

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

September 22nd, 2022
At approximately 7:15 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JERRY LUDWIG, CHAIRPERSON

JUSTIN DELVECCHIO)
AMANDA L. DREHER)
JOHN PAGE)

BOARD MEMBERS

MARY JO LANPHEAR
Town Historian

KEN GORDON, ESQ.
Town Attorney

JEFF FRISCH
Town Planner

NOT PRESENT:
DIANA ROBINSON
DAVID WHITAKER
WAYNE GOODMAN

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

BRIGHTON HISTORIC COMMISSION 09/22/2022

CHAIRPERSON LUDWIG: I should ask if there's anyone here for open forum.

Doesn't look like it.

Well, I think we should call the meeting to order.

Would you call the roll, Jeff?

MR. FRISCH: Ludwig?

CHAIRPERSON LUDWIG: Here.

MR. FRISCH: Robinson, not here.

DelVecchio?

MR. DELVECCHIO: Here.

MR. FRISCH: Goodman, not here.

Whitaker, not here.

MR. FRISCH: Page?

MR. PAGE: Here.

MR. FRISCH: Dreher?

MS. DREHER: Here.

CHAIRPERSON LUDWIG: Thank you.

May I have a motion to approve the agenda?

MS. DREHER: I'll move to approve the agenda.

CHAIRPERSON LUDWIG: Thank you.

Second, please?

MR. DELVECCHIO: Second.

1 BRIGHTON HISTORIC COMMISSION 09/22/2022

2
3 CHAIRPERSON LUDWIG: Thank you.

4 All in favor?

5 ALL COUNCIL MEMBERS: Aye.

6 CHAIRPERSON LUDWIG: Agenda stands approved.

7 Minutes. Any additions or corrections?

8 MS. DREHER: I just have one substantive
9 correction. Page 28, Line 11, destination should be
10 designation.

11 CHAIRPERSON LUDWIG: Okay. Page 4, Line 14,
12 should be Sacony Vacuum, S-A-C-O-N-Y and then Vacuum, both in
13 capitals.

14 On Page 20, Line 24, it should be Fred
15 Gannett.

16 Anything else from anyone?

17 Motion to approve as amended?

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

19 CHAIRPERSON LUDWIG: Second?

20 MS. DREHER: I will second the motion.

21 CHAIRPERSON LUDWIG: All in favor?

22 ALL COUNCIL MEMBERS: Aye.

23 CHAIRPERSON LUDWIG: Minutes stand approved.

24 Was this meeting duly advertised?

25 MR. FRISCH: The meeting was properly

BRIGHTON HISTORIC COMMISSION 09/22/2022

advertised in the Daily Record of September 15, 2022.

CHAIRPERSON LUDWIG: That meeting as properly advertised will now be held.

We have no communications, no designation of landmarks, no certificate of appropriateness, no hardship applications, Public Hearings are now closed.

The first item on our new business is demolition review 12 Elmwood Hill Lane.

Mary Jo, would you just introduce that?

MS. LANPHEAR: Okay. I did do some digging into the history of the property and it was developed in 1911, for Joseph Francis Weller. The Wellers were there until about mid-century when John D. Cockeroft bought the lot on which the Wellers outbuilding was located. So, it wasn't the Weller house, it was the Weller outbuilding.

I don't know what happened to the Weller house, it must have been razed about that same time because there's a ranch house where the Weller house was.

But, John D. Cockeroft was a relatively famous person at that time. He was the chair of RT French and he had come from England to do that. And the house was -- that he commissioned was designed by three rather prominent architects, Martin McGraw and Wenton Wired, and they had done

BRIGHTON HISTORIC COMMISSION 09/22/2022

some -- some of their commissions included the Church voters building in Fairport, the Rochester Civic Center, the Conway Todd, and then the Hall of Justice, also downtown. First Baptist Church in Brighton, Christ the King Church in Irondequoit, for just a few.

And Wired was also the architect for the Kenneth B. Keating house at 3500 Elmwood Avenue. The partnership ceased with the death of McGraw and Martin in 57 and 58.

So, that's all I can really tell you about the house. It was designed much more modernly. The house that was there before, according to the picture of the back here, the Weller house which was there, had three big bays that looked quite substantial. And this was the barn that was torn down for number 12 Elmwood Hill Drive. And this house was torn down at some point for the ranch house up there. So, that's all I can really tell you.

CHAIRPERSON LUDWIG: Well, if we approve the demolition, this will be the third time, maybe the charm.

Any discussion on this?

Has everyone -- anyone been by? Everyone been by it?

MR. PAGE: Yes.

1 BRIGHTON HISTORIC COMMISSION 09/22/2022

2
3 CHAIRPERSON LUDWIG: Anyone in the audience to
4 speak of this?

5 Well, then I guess I'd like to -- yes?

6 MR. GORDON: I will share, last night at the
7 Planning Board meeting, the owner of the property came, Kim
8 Bailey, and her engineer Larry Heininger, and her architect
9 Mark, whose name escapes me, did present on this. Jeff and I
10 both advised him it was not necessary for them to come
11 tonight.

12 They did share, at least Larry Heininger
13 shared that there was an active and damaging water leak in
14 the property which flooded the basement, caused damage to the
15 floors, the walls, et cetera, so I wanted to share that.

16 CHAIRPERSON LUDWIG: Okay, thank you. Anyone
17 else?

18 We'll close the Public Hearing, not that
19 there's a Public Hearing.

20 Ken, would you provide a motion then please?

21 MR. GORDON: Sure. As you recall, the issue
22 here is simply does the Board have an interest in landmarking
23 or starting the landmarking process for this property as it
24 now exists.

25 So, a proper motion would be: The Board does

BRIGHTON HISTORIC COMMISSION 09/22/2022

not have any interest in designating the existing property,
at 12 --

MS. LANPHEAR: 12.

MR. GORDON: Yes, at 12 Elmwood Hill Lane, as
a landmark under the Historic Preservation law of the Town of
Brighton.

CHAIRPERSON LUDWIG: So, a yes vote means no,
basically.

MS. DREHER: I will make the motion.

CHAIRPERSON LUDWIG: Thank you.

Second?

MR. DELVECCHIO: I'll second.

CHAIRPERSON LUDWIG: Thank you.

Any discussion?

Jeff.

MR. FRISCH: Ludwig?

CHAIRPERSON LUDWIG: Yes.

MR. FRISCH: DelVecchio?

MR. DELVECCHIO: Yes.

MR. FRISCH: Page?

MR. PAGE: Yes.

MR. FRISCH: Dreher?

MS. DREHER: Yes.

1 BRIGHTON HISTORIC COMMISSION 09/22/2022

2
3 CHAIRPERSON LUDWIG: Motion passes. Thank
4 you.

5 Next item, old business. The original
6 application was 1H-01-21.

7 APPLICATION 1H-01-21

8 1H-01-21 Application of Rufus & Amy Judson,
9 owners of property at 3541 Elmwood Revised Avenue, tax number
10 137.12-2-15, for changes to materials used on a pool cabana
11 previously approved under a certificate of appropriateness
12 (1H-01-21). All as described on application and documents on
13 file.

14 CHAIRPERSON LUDWIG: Anyone to speak on this?
15 Come up and introduce yourself please for the record.

16 PATRICK DECKER: Hello. My name is Patrick
17 Decker and I am an employee of the pipe company. In this
18 piece I am representing Rufus Judson who was unable to
19 attend, due to a business obligation that came up late. And,
20 I was the project manager on his project.

21 Let it be known, I am not typically a project
22 manager for the company, as much as anything I am a friend of
23 Rufus in the company. So, a little different for me, I
24 happen to have an expertise in civil and site work more than
25 I do buildings. So, a lot of this is new though to me, to be

BRIGHTON HISTORIC COMMISSION 09/22/2022

honest with you.

But, the only other thing I will say, is the roofing contractor did come to us and was not keen, I should say, on the initial idea of standing seam product, and suggested a mix more appropriate and close to what the actual house is.

CHAIRPERSON LUDWIG: Who is the roofing contractor?

PATRICK DECKER: CSTM, Curt.

CHAIRPERSON LUDWIG: I'm surprised.

PATRICK DECKER: You know him?

CHAIRPERSON LUDWIG: Oh, yes. Not in a bad way.

PATRICK DECKER: I agree. I have an actual fabulous opinion of him at this time. He is excellent.

Anyway, he did suggest some different products. He really suggested, let's move in a little bit of real copper into the roof. And, he presented a shingle to us that has a very similar look as the slate on the house and wanted to just bring it all around.

In addition to that, he was having a hard time with metal product at that time, and Rufus thought it was an excellent idea one presented with the copper elements, if you

BRIGHTON HISTORIC COMMISSION 09/22/2022

had a chance to take a look at it. It came out quite amazing in my opinion.

So, I see it as, you know, I feel like I agree on presenting it as a genuine upgrade to something else. I guess that's all.

CHAIRPERSON LUDWIG: I don't understand why Curt would not recommend slate to match the house.

PATRICK DECKER: I think if he had the budget in mind that actually something like that might have been, but that number would have been way, way out of reach.

CHAIRPERSON LUDWIG: Now, has the siding changed also?

PATRICK DECKER: No, no. The siding remains.

MS. DREHER: This is the diamond coat siding that was in the original application?

PATRICK DECKER: That's correct.

MS. DREHER: I checked on it, because it looks great and I'm familiar with it as well.

CHAIRPERSON LUDWIG: Well, yes. I don't particularly care for embossed wood because it doesn't really look like real wood that was painted. That's the only -- party plank I only recommend people turn it inside out so it's a smooth finish.

1 BRIGHTON HISTORIC COMMISSION 09/22/2022

2
3 But, anyway, that's not on our docket tonight.

4 Well, any comments about the roof?

5 MR. PAGE: I want to get clarification on
6 specifically what the application is. I understand they're
7 changing from metal (inaudible).

8 THE COURT REPORTER: I can't hear, what kind
9 of roof? Can you pull the microphone closer?

10 CHAIRPERSON LUDWIG: Hold on a minute, do you
11 have the original application anyone?

12 MR. FRISCH: I have it on my desk.

13 CHAIRPERSON LUDWIG: Oh, you have it?

14 MS. LANPHEAR: I have the same thing that you
15 got.

16 CHAIRPERSON LUDWIG: Oh, not the original,
17 okay.

18 MR. PAGE: I think I'm fine. So, the basic
19 request is to omit the standing seam metal roof that was
20 approved and substitute architectural asphalt shingles, that
21 part I understand. Do I further understand based on the
22 photographs, or the modified photographs, that you are going
23 to install copper at the edge for the bottom foot or two of
24 the roof?

25 PATRICK DECKER: If you've seen the

BRIGHTON HISTORIC COMMISSION 09/22/2022

photographs as installed right now, there's quite a bit of copper that was included. The bottom snow sweeps and the flashings are all copper.

MR. PAGE: Okay.

PATRICK DECKER: And they were not going to be necessarily originally.

CHAIRPERSON LUDWIG: The original application calls for a metal standing seam roof, dark bronze color. Now, apparently they called several roofers and turn metal, which is traditional, is no longer available. Which leaves the option of pre-painted steel or aluminum or copper. So, I'm a little surprised that a pre-painted metal wasn't suggested.

MR. PAGE: I think that the result is -- so now I understand. Okay, this is actually an application to correct the previously approved application after the fact.

CHAIRPERSON LUDWIG: Yes.

MR. DELVECCHIO: So, I have a question. Are all of the photos live as is? It's not adapted? There's some really powerful software out there, so that this is just the shot taken?

PATRICK DECKER: That's Rufus's iPhone.

MR. FRISCH: There's some in here that I took

BRIGHTON HISTORIC COMMISSION 09/22/2022

as well.

MR. DELVECCHIO: So, this is as built?

MR. FRISCH: Yes.

MR. PAGE: So, I think it looks lovely. I would have had no problem approving this, had it been submitted. So, it's quite common to get, or a good property project like this, to use an expensive asphalt shingle that is an architectural shingle that has some characteristics that are similar to slate, if there's slate on the house.

This is an independent building, and a new building reads that way, but it is nicely designed and is compatible with the building.

So now that I understand it, other than always being slightly disappointed when people come in after the fact instead of before the fact, I have no problem with this, and it looks as, you know, well-installed as you would expect CSTM to do.

MR. GORDON: So, if I could clarify, your question, John, was: What is the application? And although it is perhaps not artfully prepared, the application or accurately prepared, what it really is, is an application to amend the prior Certificate of Appropriateness that was granted for this project. And, you sort of hit the nail on

BRIGHTON HISTORIC COMMISSION 09/22/2022

1
2
3 the head there with going back to, if the project had been
4 presented with this architectural asphalt shingle in the
5 first instance, would you, the Board as a whole, have granted
6 the Certificate of Appropriateness finding that that
7 improvement was consistent with the historic character of the
8 landmark property.

9 That's the issue, that's the application. I
10 would like if Jeff could share a little bit about how this
11 issue came up, because I think it would be instructive to the
12 Board.

13 MR. FRISCH: Prior to closing out
14 applications, whether -- for this one I went out with the
15 building inspector, who was going out for a final inspection.
16 So, before we close out anything that has the Board's
17 approval, whether it's ARB, Historic Preservation Commission,
18 we go out and take a site visit.

19 So, I went out to the site and with the
20 materials there and saw that what was installed in the site,
21 what wasn't matching what they approved. And so, I told them
22 he should come in to seek approval from the Board for the
23 changes to what was originally approved.

24 PATRICK DECKER: Personally, I would have
25 never -- I would have had no idea. If he would have just

BRIGHTON HISTORIC COMMISSION 09/22/2022

said something, I wasn't part of the initial process. It's not, you know, but, I was surprised too. He was sharp on picking it up, for that matter.

MR. GORDON: So, John, you indicated that you're somewhat disappointed that the applicant is coming in after the fact.

MR. PAGE: Not this gentleman.

MR. GORDON: No, certainly not this gentleman. He is not the applicant, Mr. Judson is the applicant. So, in addition to him not coming in, they performed the work with materials that were not authorized by this Board. They did not voluntarily come in with an application saying, well, we did it and had to get it done because we were protecting our improvement and we needed to get a roof on it and this is the quickest we could get it in.

The only reason that this application is here is because town staff went down to inspect it, and would not pass it given that different materials were used.

MR. PAGE: Good.

MR. GORDON: Yes, good, but sort of the -- for me, and I will just speak for me, I am beyond disappointed. I'm not happy at all that our town staff had to catch them in, frankly, a violation of their Certificate of

BRIGHTON HISTORIC COMMISSION 09/22/2022

Appropriateness and instruct them to come in and make an application. That's sort of a different level of an application, than someone just simply coming in after the fact.

I just wanted the Board to be aware of how this came in.

CHAIRPERSON LUDWIG: Well, I'm a little disappointed. I don't know if I'd use another word, but I am disappointed as well, and I guess this is probably without a doubt the most expensive pool cabana that's ever been built in Monroe County. And, I guess if you're going to have a timber frame structure that is elegant and everything like that, and you're not going to use standing seam, why not put slate on it to match the house? Now, that's my comment.

But, as we often said, forgiveness is easier than permission.

So, Amanda, your thoughts?

MS. DREHER: Well, I would echo what John said, and I don't know if it's possible to include a note to the Judson's, they have a beautiful, large property they recently purchased and will likely be back before this Board many times over their ownership of the property and a reminder of what our purview is.

BRIGHTON HISTORIC COMMISSION 09/22/2022

But, yeah, of course, disappointed that they did not think to come in and discuss the change. I know it's a big project, a lot of moving parts, but that is what, you know, when you own a landmark, that is what is required.

But, overall I think it looks good, materials are satisfactory and it is a new build. I think, yes, Jerry, it would look lovely with the slate, but it is a new build and I think esthetically this looks good.

And for what I decide tonight, I would have voted in favor of it, if it were presented before as well.

MR. DELVECCHIO: I would have voted in favor as well, but I think the Judsons should be aware, you know, future applications will be taken, you know, to another level in a detailed review. I look at this as an agreement, the certificate is really a mutual agreement. They certainly would have had time to come back. We accommodate all sorts of last minute things, and so I question why it went this route, how it went so far, and it compromises the process I see they follow on how they deal.

CHAIRPERSON LUDWIG: Well, the Judsons of course, don't have any construction background, so I can understand how something like that would fall through the cracks.

1 BRIGHTON HISTORIC COMMISSION 09/22/2022

2
3 MR. GORDON: I think they were being sarcastic
4 with that comment.

5 PATRICK DECKER: I will tell you, I'm playing
6 advocate. Again, we did this project on much more of a
7 design build-like avenue where many of the trades, many of
8 the contractors, subcontractors, were given initial guidance,
9 and then were at that point allowed to utilize their own
10 materials, their own suggestions, their own details moving
11 forward at that point, which we did a lot of.

12 So we utilized, we asked a lot of questions:
13 Hey, what's the best way to do this? How would you guys do
14 this? And we went with those ideas in many, many aspects.
15 So, to be honest with you, in almost defense of our project
16 architect, our landscape architect, Mark, they weren't really
17 involved in any of this at this point in time. Which, I
18 think is a little bit of checks and balances that maybe is
19 how things got missed is they would been more in tune with
20 this type of action.

21 Whereas, us out there doing it, we just kept
22 on trying to do the best we could, the best -- make the best
23 decisions day to day without the checks and balances. Maybe
24 that aspect, designed build, to be honest with you.

25 MR. FRISCH: Did you have a copy of the

BRIGHTON HISTORIC COMMISSION 09/22/2022

approved plans by the Historic Preservation Commission or plans of the standing seam?

PATRICK DECKER: We do. We had all of that readily available to us. That's all on site, and we had an area of our project where we kept a running group of files, you know.

MR. PAGE: I think that the key here is that the applicant, the owner would be in charge of ensuring that the protocol was followed. And I would say that the application was very well done, very well presented. And so, they certainly were capable of making a good application, and I think that they're capable of following up.

And I will say that the Board, as suggested, has a history of being very responsive when there's a timely issue that needs to be dealt with. It's quite common, actually. I'd say maybe 20 percent of the Certificates of Appropriateness people come back and request a modification of some sort or another.

This case, it was a material change it wasn't a change to the -- that was necessarily going to, you know, other than Jerry's desire here, wasn't going to be super significant.

CHAIRPERSON LUDWIG: Well, I'm certainly not

BRIGHTON HISTORIC COMMISSION 09/22/2022

going to, I don't think, make you take the asphalt off and put something else on. But, I think the process is where the breakdown was, as been alluded to.

Any other comments or questions?

Okay. Let's close the Public Hearing, and would you prepare a motion please?

MR. GORDON: Could you give me the date that the original Certificate of Appropriateness was granted?

CHAIRPERSON LUDWIG: The original application was presented to us on February 25, 2021, and on the following day there was a letter to the owners and to Mark Beyor saying, the Historic Preservation Commission approves the application and with the following condition: All materials presented by the applicant shall be used in the project work. Work shall be completed within one year of approval. Please note that all building permits shall be obtained.

MR. GORDON: What is the original application number please?

MS. DREHER: On our agenda, 1H-01-21.

MR. GORDON: So we didn't give this matter a new application number?

MR. FRISCH: No.

1 BRIGHTON HISTORIC COMMISSION 09/22/2022

2
3 CHAIRPERSON LUDWIG: The original application
4 1H-01-21, the Public Hearing was scheduled on January 28th.

5 MR. GORDON: Okay.

6 CHAIRPERSON LUDWIG: Is that close enough?

7 MR. GORDON: Yes.

8 MS. DREHER: Do we need to grant an extension
9 as part of this motion?

10 MR. GORDON: Well, when was the work
11 completed?

12 PATRICK DECKER: I don't have the exact date.
13 We've been done with building construction for four months,
14 three months even. We've been working on grounds and the
15 pool for the past --

16 CHAIRPERSON LUDWIG: Jeff, do you want this --

17 MS DREHER: If it matters at all. It doesn't
18 make a difference for our records or procedures then.

19 MR. GORDON: Yeah. I think -- I have
20 something in mind that will interest them.

21 PATRICK DECKER: I might have some dates, I
22 mean, we've had that out quite a lot. He might have dates of
23 where things were when he came out.

24 MR. GORDON: I think I'm ready to go, if you
25 are ready.

BRIGHTON HISTORIC COMMISSION 09/22/2022

CHAIRPERSON LUDWIG: Okay.

MR. GORDON: Okay.

Whereas, Application 1H-01-21 was previously submitted and approved by the Board on February 25, 2021, for a Certificate of Appropriateness under the Town's Historic Preservation Law for improvements of the property located at 541 Elmwood Avenue, tax number 137.12-2-15 for the construction and improvements to the property, including a pool house.

And whereas, said application having been approved had certain conditions, including the mandate that the materials used in the improvement matched those presented to the Board.

And whereas, the owners of the property, Rufus and Amy Judson, having installed on the pool cabana architectural asphalt shingles with a copper metal edge, which materials are different than those in the original application.

And whereas, said owners have not applied to the Historic Preservation Commission for an amendment to the previously granted Certificate of Appropriateness to allow for the installation of the asphalt architectural asphalt singles with a copper metal edge on the pool cabana.

BRIGHTON HISTORIC COMMISSION 09/22/2022

And whereas, the Historic Preservation Commission set a hearing to consider the application to amend the prior Certificate of Appropriateness to be heard on the 22nd day of September 2022.

And whereas, the applicant was represented at the hearing and testimony was presented as to the reason for the replacement materials.

And whereas, the date on which the prior Certificate of Appropriateness was granted is more than one year prior to today's hearing.

It is now hereby resolved that the Historic Preservation Commission grants the application to amend the prior Certificate of Appropriateness to allow for the installation of architectural asphalt shingles with a copper metal edge having found that those materials in the installation thereof on the pool cabana are consistent with the historic character of the property.

And, be it further resolved that the Certificate of Appropriateness previously granted is hereby extended for a one-year period nunc pro tunc from February 25, 2022.

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

MS DREHER: I will second the motion.

BRIGHTON HISTORIC COMMISSION 09/22/2022

CHAIRPERSON LUDWIG: Thank you.

Any discussion?

MR. FRISCH: Ludwig?

CHAIRPERSON LUDWIG: Yes.

MR. FRISCH: DelVecchio?

MR. DELVECCHIO: Yes.

MR. FRISCH: Page?

MR. PAGE: Yes.

MR. FRISCH: Dreher?

MS. DREHER: Yes.

PATRICK DECKER: I can go now?

CHAIRPERSON LUDWIG: You can.

Any other old business?

MR. GORDON: I would just make a note for the record here that, when the approval letter goes out that I think I heard all of the Board members express a desire to have staff include in that a reminder about the proper procedures and requisites of the Historic Preservation Law.

MR. PAGE: So you are suggesting like a sentence that says if you find yourself in a position to need to consider modifications, that you need to come back to the Board?

MR. GORDON: Prior to performing the

BRIGHTON HISTORIC COMMISSION 09/22/2022

modifications.

CHAIRPERSON LUDWIG: Good point.

Anything else?

MR. PAGE: I have a question about when we get an application, and maybe this is a special situation that this application seems incomplete, and I would have kicked it maybe.

MS. DREHER: I was surprised that it would be accepted without any information.

MR. PAGE: Or perhaps, you know, if the person was there and could have been assisted with filling out certain things, when I looked at it I was confused. And my only -- since I didn't have the old application to reference, it didn't say it was an amendment, although it was implied. It didn't say it was limited to roofing, although it was implied. It isn't an application to require a lot of information, but --

MS DREHER: It wasn't signed either.

MR. PAGE: It was consistent with the spirit of the whole endeavor, after the fact.

MR. FRISCH: This is kind of on me. I wasn't sure how to handle modifications previously approved.

MR. DELVECCHIO: Probably like a new

BRIGHTON HISTORIC COMMISSION 09/22/2022

application, but it's an amendment, so the standard of submission would be the same.

MR. FRISCH: Okay.

MR. DELVECCHIO: And the timing, you know, I'm not getting into the detail here, but, okay. If we are trying to be open to respond quickly to changes, we do not want to hold up a job for two months. So, I don't know what accommodation we have, ability to move more quickly. They probably said -- you know, I'm surmising of what happened -- someone might have said, well, wait a minute, and they might not have and said, just keep going.

CHAIRPERSON LUDWIG: The whole process sounds pretty lose.

MR. DELVECCHIO: From not complying enough.

CHAIRPERSON LUDWIG: We'll let the design build team take care of that.

MS DREHER: Well, this application is dated September 9th, so we did not have it brought before us this month. We did not require them to wait to give notice to the public.

MR. FRISCH: It was given proper notice to the public.

MS DREHER: Oh, okay. I would have thought it

BRIGHTON HISTORIC COMMISSION 09/22/2022

would have had a cutoff.

MR. DELVECCHIO: Within one year.

MR. GORDON: What's the cutoff for the meeting, Jeff?

MR. FRISCH: It was prior to the 9th.

MR. GORDON: Yeah. I think that's what Amanda was really referring to is, we did ask about this and got it on the agenda. We did sort of bend the rules.

I do think all of your points are very well taken, where we have a process we need to follow the process. If somebody doesn't follow the process, we still need to make sure that process is followed. But, we need to be flexible in getting things on the agenda more quickly.

That's sort of a staff call, to get it on the agenda. But, I will tell you that Jeff and I worked fairly closely together and we will make sure that if something like this comes up again, we will have a complete application, it will be an application where everything is filled out, and signed.

And really, an application like this should also attach the prior Certificate of Appropriateness so you are not wondering what was approved previously.

MR. PAGE: The good news on this is that it

BRIGHTON HISTORIC COMMISSION 09/22/2022

got caught. I'm thrilled.

MR. GORDON: Because of Jeff.

MR. PAGE: And that's, he went out to look at it. I don't think that's necessarily a normal thing.

MR. DELVECCHIO: That was my question, is it standard procedure?

MR. FRISCH: Yes, it's standard.

MR. DELVECCHIO: That gives me comfort. I think that for maybe a lesser known as well, to make sure that we are getting out when you can. It's hard to fit in these visits, I'm sure they're not easy to schedule to get on some property. But, if we can get ahead of it and identify these things earlier, that might help.

And/or, I guess my comment is, I'd like to see more oversight if they come before us again. They kind of laid out how they want to operate under the terms of the certificate. I think that was a declaration, and they will be back in front of us, as Amanda eluded to. I am concerned about future work going there and how it could be executed, et cetera.

So, it's a bigger, long term question, but.

MS. DREHER: Well, I agree. We can't hold them to standards we don't hold other people to. But, I

BRIGHTON HISTORIC COMMISSION 09/22/2022

1
2
3 think I get, understand what you are getting at.

4 MR. PAGE: I think we will drive the issue
5 home.

6 MR. DELVECCHIO: I was just trying to make a
7 point. I do think in dealings with the Town, if they are
8 engaged with the homeowner or business, that they are dealing
9 with over years, if there is a precedent set of, hey, we're
10 going to overrun our certificate and not cooperate. They
11 haven't really lived up to their end of the deal, and so
12 therefore, we have to be more careful, I think.

13 CHAIRPERSON LUDWIG: Did you go out with the
14 building inspector for the C of O?

15 MR. FRISCH: Yeah. Usually these inspections
16 are done with they are requesting a C of O.

17 CHAIRPERSON LUDWIG: Is that when you went?

18 MR. FRISCH: Yeah.

19 CHAIRPERSON LUDWIG: Okay.

20 MR. GORDON: And I think the lynchpin here
21 really was John's comment, which I think all of you agreed
22 with, which was: Had this been the original application, and
23 the original materials, we would have probably still approved
24 it. And I'm going to encourage the Board that if you see
25 something like this happen, sort of a ex post facto, after

BRIGHTON HISTORIC COMMISSION 09/22/2022

the fact, you know, application to ask forgiveness rather than ask permission and is for a change in the materials or anything else that you would not have approved, just because they spent their money and installed something, doesn't mean that you don't have the right to say, no. You do have that right.

MR. DELVECCHIO: What would happened thereafter?

MR. GORDON: They would need to remove it. They would need to correct it before they would be in violation.

MR. DELVECCHIO: Via an action?

MR. GORDON: No, we would just instruct them to do it. If they didn't do it, then they would get a notice of violation.

MR. PAGE: They would not get a C of O?

MR. FRISCH: Right, definitely not.

MR. GORDON: They would not get a C of O in the first instance, but secondarily, they would also get a violation for performing work on a landmark property that was not approved. And then, if they didn't correct the violation within the time set for the violation, then they would be in front of one of our town court judges with fines

BRIGHTON HISTORIC COMMISSION 09/22/2022

and penalties, on whatever they do.

MR. DELVECCHIO: Okay.

MR. GORDON: That's the process. And, we could, depending on the severity and the extent of the project, we could even take them to a different court to seek the removal of, the physical removal, an order of injunction to compel the removal, or for the other, what Amanda is saying, to compel the removal of the unlawful improvement.

MR. PAGE: We really do not want to have that to be a thing, so we need to avoid that.

MR. GORDON: Right. But, you know, this makes me think of a certain property on Monroe Avenue that has a red tile roof.

MR. PAGE: I immediately went there too.

MR. GORDON: You know, had that owner decided, do you know what? I don't care what the Historic Preservation Commission says, I'm tearing off the red tile roofs and putting on asphalt shingles. That might be something that you might not want to approve.

MS DREHER: I think trying to slip vinyl siding by us, that's the example I think of. What would likely happen is someone just puts vinyl siding on his or her house.

1 BRIGHTON HISTORIC COMMISSION 09/22/2022

2
3 MR. GORDON: If you think your perspective on
4 this is absolutely appropriate, which, had this been the
5 original application, would we have approved it? Yes. Okay,
6 fine. Then we're not going to hold this up or punish them
7 based on what is a technical violation of the code, but
8 something that substantively isn't going to really affect the
9 historic character of the house, right?

10 MR. FRISCH: And to the point, me, if there
11 are applicants that are people constructing things, that we
12 know have been issues in the past, then I think we do need to
13 take a stronger look at those.

14 CHAIRPERSON LUDWIG: I guess the crux of the
15 matter is, the original application called for a standing
16 seam metal roof and it's not like, one, they couldn't have
17 done that, if they wanted to. I mean, there is no, as far as
18 I know, there is no supply problem with getting standing seam
19 metal roofing.

20 MS DREHER: There's not. It is double the
21 cost when they did the application, and when I made my own
22 application, but it's available.

23 CHAIRPERSON LUDWIG: So, I guess, well --

24 MR. GORDON: This is why we have members of
25 our Historic Preservation Commission who are historic

BRIGHTON HISTORIC COMMISSION 09/22/2022

property owners themselves.

CHAIRPERSON LUDWIG: Okay.

MS DREHER: They just decided to change the materials without seeking amendments.

CHAIRPERSON LUDWIG: Yes.

Anything else tonight?

Motion to adjourn?

MR. DELVECCHIO: I move.

MR. PAGE: Yes.

CHAIRPERSON LUDWIG: All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON LUDWIG: Thank you all very much.

* * *

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 24th day of October, 2022.

At Rochester, New York

Rhoda Collins
Rhoda Collins