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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

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September 28th, 2023  
At approximately 7:15 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

PRESENT:

JERRY LUDWIG, CHAIRPERSON

AMANDA L. DREHER	)	
WAYNE GOODMAN	)	BOARD MEMBERS
JOHN PAGE	)	
DAVID WHITAKER	)	

KEN GORDON, ESQ.  
Town Attorney

JASON HAREMZA  
Town Planner

NOT PRESENT:  
JUSTIN DELVECCHIO  
DIANA ROBINSON  
MARY JO LANPHEAR

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

## BRIGHTON HISTORIC COMMISSION 09/28/2023

CHAIRPERSON LUDWIG: I'd like to call this meeting to order.

Mr. Secretary, will you call the roll please.

MR. HAREMZA: Delvecchio is absent.

Dreher?

MS. DREHER: Here.

MR. HAREMZA: Goodman?

MR. GOODMAN: Here.

MR. HAREMZA: Ludwig?

CHAIRPERSON LUDWIG: Here.

MR. HAREMZA: Page?

MR. PAGE: Yes.

MR. HAREMZA: Robinson, absent.

Whitaker?

MR. WHITAKER: Here.

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

MR. PAGE: I will make that motion.

MR. WHITAKER: Second.

CHAIRPERSON LUDWIG: David second.

All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON LUDWIG: Agenda stands approved.

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Was this meeting duly advertised -- oh, no.  
We have minutes.

Additions, corrections to May 25th, please.

MS. DREHER: I left my notes at home on my desk, which I realized. But I do recall Pages 21 to 25, there was several references to the MWBE acronym but they were a jumble. Some of them were MB, some of them were BE, so those references should be corrected on Pages 21 and 25.

CHAIRPERSON LUDWIG: I managed to get through Page 82 without falling asleep.

Page 42, Line 10, John, did you say cartoon level or something else? Do you have any idea? I don't have the minutes in front of me, but does cartoon level sound like something you would have said?

MR. PAGE: Yes.

CHAIRPERSON LUDWIG: Page 50, Line 8, David, you said garden designed by a special material, not sure what that means.

MR. WHITAKER: I don't know.

CHAIRPERSON LUDWIG: Page 54, Line 9, should be soap stone not silk stone, and that's all I have on May's. June, we didn't have a meeting. July, any?

MS. DREHER: I didn't have any for July.

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3 CHAIRPERSON LUDWIG: I believe Line 15 -- or  
4 Page 15, Line 22, I think I meant to say, we had not  
5 designated but we had done a survey. I think that's what it  
6 should be. That's all the corrections I have.

7 May I have a motion to approve as corrected?

8 MR. WHITAKER: So moved.

9 MR. PAGE: I will second.

10 CHAIRPERSON LUDWIG: All in favor?

11 ALL COUNCIL MEMBERS: Aye.

12 CHAIRPERSON LUDWIG: Minutes stand approved.

13 Now, was this meeting duly advertised?

14 MR. HAREMZA: This meeting was duly advertised  
15 in the Daily Record of September 14, 2023.

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

18 Thank you all for coming.

19 We have no communications, no --

20 MR. HAREMZA: Actually, we do. Mr. Gordon,  
21 should I --

22 MR. GORDON: No, we can put them here and we  
23 will reference them when we get to the Public Hearings on the  
24 individual matters. But, you should have in front of you and  
25 they were put on the back table, copies of the following: An

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e-mail communication from Town Historian Mary Jo Lanphear to Jason Haremza dated September 27, 2023, regarding 125 Old Mill Road; an e-mail communication from Suzanne Spencer dated September 28, 2023, to Jason Haremza regarding 125 Old Mill Road; and a communication from Jamie Flaum dated September 28, 2023, to Lauren Flaum, Jason Haremza and Mary Jo Lanphear regarding 125 Old Mill Road.

All of those should be in the packet and the communications and we will make reference to them during the Public Hearing for 125 Old Mill Road.

CHAIRPERSON LUDWIG: Very good. The first item on the agenda is a Certificate of Appropriateness.

APPLICATION 3H-01-23

3H-01-23 Applicant of Sisters of Mercy, Inc, owner of property at 1437 Blossom Road, tax number 122.12-2-90.1, for a certificate of appropriateness to replace the exterior front entry doors. All as described on application and documents on file. TABLED AT THE MARCH MEETING; POSTPONED AT THE APPLICANT'S REQUEST.

CHAIRPERSON LUDWIG: I take it you two are to speak on that? Please state your name for the record.

DAVE PHELPS: My name is Dave Phelps, I am with the SWBR Architects representing Our Lady of Mercy.

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3 EMILY PALUMBOS: Hi. My name is Emily  
4 Palumbos, P-A-L-U-M-B-O-S, I represent Mercy and I'm ESP  
5 Consulting and assisting with grant services.

6 CHAIRPERSON LUDWIG: Okay.

7 DAVE PHELPS: So we started this process, I  
8 don't know, back in March or February, I think. I don't know  
9 if you need a recap of everything for everybody?

10 CHAIRPERSON LUDWIG: Just bring us up to date,  
11 I think that would be fine.

12 DAVE PHELPS: So the last time we met in March  
13 or April, I think it was requested of the school to go out  
14 and get -- a request or it was a requirement, that these  
15 doors need to be wood versus anything else.

16 And so, we went through the school and went  
17 through the process in getting quotes and bids to get wood  
18 doors matching the existing doors as closely as possible.  
19 There's pros and cons to that. The pro is that everything  
20 came in under our budget, which is good. And you all have  
21 the three quotes, so you can see exactly what was requested  
22 by the school of multiple contractors.

23 Also have a very raw, rudimentary elevation of  
24 what the doors are going to look like. Again, the  
25 contractors, until you sign the contracts for the job,

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Mr. Page knows that until you sign the contract they're a little reluctant to do full detailed drawings for us.

So the school, we believe the school is complying with all of the requests of the Board here, and would like to request that these wood doors that are going to be stained to match the existing wood doors, are going to be built, custom built, as best as possible to match the existing wood doors and provide the hardware as requested by the Commission.

CHAIRPERSON LUDWIG: Okay. Thank you.

Questions, comments?

MR. PAGE: Do you have any idea of the areas where the door won't match?

DAVE PHELPS: At this point I think the only complicated piece unfortunately is the little fleur-de-lis at the bottom of the doors. I understand how critical they are to the architecture of the door, but the contractors all stated that that's the most difficult piece and they are going to try and come up with something that will match that as closely as possible. What exactly, I don't know yet, because they haven't really done it yet.

MR. PAGE: Do I understand that the glass you're proposing is a single pane safety?

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DAVE PHELPS: It should be insulated glass.

4

MR. PAGE: Okay.

5

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DAVE PHELPS: It should be insulated with a safety film on -- again, we're trying to also make the doors safe.

7

8

9

MR. PAGE: Are the doors an inch and three quarter, or two and a quarter?

10

11

DAVE PHELPS: I have two and a quarter, it says. One of them has two and a quarter, the lowest bid.

12

13

CHAIRPERSON LUDWIG: Doesn't seem to be a lot of room for hardware on the elevation.

14

15

DAVE PHELPS: There's not, but we're going to try our best to make it work.

16

17

MR. PAGE: So, the push bar, what is the style?

18

19

DAVE PHELPS: It's going to be similar to that push bar over there, which I believe is what you requested.

20

21

MR. PAGE: Right. Is there any consideration to having the original glass as part of the --

22

23

DAVE PHELPS: No.

24

25

MR. PAGE: -- glass system?

DAVE PHELPS: No. For multiple reasons including safety and weather tightness and energy efficiency.



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2  
3 MR. PAGE: That's fine. That's why I said  
4 system. What we've seen in some instances is have a,  
5 basically it's a panel that is not doing the protection or  
6 the insulation, but it is a decorative piece on the inside  
7 that is like an extra slot?

8 DAVE PHELPS: Not at this time.

9 CHAIRPERSON LUDWIG: We did talk about the  
10 last time you were here, about possibly recycling the  
11 existing doors in the building in some way.

12 DAVE PHELPS: Yeah. The doors are going to be  
13 turned over to the school. Not exactly sure what they have  
14 planned to do with them. I can't speak to what they will do  
15 six months after the doors are installed, but the intent is  
16 the doors will be turned over to the school.

17 CHAIRPERSON LUDWIG: Any other questions or  
18 comments?

19 MR. PAGE: I'd like to thank you for going the  
20 extra effort to get to this point. Appreciate it.

21 DAVE PHELPS: Thank you.

22 MR. GORDON: I, perhaps am several steps  
23 behind where the Board is, but I am thinking that if your  
24 proposal is to be approved this evening, at some point in  
25 time the Board is going to turn to me and say: Mr. Gordon,

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do you have a resolution for us to act on?

And I don't know what it is that I'm supposed to be doing in that resolution because you have not told me which of the proposals you are going with. And which of these drawings and which -- what am I supposed to -- I mean, if it gets approved, subject to the condition that the design matches which? The door is being manufactured by whom? The materials are made of what?

I don't have anything. I mean, there's a lot of options here, but what are you asking for? Can you tell the Board what is it that you want the Board to approve tonight?

DAVE PHELPS: There's only one drawing that's included in the packet, and that's this drawing.

MR. GORDON: Well, your packet includes your original packet too.

DAVE PHELPS: I'm sorry, the updated which was requested of the Board was -- this is what we are asking for approval on and the elevation of the doors show --

MR. GORDON: So, consistent with a sketch of a drawing of a door dated September 28, 2023. Who is this prepared by?

DAVE PHELPS: This specific elevation was

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3 prepared by Kelley Brothers. So as far as which quote they  
4 go with, I am not sure --

5 CHAIRPERSON LUDWIG: We have -- you handed out  
6 a sales proposal from the Alliance Door Company.

7 DAVE PHELPS: Yes, and there should be  
8 another.

9 MR. GORDON: There is.

10 EMILY PALUMBOS: And if I may, a little bit of  
11 the background, this was based on a grant funding and there  
12 was discussion going out to bid, but the better way to go  
13 about it, to work with office of general services and the  
14 Board requested three quotes from eligible organizations that  
15 were local, which is why there are three you're looking at.

16 We had quotes that were from organizations,  
17 some that were on the OGS list and some that were not. We  
18 now have three from the OGS list, so we pulled the local OGS  
19 contractors and they were the ones that did a quote.

20 And we were actually before the Board and  
21 prior to this and without the ornate and added the ornate and  
22 that's where that came from. It changed the materials.

23 In response, that resolution was -- I'd be  
24 happy to draft -- can certainly say something along the lines  
25 of going along with the Historic Commission's desire to keep

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materials similar. Therefore there would be similar ornate design, and then the original request was there was a different type of material and maintains the same wood material that the Commission --

CHAIRPERSON LUDWIG: So, which of these proposals are you --

EMILY PALUMBOS: You asked for three, so we're providing three.

DAVE PHELPS: We provided all three.

MS. DREHER: We did not ask for three.

CHAIRPERSON LUDWIG: It's up to you to tell us which one you're going to use.

DAVE PHELPS: I couldn't tell you at this point. I'm not speaking -- I'm not spending the money myself. I could assume they're going to be going with the lowest one, which would be the Kelley Brothers.

MR. GOODMAN: I have a question. So my understanding is, each one of these quotes is essentially quoting the exact same door?

DAVE PHELPS: Yes.

MR. GOODMAN: So it is not as if there is a choice.

DAVE PHELPS: Three manufacturers, specific

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manufacturer items, yes. Sorry, I spoke over you, I apologize.

MR. GOODMAN: No, it's okay. So, essentially you're saying that each one of these quotes doesn't reflect a different door?

DAVE PHELPS: No.

MR. GOODMAN: These are three quotes for the same door?

DAVE PHELPS: Same look as this. It's just one is masonite, one is, I don't know off the top of my head, but.

MR. PAGE: So, Ken, occasionally we grant conceptual, what I might call conceptual approval, with the requirement for a later submission. Giving that, the conceptual approval, that it would allow them to proceed with making a contract, and then submitting the detailed information it is lacking now.

MR. GORDON: Yes. We've done that for specific materials, given a preliminary without -- here is the thing: We give a Certificate of Appropriateness to proceed with the project subject to certain conditions, could one of those conditions be that the applicant come back and show us final design drawings, then those are subject to

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approve? Possibly.

But what I am hearing is, that they want approval for a Certificate of Appropriateness that would be substantially similar to the design of the doors that now exist in the property, based on one of these three quotes.

I can draft that resolution if the Board could be satisfied with that. I thought the Board was looking for something more specific. As I compare the three quotes, and I don't read quotes as well as an engineer does, certainly, they don't seem similar to me -- similar, they don't seem exactly the same.

There is measurements. One talks about an 89-inch measurement, one talks about a 90-inch measurement, one talks about a 96-inch measurement, three different measurements.

I don't know, you know, I'm trying to match up apples to apples and I'm struggling to match it all up. For your purposes, how would I put that into language that you'll know what you're approved for, they'll know what they are approving for. See what I mean? Then we have a meeting of the minds, so to speak. Exactly what it is that is going to happen.

That is what I want to see happen, is that you

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understand what you are supposed to do and you can proceed with your project, they understand what they approved and nobody gets surprised down the road. The Board doesn't go, "that's not what we wanted." And you don't go, you know, "that's not what they told us."

DAVE PHELPS: Can I ask a question of someone here?

EMILY PALUMBOS: And I would say, again, two meetings ago, did not have the ornate piece on the door. And therefore, we went back and added the ornate piece, which is a very specific request. Then, we came back and the material was reviewed and the material was not acceptable and it was requested it be wood, which is what this Commission reviews is the materials, and such. So those are the things the Board pointed out that have been updated.

MR. WHITAKER: Is it this picture, this drawing that the Kelleys quoted? You said they did that?

DAVE PHELPS: Yea, so I --

MR. WHITAKER: So you are asking for that approval?

CHAIRPERSON LUDWIG: Hold on a second.

Go ahead.

DAVE PHELPS: I just talked to somebody else,

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3 if the approval needs to be based on one of the proposals, we  
4 would like it based on the Kelley Brothers proposal.

5 CHAIRPERSON LUDWIG: Okay.

6 MR. GORDON: That gives me what I want, if  
7 that gives them what they want.

8 MR. GOODMAN: Also aligns with the drawing, so  
9 the drawing as presented is Kelley Brothers.

10 MR. WHITAKER: That's what I said.

11 MR. GORDON: Right. If you decided to award  
12 it to Alliance, they see the Kelley Brothers drawing and say,  
13 we can't do exactly that. We can do something similar,  
14 but -- see what I'm saying?

15 DAVE PHELPS: Understood.

16 MR. GORDON: If the proposal is, if the  
17 application is -- and I am fine with this if you adopted  
18 this -- being amended to request a Certificate of  
19 Appropriateness for the installation and replacement of the  
20 doors based upon the Kelley Brothers proposal dated August 1,  
21 2023, consistent with the sketch of the door prepared by  
22 Kelley Brothers dated September 28, 2030, that would make  
23 things clear for me and the Board.

24 Is that what you're asking?

25 DAVE PHELPS: Yes, sir.



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CHAIRPERSON LUDWIG: Okay. Let me throw my two cents in. As long as it's being made out of wood, which I think is great, as long as the door is to be produced out of the white oak, which is what I understand, it lacks, to me, the center style is considerably thicker than it needs to be. If you look at the original drawings they're quite delicate and they matched the windows above.

I would like to see this center style narrowed some so it more closely reflects the original doors.

DAVE PHELPS: These are being manufactured by the manufacturer that has been making doors for years and I --

CHAIRPERSON LUDWIG: Well, great. You tell me they're making doors for a long while, then did you show them the original picture?

DAVE PHELPS: Absolutely.

CHAIRPERSON LUDWIG: I guess I would like to see the doors more closely mimic the original picture.

DAVE PHELPS: I cannot speak to the manufacturer's standards and requirements. I would assume they manufacture the style this way for a reason. I don't know that reason for now.

MS. DREHER: Can I ask a question?

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3 DAVE PHELPS: Yes, ma'am.

4 MS. DREHER: This cost is much more reasonable  
5 than what we saw from Rochester Colonial. And is this  
6 because these are doors that they manufacture and are able to  
7 make slight alterations to them to match the style as  
8 opposed to totally custom?

9 DAVE PHELPS: These are custom doors.

10 MS. DREHER: These are totally custom?

11 DAVE PHELPS: Yes, ma'am, by a manufacturer,  
12 the Kelley Brothers.

13 MS. DREHER: What Mr. Ludwig was asking is a  
14 possibility. I was trying to determine if --

15 DAVE PHELPS: I can't speak for how they are  
16 manufactured.

17 MS. DREHER: The difference between the  
18 \$35,000 door and the \$80,000 door is total custom or partial  
19 custom.

20 EMILY PALUMBOS: And I think the original  
21 quotes were a different material, which were more weather  
22 proof, so it was a more expensive material of the door. That  
23 material was unacceptable, so that's why we changed the  
24 material of the door.

25 Chairman Ludwig, may I ask for a point of

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clarification so I make sure what you're asking for?

CHAIRPERSON LUDWIG: Sure.

EMILY PALUMBOS: I'm looking at this too.

CHAIRPERSON LUDWIG: You see how delicate that center style is there?

EMILY PALUMBOS: The center between the windows?

CHAIRPERSON LUDWIG: Yes, it mimics this.

EMILY PALUMBOS: I'm sorry, I thought you were talking about between here --

CHAIRPERSON LUDWIG: No, no, this center piece right there. And you see it mimics these almost identically. They have that narrow, that very narrow --

EMILY PALUMBOS: Symmetrical.

CHAIRPERSON LUDWIG: Yes. You're close, but I would think they could be made close --

MR. PAGE: This is missing. We'd like it to be as close to that dimension as they could make it and seek the glass, how about that?

EMILY PALUMBOS: And if we could add to the resolution that the outreach to Kelley Brothers with a request to get that as small as --

CHAIRPERSON LUDWIG: Well, I guess we would

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like to see the finished as built -- as to be built diagram,  
shop drawings.

EMILY PALUMBOS: If chosen, we could have  
brought in the multiple quotes.

CHAIRPERSON LUDWIG: Good, thank you.

DAVE PHELPS: I can try.

MR. GORDON: Can you describe in words without  
pointing at anything, what it is that you want?

CHAIRPERSON LUDWIG: Probably John could do  
that better than I.

MR. GORDON: Mr. Page?

MR. PAGE: The mullion between the two panes  
of glass in each door should match the width of the existing  
mullion as close as possible. And it should be narrower than  
what is shown in the current drawing and still work with the  
glass that is proposed.

CHAIRPERSON LUDWIG: Ken, we're not able to  
proceed until we get some information?

MR. GORDON: Well, we could do what John  
suggested and give them approval and just ask them to come  
back with those final drawings. You always have the power to  
revoke the C of A, so.

CHAIRPERSON LUDWIG: Well, I don't want them

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going down the path to the point where you say, oh, you couldn't do it, we've already started.

MR. GOODMAN: Like John pointed out, we could approve the concept and have a condition of that?

MR. PAGE: I think the first thing that happens is that you put this question to Kelley Brothers. They would need to say, we can't do that because... or, okay. But we need to know what is the width now, what is the width proposed, and how different are they and what's the reason for it.

DAVE PHELPS: So, what happens if they come back and say they can't do it because that's how they manufacture the doors?

CHAIRPERSON LUDWIG: Let's worry about that when the time comes.

DAVE PHELPS: I need to tell my client then, because we're going to be going down a path of signing the agreement with somebody to spend X number of dollars. I mean, if the Board comes -- or if the Commission comes back and says, sorry, then what?

CHAIRPERSON LUDWIG: Well, I find it difficult --

MR. GORDON: Here's three options: Option

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one, tell them to come back. They don't want to commit to a contractor, they don't have a final design drawing for you, they don't have answers to whether that ceremony between the two panes of glass can be made narrower. So, tell them they are not ready, tell them to come back.

Option two, approval tonight, subject to the condition that they come back with a drawing that would be subject to further, you know, a shop drawing that would be subject to further review and approval of this Board before they actually install the doors.

Option three, approval tonight subject to them coming back and showing shop drawings to the secretary of the commission, who you are delegating that responsibility to so it doesn't have to await a further meeting of this Board.

CHAIRPERSON LUDWIG: I'd like option two or option three. How about two and a half?

MR. GOODMAN: I would be fine with three.

MS. DREHER: I would as well.

CHAIRPERSON LUDWIG: I would be very disappointed if it ends up like this.

DAVE PHELPS: We will try our best. I can't -- I don't know how they're manufacturing the door, but not a problem.

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3 MS. DREHER: Well, I wonder, do you have  
4 similar drawings from the other two quotes? Or is this--

5 DAVE PHELPS: They were based off this  
6 drawing.

7 MS. DREHER: Okay. You did address that, my  
8 apologies. We don't really know if anyone at this point can  
9 get closer. Okay.

10 DAVE PHELPS: No.

11 CHAIRPERSON LUDWIG: Well, this is good.

12 MR. GORDON: I think we get you approved  
13 tonight, get the contract signed, get the shop drawing done,  
14 submit it to Jason. Jason, I am sure will be impressed with  
15 how narrow they can make it.

16 DAVE PHELPS: I will try my best. It will be  
17 my first phone call tomorrow because I don't want to waste  
18 any money.

19 CHAIRPERSON LUDWIG: I don't want to hear that  
20 somebody else could have done it with a narrower mullion. I  
21 don't want to hear that. So, good luck.

22 DAVE PHELPS: Sure.

23 CHAIRPERSON LUDWIG: Shall we draft a motion  
24 here?

25 MR. GORDON: I don't know. Is there anyone in

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the public who wants to speak?

CHAIRPERSON LUDWIG: Anyone else?

MR. GORDON: Anything further you folks wanted to add?

DAVE PHELPS: No.

CHAIRPERSON LUDWIG: Okay. We will close the Public Hearing.

DAVE PHELPS: Thank you.

EMILY PALUMBOS: Thank you.

MR. GORDON: I will propose the following resolution. Whereas, Application Number 3H-01-23 has been submitted for a Certificate of Appropriateness under the Town's Historic Preservation Law for improvement to property located at 1437 Blossom Road in the Town of Brighton. Owned by Our Sisters of Mercy, Inc, to perform work described as the replacement of exterior front entry doors, as set forth in the application on file.

And whereas, the Historic Preservation Commission duly called a Public Hearing to consider this matter on September 28, 2023.

And whereas, the necessary legal notice was published and the required sign posted pursuant to Town Code.

And whereas, the Public Hearing was held and



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all persons having an interest in such matter having had the opportunity to be heard therein.

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

And it is further resolved that the Historic Preservation Commission approves application 3H-01-23 for a Certificate of Appropriateness for the above described work to be performed at the property located at 1437 Blossom Road in the Town of Brighton, subject to the condition that the exterior doors to be constructed and installed be manufactured and provided in accordance with the proposal

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submitted by Kelley, K-E-L-L-E-Y, Brothers, LLC, dated August 1, 2023, and reflect the design set forth in the door sketch prepared by Kelley Brothers dated September 28, 2023, submitted to the Historic Preservation Commission, and be constructed of white oak and further subject to the review of shop drawings by the secretary of the Historic Preservation Commission so as to ensure that the mullion between the two panes of glass on each door be as narrow as possible so as to closely match the existing doors on the subject property, so long as such narrow mullion will still work with the glass to be installed in said doors.

And subject further to the condition that the above described work be completed in one year from the date of this approval.

CHAIRPERSON LUDWIG: Someone put forth a --

MR. GORDON: Wait, hold on. I want to -- if you have a suggestion --

DAVE PHELPS: No, I have a question. In the event that the quoted price changes because of the glass getting bigger or something like that, do I need to come back and get approval because of the quoted price change as long as the scope is staying the same?

MR. GORDON: I'm not sure exactly the words I

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used, but we should insert, if I didn't say this,  
manufactured in accordance with the proposal submitted by, I  
don't care if the price is wrong. I don't care what you pay.

DAVE PHELPS: I understand. I just want to  
make sure if the quote changes that --

CHAIRPERSON LUDWIG: Well, the glass wouldn't  
be bigger.

DAVE PHELPS: No.

MR. GORDON: If the price changes you don't  
need to come back, is my answer.

CHAIRPERSON LUDWIG: Yes, that's fine. I warn  
you that our Town Historian is a Mercy graduate and we are  
beholden to her if this doesn't meet her approval.

MR. GORDON: I don't know if anyone has made  
the motion or seconded?

CHAIRPERSON LUDWIG: No.

MR. GOODMAN: I would make that motion.

MR. WHITAKER: I will second the motion.

MR. GORDON: Any discussions or concerns  
about that? Did I put it forth the way you wanted it?

CHAIRPERSON LUDWIG: Sounded good.

MR. PAGE: Nice job.

MR. HAREMZA: Dreher?

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MS. DREHER: Yes.

MR. HAREMZA: Goodman?

MR. GOODMAN: Yes.

MR. HAREMZA: Ludwig?

CHAIRPERSON LUDWIG: Yes.

MR. HAREMZA: Page?

MR. PAGE: Yes.

MR. HAREMZA: Whitaker?

MR. WHITAKER: Yes.

MR. HAREMZA: Approved with conditions.

CHAIRPERSON LUDWIG: Thank you.

Next, a Certificate of Appropriateness.

## APPLICATION 8H-01-23

Application 8H-01-23 Application of John Harris Terepka, owner, and Christopher Brandt, agent for a certificate of appropriateness to construct a one-story addition on the property located at 1600 Crittenden Road, tax number 148.12-3-70. All as described on application and documents on file.

CHAIRPERSON LUDWIG: Chris, if you can just introduce yourself?

CHRIS BRANDT: I'm Chris Brandt, project architect from Bero Architecture and project manager for our

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project working with John and his wife Elane at 1600 Crittenden Road. As a point of clarification, I passed out and did provide Jason with digital copies of the same. After submission of the drawings that were provided to you two months ago, because we had the month delay of the meeting, there were slight adjustments made to the placement of the entry door and three of the windows.

And so, what I gave you all is the marked up revised plan elevations that highlight the areas where the window and door locations have been slightly adjusted to the feedback of the clients after the original drawings were submitted.

And then, the eight and a half by eleven packet is additional information regarding the material and finish selections for the exterior. I know that's germane to your review of the Certificate of Appropriateness application before you tonight.

So I can walk you through the project if need be. I'd be happy to give a brief overview and take questions, whatever works best for you all.

CHAIRPERSON LUDWIG: Questions are fine with me, if they are for everyone else.

MR. GOODMAN: That's fine.

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MS. DREHER: I need a minute to look through.

CHAIRPERSON LUDWIG: Sure.

MR. PAGE: So I have an initial question. In my packet here there's discussion of a garage pergola, a garden patio, I'm wondering if they are intending to -- there's just a piece of paper in my --

CHRIS BRANDT: There is? Did I staple something else? That's not yours, sorry about that. You were not even in the office when I was working on this stuff.

Sorry. So happy to take questions.

MR. PAGE: I don't have a question per se, but I have comments.

CHAIRPERSON LUDWIG: I congratulate you on putting the smooth side of them out.

CHRIS BRANDT: As it should be.

MS. DREHER: Jerry, you really don't like that texture side of the hardy.

MR. PAGE: As I do with other applications of this quality, thank you for putting together an easy to understand application. And, I am glad to see that you have provided additional information we would otherwise be asking for and there's good information here on how the doors are going to work. That's great.

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2  
3 CHAIRPERSON LUDWIG: Very nice.

4 MS. DREHER: I have a question for my  
5 colleagues on the Board who are familiar with all of the  
6 window options given here. Are they all similar quality?

7 CHRIS BRANDT: Yeah. So, we are working on  
8 negotiating with the owner's chosen contractor because of  
9 it's still a little bit in the air. The intent is to use  
10 fiberglass windows, so all three of them are readily  
11 available fiberglass windows that we can get in similar, if  
12 not exactly the same sizes with the six over six  
13 configuration.

14 Obviously, the hardware, you know, is a little  
15 bit different between the two that's on the interior, and all  
16 of them at the most the width of the mullion and grill is  
17 seven-eighths. One of the manufacturers can get them down to  
18 three-quarters, but they are all generally the same profile  
19 for the mullion and grills, as well as they provide simulated  
20 by flights.

21 I think it is pretty important for a modern  
22 window in this sort of context like this, so it's more so  
23 that since I haven't gotten more finite numbers yet, that is  
24 being negotiated with the contractor. I didn't want us to  
25 get locked into a single manufacturer, with them looking at

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these three. They're all relatively equivalent or are all appropriate for the use in the new addition. We're not using any of them in the historic house.

In the drawings we're trying to minimize as much as possible how much we're touching, really we're just cutting doors into the 1830's building fabric.

MS. DREHER: Thank you.

CHAIRPERSON LUDWIG: Any other questions or comments?

I will mimic or reiterate what John said, great presentation, great plans.

CHRIS BRANDT: Thank you.

MR. GORDON: Here's a thought. I have a design comment or question. It's you guys doing this to me.

So I was looking at the pictures that you provided in the application and I noticed what I believe is called dentil molding across the entire roof on the property. Are you going to mimic that on the --

CHRIS BRANDT: No. The overall ensemble of the brand of claviature on the house that's served as the inspiration for the claviature on the addition. We may not have it appropriately scaled, the elements are slightly implied but we're not creating a false sense of history and



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perfectly mimicking it. Because we won't have dentil, we'll still have a general claviature ensemble will freeze the crowns, the soffits, to the tip.

MR. GOODMAN: Technically, I think it's just looking at the secondary interior stands for rehabilitation, Chris, and you don't want to trick someone into thinking that the addition has been there forever. I think it's probably what you're heading for?

CHRIS BRANDT: Yes.

MR. GOODMAN: There's enough compatibility without an exact copy, so.

CHRIS BRANDT: Same with the elements on the foundation on the addition, so the foundation we're intending concrete blocks finishing with a smooth parigan. The existing foundation of the house is a rubble limestone, so the foundation is a little bit differentiation on the materiality. This is where the foundation is exposed or we're also trying to mimic once you get above the foundation. Again, we're leaving a clue from the original work.

CHAIRPERSON LUDWIG: Okay.

MR. WHITAKER: I wish everyone presented such a clear presentation. Well done.

CHRIS BRANDT: Thank you.

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CHAIRPERSON LUDWIG: Okay. If there are no other questions, I'd like to close the Public Hearing.

MR. GORDON: Unless someone in the audience --

CHAIRPERSON LUDWIG: Anyone in the audience to speak on this?

Okay. I will close the public hearing.

Can we have a motion?

MR. GORDON: Are there any conditions the Board wants to impose on this application other than the typical conditions?

MR. PAGE: Not me.

CHAIRPERSON LUDWIG: No, I don't think so.

MR. GORDON: So, I would propose the members of the Commission put forth the following resolution: Whereas, Application Number 8H-01-23 has been submitted for a Certificate of Appropriateness under the town's Historic Preservation Law for improvement to property located at 1600 Crittenden Road in the Town of Brighton owned by John Harris Terepka, T-E-R-E-P-K-A, to perform work described as construction of a one-story addition to the property.

And whereas, the Historic Preservation Commission duly called a Public Hearing to consider this matter on September 28, 2023.

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And whereas, the necessary legal notice was published and the required sign posted pursuant to Town Code.

And whereas, the Public Hearing was held and all persons having an interest in such matter having had an opportunity to be heard therein.

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

It is hereby resolved that the Historic Preservation Commission hereby receives and files the above described application and supporting materials and it is further resolved that the Historic Preservation Commission hereby approves Application Number 8H-01-23 for a Certificate of Appropriateness for the above described work to be performed at the property located at 1600 Crittenden Road in the Town of Brighton.

Subject to the conditions that the above

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described work be completed within one year from the date of approval and be it further resolved that pursuant to Chapter 224 of the Town Code the above described work qualifies for the exemptions set forth in New York Real Property Tax Law Section 444-a.

CHAIRPERSON LUDWIG: Someone --

MR. WHITAKER: I will make a motion.

CHAIRPERSON LUDWIG: Thank you, David.

MR. GOODMAN: I will second.

CHAIRPERSON LUDWIG: Thank you, Wayne.

Any discussion?

Jason.

MR. HAREMZA: Dreher?

MS. DREHER: Yes.

MR. HAREMZA: Goodman?

MR. GOODMAN: Yes.

MR. HAREMZA: Ludwig?

CHAIRPERSON LUDWIG: Yes.

MR. HAREMZA: Page?

MR. PAGE: Yes.

MR. HAREMZA: Whitaker?

MR. WHITAKER: Yes.

MR. HAREMZA: Approved with conditions.

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2  
3 CHAIRPERSON LUDWIG: Okay, thank you.

4 No hardship applications.

5 Public Hearings are now closed.

6 New business, first item, demolition review  
7 2253 South Clinton Avenue. Is there anyone here to speak on  
8 that?

9 Okay.

10 We did get a photo. It's a complex of  
11 buildings, on the back there's an aerial shot. This is just  
12 a demolition of the existing office building.

13 MS. DREHER: So why are we doing this again?

14 MR. GORDON: It's because the -- it's a brand  
15 new application because they need a demolition permit.

16 Did they ever pull a demolition permit, did we  
17 decide previously?

18 CHAIRPERSON LUDWIG: I don't know.

19 MR. GORDON: So, either they pulled the  
20 demolition permit and the demolition permit expired, or the  
21 application for the demolition permit expired, one or the  
22 other. I don't remember which it was.

23 So it is a new application. You guys are just  
24 looking at it again, it is the same building you said you  
25 were not interested in designating before. So, there you go.

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2  
3 CHAIRPERSON LUDWIG: Well, it's probably old  
4 enough now to be historic.

5 MR. GORDON: So the question before the Board  
6 is: Does the Board have an interest in considering this  
7 property for designation under the Historic Preservation Law?

8 And someone should make a motion that says one  
9 thing or the other, that the Commission does or does not.

10 CHAIRPERSON LUDWIG: The vote will be yes, if  
11 we tell the secretary to send a motion or a notification to  
12 the Planning Board that we have no interest in designating  
13 this building.

14 MS. DREHER: So I'll make the motion that the  
15 Board, which is to direct the secretary that we do not intend  
16 to consider this for historic designation.

17 MR. PAGE: I will second that.

18 CHAIRPERSON LUDWIG: Do you want to call the  
19 roll?

20 Any discussion?

21 MR. HAREMZA: Dreher?

22 MS. DREHER: Yes.

23 MR. HAREMZA: Goodman?

24 MR. GOODMAN: Yes.

25 MR. HAREMZA: Ludwig?

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CHAIRPERSON LUDWIG: Yes.

MR. HAREMZA: Page?

MR. PAGE: Yes.

MR. HAREMZA: Whitaker?

MR. WHITAKER: Yes.

CHAIRPERSON LUDWIG: Any other new business?

Okay. Old business, first item, demolition review 125 Old Mill Road.

We received a cultural survey recently. Have you all had a chance to look through that?

And also, we have the communications that were provided as part of the record this morning.

MR. GORDON: So again, just referencing my earlier discussion, there's a communication dated September 27th, from Town Historian Mary Jo Lanphear; a communication from Suzanne Spencer dated September 28th, to Jason Haremza regarding 125 Old Mill Road, and a communication from Jamie Flaum dated September 28th, all relating to 125 Old Mill Road. All indicating their opinions that the property has character that would lend itself to be being designated.

CHAIRPERSON LUDWIG: Thank you. This is a very well done survey by Christopher Brandt, and it does

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point out that the property does have significant historic importance.

And is there anyone here to speak on this particular property?

JOHN TANTILLO: Good evening, everybody. My name is John Tantillo, the attorney for the current owner of the property, Nunzio Salafia.

My understanding is that you guys decided whether or not to schedule a hearing on designation and at that point, more testimony taken one way or the other; is that correct?

MR. GORDON: So again, the determination for this Board is what letter the secretary of the Historic Preservation Commission should send to the Planning Board regarding this property. One, to say it is interested in proceeding with the designation, but one says it is not interested in proceeding with the designation.

If this Board determines that it is interested in proceeding with the designation then the secretary would send that letter to the Planning Board, the secretary would also contact the property owner so as to invite them in for a meeting with the secretary and the Town Historian to discuss the process and to discuss the property and then a notice



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would be sent out to the Commission.

So, proceeding with the Public Hearing, notifying formally the owner of when the Public Hearing would be held, and there are some time parameters on that as well.

JOHN TANTILLO: Thank you for that. So, to the extent the Board is interested, we'd also like you to send a letter to the Planning Board that you are not interested in so designating and review the cultural resource survey of the property.

I personally don't see much grounds to designate this property as a landmark. The members of the community that are or that have historic significance referenced in the survey were not actually residents of the property, they were people that the owners knew. The sister of one of the owners, the father of another owner.

I think -- I can't imagine that can be the criteria for designation. I think the scope is very broad. The property itself is in pretty rough shape from the prior owners. As the cultural resource survey recognized the roof was replaced, the corrugated metal roof recently that greatly diminishes the architectural significance of the property.

I'm also here with environmental consultant, Primitis Laughia, who was actually just on the property and

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discovered that it's pretty -- if you want to?

MICHAEL WALLER: Michael Waller, Lozier Environmental. So, basically we were called out to assess the asbestos contents on the building materials for the project, whatever it looked like before.

And while we were trying to determine the extent of the duct work. The duct work had asbestos pipe wrap and/or duct wrap on it. So we were trying to chase it in the vertical wrougths and we did discover that every single wall cavity and the space between the first floor and the second floor was filled with very dense asbestos insulation.

So in order to move this project forward to eliminate the asbestos hazards, it's going to be a gut of all of the walls, all of the ceilings, the HVAC system and so pretty much starting from scratch. And then even at that point I don't feel because of the nature of the older lumber, just by nature the older structural members have a more coarse feel to them and all of the asbestos is right on it. It's not going to be asbestos free.

So pretty much the extent of it is, I don't think I've seen anything that dense and that thorough in the walls.

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JOHN TANTILLO: I would also note that the surrounding properties as well also largely replaced, looks like on both sides of the building and up and down the street are all much newer construction.

So, to the extent the Board is amendable to kind of, nipping this in the bud now, we request that the letter to the Planning Board be sent that it not be designated. But obviously, we also, our argument saying that at a later hearing if the Board holds one.

CHAIRPERSON LUDWIG: Comments?

MR. GORDON: I don't know if anyone else is here --

CHAIRPERSON LUDWIG: Is there anyone else to speak of this or --

JOHN TANTILLO: Mr. Salafia is here too.

NUNZIO SALAFIA: I'm Nunzio Salafia, the owner of the property.

MR. GORDON: Your first name please, for the record?

NUNZIO SALAFIA: Nunzio Salafia, the owner of the property. When I bought the house, I did my due diligence to make sure I would be able to do what I wanted to do, which was what everybody else on the street has been

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doing. They bought houses, tore them down.

So I call the town to make sure that it was not significantly historic that it may be hard for me to knock it down. My intention was to build my residence there. Once I confirmed that it was not historical, I purchased the house, so my next step was I was going to knock it down, because I wanted to build a house.

I called the town, says, okay, what are the steps I have to do? You have to make sure there's no asbestos. If there is asbestos, you have to remove the asbestos, or you're never going to get a permit.

So that is when I hired Lozier to come in and do what they call a survey. In order for them to do the survey, they said, you got to open up all the walls and every wall in the house has been opened up with a hole about this big, contaminated the house.

Now I'm at the stage that, if I get to knock the house down, the house is going to be designated as being unfit because according to the expert, it cannot be -- you cannot remove the asbestos because the kind of asbestos there is, and the amount of the asbestos there is, and the way that the asbestos is being sucked in and blown out by the heating ducts and the forced air furnace, that is going all over the

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place.

So even if I did spend \$100,000 to remove the asbestos, and then I got to re-insulate it, rebuild it and rewire it and I got to put in a new unit, which are probably about \$300- or \$400,000 in damage, I would never get a clearance that the house is safe to live in because the asbestos cannot be 100 percent removed now, and I not touched that.

If the town would have said, well, before you do anything you better make sure, whatever. Because at the time there was no talk about historical, there was not talk about anything. So they told me, open it up, get a survey, if the survey is okay, then we move forward.

Unfortunately, that's when I stopped, but I stopped at the late level, where now I cannot go back. So if I gut the house and he doesn't give me the clearance because the asbestos cannot be removed on the rough lumber that surround the whole house, what he's telling me, the conversation I had earlier is, the only way I can make this house asbestos free is you got to remove the two-by-fours. Which means, you got to knock the house down.

So I'm not anymore to -- I don't know if we have the option of having you determine if it be historical

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or not. It's not -- it's the house and not been lived in. I'm sure I can get an engineer in the asbestos area, based on his expert opinion, that the house should be condemned because of the way and the state it is right now.

So I wanted to assure I made the point that, it's not that I'm going to get there, I am already there. The damage is done, so you now either gut it, and then he's not going to give me the clearance, I cannot live in it, then it's going to be a shell, okay?

Or knock it down and allow me build the house like everyone else did. So that's all I wanted to say.

CHAIRPERSON LUDWIG: Thank you.

MS. DREHER: I have a question. I forgot your name.

MICHAEL WALLER: Sure. It's Michael Waller.

MS. DREHER: So my knowledge of asbestos is probably not as extensive as some of my colleagues because I represented a panel. If the holes were patched, the information we got from the last time we were here, was that the asbestos was probably encapsulated and was in good shape. So if it wasn't disturbed it would be fine, which is something we hear a lot with old houses in Rochester.

But here I understand it was disturbed,

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because Mr. Salafia was proceeding the way he believed that he had supposed to. But the house doesn't have to be asbestos free to live in it if the holes were patched, brought back to the orig -- is that possible?

MICHAEL WALLER: It's possible to patch the holes, yes, to live in a house that has asbestos.

MS. DREHER: Right. And then, it would not be a problem with habitability?

MICHAEL WALLER: No. That's not true. The -- a lot of people have duct wrap and pipe insulation and things of that nature. And we looked at that, it's our basements, it's the floor tile, and things. It's intact, it's good, we can live with that.

The extent of when you deal with walls, every time you penetrate it to hang something, every time you have a water leak and now you have a damaged wall or ceiling collapse, you know, things like that are turning into major disturbances quickly.

So, yes, you can live with a manageable amount of asbestos, which we have a management plan and a way to deal with that. But the extent in these cavities and in the space between the floor and the ceiling on the first floor the second floor, there's no way to say that at any given

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point there isn't a breach in a wall or a crack, even the HVC system, you know. That was wrapped with insulation and not only was the ducts, they are currently, they have insulation on them, then are placed in these cavities and packed with the insulation.

So any time there's a breach, it's just, you can't guarantee that it's -- that at some point you're going to be free of the exposure of asbestos, you can't.

JOHN TANTILLO: Just to clarify, up until just today they didn't realize the extent of the asbestos. So I think, if there were comments previously, it's based on the assumption of a more typical level of asbestos than what they found.

MICHAEL WALLER: Your original question was about it was intact. I don't think that that, at any point until we started trying to determine the exact location of the vertical duct runs was that even known to anyone. I don't think the previous owner knew that that was there.

The asbestos duct insulation, it was obvious, that was all over the basement. But, to say that that material was in that wall and it was encapsulated and safe to live in, I don't believe it for a second.

MS. DREHER: Thank you. I have a question for



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Mr. Gordon, but I'm going to hold that and let the other members ask.

MR. GOODMAN: I have a question about the topic of asbestos. So I'm trying to make sure I understand. If all of the asbestos was removed, I could understand there would be some small, you know, it's rough wood, I get that, inside the walls. You're talking about the studs, right, within the walls?

MICHAEL WALLER: Right.

MR. GOODMAN: So, but if the asbestos was abated and the new duct work was installed, I'm not sure how even those tiny particles of asbestos if they're encapsulated, we live with that all of the time, do we not?

MICHAEL WALLER: Not necessarily. We usually -- post abatement, you know, is asbestos free. Our goal is, if abatement, there's three times the abatement, so it's removed, encapsulation or -- so one of those things, and it's all a small number of abatement. So if we go for a removal, the attempt is to make it asbestos free.

MR. GOODMAN: Sure, I understand. I --

MICHAEL WALLER: This is what would happen. We abate it, we go away, we order clearance, they would have to put an encapsulate on the material. We would sign off a

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report saying this building still contains asbestos, some amount of fibers are attached to this rough lumber.

Now, is that a hazard on a daily basis?

Probably not. If there's a fire on a wall, now those fibers would be released and there's other natural events that could cause a disturbance of that material. But I think the lack of ever being able to sign off or for an owner to receive a document saying this house is asbestos free, I think that's a big --

MR. GOODMAN: And that wasn't my question. I am getting on the level of asbestos that would encapsulate even though I understand you're not able to get it asbestos free, my point is, we live in structures that are not asbestos free, they are encapsulated --

MICHAEL WALLER: Sure.

MR. GOODMAN: -- I just wanted to make that clarification.

MICHAEL WALLER: Well, I'm not a doctor. So I don't --

MR. GOODMAN: Sure. I'm not either.

NUNZIO SALAFIA: -- so I don't know what level of asbestos is good or bad. Sure, there is asbestos that's around. But if I'm the homeowner and I'm bringing in

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a family or whatever I'm doing with that space, I'm going to do the best I can to make it asbestos free. I understand that we live with it and it is around, but I don't know if one fiber causes mesothelioma or a minimal. So to take that risk, and there's a risk. There's a risk to say, yes, I'm adding more asbestos into a potential breathing zone by leaving some asbestos there.

MR. GOODMAN: All right, thank you.

CHAIRPERSON LUDWIG: I have a question for you guys. When did you drill these holes or make these holes?

MICHAEL WALLER: The drill, the holes for that?

CHAIRPERSON LUDWIG: Well, whenever you opened up the walls. When was that done?

MICHAEL WALLER: There was a report, I don't know the date.

NUNZIO SALAFIA: When I hired them to do the inspection, they said unless those holes were opened up so to see --

CHAIRPERSON LUDWIG: When was that done?

NUNZIO SALAFIA: Approximately a couple months ago.

MICHAEL WALLER: I have a picture of it on my

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phone, I can pull it up, and put a date to it --

CHAIRPERSON LUDWIG: All right, that's close enough, thank you.

NUNZIO SALAFIA: The asbestos comes in different forms. This asbestos was blown into the walls. It's the kind of asbestos that if you touch it, it will go right into the air.

MR. GOODMAN: I understand.

NUNZIO SALAFIA: And what they did, they put in the cold air returns. They keep on sucking air right out of blocks, the four holes, okay? As well as the heating ducts, they are blowing air into the unit. I am surprised the lady that owned the house is not full of asbestos.

MR. GOODMAN: No, I understand the current condition. I understand the conditions that you describe. My question was, post-abatement, that was my question. Post abatement, if you went through abatement for the asbestos and you put in new duct work, and presumably, the problem that you just described would no longer take place.

NUNZIO SALAFIA: Okay. But because it's all over the place, 100 percent of the house, I got to take the kitchen off, I got to take the bathroom off, I have to give the duct, the whole house, we got to re-insulate the whole

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house. We have to rewire it because we probably got to bring the wire to code. It's building a new house. The only thing they can force me to leave behind is the heavy structure to the heaviest roof in Brighton.

MR. GORDON: I'm telling you I'm hearing Mr. Salafia say -- and I think he's saying it pretty clearly -- is that it would be a tremendously expensive, difficult job to gut the house and make it what he would consider to be inhabitable, although he could leave the exterior structure and the historic grounds intact.

MR. PAGE: So my question is, and this is what I'm asking for direction on. We're supposed to be making a determination on the house and the property and not -- any danger, that's not part of our charge, is it?

MR. GORDON: So at this point in time you're not even supposed to be making a determination as to whether you're going to designate --

MR. PAGE: Our interest, yes.

MR. GORDON: Let me finish. So right now you are simply going to be telling the secretary of the Commission to send a letter to the Planning Board, we're not interested in pursuing designation, and the process ends and they can go through their plans with the Planning Board and

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move forward.

Or we are interested in considering destination, and then we start that designation process. That doesn't mean we end with designation. Even after you designate anything, property, the homeowner has the opportunity to come in and seek a hardship appeal. They would explain the economic hardship that they would be under based on the designation of the property.

So all of those things have done that. We're at a very preliminary stage right now. I know it's taking a while because it took a while to get the report back. But, I think it was a very important report for this Board to have before making a decision on this house.

Amanda, did you have a question?

MS. DREHER: My question was, I think, it would not be based on what we're doing tonight, it would be when we get to -- if we decide we want to pursue designation, we get to that designation, do we have, as a Board, the ability to involve town staff with additional questions? If we have further questions about, have an ability and the asbestos, in the anticipation that this is a major issue and our designation would -- sort of preliminary anticipation of what the objections to designation are based on what we've

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heard so far. But that is not what -- we're not into that tonight.

MR. GORDON: It's not what we are -- and I will give you my preliminary answer on that is, your charge is in the initial phases of designation to look at whether the property meets the criteria in the code.

One of the criteria is not: What does the inside of the house look like? Or, is it a good house to live in? Or, what's the condition of the asbestos inside the walls? None of those are criteria on the initial designation with the code.

MS. DREHER: So we would have to let it play out and then consider the hardship possibly?

MR. GORDON: If they wish to pursue that.

MS. DREHER: Okay. Thank you. Based on the survey, I thought it was -- sorry.

MR. GORDON: I don't know if you have anymore questions for these folks. I think you were jumping into a discussion there.

MS. DREHER: I was, yes.

CHAIRPERSON LUDWIG: Is there anyone else here to speak?

MR. GORDON: Let's have you guys step aside

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and see if anybody else wants to come up.

CHAIRPERSON LUDWIG: Did you have anything else to add?

JOHN TANTILLO: No.

CHAIRPERSON LUDWIG: Okay, very good.

MR. GORDON: Is there anyone else?

CHAIRPERSON LUDWIG: And there's no one else here to speak?

Okay. I'd like to close the Public Hearing.

MR. GORDON: It was not really a Public Hearing. We are just taking input. It was something that I thought was nice that you did, Jerry. It's not something the Board is ever required to do to get input like that, but I think it was important to hear from them.

JOHN TANTILLO: Appreciate that.

CHAIRPERSON LUDWIG: Okay. What's your pleasure, and the options?

MR. GORDON: Why don't you all discuss whether you think you want to proceed with a designation process or whether you want to tell the secretary to send a letter that says you are not interested. That's the discussion you want to have now.

MR. WHITAKER: My opinion has been the same,



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it should be designated.

MR. GORDON: So you would say that you would want to pursue that designation process?

MR. WHITAKER: I do.

MS. DREHER: I would agree. I think the survey pretty clearly lays out that it falls under all of the categories, some more strongly than others. But, you know, the survey gave us the answers to how much of the original: The landscaping, the Fletcher Steel designs, which some have been removed but are largely intact.

And Mr. Brandt explained there are only, I believe, there was academic research done on Fletcher Steel properties and what's remaining in Rochester, and this was one of only 12 in good shape.

I think based on the information we have now, it would still remain. And that is very significant, in my opinion, and the information on the Bentley's that lived there, they were clearly significant persons of the time and, of course, the architect as well.

So I would be in favor of a survey designation.

MR. GORDON: I have a question. You raised the landscaping design and garden areas designed by Steel.

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Of course you know under our Historic Preservation Law we can designate structures, and we can designate grounds no further than 250 feet away from the structure. Do we know whether -- maybe this is a question for you, Jason -- do we know whether those Steel designed landscaping features that are called out as significant are within that 250-foot radius?

MR. PAGE: Definitely there are elements in it, whether it encompasses every single aspect of it, I can't say, but absolutely.

MR. HAREMZA: I would say a majority if not all of the landscaping features are within 250 feet of the structure.

MR. GORDON: Thank you.

MS. DREHER: Thank you.

CHAIRPERSON LUDWIG: Your take on things?

MR. PAGE: There's sufficient information to suggest that it be considered for designation.

MR. GOODMAN: I guess my opinion is that the survey was really informative. I think it has obvious characteristics of a historic property from multiple different angles. I realize this is only the beginning of a process, but I would feel like this certainly should be considered.

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CHAIRPERSON LUDWIG: Okay.

MR. GORDON: What about you, Mr. Chair?

CHAIRPERSON LUDWIG: I will go along, I agree.  
Certainly upon reading this it does hit a lot of important  
areas. So I think we -- you would take a roll on a letter to  
the fact that, yes, we are interested in pursuing this.

MR. GORDON: I can propose a formal  
resolution.

CHAIRPERSON LUDWIG: Very good.

MR. GORDON: I would suggest that the  
following resolution be considered for adoption by the  
Commission:

It is hereby resolved that the Historic  
Preservation Commission direct the secretary of the  
Commission to send a letter to the Planning Board indicating  
that the Historic Preservation Commission is interested in  
considering 125 Old Mill Road for designation under the  
Town's Historic Preservation Law.

And it is further hereby resolved that  
pursuant to Section 224-3 of the Brighton Comprehensive  
Development Regulations that the Historic Preservation  
Commission directs the secretary of the Commission to contact  
in writing the owner of 125 Old Mill Road for the purpose of

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informally notifying such owner of the proposed designation of 125 Old Mill Road under Chapter 224 of the Brighton Comprehensive Development Regulations and providing such owner with a copy of Chapter 224 and further advising such owner of the opportunity for an informational meeting with the Commissioner of Public Works or his designee and the Town Historian concerning the proposed designation.

And it is further resolved that the Historic Preservation Commission direct the secretary of the Commission thereafter notifying informally the owner of the opportunity to meet, that a formal notice of the Board's intention to consider designation of 125 Old Mill Road be sent by registered mail to the owner of the property for the proposed designation described in the property proposed and announcing the Public Hearing by the Commission to consider the designation, which hearing shall be held not less than 20, no more than 30 days after the date that that notice is mailed.

And that the Board hereby set -- that the Historic Preservation Commission sets November 16, 2023, at 7:15 p.m. or soon thereafter as the matter can be heard for the proposed designation of 125 Old Mill Road in the Town of Brighton.

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CHAIRPERSON LUDWIG: Okay.

MS. DREHER: I'll make the motion.

MR. WHITAKER: Second.

CHAIRPERSON LUDWIG: Discussion?

MR. PAGE: Just to reiterate that this is based on the criteria that we have under our charge and it is independent of the difficulties that are verified with rehabilitation of the building.

CHAIRPERSON LUDWIG: Well, that goes back to what Ken said.

MR. PAGE: Yes.

CHAIRPERSON LUDWIG: Okay.

Jason?

MR. HAREMZA: Dreher?

MS. DREHER: Yes.

MR. HAREMZA: Goodman?

MR. GOODMAN: Yes.

MR. HAREMZA: Ludwig?

CHAIRPERSON LUDWIG: Yes.

MR. HAREMZA: Page?

MR. PAGE: Yes.

MR. HAREMZA: Whitaker?

MR. WHITAKER: Yes.

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3 CHAIRPERSON LUDWIG: Okay.

4 MR. GORDON: We will send the notice. You can  
5 request an adjournment --

6 JOHN TANTILLO: Can we just request an  
7 adjournment right now to into the December meeting?

8 MR. GORDON: Well, our problem is that we've  
9 got to see what's the time that we have to hit. So the idea  
10 is that we would have an invitation for an informal meeting.  
11 Mr. Salafia, if he wishes, can come in and meet with the  
12 Town Historian and we have to do it.

13 JOHN TANTILLO: I guess what I heard was,  
14 after the meeting that is when the notice is sent, so it's  
15 not even determined until after the informal meeting?

16 MR. GORDON: Until he makes the invitation.  
17 If the informal meeting doesn't take place, we then send a  
18 notice. If the informal meeting does take place, then we  
19 send the notice. So the notice gets sent, but there's a time  
20 period between a 20 to 30 day window, I don't want staff to  
21 be holding onto this and holding onto this.

22 We can send a notice, and then he can request  
23 an adjournment and typically the Board will honor an  
24 adjournment request like that.

25 JOHN TANTILLO: We have to make the request

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by -- when is the next meeting, is that next month?

MR. GORDON: What's the cutoff for the 16th?

MR. HAREMZA: The cutoff for November 16th is October 17th.

MR. GORDON: So you have until October 17th to make a request.

JOHN TANTILLO: Okay.

MR. WHITAKER: Ken, is there any way to have them clean up the property? It's a mess, and moving on --

MR. GORDON: That's not part of this resolution. It's not something for this Board to direct. I do think that the planning department and public works department is aware of and familiar with the conditions at the property. I believe code enforcement has been out to look at the property, I'm not sure, but I will speak with the Commissioner again to make sure that somebody goes out and takes a look.

If there's, you know, a code violation, then, that will be addressed. If there's not a code violation, then there is not a code violation.

MR. WHITAKER: I still feel for the neighbors right now.

MR. GORDON: I understand that. Sometimes the

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neighbors get concerned about what another neighbor's property looks like without it being an actual code violation.

MR. WHITAKER: Okay, thank you.

CHAIRPERSON LUDWIG: Okay. 240 Thackery Road, what's the status of that? Did we authorize a survey?

MS. DREHER: I thought we did, but this Old Mill Road was prioritized for the survey over Thackery Road. I don't think so, because we pushed the other one in front of it.

CHAIRPERSON LUDWIG: I think Thackery was next on the list. Mary Jo would remember maybe, but we need to if we are going to do a survey on 240 Thackery Road, we need to advise the homeowners that we are. We don't want to get into that.

MR. GORDON: Well, and also -- I'm trying to find my budget memo here -- as to what we have left and keeping in mind that you want to order the survey in 2023, so that you used 2023's moneys to do that survey. Even though the survey may not be completed until 2024, the way the town views it is, if the order is placed and the PO is put out to do work, then it's considered --

CHAIRPERSON LUDWIG: Well, it's my



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understanding that 240 Thackery is next.

MR. HAREMZA: Yes. These are in order of  
priority.

CHAIRPERSON LUDWIG: Okay.

Any other things we need to talk about  
tonight, or can I entertain a motion to adjourn?

MS. DREHER: I'll make the motion.

MR. GOODMAN: I'll second.

CHAIRPERSON LUDWIG: All in favor?

ALL COUNCIL MEMBERS: Aye.

\* \* \* \*

## 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 9th day of December, 2023.

At Rochester, New York

*Rhoda Collins*  
Rhoda Collins