put that phrase in quotation marks
7 for that reason. It was not meant, I don't think, to stand
8 pat as the final say on the matter.

9

10 CHAIRPERSON LUDWIG: But, I think before the
11 survey is presented, I think that probably should come out
12 because it, even though it's in quotes, it infers that they
13 were and --

14

15 MR. PAGE: Yeah, I think the way it's written
16 that it doesn't do that. I mean, we certainly can ask that
17 if you really think that's necessary. We've got the other
18 document that we can put into the record that clarifies that
19 also.

20

21 CHAIRPERSON LUDWIG: Well, there's certainly
22 ample evidence and interesting information on whether they
23 were or not. So, the fact that they had to -- it was not
24 just a -- they didn't walk up and buy the house, there was
25 quite a bit of opposition to it. So, I think that's
important and how it was handled is important.

26

27 But, I do feel that, I'm a little
28 uncomfortable about being the first, whether it's in quotes

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3 or not in quotes, so.

4 MR. GORDON: Jeff, could you put that document
5 up on the screen please?6 MR. PAGE: Yeah, so, I think it's a little
7 more than in quotes, so I appreciate your concern. My
8 concern is that I don't want to delay starting the process.
9 We've already delayed it a month, and so I would -- I'd be
10 pushing for that, but we'll take a vote on it.11 CHAIRPERSON LUDWIG: John, it's not like, you
12 know, it's not like they're going to come and install vinyl
13 windows in the house, that's already been done, so.14 MR. PAGE: No. I just, I always have a desire
15 to try to, you know, do this kind of work as consistent as we
16 can. And, we often find ourselves circumstantially, you
17 know, slowed down from getting more properties designated
18 because of the ability for people to ask for a delay, and so
19 on. So, that's all, that's my --20 CHAIRPERSON LUDWIG: Well, I understand, but
21 it's my feeling that we should have our ducks in a row, as
22 completely as possible before we begin the process.23 MR. PAGE: So, let's read that then. So Peter
24 and Yvonne Tolliver were more than just the first black
25 homeowners in the Town of Brighton, in the quotes there. So

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3 he's not -- see, I actually, when I read that, I read that as
4 that's the discussion about whether they were first or not,
5 was unimportant. So, you know, you -- different people would
6 certainly read that different ways. So, I felt from the
7 beginning that it wasn't a big deal.

8 CHAIRPERSON LUDWIG: But, what if we said,
9 more than just early black homeowners?

10 MR. PAGE: Yeah. Well there's, if we want it
11 to be modified and if we want to push it off, it's easy to
12 change it, or to put a comment down at the bottom about it,
13 after, you know --

14 CHAIRPERSON LUDWIG: Well, I will leave it to
15 the Commission, but I just -- I don't like to see the first
16 in quotes if they're not the first.

17 MS. ROBINSON: Can I ask a question? What is
18 the difficulty of getting the narrative description changed
19 slightly? How would that happen, if we just wanted to change
20 that phrase slightly?

21 MR. BOEHNER: Mary Jo, have you talked to
22 Chris? We have a call into him to talk with him about that
23 after he read your memo, to see if he wanted to have a
24 clarification or a citation?

25 MR. FRISCH: Mary Jo, you're muted.

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3 MR. WHITAKER: It would just say one of first.

4 MS. LANPHEAR: I did e-mail him after the
5 meeting and discussed this with him, and he got back to me
6 about why he had put that first black in. And, I did not
7 reply after that, so it was just one back and forth
8 conversation.9 CHAIRPERSON LUDWIG: Mary Jo, has he seen your
10 memo about them definitely not being the first?

11 MS. LANPHEAR: I did not send that to Chris.

12 MR. PAGE: He has seen it.

13 MS. LANPHEAR: Okay, good.

14 MR. FRISCH: I did reach out to him today and
15 try to get his thoughts on either editing that or adding some
16 sort of situation, but he was off today, so I left him a
17 message and that's something I can circle back with him.

18 MR. GORDON: So, if I could chime in here.

19 Often --

20 Well, let's just back up a little bit. The
21 reason why -- this is going to sound an awful like something
22 I said a couple minutes ago -- the reason why we get surveys
23 is to provide evidentiary foundations or decisions that the
24 Board ultimately is going to be making. Often we have
25 surveys that say a whole lot of things and not all of those

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3 things in the survey are things that this Board relies upon
4 in its findings when it designates a property.

5 So, the important thing, the important action
6 will be if this property is, in fact, designated by the
7 Commission, writing findings that make it clear that this
8 Board did not rely upon the fact that Peter and Yvonne
9 Tolliver were the first black homeowners in the Town of
10 Brighton.

11 Perhaps we don't even mention that in the
12 determinations and findings to designate this property, but
13 articulate the true reasons why this Board -- if that is what
14 this Board decides -- would designate this property and why
15 it meets the criteria of the code.

16 That is what is important, so I don't want us
17 to lose focus on word smithing this too much. Having said
18 that, I agree it doesn't seem like it would be a big deal for
19 Chris to simply issue an amendment or, you know, an addendum
20 to the report that says, here's why I used the first in
21 quotes and explain that, if you, the Board, would feel more
22 comfortable.

23 But I'm telling you, I don't think it's
24 necessary because what's necessary is for you to articulate
25 the findings you relied upon upon designation. And, I'm

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23 very certain that the resolution that you are going to be
4 offered, if it comes to designating this property, will not
5 say, we're designating this property because Peter and Yvonne
6 Tolliver were the first black homeowners in the Town of
7 Brighton. I am sure it will not say that.8 CHAIRPERSON LUDWIG: Thanks, Ken. I'm sorry,
9 I'm just probably being more of a pain here than necessary,
10 but if I see something that is in a survey that is not
11 correct, whether it's in quotes or not, I think it's
12 appropriate that that be revised before the survey is sent to
13 the homeowners and before the Commission votes on it, and
14 that's all. I don't think that's a major deal to take out
15 perhaps first with early, and replace it with early or
16 something like that.

17 MS. ROBINSON: I agree with Jerry.

18 CHAIRPERSON LUDWIG: Thank you.

19 MR. PAGE: Ken, is there a way to craft a
20 resolution that would allow a modification to be made in for
21 the -- for this to be sent out so that we don't lose another
22 month?23 MR. GORDON: I believe that the Board could
24 direct the secretary to sent a letter initiating the
25 designation process, after the secretary receives a revised

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3 letter from Bero Associates relative to this particular
4 sentence.

5 MR. BOEHNER: A revised report or it is a
6 revised letter, what do you want?

7 MR. GORDON: I hope you're not asking me,
8 Ramsey.

9 CHAIRPERSON LUDWIG: It doesn't take a lot of
10 effort to change one sentence in a report. So, I would say
11 we have the revised report and proceed, and that could happen
12 before our next meeting.

13 MR. WHITAKER: As I said earlier, if it simply
14 says one of the first, it's just adding one word.

15 CHAIRPERSON LUDWIG: Right.

16 MS. ROBINSON: Yes, one of the first.

17 MR. GORDON: All right, it's two words.

18 MR. WHITAKER: Yes.

19 MS. ROBINSON: Yes.

20 CHAIRPERSON LUDWIG: Or early, whatever,
21 but --

22 MR. GORDON: But, I do think it would be fine
23 for the Board, if it so chooses, to pass a motion tonight
24 directing the secretary to send a letter to the homeowners to
25 initiate the designation process upon receipt from Chris

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3 Brandt of a revised report relative to this one sentence.

4 CHAIRPERSON LUDWIG: Great.

5 MR. GORDON: We can do that.

6 CHAIRPERSON LUDWIG: Okay.

7 MR. GORDON: If somebody wants to make that
8 motion?9 MR. GOODMAN: I'm sorry, Jerry. I just have a
10 quick question. I'm not, certainly, I'm not opposed to
11 designating this property, I just have a question about in
12 certain circumstances where properties in the town are
13 designated that have sort of witnessed modifications through
14 the years, like the vinyl windows, vinyl siding, and what
15 not, how historically has the Commission -- I'm asking out of
16 ignorance -- historically, how has the Commission dealt with
17 properties that in the future appear before the Commission
18 requesting changes when there's no really historic fabric or
19 historic design in the first place.20 So, for instance, if this house at 42, let's
21 say in five years the homeowners appear before us and they
22 are asking to replace their windows. They already have
23 replacement windows now, so I guess I'm just thinking from a
24 standpoint, typically how, you know, in preservation circles
25 there's a certain level of architectural integrity that we're

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23 trying to preserve, and so therefore people come before us
4 and say, hey, I want to rip out my old windows and put vinyl
5 in; and we say, no.6 In this case, how does that work if there's
7 modifications already in place? I am just asking out of
8 curiosity.9 MR. PAGE: Well, I don't think we've really
10 had that situation, but if we are going to be designating
11 this primarily on social, I think the social aspect is going
12 to be the strong aspect of this. I think we would not -- we
13 would look at if an addition was put on, if it was
14 complimentary to the basic building.15 And I think, let's say they wanted to replace
16 their windows, but they wanted to replace them with a larger
17 window, I think we would say, no, to that. If they wanted to
18 put a window that was smaller than the window that was in
19 there and had trim that made it look like it was not well
20 thought out, I think we would say, no, to that.21 But, I don't think that -- I mean, we would
22 think differently about a house that had replacement windows
23 in it. I think, you know, whatever character defining aspect
24 to the house that remains that would make it, you know,
25 more -- make it able to be understood by somebody who had

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3 seen in the past to know that it was the same building even
4 if it had different windows in it, but the windows were in
5 the same opening as before and so on and so forth. I mean,
6 that's how I would think about it.

7 MR. GORDON: I think John hit the nail on the
8 head, really, by talking about the character. Remember, the
9 process under the code would be that the homeowners would
10 come, post-designation, and ask for a certificate of
11 appropriateness. And the decision the Board would be making
12 is, is the new work consistent with the historic character --
13 you used that word, John -- of the building or the house?

14 Well, the historic character of this Varinna
15 is having to do with the social history, and so any physical
16 change to the building, short of demolition, would be
17 presumably consistent with the historic character, because
18 you're not going to change the historic character of its
19 social value by changing the physical, architectural features
20 of the house.

21 So, I think you do -- and we've done this in
22 the past, we've looked back at the reasons for, or the motion
23 of the findings for designation in determining whether a
24 particular piece of work should or should not get a
25 certificate of appropriateness, based on what was determined

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23 to be the important historic characteristics of a property
4 when it was designated.5 MR. GOODMAN: Okay, well, you know, that
6 helps, it's just, you know, it's a bit of a challenge for me
7 just the way I sort of think in terms of just designation.
8 You know, when I go off of, you know, whether things are
9 national register eligible, or whether certain properties are
10 entered into the national registry, you know, it's a very
11 different kind of approach.12 I don't disagree with that approach, and I see
13 what you are saying, John, and I agree. I just wanted to get
14 that clarification, because this is sort of an A typical, a
15 least in my view, it's an A typical way to approach a
16 destination, but that helps.17 CHAIRPERSON LUDWIG: I think if they were to
18 come before us and say their vinyl windows fell apart --19 MR. PAGE: We wouldn't be surprised, for
20 starters.21 CHAIRPERSON LUDWIG: No, I think we would
22 encourage them to maybe upgrade at least to an Anderson
23 window or something else that might have a little more
24 longevity to it. I think we would probably encourage that.
25 But, yes, we're not, I don't think we're going to say okay,

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23 you have to go out and put 1920 appropriate windows in the
4 house.

5 MR. GOODMAN: Okay.

6 MR. GORDON: But, Wayne, I mean, I want to say
7 two things here. One is, that certainly I don't think any
8 Board member should feel like they have to march in lockstep
9 with everybody else, and if you have a different take on
10 whether this property should or should not be designated,
11 that's perfectly fine and you should feel agreed to express
12 that opinion and vote in accordance with that opinion.13 The second thing I will say is where my mind
14 goes, and maybe I'm just overcomplicating this, is the
15 difficult -- the more difficult issue for me is not if they
16 come in and ask to replace their vinyl windows, the more
17 difficult issue is, you designate a property solely on its
18 historic social value, its historic social value. And, the
19 property owners now or in the future make architectural
20 restoration changes restoring its architectural historic
21 character, and then sometime later somebody comes along and
22 wants to put vinyl windows in.23 But, the Board member designated the property
24 based on its architectural features in the first place, so
25 how do you then justify denying the certificate of

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3 appropriateness when the Board never designated the property
4 because of architectural features in the first place? I
5 think that's -- I mean, that's a few steps down and removed
6 from what you were saying, but I do see exactly the
7 complications and difficulty you speak of.

8 MR. GOODMAN: No, that's exactly what I'm
9 getting at. You know, if you designate a property, you
10 designate it as we would certainly do, in sort of an as is
11 condition, but as is condition is heavily modified.

12 So, I just wanted to get a sense of how the
13 condition fell, you know, and handle the requests.

14 MR. PAGE: So, Wayne, we have a property now
15 that I've had a moment to think about it, that is that, and
16 it is the 12 Corners.

17 MR. GOODMAN: Oh, okay, good example.

18 MR. PAGE: It's a great example. The second
19 one that's not as good is the Malix Bakery, which we had a
20 lot of hassle with, and it leaned heavily on social history.

21 But, the 12 Corners is entirely, is totally
22 the whole, you know, other than the fact that it's a building
23 on that corner with, you know, parking along the perimeter of
24 it, its had two facelifts since, and we actually participated
25 in the second one.

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3 So, we do have a little bit of experience with
4 this.

5 MR. GOODMAN: Okay. Well, thanks, I
6 appreciate the explanations from both of you.

7 CHAIRPERSON LUDWIG: Yes. That's had more
8 facelifts than Dolly Parton.

9 Now, do we need a motion to proceed with the
10 designation of Varinna Drive with an amended report as Ken
11 brought up?

12 MR. FRISCH: Yeah, I think we do.

13 CHAIRPERSON LUDWIG: Ken?

14 MR. GORDON: Yeah, I think the motion could
15 simply be stated this way: That that Board would direct the
16 secretary of the Commission to send a letter to initiate the
17 designation process for 42 Varinna Drive after the Commission
18 receives a modified report from Chris Brandt relative to the
19 sentence that refers to the Tollivers as, quote, the first,
20 end quote, black homeowners in the Town of Brighton.

21 CHAIRPERSON LUDWIG: Okay. May I have someone
22 put forth the motion please?

23 MR. GOODMAN: I would, this is Wayne, I would
24 put forth that motion.

25 CHAIRPERSON LUDWIG: Thank you, Wayne.

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3 Second please?

4 MS. ROBINSON: I will second.

5 CHAIRPERSON LUDWIG: Thank you, Diana.

6 Jeff, will you call the roll please?

7 MR. FRISCH: Ludwig?

8 CHAIRPERSON LUDWIG: Yes.

9 MR. FRISCH: Robinson?

10 MS. ROBINSON: Yes.

11 MR. FRISCH: DelVecchio?

12 MR. DELVECCHIO: Yes.

13 MR. FRISCH: Goodman?

14 MR. GOODMAN: Yes.

15 MR. FRISCH: Whitaker?

16 MR. WHITAKER: Yes.

17 MR. FRISCH: Page?

18 MR. PAGE: Yes.

19 MR. FRISCH: Motion has been approved.

20 CHAIRPERSON LUDWIG: Thank you.

21 Any other old business?

22 MR. FRISCH: There's nothing else on this.

23 CHAIRPERSON LUDWIG: Okay. May I have a
24 motion to -- I don't think there's any other presentations
25 nor announcements, so may I have a motion to adjourn please?

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3 MR. GOODMAN: I move we adjourn.

4 MR. WHITAKER: Second.

5 MR. GORDON: I have a quick announcement
6 before we adjourn, before we take that vote.

7 MR. PAGE: You're behind the motion.

8 MR. GORDON: Yes, I am, point of order.

9 CHAIRPERSON LUDWIG: Go ahead, Ken.

10 MR. GORDON: Point of information, actually.
11 Technically, it's point of information.

12 Thank you, Chair Ludwig.

13 The Governor has extended virtual meetings
14 through the 15th of April, our next meeting is after the
15 15th of April. I'm trying to sort out whether the virtual
16 meetings situation is apt to be extended, unfortunately I
17 have no good information, and primarily because of this nasty
18 thing now creeping around the globe called BA2.19 So, we are going to need see how things play
20 out, but there is a possibility, more than there has been in
21 the past, that we will be seeing each other live and in
22 person at that April Historic Preservation Commission
23 meeting, and I will do my best to get word to all of you, or
24 at least to Jeff so he can get word to all of you as quickly
25 as I can.

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REPORTER CERTIFICATE

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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.

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Dated this 7th day of April, 2022.

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At Rochester, New York

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Rhoda Collins
Rhoda Collins

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