

BRIGHTON
HISTORIC PRESERVATION COMMISSION
MEETING

July 27, 2023
At approximately 7:15 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

10 | PRESENT:

JERRY LUDWIG
Chairperson

15 MARY JO LANPHEAR
16 Town Historian

17 JASON HAREMZA
Town Planner

ABSENT: JUSTIN DELVECCHIO

21 REPORTED BY: HOLLY E. CASTLEMAN, Court Reporter,
22 FORBES COURT REPORTING SERVICES, LLC
23 21 Woodcrest Drive
Batavia, NY 14020

1 CHAIRPERSON LUDWIG: Jason, would you call
2 the roll, please.

3 (Whereupon the roll was called.)

4 MR. HAREMZA: Delvecchio is absent.

5 CHAIRPERSON LUDWIG: Motion to approve the
6 agenda.

7 MR. WHITAKER: I make the motion.

8 MR. GOODMAN: I second.

9 CHAIRPERSON LUDWIG: All in favor.

10 ALL BOARD MEMBERS: Aye.

11 CHAIRPERSON LUDWIG: Meeting will now be
12 held. Minutes on April 27th, for those of you who
13 made it through the first go around. Any additions or
14 corrections?

15 MS. DREHER: I didn't have anything
16 substantive.

17 CHAIRPERSON LUDWIG: Okay. I don't know how
18 substantive these are, but on page 49, line 8, I think
19 W-E-R-E, were, should be deleted. Makes more sense
20 without that.

21 And page 41, line 10, I think "log off"
22 should be "leave off."

23 Page 60, line 6, I think it should be
24 "saved" and not "safe."

25 And I think page 66, line 8, should be "as

1 soon."

2 Page 69, line 24, I think "RFD" should be
3 "RFP."

4 And I believe page 17, line 14, Asbury,
5 shouldn't it be A-S-B-U-R-Y? Okay. Very good.
6 Anything else?

7 MR. WHITAKER: Just on page 47, you asked if
8 anybody visited the property. And I said I didn't. I
9 misunderstood. I did visit the property.

10 CHAIRPERSON LUDWIG: Okay. Very good.
11 Anything else? Motion to approve as corrected?

12 MR. PAGE: I'll make that motion.

13 MR. WHITAKER: Second.

14 CHAIRPERSON LUDWIG: All in favor.

15 ALL BOARD MEMBERS: Aye.

16 CHAIRPERSON LUDWIG: Was this meeting duly
17 advertised?

18 MR. HAREMZA: Yes. This meeting was
19 advertised in the Daily Record of July 13th, 2023.

20 CHAIRPERSON LUDWIG: Very good. That
21 meeting that was duly advertised will now be held.

22 We have no communications, no designation of
23 landmarks. First item on the agenda, certificate of
24 appropriateness, 3H-01-23, has been tabled until our
25 August meeting.

1 Next item, 7H-01-23.

2 **Application 7H-01-23**

3 Application of Mitchell and Kimberly Ball,
4 owners of property at 15 Southwood Lane, tax number
5 150.06-5-12, to modify existing certificate of
6 appropriateness 4H-01-23 to install a wood, shadow box
7 style, 6'6" fence to enclose rear yard. All
8 As described on application and documents on file.

9 CHAIRPERSON LUDWIG: Is there anyone here to
10 speak on that?

11 MS. BALL: Hi.

12 CHAIRPERSON LUDWIG: Hi. Step up and state
13 your name for the record, please.

14 MS. BALL: I am Kimberly Ball.

15 CHAIRPERSON LUDWIG: Okay. And you have the
16 floor.

17 MS. BALL: Thank you. So acknowledging that
18 all of the components of the fence are installed as
19 originally stated and in the certificate of
20 appropriateness application, there are just two areas
21 of the fence that we're requesting to make changes to.

22 As noted in the application, there are two
23 areas. First is that designated B, where the driveway
24 meets the patio. And the second area would be the
25 gate on the south side designated as C.

1 We're just simply proposing that materials
2 in both of those areas be changed from wood to metal
3 as indicated in the gray in the visuals. Thank you
4 for considering.

5 CHAIRPERSON LUDWIG: Okay. That would be
6 the -- we've seen several renditions of metal gates.

7 MS. BALL: Yeah, so looking at the first
8 page before it says B and then the visual -- after
9 that is the gate. That would be the driveway.

10 CHAIRPERSON LUDWIG: This the one?

11 MS. BALL: Correct. Yup.

12 CHAIRPERSON LUDWIG: Okay.

13 MS. BALL: And then the one after that is
14 the fence panel that would go next to that, which is
15 simply just a 6-foot panel matching that.

16 And then C is the 4 by 6 gate that would be
17 on the south side.

18 CHAIRPERSON LUDWIG: Well, okay here. Very
19 good. Now, at one point there was concern that your
20 dog could squeeze through the metal fence.

21 MS. BALL: Yup. He cannot through this one.

22 CHAIRPERSON LUDWIG: Okay. Good.

23 MS. BALL: That was still a concern. We
24 considered it.

25 CHAIRPERSON LUDWIG: Very good. Anything

1 else to add to that?

2 MS. BALL: No.

3 CHAIRPERSON LUDWIG: Okay. Any comments or
4 questions from anyone? Okay.

5 I guess I'd like to close the public
6 hearings and ask if you have a motion to put forth.

7 MR. HAREMZA: We're going to muddle our way
8 through since Mr. Gordon is unable to attend tonight.
9 You all have in front of you a draft resolution that
10 Ken Gordon prepared. It begins -- it's three pages
11 that begins with the "whereas."

12 And it essentially -- the draft says that
13 this will be approved as presented. So you are able
14 to amend that if you see the need for any amendments
15 or modifications. But as I recall, I think one of the
16 commission members needs to make the motion and then
17 there is discussion.

18 CHAIRPERSON LUDWIG: Sure. No. That's
19 correct. I would suggest that we include this
20 information with -- as part of the amendment.

21 MR. GOODMAN: I think it's in it.

22 CHAIRPERSON LUDWIG: Oh, it is? Well,
23 this --

24 MR. GOODMAN: It's the last page I think.

25 CHAIRPERSON LUDWIG: When we got together

1 yesterday to talk about this, these supporting
2 materials I don't think we had, did we? There was
3 some confusion about which was A, which was B and all
4 of that. I just want to make sure that this is part
5 of the record.

6 MR. HAREMZA: Correct. No, it is. And it
7 was part of the application. I think what was part of
8 the confusion yesterday when staff met is we were
9 looking at the example images, which are earlier on in
10 the packet. It has three on one page.

11 So these final pages, that are cut sheets
12 directly from a Home Depot, was part of the
13 application package and show what the applicant is
14 planning as well.

15 CHAIRPERSON LUDWIG: Excellent. Okay. So
16 would someone like to make a motion to approve this?

17 MR. GOODMAN: Jerry, I make the motion to
18 approve as --

19 MS. DREHER: I think someone needs to read
20 it.

21 MR. GOODMAN: Yeah. You want me to read it?

22 MS. DREHER: Sure. I think for the record,
23 someone has to read the motion.

24 CHAIRPERSON LUDWIG: Typically, Ken would
25 read it.

1 MR. HAREMZA: Ken -- he proposes it on the
2 fly and then has to read it into the record. I don't
3 know if it's necessary since the court reporter has a
4 copy, written copy of this. If we want to sit
5 through --

6 CHAIRPERSON LUDWIG: No, that's fine. Just
7 state the motion as printed.

8 MR. GOODMAN: As I stated, I make the motion
9 to approve as presented in the proposed --

10 CHAIRPERSON LUDWIG: Okay.

11 MR. WHITAKER: I will second.

12 CHAIRPERSON LUDWIG: Thank you, David. Any
13 discussion? Okay, Jason.

14 1. **WHEREAS**, Application 7H-01-23 has been submitted
15 for a Certificate of Appropriateness under the Town's
16 Historic Preservation Law for modification to a
17 previously issued Certificate of Appropriateness
18 approved under Application 4H-01-23 for the
19 installation of a wood fence and gates on property
20 located at 15 Southwood Lane in the Town of Brighton,
21 County of Monroe, owned by Mitchell Ball and Kimberly
22 Ball;

23 2. And **WHEREAS** the modification now applied for
24 proposes the replacement of portions of the solid
25 wooden fence and wooden gates with open black metal

1 materials (locations B and C) as depicted in the
2 application and supporting document submitted;

3 3. And **WHEREAS**, the necessary legal notice has been
4 published and the required sign posted;

5 4. And **WHEREAS**, the Historic Preservation Commission
6 duly scheduled a Public Hearing to consider the matter
7 on July 27, 2023, and the Public Hearing was held on
8 July 27, 2023, and all persons having an interest in
9 such matter, having had an opportunity to be heard
10 therein;

11 5. And **WHEREAS**, the Historic Preservation Commission
12 hereby receives and files the above described
13 application, the supporting materials and all
14 correspondence and other documentation submitted
15 regarding the application;

16 6. **NOW THEREFORE IT IS HEREBY RESOLVED** by the
17 Historic Preservation Commission after carefully
18 considering the submissions received and all of the
19 testimony given relating to said application at the
20 July 27, 2023, public hearing, that pursuant to the
21 factors set forth in Section 224-5 of the Town Code,
22 the proposed above described modifications to the
23 previously issued Certificate of Appropriateness for
24 the subject property are consistent with the purposes
25 of the Town's Historic Preservation Law and compatible

1 with the property's historic character; and it is
2 further

3 7. **RESOLVED** that the Historic Preservation Commission
4 hereby approves Application Number 7H-01-23 for a
5 modification of the previously issued Certificate of
6 Appropriateness for the above described work to be
7 performed at the property located at 15 Southwood Lane
8 in the Town of Brighton, County of Monroe, subject to
9 the following conditions:

- 10 1. The above described work must be completed within
11 one year from the date of this approval;
- 12 2. The materials to be used shall be those depicted
13 and set forth in the Application 7H-01-23.

14 (Ms. Dreher, yes; Mr. Goodman, yes;
15 Mr. Ludwig, yes; Mr. Page, yes;
16 Ms. Robinson, abstain; Mr. Whitaker, yes.)
17 (Upon roll motion passes.)

18 CHAIRPERSON LUDWIG: One thing that was
19 mentioned, I think, back at our last meeting was
20 because of the sort of massiveness of this gate there
21 was a discussion of doing some planting, perhaps
22 privets, in front of it to kind of soften the effect
23 from people driving down Edgewood. And I would
24 strongly suggest -- we didn't make that a part of the
25 record, but I would strongly suggest that you consider

1 that.

2 MS. BALL: Sure.

3 MR. HAREMZA: Just to clarify, Jerry, you
4 said gate. You mean fence along the --

5 CHAIRPERSON LUDWIG: Yeah. I'm sorry. The
6 fence along -- that parallels Edgewood Avenue.

7 Okay. No hardship applications. Public
8 hearings are closed. Old business -- well, any new
9 business? Okay. Old business.

10 First one, 125 Old Mill Road. We need to
11 decide if we're going to proceed with a survey; isn't
12 that correct?

13 MR. HAREMZA: No. You've already decided.
14 The survey is underway.

15 CHAIRPERSON LUDWIG: Underway. And do we
16 have an ETA for that?

17 MR. HAREMZA: I'm hoping before August
18 meeting. So we will review that next month.

19 CHAIRPERSON LUDWIG: Now, this came up
20 before the planning commission?

21 MR. HAREMZA: Yeah. So they're tabling it
22 pending the outcome of the Historic Preservation
23 Commission.

24 CHAIRPERSON LUDWIG: Very good.

25 MR. WHITAKER: I drove by the property an

1 hour ago and nothing has been done since our last
2 meeting.

3 CHAIRPERSON LUDWIG: Okay.

4 MR. WHITAKER: They hadn't even mowed the
5 lawn.

6 CHAIRPERSON LUDWIG: Thackery Road. And
7 same with that, that's underway?

8 MR. HAREMZA: That is not underway yet.
9 That's sort of been on the agenda for --

10 CHAIRPERSON LUDWIG: We need to vote on that
11 tonight?

12 MR. HAREMZA: Well, yes. I think that would
13 be good.

14 CHAIRPERSON LUDWIG: Where are we? We
15 haven't sent a letter --

16 MR. HAREMZA: We have not sent a letter.

17 CHAIRPERSON LUDWIG: Okay. Have you all
18 been to Thackery Road? Okay. What's your feeling
19 about proceeding with a survey and/or letter? Any
20 thoughts?

21 MR. GOODMAN: I am in favor of the survey.

22 MS. ROBINSON: I think we had two that we
23 could do.

24 CHAIRPERSON LUDWIG: Yes. And Old Mill
25 counts as one and this would count as another one.

1 MS. ROBINSON: And East Avenue.

2 CHAIRPERSON LUDWIG: Well, that -- at some
3 point, yes.

4 MS. ROBINSON: In the future.

5 MS. DREHER: I would be in favor of Thackery
6 Road first.

7 CHAIRPERSON LUDWIG: It's a mid-century.
8 And there's a wonderful grouping all in the same
9 neighborhood. Great houses. And the fact that it's
10 the Thomas Boyde house makes it even more interesting.

11 MS. DREHER: Does anyone recall -- there are
12 two across the road from each other. One was being
13 renovated and one wasn't. Was it 249 --

14 MS. LANPHEAR: 245 Thackery was also being
15 considered.

16 CHAIRPERSON LUDWIG: I don't think 240 is --
17 I don't think it's being renovated.

18 MS. LANPHEAR: 245 is the Don Hershey house.

19 MS. DREHER: Okay. I know they were both
20 very close and one is still -- you know, got a
21 dumpster in the driveway.

22 CHAIRPERSON LUDWIG: So do we need to vote
23 on authorizing of the survey?

24 MR. HAREMZA: Yeah. Let me see if I can
25 recall. I think the resolution is fairly

1 straightforward. So I'm going to take a stab at it.
2 And I'll try to go slowly.

3 That the Historic Preservation Commission
4 authorizes the executive secretary to request a
5 cultural resources survey for 240 Thackery Road under
6 the existing agreement with Bero Architecture.

7 CHAIRPERSON LUDWIG: One thing -- I think
8 that's fine. One thing we need to be careful of is
9 not having someone show up to start the survey before
10 we notify the owners.

11 MR. HAREMZA: Absolutely. Yeah.

12 CHAIRPERSON LUDWIG: Okay. That's the
13 motion. May I have someone present the motion,
14 please.

15 MR. PAGE: I'll make the motion.

16 CHAIRPERSON LUDWIG: Thanks, John.

17 Second, please.

18 MS. ROBINSON: I'll second that.

19 CHAIRPERSON LUDWIG: Thanks, Diana. Any
20 discussion? Okay. All in favor.

21 ALL BOARD MEMBERS: Aye.

22 CHAIRPERSON LUDWIG: I guess you probably
23 ought to --

24 MR. HAREMZA: Call the roll?

25 CHAIRPERSON LUDWIG: Yes.

1 MR. HAREMZA: I can hear the voice of Ken.

2 (Ms. Dreher, yes; Mr. Goodman, yes;

3 Mr. Ludwig, yes; Mr. Page, yes;

4 Ms. Robinson, yes; Mr. Whitaker, yes.)

5 (Upon roll motion carries.)

6 CHAIRPERSON LUDWIG: So we will put 3250 --

7 we'll keep that on the agenda.

8 Now, 960 North Landing Road. I went by it
9 the other day and I was disappointed that windows had
10 been replaced. And they weren't not too long ago. So
11 that happened all of a sudden, which I think knocks it
12 down at least a notch or two in my consideration.

13 I don't know how the Commission feels about
14 that.

15 MR. WHITAKER: What were the replacement
16 windows?

17 CHAIRPERSON LUDWIG: I couldn't tell.

18 MR. GOODMAN: Was this all the windows?

19 CHAIRPERSON LUDWIG: Well, on the front
20 facade. I mean, I just drove by and I did a
21 double-take because they were original.

22 In fact, he actually came in. We had
23 designated or we had done a survey and he came in when
24 he was redoing his garage, and we listened to him. It
25 looked like he did a great job.

1 And then all of a sudden, there's vinyl
2 windows or whatever. But they're not -- they're
3 certainly not the original ones. And they look
4 relatively new.

5 MS. DREHER: I don't recall. Was there
6 any -- this was done in November. Was there anything
7 we were considering or waiting for? I don't really
8 recall.

9 CHAIRPERSON LUDWIG: We do have an update on
10 the survey. Do you have copies of that by any chance?

11 MS. LANPHEAR: I have a couple here.

12 CHAIRPERSON LUDWIG: Just is there anything
13 that's -- this basically says -- Chris Brent said, my
14 review did not reveal any significance and after the
15 original survey, made no major alterations since 1990,
16 except for the replacement of the garage in 2013.

17 So sometime between when Chris was there
18 and -- if you look at the close-ups, these --

19 MS. DREHER: I think I went by in February
20 or March and I didn't note a change.

21 CHAIRPERSON LUDWIG: It's pretty hard to
22 see. The ones on the back -- I'll pass this around.
23 The ones on the back of the house are certainly --
24 they appear to be original, but I can't tell. The
25 ones on the front in this photo aren't clear enough to

1 see.

2 Anyway, it might be -- what -- Mary Jo, what
3 is the big -- what are the points? What are the
4 points for designating?

5 MS. LANPHEAR: The house is associated with
6 Dr. Sawyer, who was an important person in the Kodak
7 company, in addition to being health officer to the
8 County and a prominent physician. So it pertains more
9 to the personality of the people who lived than the
10 architecture of the house itself.

11 CHAIRPERSON LUDWIG: Well, I'd say we do a
12 little further digging. I know -- if Chris said
13 that -- in fact, would you mind -- we could ask Chris.
14 I think that's probably appropriate.

15 MR. HAREMZA: Ask Chris specifically about
16 the window replacements?

17 CHAIRPERSON LUDWIG: Yeah. In other words,
18 if he knows if the windows had been replaced when he
19 was there.

20 MR. GOODMAN: Jerry, certainly on the back,
21 just looking at the photos, I want to make sure that I
22 heard you correctly. On the back it looks like those
23 are replacement windows.

24 CHAIRPERSON LUDWIG: There's a box window --

25 MR. GOODMAN: I see that.

1 CHAIRPERSON LUDWIG: -- on the rear. That
2 looks like that's the real deal. And so are the ones
3 on the second floor on that rear wing.

4 It's the ones on the front that I was
5 concerned about. And also on the driveway side -- you
6 know, I don't know. I guess it would help -- I guess
7 we should talk to Chris and find out.

8 MR. GOODMAN: I agree.

9 CHAIRPERSON LUDWIG: Okay. So hopefully
10 we'll find out more about that next week.

11 Is it okay to hang on to these?

12 MR. HAREMZA: You can keep the copies of the
13 survey update.

14 CHAIRPERSON LUDWIG: Okay. Anything else?
15 No? If not, motion to adjourn, please.

16 MR. WHITAKER: So moved.

17 MR. GOODMAN: Second.

18 CHAIRPERSON LUDWIG: All in favor.

19 ALL BOARD MEMBERS: Aye.

20 (Proceedings concluded at 7:41 p.m.)

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1 | **REPORTER CERTIFICATE**

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3 I, Holly E. Castleman, do hereby certify
4 that I did report the foregoing proceeding, which was
5 taken down by me in a verbatim manner by means of
6 machine shorthand.

7 Further, that the foregoing transcript is a
8 true and accurate transcription of my said
9 stenographic notes taken at the time and place
10 hereinbefore set forth.

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12 Dated this 27th day of July, 2023
13 at Rochester, New York.

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Holly Castleman

HOLLY E. CASTLEMAN, NYSACR,
Notary Public.