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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

July 28th, 2022
At approximately 7:15 p.m.
Brighton Town Hall Zoom
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JERRY LUDWIG, CHAIRPERSON

JUSTIN DELVECCHIO)
AMANDA L. DREHER)
WAYNE GOODMAN)
DIANA ROBINSON)
DAVID WHITAKER)

BOARD MEMBERS

MARY JO LANPHEAR
Town Historian

KEN GORDON, ESQ.
Town Attorney

JEFF FRISCH
Town Planner

NOT PRESENT:
JOHN PAGE

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

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CHAIRPERSON LUDWIG: Is there anyone who would like to speak in open forum tonight?

MR. FRISCH: It looks like someone is trying to speak.

KAREN BENTLEY: Yes, I would.

CHAIRPERSON LUDWIG: Fine. Would you please state your name?

KAREN BENTLEY: My name is Karen Bentley and I reside at 3939 Elmwood Avenue. I -- my husband and I live across the street from the 3108 East Avenue proposed gas station renovation with the addition of a canopy.

CHAIRPERSON LUDWIG: Okay.

KAREN BENTLEY: And one of the reasons I wanted to speak in the open forum today was to stress and to possibly have you revisit how you are planning to preserve the historic nature of the building.

I do have an image from the 1970s that shows the very beautiful Tudor style nature of the building. And as you all know, gas stations from that time historically were meant to blend in with a neighborhood.

And in the 1930s when the building was actually built by Standard Oil Company, this building had a very charming residential quality to it. And in the 1950s,

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the Brookside neighborhood was being developed, East Avenue was bearing traffic more often between Rochester and Pittsford, and therefore there was a reason to have this cute little neighborhood type of historic looking building in this neighborhood adjacent to it -- across the street and adjacent to our property.

So, at the time that we're thinking of now where we want to preserve the historic nature -- and that's what you do as a Preservation Board, and we all appreciate your efforts to do this for not just this property but others -- I would impart upon you to revisit the address, the canopy addition to the front of the building. And the reason being is that this charming little building would be obstructed significantly by any of us who would view it because the canopy will cover up a good portion of the building, and these historic buildings shouldn't be damaged or have some extravagant structure built in front of them.

And I've done a little study today. I'm a researcher at the University of Rochester, and I went online to see if canopies and the fire retardation aspect that they serve to protect customers at gas stations is still necessary. And, I found that there is now a code outreach program, gas station, new building code and standard that was

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published in 2018, and it says directly on here that the fire retention aspect of a canopy are no longer required by code. I didn't know if any of you were aware of such a thing. I personally have not been. I always assumed that a canopy was there for fire retardant purposes, but I wanted to bring that up as it is an important thing for you to consider when you get this application in front of you again.

So, I think overall that the one other thing I'd like to point out is that in 1930, Standard Oil actually built that building on the vacant land. And what's interesting to know, which I just found out last night after I did more research, is that the Sakuni Vaccum Oil Company was the originator of Standard Oil and Rochester has this wonderful historic associated with Standard Oil who built the building originally.

And, all of that has kind of enlightened me as to why the building itself is a treasure that we should all enjoy and maintain in its native state, and also to just make you aware of some of the research I have done. So, thank you very much.

CHAIRPERSON LUDWIG: Well, thank you.

Being a car guy and a gas station -- well, one of my first jobs was working in a gas station, so I do

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3 appreciate that. And one thing that the current owners --
4 and we hope they do, and that's part of what we talked
5 about -- is to take off the texture 111 plywood that was put
6 on not too long ago and restore the half timbering, yes.

7 KAREN BENTLEY: Is that what you mean by half
8 timbering?

9 CHAIRPERSON LUDWIG: Yes.

10 KAREN BENTLEY: And it's really beautiful when
11 it's on there.

12 CHAIRPERSON LUDWIG: Well, it's under there.

13 KAREN BENTLEY: Oh, it's been covered.

14 CHAIRPERSON LUDWIG: Yes. The former owner
15 covered it over probably 15/20 years ago. I don't know what
16 it was originally designated, but they covered it over before
17 it was designated. As far as the canopy goes, I'll turn that
18 over to our town attorney.

19 I do appreciate your comments. The former gas
20 station did not have a canopy, and the the fire suppression
21 elements were housed in the lights on the island. But, thank
22 you, appreciate that and appreciate your research.

23 Mr. Gordon, would you respond please?

24 MR. GORDON: Well, one thing, Ms. Bentley,
25 that I want to convey to you, is that thank you for coming to

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the open forum. If the Quicklee's proposal does go forward, the Quicklee's folks would have to come by this Board to make a formal application which they have not yet done, for a certificate of appropriateness. And this Board will hold a Public Hearing at which we will listen to comments from the public, including you if you care to speak at that time, and then make a determination as to whether the changes and improvements to the property are consistent with the historic character of the property. And that's what the Board, this Board, is charged with doing under the Historic Preservation Law.

But that hearing has not been held, that determination has not been made. Much like you're doing now, the Quicklee's folks came before this Board in open forum and presented their ideas and plans. And originally, they came in with a much bigger canopy and three islands. At the request of the members of this Board, one island was removed, so they came down to two islands and the canopy was reduced in size.

There was discussion about making sure that it is of the minimal size to obstruct as little of that beautiful building as possible. So, that was the discussion, but quite honestly nothing has yet been approved by this

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Board, so there is no need to reconsider because they have not yet made a decision.

KAREN BENTLEY: Thank you for the clarification.

CHAIRPERSON LUDWIG: Make sure that you do attend the public hearing when we have one on that structure, if we do.

KAREN BENTLEY: Thank you.

CHAIRPERSON LUDWIG: Thank you.

Anyone else for open forum tonight?

Thank you. I would like to call the meeting to order. Mr. Secretary, call the roll please.

MR. FRISCH: Ludwig?

CHAIRPERSON LUDWIG: Here.

MR. FRISCH: Robinson? Not here.

DelVecchio?

MR. DELVECCHIO: Here.

MR. FRISCH: Thank you.

Goodman?

MR. GOODMAN: Here.

MR. FRISCH: Whitaker?

MR. WHITAKER: Here.

MR. FRISCH: John Page is absent.

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3 Dreher?

4 MS. DREHER: Here.

5 MR. FRISCH: Thank you.

6 CHAIRPERSON LUDWIG: Thank you, Jeff. May I
7 have a motion to approve the agenda?

8 MR. WHITAKER: So moved.

9 CHAIRPERSON LUDWIG: Thank you, David.

10 Second, please?

11 MR. GOODMAN: I will second, Jerry.

12 CHAIRPERSON LUDWIG: Thanks, Wayne.

13 All in favor?

14 ALL COUNCIL MEMBERS: Aye.

15 CHAIRPERSON LUDWIG: Agenda stands approved.

16 Minutes from the May 26th, meeting. Any
17 additions or corrections?

18 MS. DREHER: I didn't see any errors.

19 CHAIRPERSON LUDWIG: I didn't either.

20 MS. LANPHEAR: I just found one little one by
21 being the grammar police. Page 6, Line 21, the word should
22 be ITS not IT apostrophe S.

23 MR. DELVECCHIO: Want a black cheeseburger?

24 CHAIRPERSON LUDWIG: What?

25 MS. LANPHEAR: Justin?

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3 MR. DELVECCHIO: Sorry.

4 MR. WHITAKER: Somebody wants a cheeseburger.

5 MR. DELVECCHIO: Yeah, black beamer, just
6 trying to keep the house moving.

7 CHAIRPERSON LUDWIG: Okay.

8 Any other additions or corrections?

9 Motion to approve with corrections?

10 MR. WHITAKER: So moved.

11 CHAIRPERSON LUDWIG: Thank you, David.

12 Second?

13 MS. DREHER: I will second.

14 CHAIRPERSON LUDWIG: Thank you, Amanda.

15 All in favor?

16 ALL COUNCIL MEMBERS: Aye.

17 CHAIRPERSON LUDWIG: Minutes stand approved.

18 Was this meeting duly advertised?

19 MR. FRISCH: This meeting was advertised in
20 the Daily Record of July 21, 2022.

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

23 The first item, communications, Russell Craig,
24 1981 South Clinton Avenue.

25 Jeff, do you have any information on that?

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MR. FRISCH: I think everybody was sent over the communication. It seems from what I hear that that was worked out between Russell and the people putting in the sidewalk. There seems to be something, they may have an agreement that seems to satisfy Russell. I don't know if Ken or Mary Jo have any more recent information than that?

MR. GORDON: Sure, thanks, Jeff. I spoke to Commissioner Guyon on the Commission of Public Works in the Town of Brighton, and he did confirm that the contractor will be adjusting the sidewalk so that the alignment is moved to not interfere with the well. It will now be a sidewalk that will be in front of the private house at the curb, a seven-foot wide sidewalk so as to not interfere with the well.

There was still an outstanding issue as to whether that would be acceptable to Monroe County that has a monument that would need to be relocated, and the Commissioner was hopeful that that permission would be granted. So, I believe that this problem has been resolved.

CHAIRPERSON LUDWIG: Thank you, Ken.

Okay. First item, designation of landmarks, 7H-01-22 application.

APPLICATION 7H-01-22

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3 7H-01-22 Application of Mary Jo Lanphear, town
4 historian, for property owned by Slagana Mitris, at 42
5 Varinna Drive, tax number 137.06-2-62, for landmark
6 designation. All as described on application and documents
7 on file.

8 Mary Jo, do you want to just introduce that
9 please, for the group?

10 MS. LANPHEAR: You all received my memo about
11 the designation of this house. Peter Tolliver was certainly
12 a kind of local famous person in his own right, not only for
13 the purchase of the house in 1960, but also because of his
14 work in civil rights and his absolute dedication to inventing
15 things.

16 I quoted the cultural resources survey in my
17 memo because it said Peter's ceaseless curiosity, problem
18 solving skills, and belief that there's got to be a better
19 way, led to multiple patented inventions from the 1960s to
20 the 2010s, focusing on improving various aspects of his and
21 other's lives and --

22 MR. FRISCH: You got muted.

23 MS. LANPHEAR: -- it just seems that the house
24 is -- perhaps not today -- a good representation of the
25 Tolliver residency there. That's why I sent the photographs

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around their son David sent to me today, that I felt perhaps that he would like them to be published amongst the Preservation Commission members, so you could see the house as they left it in 2019.

But, the house does fulfill, I believe, two of the four criteria that is associated with an important person, Peter Tolliver and the Tolliver family, and it has historic value as part of the cultural, political, economic, architectural, and social history of Brighton.

CHAIRPERSON LUDWIG: Very good. Thank you, Mary Jo.

Is there anyone here to speak on this application, Jeff?

MR. FRISCH: I don't see anybody. There's a phone number on here and if they wish to unmute themselves, they can do that now. Not sure if they're here.

Mary Jo, did you, when you spoke to Mr. Tolliver were you -- was he interested in speaking tonight? Do you know if he was going to join?

MS. LANPHEAR: He's not going to be able to join us. He could not be in attendance because he had a previously scheduled client event that conflicted with this meeting, so he would not be able to join the meeting on Zoom.

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3 MR. FRISCH: Thank you.

4 CHAIRPERSON LUDWIG: Any discussion among the
5 the commission?

6 MR. GORDON: I just have a question.

7 So, Mary Jo, you spoke with David Tolliver,
8 Peter Tolliver's son. Was it your impression that the family
9 opposed designation of this property in Peter Tolliver's
10 name?

11 MS. LANPHEAR: It is an opposition, exactly.
12 They don't feel that the house should be the monument to
13 Peter Tolliver, for Yvonne and Peter Tolliver. He said --
14 I'll see if I can find something here.

15 It is a follow-up e-mail. They're concerned
16 that making the house a landmark makes it the star of the
17 show, whereas the emphasis perhaps should be on the people
18 who lived at the house. And the star of the show were my
19 parents, and where the recognition should be, if anywhere.

20 And then he said he was grateful for the
21 recognition the town gave his father during Black History
22 Month in 2009. And he said something like, that seems to
23 appropriately put the emphasis on the people rather than on a
24 physical aspect.

25 MR. GORDON: And if I could just, Mary Jo,

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3 interrupt you a second. So, I was unaware, perhaps that I
4 thought he had only given you a phone call. I was unaware
5 that he had submitted an e-mail to you. He has submitted an
6 e-mail to you?

7 MS. LANPHEAR: He sent me a follow-up e-mail
8 after I talked to him the other day.

9 MR. GORDON: I'm sorry, would you please read
10 the entirety of the e-mail into the record? It should be a
11 part of the Public Hearing.

12 MS. LANPHEAR: Okay. Here it goes.

13 Mary Jo, it was good to talk with you this
14 morning. Unfortunately, I will not be able to attend the
15 Zoom call tomorrow as I have a previously scheduled client
16 event that conflicts with the meeting.

17 As I said during our call, we think making the
18 house at 42 Varinna Drive the star of the show is putting the
19 emphasis in the wrong place. The house was only a bit player
20 in this story. The stars of the show were my parents and
21 that's where the recognition should be, if anywhere.

22 All my parents were trying to do in 1960 was
23 to find a nice home in a good neighborhood to raise a family.
24 There was zero emphasis on this being a political or racial
25 cause. The only cause was the betterment of the Tolliver

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family.

As you know, we sold the house in late 2017. The new owners have rightfully made their changes to the house. In all candor, while there have been extensive renovations on the inside of the house, the exterior seems to be in disrepair. In our opinion the house, no longer presents well at all.

I was just back in Rochester earlier this month and there were cars parked out on the lawn. Moreover, all of the landscaping has been stripped and the house looks awful. I've attached a picture of the house from the summer right before we moved. The house is a far cry from where it was under our ownership.

We have never sought any recognition for what happened starting in 1960. We were just living our lives. The town very kindly acknowledged my father and his contributions during a town meeting in 2019. Something like that seems to appropriately put the emphasis on the people rather than on a physical asset. In an acknowledgement like that, we could mention the house, but focus on the people.

As I said, the approach being contemplated is like making the football the MVP of the Super Bowl rather than the player. The football is necessary, but could have

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been any football, just like this could have been any house.

I hope this helps. Sorry I cannot be in attendance, but feel free to call me if you have any questions. Regards, David Tolliver.

CHAIRPERSON LUDWIG: Thank you.

MR. GORDON: Thank you, Mary Jo. Just one follow-up on that. So, the pictures that you circulated to the Commission earlier today that I think you sent to Gretchen and Gretchen sent to all of the Commission members. These pictures -- yes, that Jeff I think just pulled those up.

CHAIRPERSON LUDWIG: Yes.

MR. GORDON: Those are represented as pictures taken by David Tolliver or the Tolliver family before they sold the house; is that correct?

MS. LANPHEAR: Right. They were taken the summer of 2017. They sold the house in the fall of 2017. And those photographs were attached to the e-mail I just read.

MR. GORDON: Those pictures do not represent the current condition of the house, correct?

MS. LANPHEAR: That's what David Tolliver says.

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3 MR. GORDON: Do we have any photos of what the
4 current condition of the house looks like?

5 MR. FRISCH: Yes, give me one second.

6 MS. DREHER: I think there were some photos
7 attached to this updated survey. It was wintertime, but I
8 think they do reflect the landscaping.

9 MR. GORDON: Yes, the landscaping has been
10 removed. Okay. That's helpful, Jeff, thank you.

11 I just want to make sure that we make a
12 complete record here before the Board makes any decision.
13 Thank you.

14 CHAIRPERSON LUDWIG: Well, thank you, Mary Jo
15 and Ken and Jeff.

16 Any comments from the Commission please?

17 MR. GORDON: Before we take comments from the
18 Commission are we going to close the Public Hearing and then
19 discuss this matter?

20 CHAIRPERSON LUDWIG: Sure. I close the Public
21 Hearings, let's open it to discussion.

22 Thank you, Ken.

23 MR. GOODMAN: Hey, Jerry, I had a quick
24 comment.

25 CHAIRPERSON LUDWIG: Go ahead.

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MR. GOODMAN: So, I think at a previous meeting when this topic first came up, I had some concerns about the lack of historical integrity or historic integrity remaining in this structure. I think Mr. Tolliver makes some decent points as well.

I think back when this was first brought up at the commission meeting, my initial reaction was it seems like it's more of an opportunity to memorialize the house in context with the Tolliver's history, you know, like a plaque or something of that nature.

However, you know, with that said, I'm not suggesting that I'm opposed to designation, because I think it's really one of those situations that is right on the line for me personally. So I'm not suggesting that I would not designate it, but I think he brings up some really good points and it seems to sort of align with some of my thoughts earlier on. So, I just want to throw that out there. Thanks, Jerry.

CHAIRPERSON LUDWIG: Thank you, Wayne.

Other comments?

MS. DREHER: I find this interesting. I mean, I think we, by designating the house I think we are honoring the people who lived there, especially in this case because,

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you know, under our categories for designation this falls only within the one regarding the people who lived there.

So, we do agree that the house doesn't have, you know, did not qualify under other categories, but only qualifies based on the people that lived there. So I do think that, you know, with some additional explanation it could be made clear to Mr. Tolliver that we are wishing and intending to honor his parents when -- and Peter Tolliver's contributions.

But what I found I wanted more information on is it seems to indicate in his e-mail that the family in 1960 did not intend to make any sort of a statement by pursuing the purchase of the house. And if that is true, I mean, if that is true I, you know, it would be against their wishes to designate the house as for the purposes we are then -- that may be something to consider.

But, do other folks have interpretations on that? Are other folks hearing the same thing?

MS. LANPHEAR: You may recall that I sent around, I talked about Peter Tolliver working to eliminate housing bias as a member of CORE, the Congress of Racial Equality, and serving as a housing chairman. He also served on a panel about the shortage of negro housing in Rochester

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as it was called then. And in 1963, he participated in a series of programs sponsored by WOKR. So, he was active in that field.

So, maybe there's some conflict there between what his actual work was and the purchase of the house, that it looks like there may have been a reason for the purchase of the house.

(Ms. Robinson has now joined the Zoom meeting.)

CHAIRPERSON LUDWIG: Well, I have some concerns to echo Wayne's as well. I am just thinking of other notable people whose houses we've designated. And, I think that Frank Annette and Ken Keating's house -- and in both of those cases the house stands alone and then you throw in the owner and their accomplishments and you have an even bigger package, shall we say.

I don't know. This is a tough one. I don't --

MR. WHITAKER: In my opinion, there's nothing unique about the house other than the owner. It's like every other house in the neighborhood.

CHAIRPERSON LUDWIG: Well, I think you're right, David. And I think unfortunately it might have been a little easier if we had seen the house before or just after

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they moved. And --

MS. LANPHEAR: If you'll remember, the Commission, one of the first houses the Commission designated was the second Tryon house at Landing Road, 319 -- or, no, 421 Landing Road, north, that Oliver Culver lived in. The house itself wasn't much, but the house itself was associated with Oliver Culver our town's first Town Supervisor. So, again, the building was not too much, but the person that lived there was the important thing.

CHAIRPERSON LUDWIG: Right. Well, other comments?

MS. ROBINSON: I think if you look at the state of repair -- disrepair --

MS. DREHER: You are on mute, Diana.

MS. ROBINSON: Sorry I'm so late. I think from the disrepair of the house, the way it looks, and the feelings of the family -- I think I wouldn't go along with the family because they weren't a political family, or that sort of thing. They didn't choose to be noted for their ethnicity. So, I think that would almost be a big negative, I would say.

CHAIRPERSON LUDWIG: How do you feel about a marker?

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MS. ROBINSON: Can we do that?

CHAIRPERSON LUDWIG: Well, we don't, but, Mary Jo, who does the markers?

MS. LANPHEAR: Me.

CHAIRPERSON LUDWIG: You? Are you the marker? Magic marker?

Well, is that a potential compromise?

MR. GOODMAN: Jerry, one thought. I think even if we do decide to go ahead and designate, it's almost as if, I believe there should also be consideration for a marker, because I agree with Amanda's point. That is a good point that she made as far as, you know, I get hung up on the architecture, understandably so, maybe -- but I get hung up on the architectural integrity of the structure when, in fact, our charge goes much wider than that.

And, I think listening to the e-mail that Mary Jo read and listening to Amanda's comment, if designation is, in fact, paying honor to Peter and his wife and the family, there has to be some kind of a context for that, or folks, I don't know how folks would really -- I don't know how the general public would necessarily obtain that kind of, you know, understanding that we're trying to honor that family if there's no sort of public communication in that realm. If

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that makes sense to everyone.

I mean, if we just designate it, it really is not changing anything for the general public. So, it's almost like it -- there's two considerations, but I will be quiet.

CHAIRPERSON LUDWIG: No, that's a good point. And, well, let's say, okay, the house burned down tomorrow and there's no house . A marker or some type of designation like that would still indicate the importance of what the Tollivers did, regardless of the dwelling.

MS. ROBINSON: Where would the marker be?

CHAIRPERSON LUDWIG: Well, it would be in front of the house like it is in the seminary.

MS. ROBINSON: In the right of way?

MS. LANPHEAR: Is a tree lawn.

MR. GORDON: Justin, you have an opportunity to pipe in here.

MR. DELVECCHIO: Thank you, Ken. Yeah, I -- this has given me an opportunity to reflect on how I personally as a member consider the criteria and maybe I have a little bit of, you know, getting hung up on the architectural side. The significance of this structure itself as a structure, as an edifice, and that to me is a

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primary criteria, you know, but all the other criteria are very important, as well.

For me, personally hearing the Mr. Tolliver's thoughts in the e-mail to Mary Jo -- and by the way, Mary Jo, that's fantastic. You guys obviously have a really nice dialogue, and I can see the appreciation, you know, from Mr. Tolliver there. But, I think that if you were in person and we had an opportunity to meet in person, and he could have stood up and talked, I think he would have voiced the same thing.

And personally for me, I'm imagining that and I'm thinking that his reflection on it matters a lot to me. Almost to the point where it may be -- it is quite a tipping point for me, whether that is really part of the criteria. That is, what the owners -- well, he's a former family, you know, family member of the owners, you know, how that -- I think that's a value. I don't know whether the law allows for that, but whatever.

It's how I -- it's going to influence how I weigh the criteria and I personally just don't feel there's enough there to warrant designation, in my opinion, although it's very close. And I do believe though, the marker opportunity, it could be a great way to show more recognition

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and appreciation for Mr. Tolliver.

MR. GORDON: I was wondering, Jerry, if I might provide a little guidance to the Board?

CHAIRPERSON LUDWIG: Yes.

MR. GORDON: And, I'm going to apologize in advance because I'm going to sound like I'm speaking out of both sides of my mouth, surprise, surprise. But, so on the one hand, Amanda is absolutely correct that we can designate a property under the code solely based on the person who lived there. And I have already drafted a designation resolution that focuses on this house being a landmark based on its social and its political history within the town and cultural history within the town. Those are three criteria that are stated under the code and you could designated based on that.

However, I want you to keep in mind what the purpose of the Historic Preservation Law is, and it is preservation. So, if you think about this, if this house is designated and then the owners now or in the future wish to make some alterations to the exterior of the property, what are the determining factors you're going to consider to determine whether the outside modifications to this property are compatible with the historic character of this property,

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3 when the historic character of the property is only the
4 person who lived here in years gone by? And, perhaps all
5 that really gets to is, you would not want to see this
6 particular house demolished perhaps?

7 And I think about if we had a house in our
8 town that was Abe Lincoln's birthplace, regardless of what
9 the architectural character of that house was, we would want
10 to preserve that house as Abe Lincoln's house. I don't know,
11 and that's for you folks to decide, whether this house rises
12 to that type of level that you would want to designate it
13 because you want to protect it from demolition or exterior
14 alterations which are incompatible with the historic
15 character of the house.

16 That's what you are doing when you are
17 designating property. You are not making some grand
18 statement about the importance of the person who lived there,
19 you are preserving the structure and making sure that there
20 cannot be a demolition or exterior renovations that are
21 incompatible with the historic character. That's really what
22 the law does.

23 I don't know if any of that was helpful, but
24 that's what I wanted to contribute.

25 CHAIRPERSON LUDWIG: Thank you, Ken.

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MS. ROBINSON: I have a question. If Ken says modifications were made to the outside, they come to us. What would we have to compare it with? Could we go back to the house the way it was five or six years ago and say, make it look like that? Because it doesn't -- what would we be living up to then?

CHAIRPERSON LUDWIG: We certainly could, but would that be -- it has vinyl windows, vinyl siding or aluminum siding. But, is that reasonable for us? And, you know, is it -- it's going to be really hard to say, oh, yes, put your new vinyl windows in when these fall apart. I agree, that's one of the issues.

MR. WHITAKER: If it hasn't been designated, we can't restrict it.

CHAIRPERSON LUDWIG: No. And I'm not sure -- well, it goes back to what Diana said and Justin. I personally, and I brought this up at our pre-meeting, I feel uncomfortable about designating this property, and especially, and that's -- I felt that way even before I heard what Mary Jo, the communication that Mary Jo had from Mr. Tolliver.

So, since Mary Jo is the person in charge of markers, I think that's probably maybe a good compromise.

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MR. WHITAKER: I agree. I think that would satisfy the son. I don't know what the current owners would say.

CHAIRPERSON LUDWIG: Well --

MS. ROBINSON: It doesn't matter.

MR. WHITAKER: It doesn't matter, okay.

CHAIRPERSON LUDWIG: It never does -- well, sometimes it does, but I personally cannot support the destination and I was sort of on the fence until I heard the communication.

But, and I think there's considerable doubt on the Commission for designation, so should we take a vote?

MR. WHITAKER: Yes.

MR. GORDON: Would you like a motion of some sort that I could propose?

CHAIRPERSON LUDWIG: Please do, yes.

MR. GORDON: Would you like a motion to approve or a motion to deny?

CHAIRPERSON LUDWIG: Well, since the water seems to be on the disapproval side, I guess disapprove please.

MR. GORDON: Okay.

MR. GOODMAN: Ken and Jerry, I'm just, I'm

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2
3 sorry, I have one quick question. So, you know, I'm trying
4 to think through future applications for certificate of
5 appropriateness, and I was struggling with the same thing,
6 Jerry. If they come before us and say we have to replace
7 windows, you know, would I really be in a position to make
8 them use wood windows in the entire -- you know, I think
9 that's a little onerous on our part.

10 So then, you're right. I go back to what Ken
11 said about designation for even like a demo only approval,
12 however, this is a question for you, Ken.

13 So, we don't have that kind of authority,
14 correct? I mean, it's either designation or not. We don't
15 have this in between, correct?

16 MR. GORDON: In terms of placing a marker, are
17 you asking, Wayne?

18 MR. GOODMAN: No, no. I'm talking about if
19 this property is designated, we would have to review work on
20 that property just like any other designated property. We
21 don't have the ability to say, just on this one property we
22 only review demo, right?

23 MR. GORDON: As a practical matter, that's how
24 you could address applications, but they would still have to
25 go through a Certificate of Appropriateness application

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process, absolutely.

MR. GOODMAN: And if they were to demolish it anyway, at this point by default, they would need to come before us for a -- prior to demolition, correct?

MR. GORDON: Right. If the house was going to be proposed to be demolished, and by demolished we talk about 50 percent or more of the exterior walls. Before the demolition permit could be issued, it would have to come before this Board to find out if this Board had an interest in designating the property before it was demolished.

MR. GOODMAN: Okay, thank you.

MR. GORDON: You concur with that, Jeff? Do you agree with that?

MR. FRISCH: Yes, but I don't know if this was disapproved would it still be able to come back to the Board for approval later on?

MR. GORDON: Sure.

MR. FRISCH: Okay.

MR. GORDON: That's the nature of boards, in fact, that the six people that we have on the Commission at this meeting right now might not always be the same six people on this Commission, or seven people, right?

So, yeah, some future Board with different

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members might make a different decision.

CHAIRPERSON LUDWIG: Would you prepare a motion, Ken? Unless there's other discussion.

MR. GORDON: Okay. I would propose the following motion: Whereas, application 7H-01-22 has been submitted for designation, of 42 Varinna Drive in the Town of Brighton, County of Monroe, State of New York, tax parcel number 137.06-2-62 as a landmark under the town's Historic Preservation Law.

And whereas, the Historic Preservation Commission duly called a Public Hearing to consider such matter, which the Public Hearing was held on July 28, 2022. And all persons having an interest in such matter having had an opportunity to be heard therein.

And whereas, based upon the material submitted at and the testimony presented in the Public Hearing including the application prepared by town historian Mary Jo Lanphear, dated May 3, 2022, the cultural resource survey of said property by Christopher Brandt, B-R-A-N-D-T, of Bero Architecture PLLC, dated January 20, 2022, which was updated in March 2022, and a memorandum prepared by the town historian Mary Jo Lanphear dated July 18, 2022, and such other and further material as submitted to the Historic

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Preservation Commission in connection with the application, the Historic Preservation Commission hereby determines that the application for designation shall be denied and the Historic Preservation Commission hereby requests the town historian to consider identifying the subject property with an appropriate historic marker.

CHAIRPERSON LUDWIG: Thank you, Ken.

May I have someone put forth a motion please?

MR. WHITAKER: I'll do that, sir.

CHAIRPERSON LUDWIG: Thank you, David.

Second please?

MR. DELVECCHIO: Second.

CHAIRPERSON LUDWIG: Thanks, Wayne.

Any discussion?

MR. FRISCH: That was Justin who seconded.

CHAIRPERSON LUDWIG: Oh, I'm sorry.

MR. DELVECCHIO: I'm honored.

CHAIRPERSON LUDWIG: Thanks.

Any discussion?

Okay, Jeff, will you call the roll please?

MR. FRISCH: Ludwig?

CHAIRPERSON LUDWIG: Yes.

MR. FRISCH: Robinson?

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MS. ROBINSON: Yes.

MR. FRISCH: DelVecchio?

MR. DELVECCHIO: Yes.

MR. FRISCH: Goodman?

MR. GOODMAN: Yes.

MR. FRISCH: Whitaker?

MR. WHITAKER: Yes.

MR. FRISCH: Dreher?

MS. DREHER: Yes.

CHAIRPERSON LUDWIG: Very good. Thank you,
all.

MR. GORDON: With that vote, Jeff, the
application is denied, correct?

MR. FRISCH: Correct, yes.

CHAIRPERSON LUDWIG: Very good.

We have no certificate of appropriateness, we
have no hardship applications, the Public Hearings are now
closed.

Any new business?

MR. FRISCH: No.

CHAIRPERSON LUDWIG: Old business? We already
talked about 3108 East Avenue, we shall see how the Zoning
Board meets a week from yesterday, so we will see how that

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goes.

Any other old business?

No presentations, any announcements?

Motion to adjourn.

MR. GOODMAN: So moved.

MS. ROBINSON: I will second.

CHAIRPERSON LUDWIG: You got it Wayne?

MR. GOODMAN; Diana had it with me.

CHAIRPERSON LUDWIG: Thank you. All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON LUDWIG: Thank you very much,
folks. Really appreciate it.

MR. FRISCH: Thank you everybody.

* * *

REPORTER CERTIFICATE

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.

Dated this 4th day of August, 2022.

At Rochester, New York

Rhoda Collins
Rhoda Collins