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**BRIGHTON**  
**ZONING BOARD OF APPEALS**  
**MEETING**

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February 7, 2024  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

**PRESENT:**

DENNIS MIETZ  
Chairperson

EDWARD PREMO	)	Board Members
HEATHER McKAY-DRURY	)	
KATHLEEN SCHMITT	)	
JUDY SCHWARTZ	)	
MATTHEW D'AUGUSTINE	)	

LAUREN BARON, ESQ.  
Attorney for the Town

RICK DiSTEFANO  
Secretary

**ABSENT:**

ANDREA TOMPKINS-WRIGHT

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

1 CHAIRPERSON MIETZ: Good evening. I need  
2 you to keep it quiet and please -- you know, you're  
3 welcome to share your opinions with each other, but if  
4 you're doing that, you need to do it outside. It's  
5 hard for the court reporter if people are  
6 jibber-jabbering during the meeting. So I just don't  
7 want to have to say that to anyone. So I just want  
8 your courtesy to do that.

9 So those of you who are not familiar,  
10 welcome to the February meeting of the Zoning Board of  
11 Appeals. I want to give you an idea of how we run the  
12 meetings.

13 So we will go through our agenda items. And  
14 if you're the speaker for one of the items, then you  
15 come up to the podium, give us your name and address,  
16 business address, home address, whichever you'd like.  
17 And then you go ahead and present why you feel we  
18 should approve your application.

19 The Board members will have visited the  
20 property. You may have more questions to clarify,  
21 something you said or some question they have.

22 And then we'll finish with that and then we  
23 will ask if anyone in the audience would like to speak  
24 regarding the application. And if you're one of the  
25 folks that wants to do that, you'll raise your hand,

1     come up, do the same thing, name, address, then speak.  
2     We don't allow any interrogatory between the applicant  
3     and people coming in to speak.

4             Now, the Board, if they're not clear about  
5     something you say, they may ask you questions. But  
6     other than that, that's it.

7             Then we'll take anyone else who wants to  
8     speak. And once we finish that, we'll close the  
9     public hearing, move on to the next one.

10            Once we finish them all, then we may take a  
11     couple minute break. From there, we'll deliberate on  
12     each of them tonight.

13            And you can listen to the deliberations if  
14     you wish, but again, there's no discussion between the  
15     applicant, visitors, residents or whatever during the  
16     deliberations.

17            You're free to sit here and listen if you  
18     wish. If you don't want to stay, then you can call  
19     the Building Department Office and talk to Rick  
20     DiStefano tomorrow. He can let you know what the  
21     result of your application is.

22            Okay. So at this time I'll move forward.  
23     Rick, was the meeting properly advertised?

24            MR. DiSTEFANO: Yes, Mr. Chairman. It was  
25     advertised in the Daily Record of February 1st, 2024.

1           CHAIRPERSON MIETZ: Can you call the roll,  
2 please.

3 (Whereupon the roll was called.)

4           MR. DiSTEFANO: Please let the record show  
5 that Ms. Tompkins-Wright is not present.

6           CHAIRPERSON MIETZ: Okay. So Rick, we have  
7 some minutes.

8           Judy, you have some minutes?

9           MS. SCHWARTZ: I'm going --

10          CHAIRPERSON MIETZ: Judy, bring that mic  
11 close to you.

12          MS. SCHWARTZ: I'm sorry. Sorry. Yes. Can  
13 you hear me now?

14          Page 44 of December, line 11, first word  
15 should be "attached."

16          Page 49, line 7, towards the end of the  
17 sentence it should be "through."

18          And page 72, line 2, the last word is porch.

19          MS. McKAY-DRURY: I have one.

20          CHAIRPERSON MIETZ: Go ahead. December.

21          MS. McKAY-DRURY: Page 42, line 4, it  
22 should -- just switch the words "the" and "have." So  
23 "when I have the floor plan..." That's it.

24          CHAIRPERSON MIETZ: Okay. Great. Thanks,  
25 Heather.

1           Okay. Motion, please, from someone.

2           MR. D'AUGUSTINE: Motion.

3           MS. SCHWARTZ: Second.

4           MR. DiSTEFANO: Motion is to approve with  
5 corrections.

6           (Mr. Premo, yes; Ms. Schwartz, yes;  
7 Mr. D'Augustine, yes; Mr. Mietz, yes;  
8 Ms. McKay-Drury, yes; Ms. Schmitt, yes.)

9           (Upon roll motion to approve with  
10 corrections carries.)

11          CHAIRPERSON MIETZ: January.

12          MS. SCHWARTZ: Page 37, line 13, at the end  
13 is "masonry."

14          Page 44, line 10, it's "beds," the second to  
15 last word.

16          Page 45, line 6, delete "less than."

17          Page 55, line 3, the third word should be  
18 "until."

19          Page 60, on line 14, after the word "or,"  
20 insert the word "not."

21          And page 86, line 22, the first word is  
22 "planted."

23          That's all I have.

24          CHAIRPERSON MIETZ: Okay. Anyone anything  
25 else on January? Okay. Motion?

1 MR. D'AUGUSTINE: Motion.

2 MS. SCHWARTZ: Second.

3 MR. DiSTEFANO: Motion is to approve the  
4 January minutes with corrections.

5 (Mr. Premo, yes; Ms. Schwartz, yes;  
6 Mr. D'Augustine, yes; Mr. Mietz, yes;  
7 Ms. McKay-Drury, yes; Ms. Schmitt, yes.)  
8 (Upon roll motion to approve with  
9 corrections carries.)

10 CHAIRPERSON MIETZ: Okay. Well, Rick,  
11 whenever you're ready.

12 MR. DiSTEFANO: Application 11A-01-23 has  
13 been withdrawn by the applicant in case anyone is here  
14 for that application.

15 **Application 1A-03-24**

16 Application of Rodney Buffington, agent, and  
17 Cameron Sands, owner of property located at 3601  
18 Elmwood Avenue, for Area Variances from Section 207-2  
19 to 1) allow for a 5-foot high front yard wall with a  
20 6.5-foot high gate in lieu of the maximum 3.5 feet in  
21 height allowed by code, 2) allow for a side yard  
22 (east) wall to be 8 feet in height in lieu of the  
23 maximum 6.5 feet allowed by code, and 3) allow for  
24 sunken garden walls to be 10 feet in height in lieu of  
25 the maximum 3.5 feet and 12.75 feet in height in lieu

1 of the maximum 6.5 feet allowed by code. All as  
2 described in application and plans on file. **PARTIALLY**  
3 **APPROVED WITH CONDITIONS, PARTIALLY TABLED - AT**  
4 **JANUARY 3, 2024 MEETING - PUBLIC HEARING REMAINS OPEN**

5 MR. DiSTEFANO: Numbers 1 and 3 were  
6 approved at the last meeting. Actually, the only  
7 thing that we're looking at is that front gate,  
8 driveway gate. It was tabled. So they're back here  
9 to present.

10 MR. BAYER: Good evening. I'm Mark Bayer  
11 with Bayer Landscape Architecture. David Crowe with  
12 HP Cornerstone is here again tonight.

13 And as noted --

14 CHAIRPERSON MIETZ: Give us your address for  
15 the record.

16 MR. BAYER: 19 North Main Street in Honeoye  
17 Falls is my office address.

18 CHAIRPERSON MIETZ: Thank you. Go ahead.

19 MR. BAYER: So thanks for hearing us again  
20 tonight. We're just revisiting the gate. And I think  
21 the general consensus was that it was in pretty good  
22 shape, but there was a few folks that wanted to see  
23 some imagery of it and look at the height of it and so  
24 on.

25 So we went back and prepared some more

1 detailed drawings to kind of show more precisely what  
2 we intend to do.

3 And we also -- listening to your comments,  
4 we did take the height of the piers down. We dropped  
5 it by a foot. And the gate -- you know, corresponding  
6 to that is we're showing the gate at 5 feet and the  
7 piers at 5 and a half. Previously, the height was at  
8 6 and a half feet.

9 And I -- you know, I heard what the Board  
10 said. David and I talked about it. We decided to  
11 bring it down a little bit. And we think it's really  
12 nicely scaled down for the property.

13 There's about over 300 feet of frontage on  
14 this property. You know, it's 5- to 600 feet deep.  
15 The house is way back. So in terms of scale, it's, I  
16 think, spot on.

17 The gate also sits back 30 feet from the  
18 road. It's going to be heavily planted, the property.  
19 So it's going to be nicely tucked in.

20 And, you know, I think it's perfectly  
21 appropriate for this setting, the design of it is --  
22 based on the fact that it's a mid-century modern, low  
23 house. And we're designing the gate to kind of  
24 correspond to that horizontal look of the building.  
25 The materials of the house and the piers and the



1 planking walls that adjoin the piers are being done in  
2 the same brick. The gate itself would be done with a  
3 steel or aluminum and, you know, powder-coated paint  
4 finish that would be kind of an earthy color. So it's  
5 going to sit right in there beautifully.

6 And I guess -- I think, probably just answer  
7 any questions you have about it.

8 MS. SCHWARTZ: You said something about  
9 paint I think.

10 MR. BAYER: It will be a -- the gate is  
11 going to be like an earthy tone, a brownish tone.  
12 It's going to look just like this.

13 CHAIRPERSON MIETZ: Similar to like  
14 chocolate --

15 MR. BAYER: It will be like an earthy -- it  
16 will be a darker color.

17 CHAIRPERSON MIETZ: Can you describe -- you  
18 know, you could see it here marked on the photo  
19 there -- the grade situation from the road to the  
20 gate?

21 MR. BAYER: It's quite flat when you come  
22 in.

23 CHAIRPERSON MIETZ: If you look at that, it  
24 looks like just the opposite. It looks like it's  
25 sloping up to the gate.

1 MR. BAYER: Well we have -- we'll have a 2  
2 or 3 percent pitch up the drain.

3 CHAIRPERSON MIETZ: It's minimal.

4 MR. BAYER: It's not a heavy pitch. I don't  
5 know what it is exactly, but it's -- when you go out  
6 there, it definitely doesn't feel like much of a  
7 slope.

8 MS. SCHWARTZ: Is the brick like a brownish  
9 tone?

10 MR. BAYER: It is.

11 MS. SCHWARTZ: It's hard to tell.

12 MR. BAYER: It has some subtle variation,  
13 but it's -- yeah.

14 MS. SCHMITT: The last time we were here a  
15 question was asked about why the fence needed to be  
16 larger than 3 and a half feet. Did you consider  
17 reducing it down to the 3 and a half feet?

18 And if you did, what was the reason for  
19 keeping it as well? Reducing it, but now it's 5 and a  
20 half.

21 MR. BAYER: Well, the pier is 5 and a half.  
22 The gate would be down around 5.

23 And we looked at the scale of this on the  
24 frontage. And the fact that there's very -- you know,  
25 very real concerns about privacy and security and --

1 so the owners felt very strongly they didn't want to  
2 go any lower than the 5.

3 And we feel -- we're very confident from the  
4 design perspective that it is the proper scale. 3 and  
5 a half would look out of scale and just like a trip  
6 hazard almost. It's not going to look like a gate  
7 like we want it to look for the property.

8 But yet, with the reduction of a foot in  
9 height, we don't feel it will be at all imposing.  
10 Again, it's sitting 30 feet back from the road. Its  
11 design and detailing are going to be beautiful. And  
12 we think it's perfectly appropriate for this setting.

13 MS. SCHMITT: It is very striking. I'm just  
14 curious because when I drove by, it looks like from  
15 the other side of that street, you could just walk  
16 right in that way through the pine trees.

17 MR. BAYER: Right. We'll be doing a lot of  
18 supplemental planting there. So that -- you will  
19 not -- it will not be as open in terms of visible --  
20 visibly open. And the gate will keep vehicles out.

21 If you also notice, there is the photos.  
22 There is -- as is characteristic of the entire -- that  
23 entire area of Elmwood and East Avenue and CCR, there  
24 is the large dolomitic stone walls that are -- that  
25 surround this property and surrounds CCR and many

1 parcels there. We're retaining that also. So you  
2 won't be able to ever -- you won't be able to drive  
3 into this property without the gate being opened. And  
4 that's the intent.

5 MS. SCHMITT: Okay. Thank you.

6 CHAIRPERSON MIETZ: Okay. And then I would  
7 presume that there'd be no parking in the 30 feet, no  
8 cars that are parked out there. Is there any way to  
9 get past the gate besides opening it?

10 MR. BAYER: No.

11 CHAIRPERSON MIETZ: There's no man door, no  
12 man access?

13 MR. BAYER: As I mentioned, the only way in  
14 when we're done will be through the gate because of  
15 those boulder walls that run the whole -- run the  
16 property.

17 CHAIRPERSON MIETZ: Okay.

18 MS. MCKAY-DRURY: Just actually out of  
19 curiosity, what happens if emergency services are  
20 called?

21 MR. BAYER: They'll either have access for  
22 the gate or they blow through it.

23 MR. CROWE: There'll be a Knox Box. And in  
24 the Knox Box will be the combination. And there'll be  
25 a touchpad. They'll put in the code. They can open

1 the door.

2 And that's all coordinated with the fire  
3 department, but we're going to be required to have a  
4 Knox Box.

5 MR. DiSTEFANO: So with this gate feature  
6 you basically have three elements. We have the wall,  
7 the pier and the gate.

8 Can you describe how high is the wall?

9 MR. BAYER: 4 feet max.

10 MR. DiSTEFANO: So actually every portion of  
11 this needs a variance; right?

12 MR. BAYER: Well --

13 MR. DiSTEFANO: I mean, in essence, there's  
14 a wall that's at 4 feet. There's a pier that's at 5  
15 and a half and the gate will be 5.

16 And what is the distance from end to end?

17 MR. BAYER: It's not precisely defined.

18 MR. DiSTEFANO: Do you know approximately?  
19 No. I don't mean the whole -- the whole wall gate  
20 feature, how expansive is that?

21 MR. BAYER: Well, the gate is 15 feet. The  
22 pier is about 2 feet each. And the additional wall on  
23 each end is approximately equal to the gate, plus or  
24 minus. So between 45, 49 -- call it 50 feet.

25 MR. DiSTEFANO: Call it 50 feet. Because

1       what I think what the Board's going to want to do is  
2       put a condition that, you know, if they're granting a  
3       variance for a front yard wall, it can only be certain  
4       dimensions.

5               MR. BAYER: Yeah.

6               MR. DiSTEFANO: And then you said it goes  
7       down to a boulder wall?

8               MR. BAYER: That exists.

9               MR. DiSTEFANO: That exists now?

10              MR. BAYER: There's these --

11              MR. DiSTEFANO: But that's not over 3 and a  
12       half feet.

13              MR. BAYER: No, no.

14              MR. CROWE: It is on your plan.

15              MR. DiSTEFANO: And that's just -- you know.

16              MR. BAYER: That's an existing condition.

17              CHAIRPERSON MIETZ: Okay. Great. Any other  
18       questions, Board?

19              MR. DiSTEFANO: One other question. When  
20       you said 30 feet into the property, were you talking  
21       from pavement or right-of-way?

22              MR. BAYER: From edge of pavement.

23              MR. DiSTEFANO: So probably about 20 feet  
24       from property line; right?

25              MR. BAYER: Well, I don't know exactly what

1 the distance from the edge of pavement to the  
2 right-of-way is.

3 MR. DiSTEFANO: You're probably 49, 50 feet,  
4 give or take.

5 MR. BAYER: Yes. But it's -- it's -- we're  
6 showing that it's 30 feet from the edge of the road.

7 CHAIRPERSON MIETZ: Okay. All set? Okay.  
8 Thank you very much.

9 MR. BAYER: Thank you.

10 CHAIRPERSON MIETZ: Is there anyone in the  
11 audience who would like to speak regarding this  
12 application? Okay.

13 There being none, then the public hearing's  
14 closed.

15 **Application 1A-07-24**

16 Application of Ryan Kelly, agent, and  
17 Golisano Business COE, Inc., owner of property located  
18 at 150 Sawgrass Drive for 1) an Area Variance from  
19 Section 207-2A to allow a front yard wall to be 6.5  
20 feet in height in lieu of the maximum 3.5 feet allowed  
21 by code; and 2) a Sign Variance from Section 207-32B  
22 to allow for a second freestanding sign where no  
23 freestanding signs are allowed by code. All as  
24 described on application and plans on file. **POSTPONED**  
25 **FROM THE JANUARY 3, 2024 MEETING**

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MS. BRUGG: Good evening. My name is Betsy Brugg with the office Woods Oviatt Gilman. Ryan Kelly submitted the application. He is here with me tonight as well.

I would like to make one correction. There had been a typo on the plan. So you have the variance advertised as 6 and a half feet. The sign is actually proposed to be 6 feet. So just want to make that correction for you.

CHAIRPERSON MIETZ: Betsy, would you just read in an address for the court reporter.

MS. BRUGG: I will use 1900 Bausch and Lomb.

CHAIRPERSON MIETZ: Thank you.

MS. BRUGG: Thanks so much.

So the application you have before you is on behalf of the Golisano Institute for Business and Entrepreneurship. We're going to call it the Golisano Institute for short.

You saw an application for signage a few months ago and granted an approval for a freestanding sign, which currently sits up at the road, which I'm sure you've seen, and for some wall signage.

So since that variance approval was granted, the Golisano Institute has started operating and



1 holding classes and has traffic and activity. So  
2 they've learned from their experience.

3 One of the issues with the building -- and  
4 you probably know the history of the building. This  
5 was once the offices of General Railway Signal.  
6 Paychex had offices. It's always been a corporate  
7 office building. It was not designed to be sort of a  
8 freestanding, prominent type of an institutional use.  
9 It was just basically an office building, part of a  
10 larger office park. It does not have a driveway on  
11 Westfall Road.

12 It actually has a -- as a regular at some of  
13 the doctors' offices, I can tell you, you know, it's  
14 very easy to confuse as a medical office. I myself  
15 have gone to the wrong offices there, you know, on  
16 occasion.

17 So one of the issues that they have is that  
18 they're finding that people going to medical  
19 appointments are showing up at their door because they  
20 don't know what's going on at this building. So the  
21 issue that they have is kind of a wayfinding issue  
22 that they'd like to solve.

23 And at the same time, looking at the  
24 construction of the building and the landscaping on  
25 the property, the only place that they had to put a

1 wall sign just is not the right place for a sign. You  
2 can't see it. It has minimal visibility.

3 They have very nice mature trees growing  
4 right in front of that area of the building. I think  
5 we have some photos.

6 Ryan, where are you?

7 I think if you -- I actually went there in  
8 the winter. And the trees in the winter kind of  
9 covered that area. When the trees are mature -- this  
10 is just one from Google.

11 These are -- these happen to be in the  
12 summer, but if you went by there, you would see  
13 similarly with the trees -- even though they are  
14 somewhat more bare than these pictures, they still  
15 are -- you know, they grow in that area. So it's a  
16 little challenging.

17 And the band that's there, even though it's  
18 a sizable sign, it's just sort of like it's forced to  
19 fit there because that's the space that's available.  
20 The building was not designed to actually have signage  
21 in that spot. And obviously, the name of the  
22 institution is not particularly short. It's not like  
23 Paychex, one word.

24 So I will pass that down if somebody wants  
25 to look, but I'm sure you've probably all been over

1       there. I got like three of them if you want. Here's  
2       another one if you want to pass that.

3               So they looked at the current conditions in  
4       my letter to you. And I think we have material here  
5       showing there was a sign actually at the entrance to  
6       this property. I believe General Railway Signal used  
7       it. I know that I saw online that Paychex used it.

8               The structure remains there without a sign  
9       on it currently. It is also a retaining wall. That  
10       area has some undulating berming. And so that  
11       structure stays there. Actually, if you look at it,  
12       it looks like an unfinished sign because of its back  
13       panel.

14              So the proposal is essentially to provide  
15       wayfinding signage in that same spot. So to remove  
16       this, I guess, concrete kind of structure -- it kind  
17       of tapers, kind of contemporary looking -- and putting  
18       something that better reflects the branding of the  
19       Golisano Institute as an institution of higher  
20       learning to distinguish it from the office park so  
21       that we don't have people coming to the wrong property  
22       when they're going to their medical appointments.

23              And also, you know, the Golisano Institute  
24       is relatively new. This type of signage we're  
25       proposing is like a brick wall. It will essentially

1 serve as a retaining wall and replace the wall that's  
2 there. It just has a more, you know -- an aesthetic  
3 that reflects the branding. It's more consistent with  
4 what we would expect from an institution of higher  
5 learning and it matches the building better. And it  
6 needs to fit the name of the institution.

7 So that is how we arrived at the design  
8 that's there. It's actually the same signage that you  
9 approved on the building. It's just been moved to  
10 that structure that would replace the structure that's  
11 currently there.

12 The material we gave you -- Let's see what  
13 we've got. I think you have all the details. Let me  
14 see what you have here. So you got the sign.

15 So we're showing where the sign would be  
16 placed on the site. So you can see it basically  
17 follows the line of the structure that's currently  
18 there.

19 It's curved because it needs to be curved to  
20 fit in that same area and serve the same function as a  
21 retaining wall at basically the same spot.

22 I was asked the question of whether a  
23 smaller sign could fit somewhere else. And this is  
24 really the place where it would be appropriately  
25 visible and also to provide the retaining wall. So

1     it's kind of essential that this is kind of the ideal  
2     fit for the character of the area.

3             It's going to be heavily landscaped.  
4     Quality material. Obviously, we're talking about  
5     brick -- brick construction.

6             The 6-foot height is the same height as the  
7     sign that's up at the street. I drove around town.  
8     There are lots of signs that are, I would say,  
9     comparable in height. I took a whole bunch of  
10    pictures on my phone, but I think you're familiar if  
11    you've drove up and down.

12            There's some on Westfall Road. There's -- I  
13    think Buckland Park sign is higher. The Hurlbut signs  
14    are higher. We have some examples of different signs.  
15    So some of the taller signs, Whole Foods has a taller  
16    sign. The JCC has a taller sign. I mean, the church  
17    on Westfall Road near Winton Road has a taller sign,  
18    the Hurlbut, Clinton Crossing. Their building -- I  
19    think the building has three different freestanding  
20    signs. So there are some properties.

21            I tried to find something that had a similar  
22    condition that we have here. There's not a lot of  
23    properties like this where you have a kind of  
24    freestanding institutional use that kind of needs its  
25    own identity but doesn't have the direct driveway off

1 the main road.

2 So Jewish Home, kind of like a similar  
3 situation where we have, you know, a freestanding on  
4 Winton Road. They also have freestanding signage  
5 on -- my gosh. What's the name?

6 MR. KELLY: Meridian Centre.

7 MS. BRUGG: Meridian Centre. Which I think  
8 is still sort of a road to nowhere, but we do have the  
9 freestanding signage there.

10 Obviously, Clinton Crossing has a  
11 significant number of signs.

12 So we have kind of an unusual situation and  
13 kind of working with the unique condition of the  
14 property. This building was not built to be what it  
15 is today. So they're working with the existing  
16 conditions.

17 It does not have significant, you know,  
18 frontage -- you know, greenspace along the frontage on  
19 Westfall Road. So they work with what they've got.

20 They have a huge parking field. It has a  
21 setback of anywhere from 280 to 350 feet from the  
22 road.

23 Looking at an aerial, the closest, you know,  
24 situation to this would be Costco. There's no other  
25 building along that corridor that is that far from the

1 road.

2 So, you know, given the situation and their  
3 experience there, they feel it's essential to have  
4 some signage that helps visitors into this office park  
5 distinguish their use from the medical offices and  
6 also reflects kind of what it is they are. They are  
7 an institution of higher learning.

8 The proposed sign we feel is very consistent  
9 with the character of the neighborhood. I have -- I  
10 do not know if this is in the package, but we have  
11 some other kind of photos from the area.

12 And I do not know if Empire State has to  
13 even go through the zoning process, but they do  
14 remain -- but they are part of the character of the  
15 neighborhood.

16 If we are talking about what is the  
17 character of the neighborhood, they are very much a  
18 big part of the neighborhood. They are across the  
19 street. They have two wall signs and a monument sign.

20 The DDSO has a monument sign also across the  
21 street. You know, again, we just talked about the  
22 context and character of the neighborhood.

23 The Golisano Institute in choosing this  
24 location has to work with the existing conditions.  
25 You know, if they were building a new building, they'd

1 probably build something that contemplated the type of  
2 signage that they need.

3 They -- the Golisano brand is important in  
4 this community. It stands for something. You'll find  
5 it's affiliated with many organizations. It actually  
6 reflects a huge investment in the community. For the  
7 students that will go to the Golisano Institute, that  
8 name is recognized and means something in this  
9 community.

10 They don't want this building to look like  
11 an ordinary office building, like a part of a medical  
12 office park. It needs to look like an institution of  
13 higher learning. And working with the conditions that  
14 they have, this sign is -- it's a quality sign. It's  
15 tasteful. It fits with the character of the  
16 neighborhood.

17 I understand there aren't many situations  
18 where we have this kind of configuration where we're  
19 asking for a second sign, but they do need a sign.  
20 And this really is, I think, the most appropriate sign  
21 for the conditions of the property, the kind of use  
22 that's there and the kind of the conditions of the  
23 whole neighborhood. They have this big wayfinding  
24 issue and they do need to deal with it.

25 So we think that what we're offering is



1 really the optimal sign for what's needed here. It's  
2 very consistent with the character of the  
3 neighborhood. It is, in fact, consistent with what  
4 has always been on this property. There's always been  
5 a structure there. It was previously used as a sign.

6 I put in my letter that I wasn't sure if it  
7 was permanent, but I think it was. Originally I think  
8 General Railway Signal had put that sign in was my  
9 understanding.

10 So let's see. We have addressed the  
11 standards. And I think that is actually critical to  
12 this application because we are asking the Town to do  
13 something that you don't often do, which is to allow a  
14 second freestanding sign. So I think it's very  
15 important that we recognize that this particular  
16 proposal and these particular circumstances meet the  
17 criteria for the consideration and granting of area  
18 variances.

19 So we're looking at the benefit to the  
20 applicant, the detriment to the health, safety and  
21 welfare of the community. There's a huge benefit to  
22 the applicant. They absolutely need to have proper  
23 signage, not just for wayfinding to make sure that the  
24 people who need to come here find the place and the  
25 people that need to find their medical offices don't

1 show up here, but they really need it. It's essential  
2 to their establishment, its branding of an institution  
3 of higher learning.

4 You know, they're going to be competing with  
5 other institutions of higher learning in this  
6 community. They need to have a presence. They need  
7 to have kind of a gravitas that comes with the kind of  
8 institution that they represent and the Golisano brand  
9 and what that means to this community.

10 The criteria of whether it's going to impact  
11 or change the character of the neighborhood, this  
12 particular area of Westfall Road has other similar  
13 freestanding signage. This is a unique piece of  
14 property, but we do have many freestanding signs in  
15 this area.

16 As far as the height, I'll address that  
17 generally. There are many signs around town and in  
18 this area that exceed this height. Like I said,  
19 Buckland Park, the Hurlbut Nursing Home, I think.  
20 There's some over on Lac De Ville. There's a bunch.  
21 So I think the height -- I don't know if the height is  
22 as much of an issue as just the sign itself, but it is  
23 very much consistent with the character of the  
24 neighborhood.

25 It certainly addresses the traffic safety

1 issue. There are a lot of people who travel through  
2 this business park looking for medical offices and,  
3 you know, different destinations. And the wayfinding  
4 is a really, really important piece of this.

5 But it is also consistent with other uses.  
6 And that signage typically would be found at the  
7 entrance to the property. This site just doesn't have  
8 a driveway on Westfall Road. So this really is, you  
9 know, the appropriate place to put a sign that helps  
10 people, you know, come into the campus, the Golisano  
11 Institute. And virtually every property in that area  
12 has a freestanding sign identifying its entrance.

13 Whether there is, you know, any feasible  
14 alternative, we actually had started with a wall sign,  
15 which, I think, is more consistent with what you find.  
16 But given the setback of the building, you know,  
17 being -- I think you can see in the paragraph the  
18 setback of the building and kind of the existing  
19 landscaping. I don't think anybody wants to lose  
20 beautiful landscaping. It just isn't as effective to  
21 have a sign on the building as it would be to have a  
22 sign visible to drivers coming in.

23 The variance is not substantial. There's  
24 not like a quantifiable way to discuss substantiality,  
25 but it's not substantial in impact, in its nature, its

1 amount. It's one very tastefully placed,  
2 appropriately placed sign.

3 It's not substantial in impact. It really  
4 will look like it belongs there because it is  
5 essentially replacing an existing structure that was  
6 essentially the same kind of sign in the same  
7 location.

8 Whether the variance will have any adverse  
9 effect or impact on the physical or environmental  
10 conditions of the neighborhood, it will not. It's  
11 attractive. There's nothing about it that would have  
12 any kind of adverse impact.

13 If anything, we're going to enhance and  
14 really provide extensive landscaping, which you might  
15 want to get into some of the details of the  
16 landscaping. The signage itself is very tasteful.  
17 The wall is very tasteful. It really coordinates well  
18 with the building in my personal opinion because I  
19 think it's a lot nicer than the structure that's  
20 currently there.

21 It will address a traffic safety issue,  
22 which I think, you know, is beneficial.

23 It will help the public find their doctors'  
24 offices and the educational institution and recognize  
25 they are two separate kinds of uses. And they are --

1 will help people get to where they're going. I think  
2 that the general issue that's been -- you know,  
3 there's historically been issues on Sawgrass Drive.

4 And the hardship is not self-created to the  
5 extent that the building was existing. The existing  
6 conditions of the site kind of dictate what you get to  
7 work with. The building was built as an office  
8 building. It wasn't built to stand out as kind of an  
9 institution -- you know, when I think of an  
10 institution -- this is my thought. This is just me.  
11 Institutional uses require kind of this type of  
12 signage. And when I actually Googled college signs, I  
13 got a whole bunch of these kinds of signs.

14 So I will just hand this in. This is pretty  
15 typical of what you would find.

16 There's certain uses that you have an  
17 exception of what they look like and kind of the --  
18 they convey a message to you that this is an  
19 institution that has, you know, kind of some weight  
20 and seriousness and importance.

21 So, you know, MCC has similar signage.  
22 Roberts Wesleyan, similar signage. Nazareth has  
23 similar signage. St. John Fisher has similar signage.  
24 This is Keuka College. I just picked up a few of the  
25 local ones. Brockport has a similar sign. So this is

1 the Harley School sign so you can see something  
2 similar in Brighton.

3 But, you know, I think this is the type of  
4 signage that you would expect to see at a serious  
5 institution of higher learning. You just don't want  
6 this to look like a bland office building. You want  
7 it to be something recognizable for what it is. And  
8 it's not your doctor's office. It's just not. You  
9 want it to be a place where people know this is, in  
10 fact, the Golisano Institute, just like every one of  
11 these institutions of higher learning.

12 So I will pass those along to you, Rick.

13 Ryan, you want to talk about the materials  
14 and lighting and -- I think the landscaping is really  
15 nice too.

16 MR. KELLY: Good evening, Board. Ryan Kelly  
17 project landscape architect.

18 So when we started this project a year ago,  
19 I think it's important to remember there were multiple  
20 variances on the previous Paychex facility. We  
21 approached you a year ago, worked closely with you on  
22 consolidating those. The business sign on the  
23 building just clearly was not well received and it's  
24 just not functional.

25 We completed phase one, which is the

1 freestanding monument on Westfall, in addition to a  
2 number of landscape enhancements, which were well  
3 received and look fantastic. We'll continue that  
4 theme into the proposed monuments for both the  
5 Sawgrass corridor, but also the property itself. And  
6 we'll be consistent throughout.

7 Lighting, we were ground-mounted on phase  
8 one. Phase two, we have proposed some backlighting  
9 just given it's a little bit closer to the building.  
10 We were trying to draw traffic into the property.

11 I think we can stop there for questions.

12 CHAIRPERSON MIETZ: Are you guys set? I'm  
13 sure there will be some questions, but go ahead,  
14 Betsy.

15 MS. BRUGG: You didn't submit this; right?

16 MR. KELLY: No. Those are --

17 MS. BRUGG: Yes. So this again --

18 CHAIRPERSON MIETZ: You got to speak at the  
19 podium if you're going to speak.

20 MS. BRUGG: I will take this with me. I  
21 want to make sure since these are kind of small, we  
22 got a bunch of different similar signs around town,  
23 like Whole Foods, JCC, MCC, the Jewish Home, the two  
24 signs at the Jewish Home. We show Nazareth, two signs  
25 at Nazareth. Allendale Columbia has two entrance

1 signs on their property. St. John Fisher. So you can  
2 see there's a little variety of them.

3 I did take pictures of every sign that  
4 exceeds the height. They're all over town.

5 So anyway, we'd be happy to answer any  
6 questions.

7 CHAIRPERSON MIETZ: Okay. Matt, anyone,  
8 questions?

9 MS. SCHWARTZ: There's a pennant sign or  
10 whatever they're called. It has Golisano Institute on  
11 it now.

12 My question is, is this new sign, this  
13 permanent sign, going to have all of the wording on it  
14 or are you just going --

15 MS. BRUGG: It has the whole name of the  
16 institution on the sign.

17 MS. SCHWARTZ: Do you feel you need that?

18 MR. KELLY: I can speak to that. So we're  
19 dovetailing the business branding standards. They  
20 have a clear watermark. It is non-negotiable. So  
21 that is the full name --

22 CHAIRPERSON MIETZ: What do you mean it's  
23 non-negotiable?

24 MR. KELLY: It's a sticking point for the  
25 business. Yeah. They worked pretty hard on



1 marketing. It's part of their --

2 CHAIRPERSON MIETZ: So you're saying, Ryan,  
3 that every piece of paper or something says Golisano  
4 Institute and those other words underneath.

5 MR. KELLY: Correct. A hundred percent.

6 MS. SCHWARTZ: There's also a pole just as  
7 you're coming over the parking lot with a banner like  
8 about that high. The pole is pretty permanent. Are  
9 you going to keep that sign up too?

10 MR. KELLY: I am not familiar with that.

11 MS. SCHWARTZ: It's a banner sign.

12 MR. KELLY: I'm not sure.

13 MS. BRUGG: There's some temporary signs.

14 MS. SCHWARTZ: The pole is very permanent.  
15 But the sign could be taken down. I just wondered how  
16 many signs --

17 MS. BRUGG: I don't believe -- I'm not  
18 sure --

19 MR. DiSTEFANO: All those signs are illegal,  
20 let's put it that way. Yes. All those temporary  
21 signs are not permissible. So they would be in  
22 violation. They have to come down, Judy.

23 MS. SCHWARTZ: Okay.

24 MS. BRUGG: If Rick tells us they have to  
25 come --

1 MR. DiSTEFANO: They're in violation of the  
2 code.

3 CHAIRPERSON MIETZ: All right. More  
4 questions for these folks?

5 MS. BRUGG: I mean, you know, it is a brand  
6 new institution. There's no history to this  
7 institution.

8 Really the Golisano branding is incredibly  
9 important to the establishment of the success of this,  
10 you know, academic institution.

11 And, you know, the building has certain  
12 limitations. And they're here. It's a great  
13 location. 390, the Thruway. But in order to succeed  
14 they really need to establish an identity. They don't  
15 have multiple buildings. They have one building, one  
16 chance to establish who they are, to communicate that  
17 to the public, to be recognized for what they are,  
18 where they are and to stand out. Because they are not  
19 a medical office. They are a kind of unique use in  
20 this area.

21 CHAIRPERSON MIETZ: Okay. Is there any  
22 other questions?

23 MR. D'AUGUSTINE: The property  
24 owner's letter talks about 40 cars a day mistakenly  
25 enter the parking lot. And I'm wondering -- so the

1 institute feels that this sign will completely  
2 eliminate that problem?

3 MS. BRUGG: I think they -- I can't speak to  
4 the letter. I wish she was here tonight.

5 I can say just from my personal experience  
6 using the offices on Sawgrass myself that it is -- it  
7 does get very confusing there. And I have no doubt  
8 that they have this problem.

9 You do your best to have signage. Having  
10 signage at the entrance will certainly be helpful. I  
11 think it's been helpful to other businesses on  
12 Sawgrass as well. I know I was here a few years ago  
13 for Elizabeth Wende Breast Care who had a very similar  
14 problem. People told them -- it's just the way the  
15 place was planned from the beginning. It's just very  
16 easy to get lost in there.

17 CHAIRPERSON MIETZ: Okay. Other questions  
18 by the Board members? So we keep ourselves moving  
19 over here.

20 Okay. Thank you very much.

21 MS. BRUGG: Thank you.

22 CHAIRPERSON MIETZ: Okay. Is there anyone  
23 in the audience that would like to speak regarding  
24 this application? Okay.

25 There being none, then the public hearing's

1 closed.

2 **Application 1A-08-24**

3 Application of Jon Tantillo, agent, and  
4 Salafia Nunzio, owner of property located at 125 Old  
5 Mill Road, appealing the Historic Preservation  
6 Commission's landmark designation of said property,  
7 pursuant to Section 224-3F of the code. All as  
8 described on application and plans on file. **TABLED AT**  
9 **THE JANUARY 3, 2024, MEETING - PUBLIC HEARING REMAINS**  
10 **OPEN**

11 MR. DiSTEFANO: I will just say because it's  
12 the application of Mr. Tantillo and Mr. Nunzio, they  
13 should be the ones coming up here unless you have --  
14 do you have something to add to the record before we  
15 get into --

16 CHAIRPERSON MIETZ: It's their application.  
17 So they should probably --

18 MR. TANTILLO: This is Ms. Lanphear?

19 MS. LANPHEAR: Yes.

20 MR. TANTILLO: We have no objection if you  
21 wanted to go first.

22 MR. DiSTEFANO: I'd rather have it -- I  
23 mean, if you guys --

24 CHAIRPERSON MIETZ: It's easier for the  
25 record.

1 MR. DiSTEFANO: Yeah. It's your  
2 application. So the public hearing was left open. If  
3 you don't have anything to say, that's fine. Then we  
4 can hear the audience.

5 MR. TANTILLO: We didn't have an opportunity  
6 to hear Ms. Lanphear at the HPC since she wasn't at  
7 the original. All right.

8 I just have some handouts.

9 CHAIRPERSON MIETZ: I think we're almost  
10 done passing. Go ahead.

11 MR. TANTILLO: Good evening. My name is  
12 John Tantillo on behalf of Nunzio and Mirella Salafia.  
13 My address is 100 South Clinton Avenue, Suite 2600.  
14 We're here tonight on the appeal of the landmark  
15 designation of 125 Old Mill Road.

16 I went through the factors for landmark  
17 designation at the last meeting. I'm sure that  
18 everyone's looked at them in great detail at this  
19 point. I won't belabor those points tonight.

20 What I do want to do is just respond to a  
21 few things that were raised at the Board last month  
22 and that were raised by members of the Board and  
23 by Mr. Koegel, who's here in the audience, after we  
24 concluded our remarks last month.

25 Initially, I want to talk about the process

1 by which we ended up here a bit because Mr. Koegel  
2 suggested at the last meeting that the HPC has raised  
3 designation of this property of its own accord and  
4 therefore this designation should then somehow be  
5 afforded extra weight.

6 That's not how this came about. The Town  
7 Code provides when an application to demolish a  
8 structure is submitted, landmark designation review is  
9 triggered.

10 And frankly, this process is a little bit  
11 problematic. And this situation right here is a  
12 pretty clear example of why.

13 When the Salafia's were looking at the  
14 property and considering buying it, they did their due  
15 diligence. They called the Town before buying the  
16 property and asked, "Is this property a landmark?"  
17 They were informed it was not.

18 As Rick explained at the last meeting, the  
19 demolition review isn't the only time that properties  
20 come up for landmark designation. The Town has done  
21 multiple townwide surveys and at no point did they  
22 look at this property and say, we should designate  
23 this one.

24 So based on this, Mr. Salafia bought the  
25 property, which he, like his multiple immediate

1 adjacent neighbors, intended to build a new house on.

2 The only thing that the Town did was it  
3 allowed the prior owners to drastically modify the  
4 house. If the house had been designated in the --  
5 after the initial surveys for the landmark  
6 designation, the many massive amounts of modifications  
7 to the supposedly historic structure would not have  
8 occurred.

9 Our consultant, HCS, prepared a detailed  
10 review of a lot of those changes that we put in before  
11 the last meeting. They put in how they diminished the  
12 property. But Mr. Salafia also prepared a handout --  
13 we just passed that out -- that provides a visual aid  
14 juxtaposing a few of those with the original design.

15 I also want to briefly respond to a  
16 suggestion at the last meeting by Mr. Koegel that we  
17 were, quote, "dumping" on the architect, Herbert  
18 Williamson by suggesting he doesn't qualify as someone  
19 so historic that the house should be designated a  
20 landmark. I'm sure Mr. Williamson was an able and  
21 qualified architect.

22 The Town Historian actually provided an  
23 additional list of buildings he designed. And it's  
24 clear that he has a successful practice. I was  
25 specifically impressed by the quote in that report

1 about the representation which was, quote, "for  
2 livable, low-maintenance, fire-safe houses."

3 Please don't take our position on this as  
4 somehow besmirching or discrediting his work. But the  
5 question posed here is not whether or not he has a  
6 portfolio of work. It's whether Mr. Williamson  
7 himself is so significant that his entire portfolio of  
8 work is to be preserved to be a landmark designation.

9 In the materials we distributed we provided  
10 a handout from -- the materials just now we  
11 distributed. We provided a handout for this  
12 presentation from the Landmark Society put together on  
13 the great Rochester architects. It's a list of about  
14 30 names. And Mr. Williamson is not included.

15 As my partner, Al Knauf pointed out at the  
16 last meeting, the Town of Brighton itself compiled a  
17 list of notable architects, notable local architects.  
18 It's hanging on this wall right outside this hearing  
19 room. And Mr. Williamson is not on that list either.  
20 Can the same town really fairly say he was so  
21 significant that any house he designed must preserved  
22 as a landmark?

23 Finally, brings me to what could be  
24 preserved. Some Board members at the last meeting  
25 expressed interest potentially in designating just the



1 Fletcher Steele landscape. This is specifically  
2 allowed under the code which provides the designation  
3 of the property, a building or just a feature.

4 A neighbor at the last meeting suggested we  
5 weren't serious about this because our site plan  
6 didn't reflect that. But the site plan we put in was  
7 from well before the designation process occurred.  
8 And we weren't afforded the opportunity to make any  
9 modifications or work with the Town on any landscape  
10 preservation.

11 So at that end, the Salafia's engineer  
12 prepared a diagram showing that preservation of the  
13 landscaping with redevelopment of the lot is entirely  
14 feasible. It's right here. It's been passed out for  
15 you to take a closer look.

16 And though it's not a factor for landmark  
17 designation, this would also address some of the  
18 points that Mr. Koegel and other neighbors had about,  
19 you know, making a walk past the property  
20 aesthetically pleasing. The landscape is preserved.  
21 There's trees in the front to make their walks as  
22 magical was the phrase that was used at the last  
23 meeting.

24 Mr. Ardieta can speak to the landscaping a  
25 little bit more directly.

1 MR. ARDIETA: Joe Ardieta, Vanguard  
2 Engineering, 133 South Fitzhugh Street.

3 On the plan that was passed out to you, what  
4 it shows is the buildable area for a home that's  
5 within the setbacks and outside of the significant  
6 landscape features and outside of all of the  
7 designated EPODs that are on that parcel.

8 What it amounts to is roughly 19,000 square  
9 feet of buildable house area. That's the hatched area  
10 that you see in the plan.

11 You'll see there's a circular area. That's  
12 the landscape garden that's outside of that area. So  
13 that would be preserved.

14 And then there's a rectangular garden in the  
15 northwest corner of the lot that also shows as being  
16 preserved. Although that barely encroaches into the  
17 buildable area.

18 And then lastly to the south, along with  
19 significant landscaping right on the steep slope is  
20 the steep slope EPOD. And then there's also the  
21 woodlot designation.

22 So the southern property of that buildable  
23 area is the combination of landscaping, steep slope  
24 and woodlot.

25 Okay. Any questions?

1           CHAIRPERSON MIETZ: What would you -- how  
2 would you characterize the condition of this  
3 landscape?

4           MR. ARDIETA: I'm not a landscape architect.  
5 So I'm not coming from a position of great knowledge  
6 on that.

7           I've been to the site multiple times.  
8 Before the whole situation arose, when we were first  
9 hired to do a site plan for the lot -- and this is  
10 strictly my professional site engineering opinion --  
11 there was nothing on this lot that I hadn't seen  
12 before. That's just a fact. But again --

13          CHAIRPERSON MIETZ: Obviously, you weren't  
14 hired to make landscaping --

15          MR. ARDIETA: Yeah. I'm not a cultural  
16 resource investigator and I'm not a landscape  
17 architect. But when I saw the house -- in fact, that  
18 house is actually very similar to the house I used to  
19 hang out in as a child in Pittsford. It looks very  
20 similar to it. There are a lot of houses in  
21 Pittsford, in Brighton, that look like this house.

22          And the landscaping is commensurate with  
23 those types of houses as well. But that's -- again,  
24 that's my history, my experience, my opinion.

25          CHAIRPERSON MIETZ: Thank you.

1 MR. TANTILLO: Just briefly one more thing.  
2 At the last meeting we discussed how the Bentley's son  
3 didn't actually live at the property and wasn't  
4 actually a Brighton resident or local resident at all.  
5 And we had said that he wasn't actually even raised  
6 here. He was at a boarding school.

7 It was suggested that that was outside of  
8 the record. That's actually in the historian's  
9 report. He went to boarding school at a young age.  
10 He was not a local figure. Thank you.

11 CHAIRPERSON MIETZ: Okay.

12 MR. TANTILLO: We request that the  
13 designation be reversed in its entirety. But if the  
14 Board believes that the Steele landscaping is worth  
15 designation, we are entirely willing to come to the  
16 table and preserve that.

17 CHAIRPERSON MIETZ: Questions?

18 MR. PREMO: Yeah. Jon, just so I understand  
19 your point, with respect to Dr. Charles Bentley, who  
20 does seem to be a person of some prominence in the  
21 field of archeology and exploration and things like  
22 that, is the point -- is the point you're raising,  
23 yes, but he's not particularly identified with this  
24 house?

25 MR. TANTILLO: Exactly. He had a brief stay

1       there. No real attachment to the house whatsoever.  
2       His sister got the house, not him.

3               MR. PREMO: All right. I mean, you're  
4       saying it would be different from, let's say, the  
5       Susan B. Anthony House or a house that's clearly  
6       identified with someone.

7               MR. TANTILLO: Right.

8               CHAIRPERSON MIETZ: Okay. All right.  
9       Another question. I realize that some of the things  
10      that you showed before were prior to all of the  
11      information that the applicant got related to this  
12      destination and other things. But by showing us this  
13      tonight, is the intention here, without having the  
14      site plan for us to review, that the house is then  
15      going to be constructed in the confines of that area  
16      that you just noted? Is that tentatively the plan?

17              Without -- and again, I understand it hasn't  
18      been designed. There's nothing to show us. But is  
19      that kind of the intention?

20              MR. TANTILLO: If we were to receive a  
21      decision that reversed the designation of the house  
22      but upheld the designation of the landscaping, then  
23      this exhibit is offered to show you just that it's  
24      feasible to --

25              CHAIRPERSON MIETZ: Building area.

1 MR. TANTILLO: There's options. It can be  
2 done very, very easily.

3 CHAIRPERSON MIETZ: Any other questions?  
4 Okay. Very good.

5 MR. TANTILLO: Thank you very much.

6 CHAIRPERSON MIETZ: Okay. Mary Jo.

7 MS. LANPHEAR: Mary Jo Lanphear, the Town of  
8 Brighton Historian. I'm here tonight to discuss why  
9 the Historic Preservation Commission designated 125  
10 Old Mill Road as a historic landmark in Brighton.

11 The law was passed in 2006 that any time a  
12 application is made for demolition, it goes to the  
13 Historic Preservation Commission for review. In this  
14 case it came to the Historic Preservation Commission  
15 in April of 2023.

16 I did some preliminary research about the  
17 house in anticipation of that April 27th Historic  
18 Preservation Commission meeting. And we had some  
19 questions from the members.

20 At that meeting, the HPC tabled a motion to  
21 send a letter to the Planning Board at the meeting  
22 that the HPC would not be interested in pursuing  
23 designation for 125 Old Mill Road. I continued to  
24 research the property.

25 At the May meeting on the 25th, the HPC

1 Board voted unanimously to send a letter to the  
2 Planning Board that the HPC was interested in  
3 considering 125 Old Mill Road for landmark status.

4 At the same meeting the Board directed the  
5 secretary to send a letter to Bero Architecture to  
6 initiate a full cultural resources survey.

7 Bero Architecture is under contract with the  
8 Town to provide cultural resources studies of  
9 properties for the Preservation Commission.

10 In September, the HPC meeting, the survey  
11 had been received and the information it contained was  
12 sufficient to consider the property for designation.  
13 The HPC voted to send a letter to the owner of 125 Old  
14 Mill Road regarding the hearing to be held at the  
15 November 16th meeting.

16 The letter also invited the owner to meet  
17 with me, the Town Planner and the Town Attorney in  
18 advance of the hearing.

19 The Historic Preservation Commission  
20 directed me to write an application for designation.

21 At the November 16th meeting, the Commission  
22 designated 125 Old Mill Road a town landmark citing it  
23 designates its design by Herbert C. Williamson, a  
24 notable Rochester-born architect, its landscape design  
25 by world-renowned Fletcher Steele and its association

1 with the Bentley family.

2 Last month, the January 3rd meeting of this  
3 group, mention was made of a very low bar for  
4 designation of this house. On the contrary, 125 Old  
5 Mill Road meets a very high bar for the designation  
6 and this is why. I'd like to tell you about architect  
7 Herbert C. Williamson.

8 He was born in Rochester. He attended the  
9 University of Rochester for two years, then  
10 transferred to the Massachusetts Institute of  
11 Technology, graduating in 1917 with a Bachelor of  
12 Science in architecture. His senior project was  
13 "Design for a Civic Center for Rochester NY."

14 In August 1917 he accepted a commission as  
15 second lieutenant in the U.S. Army Infantry and was  
16 later promoted to major, the youngest major in the  
17 76th Division, and served until the end of World War  
18 I. Returning to Rochester after the war, he lived at  
19 the family home on Birr Street while working for  
20 Eastman Kodak Company until Kodak sent him to  
21 Kingsport, Tennessee, to help set up the Tennessee  
22 Eastman Chemical Company. Leaving Kingsport in 1923,  
23 he became president and general manager of the Charax  
24 Chemical Company on Buell Road in Rochester.

25 Partnering with William C. Slayton, he left



1 the chemical industry to form a real estate company in  
2 the Granite Building in Rochester in 1926. He was  
3 elected to the Real Estate Board in 1928.

4 Finally, in 1929, Herbert C. Williamson  
5 established his own architectural firm at 65 Broad  
6 Street in Rochester as H. C. Williamson Homes, Inc.  
7 One of the first projects was Ingleside Villas in  
8 Brighton, advertised as "all the compact conveniences  
9 of apartment living... combined with the pleasures of  
10 a private home." Constructed of stucco over cinder  
11 block for fire safety purposes, the houses were  
12 designed for comfort and ease of maintenance yet they  
13 contained such amenities as vaulted ceilings,  
14 wood-burning fireplaces, and sheltered porch benches.  
15 Located in the Kirk-Astor neighborhood, these houses  
16 typically command top prices when they come up for  
17 sale.

18 After Janet Everest Bentley's purchase of  
19 over 8 acres of land on Mill Road in 1930, she and her  
20 husband, Raymond, hired Herbert C. Williamson to  
21 design their Colonial Revival house at 125 Old Mill  
22 Road.

23 As an enthusiastic supporter of the Boy  
24 Scouts and having two young sons, in 1930 Herbert C.  
25 Williamson established the first Cub Scout pack in the

1 Rochester area, going to Buffalo for the training  
2 course. Later in his life, after he re-enlisted in  
3 the U.S. Army so he could serve in World War II, he  
4 was stationed at an Air Force base in Presque Isle,  
5 Maine. Colonel Williamson purchased copies of the Boy  
6 Scouts handbook for each pilot so he would know  
7 survival skills if he were shot down.

8 In 1931, Williamson's newly completed Valley  
9 Park Court apartments on Genesee Street were  
10 advertised as next to Genesee Valley Park and thus  
11 close to tennis, boating, swimming and golf and only  
12 ten minutes from downtown Rochester.

13 1229 East Avenue, a distinctive Tudor-style  
14 mansion near Culver Road, was one of Herbert C.  
15 Williamson's next commissions. Built for John  
16 Stevenson, secretary-treasurer of the Fashion Park  
17 clothing manufacturing company on Portland Avenue, it  
18 was completed by 1935.

19 Pittsford's first subdivision, Long Meadow,  
20 was the site of a Williamson-designed house at 212  
21 Westbrook Road in 1936. Owner Wyatt Brummitt selected  
22 Herbert C. Williamson because of his reputation for  
23 designing livable, low-maintenance, fire-safe houses.  
24 Given a blank check by the owner, Williamson designed  
25 a modern style, two-story, 2,318 square foot house,

1 using cinder block because its pre-casting offered the  
2 opportunity to avoid sharp corners in construction.  
3 Williamson explained that the architecture of his time  
4 must express its period, saying that "if we are to  
5 hope that architecture is to tell the story of today  
6 in enduring beauty, it must be based on fundamental  
7 principles and not by placing one cube on another and  
8 calling it modern design."

9           Returning to commercial architecture in the  
10 following year, Herbert C. Williamson designed the  
11 Arnett Boulevard Post Office at 32 York Street. He  
12 followed that with the design of the first house built  
13 in Ellison Park Heights in Brighton and continued with  
14 designs for houses across Penfield Road on Colonial  
15 Village Road and Dale Road.

16           In 1942, recommissioned Major Herbert C.  
17 Williamson, age 47, resumed military service in World  
18 War II. Promoted to Colonel, he served until the end  
19 of the war in 1945. Rochester addressed the need for  
20 housing for returning WWII veterans by hiring Herbert  
21 C. Williamson to be the architect for Norton Village,  
22 a Georgian-style development of 200 rental units in a  
23 garden-type layout on an 18-acre tract near the corner  
24 of Norton Street and Waring Road.

25           The City Council of Rochester hired Herbert

1 C. Williamson in 1949 to remodel the Municipal  
2 hospital at 168 Crittenden Boulevard. That building  
3 is long gone today, replaced by the University of  
4 Rochester Medical Center.

5 One of Herbert C. Williamson's last  
6 commissions was the First Federal Bank building in  
7 downtown Rochester, completed in March of 1951. Under  
8 construction at the time of his death in 1952 was Hope  
9 Lutheran Church on Dewey Avenue.

10 The Williamsons lived in Brighton for most  
11 of their married life, first on Kirk Drive, then on  
12 Fonthill Park, then at 525 Penfield Road. In 1941  
13 Herbert Williamson ran unsuccessfully for Brighton  
14 Town Supervisor.

15 Herbert C. Williamson died of a heart attack  
16 at his home at 1375 Highland Avenue on July 1, 1952.  
17 He is buried in Riverside Cemetery.

18 Also brought up was the fact that the  
19 Bentleys were not a very prominent family. They were  
20 a family of lawyers.

21 But sometimes we forget to look at the  
22 female side of the family. And it wasn't the Bentleys  
23 so much as it was the Everests. So that's what I'd  
24 like to tell you about now.

25 In 1866, only seven years after the first

1 commercial production of petroleum, Hiram Bond Everest  
2 and his partner, Matthew Ewing, founded Vacuum Oil in  
3 Rochester. While attempting to distill kerosene,  
4 Everest observed that the residue from the  
5 distillation made a suitable lubricant for steam  
6 engines and internal combustion engines. Ewing left  
7 the partnership when a particular process failed but  
8 Everest went on to develop Vacuum Harness Oil.

9 Vacuum Oil was purchased by Standard Oil in  
10 1879. When Standard Oil was broken up in 1911 because  
11 of the Sherman Antitrust Act, Vacuum Oil became an  
12 independent company again. The company specialized in  
13 lubricating oil under the brand names of Gargoyle and  
14 Mobil Oil.

15 Hiram Everest's son, Charles, joined him in  
16 managing the company. When George B. Selden needed a  
17 lubricating oil for his high-speed, internal  
18 combustion engine in 1879, he turned to his friend,  
19 Charles Everest, for help. Later he would say Hiram  
20 Everest was the city's greatest inventor. He made the  
21 automobile possible."

22 Hiram Bond Everest died in 1913 in Los  
23 Angeles at the age of 82.

24 Hiram's son, Charles, and his wife, Sophie,  
25 raised their three children at 56 West Avenue, a

1 22-room mansion on three acres of land. West Avenue,  
2 at that time, rivaled East Avenue in its collection of  
3 magnificent dwellings and lush gardens. Charles died  
4 in September of 1917 leaving an estate of \$1,525,508  
5 (\$36,314,480 today) to his three children, one of whom  
6 was Janet Cornelia Everest who married Raymond Bentley  
7 in November of 1925.

8 And now to Fletcher Steele.

9 John Fletcher Steele was born on Park Avenue  
10 in Rochester in 1885. After graduation from Williams  
11 College in 1907, he enrolled in a landscape  
12 architecture program at Harvard University where one  
13 of his professors was Frederick Law Olmsted, Jr. after  
14 a four-month tour of European gardens, he opened his  
15 own landscaping firm in Boston but took a hiatus  
16 during World War I to serve with the American Red  
17 Cross in Europe.

18 His early gardens favored the Arts & Crafts  
19 style that was popular during his training but later,  
20 in the 1920s, he adopted the Art Deco mode of  
21 landscape design. Returning to Harvard to teach, he  
22 was lauded by one of his students who said, "Steele  
23 was the only good designer working during the twenties  
24 and thirties, also the only one who was really  
25 interested in new things."

1           Steele is renowned for a number of projects  
2 during his fifty-year career including Naumkeag,  
3 Peters Reservation, Ancrum House, Whitney Allen House,  
4 Standish Backus House, Turner House, and Lisburn  
5 Grange. Naumkeag in Massachusetts is perhaps the most  
6 famous of his works.

7           In 1932 Janet and Raymond Bentley hired  
8 Steele to create a terrace design for their house at  
9 125 Old Mill Road. The plan for a terrace spanning  
10 the west side of the house was completed in November  
11 of 1934 and by July 1935 the turf and brick terraces,  
12 balustrades, and stone retaining walls were built. A  
13 1936 design for a fence for the forecourt was not  
14 implemented but it's believed that an October 1946  
15 order to the New England Brick Company was the source  
16 for the forecourt fence or the stairway on the west  
17 terrace.

18           Steele worked with the Bentleys for over  
19 thirty years. The intricate terrace system  
20 overlooking Allens Creek came about during this time.  
21 Steele's use of curvilinear walls on the Bentley  
22 property became a reoccurring feature in his landscape  
23 designs.

24           The Bentley property is significant as one  
25 of only three known intact Steele-designed landscapes

1 in Brighton, the others being 3550 Elmwood Avenue and  
2 215 Ambassador Drive.

3 After Fletcher Steele closed his landscape  
4 design company in Boston, he retired to 20 Monroe  
5 Avenue in Pittsford where he died in 1971.

6 And that's why I believe that 125 Old Mill  
7 Road was correctly designated a town landmark by the  
8 Brighton Historic Preservation Commission.

9 Are there any questions?

10 CHAIRPERSON MIETZ: Questions?

11 MS. SCHMITT: Thank you for the  
12 presentation. There was a mention that there were  
13 previous surveys done in the Town of Brighton for --  
14 looking for historic homes.

15 Were you part of those surveys or aware of  
16 those surveys?

17 MS. LANPHEAR: When the Historic  
18 Preservation Commission was first formed in 1995 -- it  
19 was first enacted in 1995. The commission was in  
20 place by 1996. We obtained a grant from the New York  
21 State Council of the Arts to survey 75 properties in  
22 town for cultural resources surveys. So those are the  
23 initial surveys.

24 As needed, additional surveys have been done  
25 as properties have come before this Preservation



1 Commission. Additional surveys have been done.

2 MS. SCHMITT: And do you know why this home  
3 was never selected to be part of a landmark  
4 designation?

5 MS. LANPHEAR: There are many houses that  
6 have not been selected for surveys. So it isn't --  
7 this isn't the only house. It hasn't been overlooked.  
8 It has not been overlooked in that sense.

9 There are houses on Sandringham Drive and  
10 Ambassador Drive that have not been surveyed either.  
11 So it's just a matter of getting around to it. It's,  
12 you know, slow work.

13 MS. SCHMITT: And I was a little bit  
14 confused. You stated -- I thought I heard -- you said  
15 in April the Board -- your group sent a letter saying  
16 you were not interested --

17 MS. LANPHEAR: Yes. But that was the first  
18 preliminary meeting. But they kept the hearing open.  
19 And it was decided -- after more information was  
20 obtained, they decided that that would be -- the house  
21 was worthy of having a full blown survey done.

22 MS. SCHMITT: What was the reason why the  
23 group was not interested?

24 MS. LANPHEAR: Don't know. Can't tell you.

25 MS. SCHMITT: Okay. Do you know if we

1 designated the gardens as a historic feature, can you  
2 require --

3 MS. LANPHEAR: When the building was  
4 designated a town landmark, 250 feet in diameter  
5 around the house is considered part of the  
6 designation. So that's why the garden was included.

7 MS. SCHMITT: Right. Can you require the  
8 new owners to restore that? Or is it just that it  
9 cannot be changed?

10 MS. LANPHEAR: The law does not require  
11 somebody to restore something to a previous look. The  
12 designation goes for the property as it stands today.

13 MS. SCHMITT: And just one final question.  
14 Do you know why Herbert C. -- you clearly have been  
15 very impressed by Herbert C. Williamson and the work  
16 that he did.

17 But when I tried to find out information on  
18 Mr. Williamson, I was not able to find him on any list  
19 of notable architects within the last 150 years in the  
20 United States. Do you know why that would be?

21 MS. LANPHEAR: I don't know why that's true.  
22 But I can tell you there's some architects in the  
23 Ambassador Drive, Sandringham Road area that we've  
24 probably never heard of. Carl Traver, Ian McCory,  
25 Leon Stern, Edward Phillips, James B. Arnold, Howard

1 Stone, Walter Wiard. These are not names that come up  
2 very often.

3 MS. SCHMITT: And you believe they're also  
4 notable?

5 MS. LANPHEAR: Absolutely. Charles  
6 Carpenter, who designed Brighton High School. C.  
7 Storrs Barrows, who -- look around us. This is a C.  
8 Storrs Barrows building right here that we're in  
9 tonight.

10 After somebody dies we forget who they are.  
11 And it's up to us as historians to remind people who  
12 the important people were of the earlier eras in our  
13 town.

14 CHAIRPERSON MIETZ: All set?

15 MS. SCHMITT: I'm good.

16 MR. D'AUGUSTINE: I have a question about  
17 the Bentley family. So that house was originally  
18 built in what year? Was completed.

19 MS. LANPHEAR: 1930. Yup. 1930.

20 MR. D'AUGUSTINE: And the Bentley family  
21 moved in right away?

22 MS. LANPHEAR: Yeah.

23 MR. D'AUGUSTINE: Okay. So Charles would  
24 have spent his childhood there?

25 MS. LANPHEAR: Yes.

1 MR. D'AUGUSTINE: And do you know what year  
2 he went off to boarding school?

3 MS. LANPHEAR: Yes, I do. If I can find it.  
4 I'm sorry. I don't know.

5 MR. D'AUGUSTINE: That's okay.

6 MS. LANPHEAR: I had it. I didn't bring it  
7 with me. Sorry.

8 MR. D'AUGUSTINE: Okay. So would you say  
9 he -- so spending his early and formative years in  
10 that home.

11 MS. LANPHEAR: Yes. Absolutely.

12 MR. D'AUGUSTINE: Okay.

13 MS. LANPHEAR: And certainly when he was in  
14 boarding school, he came home too.

15 MR. D'AUGUSTINE: Right. Obviously. I  
16 just -- and again, I'm not completely familiar with  
17 him, but it was my understanding that he went off to  
18 boarding school in New England. Do you know if he  
19 spent his elementary years here in Rochester?

20 MS. LANPHEAR: I don't know where he spent  
21 his elementary school. Sorry.

22 MR. D'AUGUSTINE: Thank you.

23 MS. LANPHEAR: I'll look into that. We  
24 weren't considering him as the important personage for  
25 the house at that time, even though he's certainly

1       worthy of it.

2               MR. D'AUGUSTINE: Right. Thank you.

3               CHAIRPERSON MIETZ: Go ahead.

4               MS. MCKAY-DRURY: I have a couple. First of  
5 all, I wanted to understand what do you make of  
6 arguments about subsequent renovations that destroyed  
7 the character of the home. Does, you know -- does a  
8 landmark home by being renovated -- I mean, what do  
9 you make of that kind of argument?

10              MS. LANPHEAR: Under the Preservation Law in  
11 Brighton, the exterior of the home is the only thing  
12 of the landmark designation the Preservation  
13 Commission is concerned with.

14              The interior of the house, any renovations  
15 that are done there, they are not germane to the  
16 designation.

17              MS. MCKAY-DRURY: And when the decision is  
18 made as to the designation, you're looking at what is  
19 there on the outside at that time?

20              MS. LANPHEAR: At this time. Yup.

21              MS. MCKAY-DRURY: Okay. And then also I  
22 don't necessarily expect you to have been able to look  
23 at this because we just got it today. But this new  
24 site plan for a potential idea of designating the  
25 landscaping and not the home, I'm wondering if you may

1 be able to take a look at it because I'm seeing in  
2 your materials information about what seems to be  
3 landscape architecture, including the stone retaining  
4 walls that you were mentioning.

5 And I'm curious if you would agree with the  
6 two areas that were labeled here as the protective  
7 landscape area? Or would you say that the protective  
8 landscape would be more than these two areas? If you  
9 could take a look at that, please.

10 MS. LANPHEAR: I really don't know enough  
11 about landscape design to be able to speak on that.

12 MS. MCKAY-DRURY: Okay. I more mean from a  
13 historian's perspective in terms -- and depending on  
14 your familiarity with literally walking the property,  
15 you know, which I don't know if --

16 MS. LANPHEAR: I have not walked the  
17 property. That would not be proper.

18 MS. MCKAY-DRURY: Okay. So perhaps you  
19 aren't able to speak to the -- you know, if this  
20 covers all of the landscaping that Fletcher Steele did  
21 on this property.

22 MS. LANPHEAR: I really don't know. I can  
23 visit the property from the public right-of-way. I  
24 can't walk on the property.

25 MS. MCKAY-DRURY: Right. Okay.

1 CHAIRPERSON MIETZ: All set?

2 MR. PREMO: I have a couple questions. I'm  
3 trying to go through my notes. So I was trying to --  
4 I believe you identified a number of homes that were  
5 designed by Mr. Williamson that have been designated a  
6 local landmark.

7 MS. LANPHEAR: This is Mr. Williamson's  
8 first landmark in Brighton.

9 MR. PREMO: But have there been others in --

10 MS. LANPHEAR: In Pittsford. 212 Westbrook  
11 Road in Pittsford. It's an entry design landmark.

12 MR. PREMO: Was that designated because it  
13 was a Williamson design home or --

14 MS. LANPHEAR: I don't know what the  
15 criteria were for the designation of that house.

16 MR. PREMO: And did you mention another one  
17 on East Avenue?

18 MS. LANPHEAR: 1229 East Avenue is -- I  
19 don't know if it's -- I think it's part of the East  
20 Avenue cultural district, preservation district. And  
21 it was awarded the -- awarded by the Landmark Society  
22 in 1998.

23 But I do not know what the -- whether it's  
24 individually a landmark. I think to be part of the  
25 district, you're considered a landmark.

1           MR. PREMO: With respect to -- you know, one  
2           thing -- and I'll be quite honest. I'm struggling a  
3           little bit with this. When I read the ordinance and  
4           the standards, it talks about a property being  
5           identified with a historic personage. And we've  
6           talked a little bit about the Bentley family, the  
7           family that the Bentleys married into.

8           I guess I'm trying to get -- what is the  
9           identification with this particular property?

10          MS. LANPHEAR: Janet Everest Bentley.

11          MR. PREMO: Right. She's part of the  
12          Everest family that had been involved with respect to  
13          the oil operation.

14          MS. LANPHEAR: Vacuum Oil.

15          MR. PREMO: Vacuum Oil.

16          And so -- and you're saying this property is  
17          identified with her because she lived there.

18          MS. LANPHEAR: She built the house. It was  
19          Everest money that probably paid for the building of  
20          the house.

21          MR. PREMO: Right. So is that the historic  
22          personage?

23          MS. LANPHEAR: The Historic Preservation  
24          Commission has four criteria for designation and only  
25          one is required for designation.



1           And in this case, it's identified with  
2     the -- possesses historic value as part of the  
3     cultural, political, economic, architectural or social  
4     history of the locality, region, state or nation.  
5     That's the main one that we -- that the Preservation  
6     Commission used to designate the property.

7           It is identified with historical personages,  
8     the Bentleys and the Everests.

9           And it does embody the characteristics of an  
10    architectural style, the American Colonial Revival.

11          And it is the work of a significant  
12    designer, meaning Herbert C. Williamson.

13          MR. PREMO:   So the view of the Commission is  
14    that all four of those factors were met.

15          MS. LANPHEAR:   All four of those factors --  
16    yes.

17          But only one needs to be fulfilled.   And we  
18    chose -- I think one is the best one to choose for the  
19    designation.

20          MR. PREMO:   And with respect to the  
21    architectural style, I think we're talking about  
22    Colonial Revival; is that right?

23          MS. LANPHEAR:   Yes.

24          MR. PREMO:   But, you know, I did some  
25    looking into Colonial Revival and I saw a number of

1 elements that are typical in Colonial Revival that  
2 don't seem to be at this house.

3 For example, decorative fanlight windows,  
4 you know, a pediment over the porch, intersecting  
5 gable roofs and dormer windows. I mean, what's the  
6 view -- I mean, what elements -- how do you decide  
7 that it's significant of a particular style if it's  
8 missing some of the most common elements?

9 MS. LANPHEAR: It doesn't have to embody  
10 every Colonial Revival element in its architecture.

11 MR. PREMO: So the idea is that it includes  
12 some.

13 MS. LANPHEAR: It includes enough to be  
14 called Colonial Revival.

15 MR. PREMO: What would those elements be?

16 MS. LANPHEAR: I'm not an architectural  
17 historian. I can't tell you that. I flunked Jean  
18 France's class of architecture 20 years ago. So I  
19 cannot help you with that.

20 MR. PREMO: Thank you very much.

21 CHAIRPERSON MIETZ: Mary Jo, when Bero was  
22 involved with HPC on this, was it their opinion that  
23 this was part of that style of architecture?

24 MS. LANPHEAR: Yes.

25 CHAIRPERSON MIETZ: It was part of their

1 report?

2 MS. LANPHEAR: Christopher Brandt, who is  
3 our consultant, is an architect and knows this style  
4 inside and out.

5 CHAIRPERSON MIETZ: Okay.

6 MS. LANPHEAR: I'm not a good messenger.

7 CHAIRPERSON MIETZ: All right.

8 MS. McKAY-DRURY: I have one more question  
9 for you. Can you -- obviously there's been some  
10 teardowns and demolishing of houses on this same  
11 street.

12 Were you involved in designating landmarks  
13 at the time? Can you speak to any of that in terms of  
14 how those houses would be permitted to have been  
15 demolished?

16 MS. LANPHEAR: In 2015 the -- there was an  
17 application made for demolition of a house on Old Mill  
18 Road. I can't recall the house number. It was a more  
19 modern house. And the Preservation Commission elected  
20 not to continue the designation with it. But that's  
21 all I can tell you.

22 MS. McKAY-DRURY: Okay. Thank you.

23 CHAIRPERSON MIETZ: Okay. Now you're set.

24 Mr. Tantillo, I think what I'm going to do  
25 is let people speak and then I'll give you -- I'll

1 allow you at the end to speak.

2 MR. TANTILLO: Appreciate it.

3 CHAIRPERSON MIETZ: So who would like to  
4 speak? Would you raise your hands. Anyone else who  
5 would like to speak? Well, why don't we start in the  
6 back.

7 Name and address, please.

8 MS. VANDERLINDE: Arlene Vanderlinde, 2130  
9 Clover Street. And I just want to give a brief idea  
10 to what Colonial Revival is to clarify -- perhaps  
11 clarify your questions.

12 This is actually Neocolonial Revival because  
13 of the time it was built. And Colonial Revival is  
14 defined as any style that employs classical elements.  
15 It doesn't have to have all of them.

16 The fanlight is a central element. Columns  
17 are Greek Revival, but they can be -- there's  
18 pediments. There's all sorts of things that can be  
19 employed around an entryway. They can be done very  
20 subtly. But if they are classical elements, then it  
21 does fall into this category.

22 It's a very broad one. It is the most broad  
23 of all the architectural styles. Its name actually  
24 was given its blessing for a program called Build  
25 Environmental Awareness Program that was taught in

1 Brighton and in the City of Rochester.

2 And architectural historian Jean France and  
3 Holton Wetherholt, who was a professor of architecture  
4 at RIT, sat in my living room, as a matter of fact, as  
5 I was involved with this program, and debated what the  
6 proper terms should be, the umbrella terms should be  
7 to encompass Renaissance Revival, Mediterranean  
8 Revival, all of the different styles that were being  
9 built in our area, in the community, that employed the  
10 classical elements. And they determined that Colonial  
11 Revival really said it all. So just so you know what  
12 the meaning is, it's the classical elements being  
13 employed.

14 CHAIRPERSON MIETZ: Okay. Let's keep  
15 working from the back because it's easier.

16 Who else in the rear? Please come up.

17 MS. DRABICK: Hi there. Good evening. My  
18 name is Kris Drabick. My husband Stan and I live at  
19 191 Old Mill Road.

20 We bought our precious piece of Brighton  
21 land ten years ago. With our local architect, James  
22 Fahy, and builder Dan Catone, we created our own  
23 Adirondack lodge.

24 We plan to hand our home down to our  
25 children and grandchildren. Maybe it will be its own

1 historic landmark one day.

2 That being said, this is why we are so  
3 fiercely believing in keeping 125 Old Mill Road a  
4 historically preserved property.

5 In my research, there's just been a few  
6 owners of 125 Old Mill Road, three to be exact.  
7 However, there is one woman who stood out to me as I  
8 studied the property's history. Her name was Janet  
9 Everest Bentley.

10 She was born in Rochester in 1891. She was  
11 the granddaughter of the founder of Vacuum Oil, which  
12 merged with Standard Oil, becoming the world's third  
13 largest oil company.

14 Janet met and married Charles Raymond  
15 Bentley, who is brother-in-law to the founder of the  
16 Harley School, which sits directly across from Old  
17 Mill Road.

18 Janet and Charles Bentley were the first to  
19 purchase over 8 acres on Old Mill Road. With the  
20 architectural expertise of Herbert Williamson, they  
21 built the Colonial Revival home we are protecting, 125  
22 Old Mill Road.

23 Charles graduated Yale Law School first in  
24 his class, enlisted in the army and Janet raised their  
25 four children, two boys and two girls.

1 Charles returned from war and continued in  
2 his father's footsteps as a successful attorney.

3 At 50 Charles passed away. Janet lived at  
4 Old Mill Road 'til she died at age 83.

5 They are both buried at Mount Hope Cemetery.  
6 I was drawn to Janet Everest Bentley because of the  
7 quote on her headstone. It reads "The sun shall not  
8 rise or set without my notice and thanks." This quote  
9 encapsulates to me the journey in making something a  
10 historical landmark.

11 Like the son, this home and its grounds will  
12 be an eternal presence, a small, but mighty, piece of  
13 Brighton's history.

14 Fletcher Steele, the renowned landscape  
15 artist, created the bountiful and beautiful gardens at  
16 125 Old Mill Road. I witnessed the past owner,  
17 Spencer, lovingly and dutifully caring for this space.

18 Fletcher Steele's work at the Whitney Allen  
19 House and the Turner family residence in Pittsford has  
20 been carefully restored. These homes and the gardens  
21 now can be appreciated for their historical relevance  
22 and beauty, just as should be done at 125 Old Mill  
23 Road.

24 In the spirit of the quote on Janet  
25 Bentley's grave, I look for the sun to continue to

1 rise and set upon this home. We thank you for  
2 honoring this noble endeavor by the Historical  
3 Preservation Committee to uphold 125 Old Mill Road as  
4 a historical landmark. Thanks so much.

5 CHAIRPERSON MIETZ: Thank you. Okay. Who  
6 else do we have moving forward? Is there anyone else  
7 in the back section? Just you folks up front. Okay.  
8 Whichever one of you wants to come up.

9 MS. SPENCER: My name is Suzanne Spencer. I  
10 live at 33 Greenpoint Trail in Pittsford. And I am  
11 the former owner of 125 Old Mill Road, where my  
12 husband and I lived for 40 years.

13 Janet Bentley died. And when she died, the  
14 house came up for sale. Her daughter lived in  
15 Brighton -- Pittsford -- well, no. In Brighton. And  
16 they had six children. And they decided that they  
17 really wanted the house. So even though we had put in  
18 an offer on the house, we didn't get it.

19 At that point in time the property had 8  
20 acres as part of it. And we were going to have --  
21 make a deal where we sold part of the property to  
22 someone else. We were newly married and had young  
23 children and it just -- the house was just perfect.

24 But Janet's daughter decided that she wanted  
25 to live there. And so she bought the house. And they



1 got the house.

2 11 years later the neighbor called me up and  
3 said, "They're going to be moving to Victor," and "Do  
4 you still want the house?"

5 And we said, "Yes, we still want the house."

6 And at that point the house was sort of a  
7 mess, but the landscaping was not a mess. And I can  
8 tell you about -- maybe if I see the picture, I can  
9 tell you what's appropriate.

10 There's -- the Fletcher Steele boundaries --  
11 what's so fabulous about him was in the back, there's  
12 a rail cutoff. The property is higher in the front  
13 and then goes down two levels to the creek. And he  
14 built this amazing wall on the back where he built the  
15 terrace.

16 And he -- the wall has been repaired three  
17 times I guess. We did it three different times,  
18 but -- to try to keep everything the same because the  
19 Fletcher Steele -- the patio that he built is still  
20 there. It's not in great shape, but it's still there.

21 And the fencing around it is what's  
22 extraordinary. And the fencing goes around the whole  
23 back of the house and all along the front -- the front  
24 of the house, this beautiful, beautiful fencing that  
25 has cost a lot to keep up and keep in repair, but we

1 felt that it was really worth doing that.

2 The plantings that he did are -- a lot are  
3 there and a lot aren't there anymore. We did other  
4 plantings in there.

5 The roof -- I know the roof, nobody likes  
6 the idea that there was a metal roof put on the house.  
7 Well, I mean, the house needed a new roof. And if it  
8 had been designated historic we wouldn't be allowed to  
9 put on the roof, but I think the roof looks great.  
10 But anyway, that might be a problem.

11 At any rate, the property -- Mrs. Bentley  
12 cared a lot about the neighborhood and the neighbors.  
13 And I think that's one of the things that's very  
14 special about this street is that -- and to change it  
15 is just really awful. And the property's been let to  
16 go to wreck and ruin and that's a tragedy in my mind.

17 So thank you very much. Questions?

18 MR. D'AUGUSTINE: One question. What year  
19 did you move out of the home?

20 MS. SPENCER: A year and a half ago.

21 MR. D'AUGUSTINE: Year and a half ago.

22 Okay.

23 MS. SPENCER: Yeah.

24 MR. D'AUGUSTINE: And what would you say the  
25 condition of the home and property was when you moved

1 out?

2 MS. SPENCER: Well, pretty perfect. I mean,  
3 it had the new roof and the fence had been completely  
4 repaired and the back wall had been completely  
5 repaired.

6 And the -- we lost three trees in the front  
7 during the ice storm. So those were gone. And  
8 another large tree off the bedroom, master bedroom was  
9 gone because it was falling over and was liable to  
10 take part of the house with it.

11 MR. D'AUGUSTINE: But overall, the house was  
12 livable to move into, in good shape.

13 MS. SPENCER: Yeah. Yeah.

14 MR. D'AUGUSTINE: Thank you.

15 MR. PREMO: Ms. Spencer, I'm sorry. I just  
16 had a couple questions.

17 What were the years you lived in the house?

18 MS. SPENCER: I think we bought it in 1983.

19 MR. PREMO: To about 2022?

20 MS. SPENCER: What was that?

21 MR. PREMO: And then you sold the house in  
22 what year?

23 MS. SPENCER: What year did we sell the  
24 house? 1920 -- 2023.

25 MR. PREMO: 2023. I'm just curious in the

1 time you were living in the house, was there ever any  
2 people who came by, groups that came by saying we're  
3 interested in looking at this because the Bentley  
4 family lived here?

5 MS. SPENCER: No. But the Taylors lived at  
6 the top of the hill where the Drabicks now live. And  
7 they were very involved in the property and the house.  
8 And he now lives in California. His sister is the  
9 sculptor who makes those wonderful horses and  
10 wonderful animals.

11 And so it was just all very -- I don't know.  
12 It's just -- it's not that it has to be a historic  
13 house. It has to be kept up. You know, the property  
14 has to be kept up. That's the tragedy in my mind is  
15 that it's -- it's just been -- nobody moved in. It  
16 was tragic.

17 MR. PREMO: Thank you.

18 CHAIRPERSON MIETZ: Any other questions for  
19 Ms. Spencer? All right. Thank you, Ms. Spencer.

20 Okay. Who's next?

21 MR. FLAUM: Hello. Loren Flaum. I live at  
22 141 Old Mill Road, direct neighbor. I submitted a  
23 letter to the ZBA last week and I'm just going to be  
24 reading from that.

25 To whom it may concern, I submit in support

1 of the Historic Preservation Commission's unanimous  
2 decision to designate this property known as 125 Old  
3 Mill Road in opposition to Mr. Tantillo's and  
4 Salafia's application to appeal the designation.

5 I am the owner of 141 Old Mill Road and a  
6 direct neighbor of 125 Old Mill Road.

7 In making its unanimous decision, the  
8 Historic Preservation Commission properly applied  
9 Section 224-3(A) of the Town of Brighton's code. The  
10 code provides that the Historic Preservation  
11 Commission may designate a property, site, or  
12 structure in the event it meets at least one of four  
13 factors. The property located at 125 Old Mill Road  
14 meets all four factors.

15 First, the property is identified with  
16 historic personages. We don't have to go through this  
17 again, but the Bentley family and Vacuum Oil.

18 Second, the property is the work of a  
19 significant designer. We don't need to go through  
20 that again. We went through Fletcher Steele and  
21 Herbert Williamson, who I both -- believe both exudes  
22 historical significance as architects.

23 Third, the property possesses historic,  
24 social and cultural value. It's the gem of the  
25 neighborhood. And as most of the neighbors have come

1 and said, it really is the oldest house on the street  
2 and is really kind of the benchmark of the  
3 neighborhood as you drive in and as you see it. And  
4 is appreciated and valued by members of the  
5 neighborhood who wish its preservation.

6 As the landscape architecture and house were  
7 designed in conjunction with each other, and their  
8 combined, intertwined existence is greater than the  
9 sum of their parts, the house and landscaping cannot  
10 be divorced from each other. It's hard to take the  
11 house away from the landscaping and the landscaping  
12 away from the house. They were designed together and  
13 they should be preserved together.

14 To support all these reasons for  
15 designation, I want to point out that the deeds for  
16 the Property and my property at 141 Old Mill Road  
17 contain restrictive covenants in them. These  
18 restrictive covenants basically require that no  
19 development of the property shall interfere with the  
20 natural growth of the woodlands and each parcel shall  
21 be limited to not more than one single-family  
22 residence.

23 This property is no ordinary property. The  
24 house is located on a 3.9-acre parcel nestled among  
25 woodlands and Allen's Creek. It is set askew on the

1 flat portion of the lot where the superbly designed  
2 landscaping can be, and is, appreciated by the public,  
3 and the protections provided by these restrictive  
4 covenants have contributed to 125 Old Mill Road  
5 retaining the location, setting, workmanship, feeling  
6 and association that make it a landmark.

7 For the reasons set forth above, I oppose  
8 the application and support the Historic Preservation  
9 Commission's ruling to make it historic. Thank you.  
10 Any questions?

11 MR. PREMO: Mr. Flaum, I just had a  
12 question. You're the neighbor --

13 MR. FLAUM: Yes.

14 MR. PREMO: -- immediately next to the  
15 property.

16 MR. FLAUM: Yes.

17 MR. PREMO: And that looks like a fairly new  
18 home.

19 MR. FLAUM: Yes.

20 MS. PREMO: Was there a home there before?

21 MR. FLAUM: There was.

22 MS. PREMO: And you demolished that  
23 home and --

24 MR. FLAUM: Yes. The house that was there  
25 was built in the 1980s and did not have historic

1 significance.

2 MR. PREMO: Thank you.

3 MR. FLAUM: Sure.

4 MR. DiSTEFANO: Just for the record also,  
5 the Town does not enforce restrictive covenants. That  
6 would be a civil matter between property owners.

7 MR. FLAUM: The reason I bring it up is that  
8 I just -- it was placed in our -- both of our deeds as  
9 a way to preserve the property. And I think it kind  
10 of highlights the fact that when the property was  
11 built and subdivided, it was meant to be preserved as  
12 a landmark status. And that kind of upholds that I  
13 believe.

14 CHAIRPERSON MIETZ: Okay.

15 MR. FLAUM: Thank you.

16 CHAIRPERSON MIETZ: Who else? Anyone else?

17 MR. KOEGEL: Good evening. My name is  
18 Robert Koegel. I live at 1960 Clover Street on the  
19 corner of Old Mill Road and Clover. I've lived there  
20 for over 30 years.

21 I'm very familiar with the house from  
22 walking around it and all the many good years with  
23 Suzy Spencer. I've been over at her house at  
24 Christmastime and have the whole neighborhood in. We  
25 long for those days, enjoying your house and the



1 wonderful yard and place.

2 I am not going to repeat. I've read through  
3 the record. I've seen the comments from last time.  
4 Yes. I thought the Chairman and all would like that.  
5 It's getting late. So I will not go through my  
6 comments again. And I will answer any questions to  
7 the best of my ability if you ask me.

8 I would like to hit on a couple of things  
9 that counsel brought up this evening, some of which  
10 were covered more beautifully and thoroughly by the  
11 Town Historian. And I want to make a special thank  
12 you to her for what she's done in this case.

13 She is the one that first provided enough  
14 basic information to the Historic Preservation  
15 Commission to pique their interest and to get them to  
16 actually go out and do a cultural survey by Bero so  
17 that you have a proper record to evaluate this house.  
18 She started that off and enabled us to come and talk  
19 to you about what it is and what we think about it.

20 And she's also -- after your last meeting,  
21 you asked for more information from her. She got it  
22 for you. And that's been a huge help. I want to  
23 express that it makes me proud to be a resident for a  
24 long time and worth my taxes.

25 I want to comment on the first point that

1 was made by counsel for the owner that somehow this  
2 process isn't working out right, meaning that the man  
3 who went to buy it, checked with the Town and it  
4 wasn't designated. So he thought he was all free. He  
5 says I don't have a problem with that. It's not  
6 designated.

7 Well, the idea of this law is not to just  
8 designate houses so you can put a plaque up and slap  
9 yourself on the back and say, aren't we great? The  
10 idea is to prevent houses worth saving for historic or  
11 architectural reasons, for those to be saved. And the  
12 way they get saved is when there's something that  
13 comes along that wants to demolish them.

14 This isn't happening over on Ambassador  
15 where you have those fancy architects with those big  
16 houses because people aren't trying to tear them down.

17 But the whole point of this was that when  
18 somebody did want to come in and tear it down and  
19 exactly the case that's here that the gentleman bought  
20 the property, submitted a subdivision application to  
21 divide the property in half right through the house,  
22 to demolish the house and to put another house to the  
23 east of it, close to Mr. Flaum's house, that's what  
24 started this all off.

25 Now, I didn't get to see these pictures and

1 what they say they can or cannot do, but as a part of  
2 the record in this case is this site plan. And it  
3 shows where the proposed house would be. And that  
4 indeed is in the forecourt of where Fletcher Steele  
5 built these beautiful rooms as he called them. He  
6 called them rooms, landscaping rooms outside.

7 So the notion here that you could put --  
8 tear down the house, put up a house somewhere else to  
9 the east and not wreck all of the -- or render it --  
10 innocuous, meaningless, just relics, to me is just  
11 cynical. It's fanciful. So I hope we don't go down  
12 that route.

13 But that's the point though. The point of  
14 this statute is to catch in the process when a house  
15 is going to be demolished you get a good look at it.  
16 And those worth saving get saved.

17 And of course, that brings up well, what  
18 about the other ones on the street? Well, I live on  
19 the street and I saw those go one at a time. And I  
20 had some concerns. But not one of those houses had  
21 the elegance, the history, yes, the magical feeling,  
22 which we get kidded about, of being near that house  
23 and appreciating that house.

24 So every house is separate. Every house  
25 matters. And you got to look at the house. So don't

1 worry about the fact that the other ones didn't get  
2 designated. Nobody cared about them. They didn't  
3 have the significance that this house has.

4 Now, there was a point about -- that he  
5 raised about changes -- essentially changes to the  
6 house itself, which doesn't -- it's not a good  
7 representation of its style and so on.

8 Well, you have the opinion of your own  
9 consultant, the Town's consultant, which says that the  
10 house is essentially intact for its features. Yes,  
11 there have been changes, this green roof, but  
12 essentially keeps the fine features. And it also says  
13 that the landscaping features are in good shape.

14 So are you going to believe that? Or are  
15 you going to believe the consultant for the owner that  
16 says it's all been ruined and you're not saving  
17 anything worthwhile? I urge you to trust your own  
18 consultant.

19 I think we've covered Herbert Williamson.  
20 Thank goodness we had the historian to regenerate --  
21 rehabilitate him. I don't know if she said this or  
22 not, but I took something extra on this.

23 Not only was he a great architect, he was a  
24 great person. And I think that matters when you talk  
25 about the social history of Brighton. This man not

1     only served in World War I as a major, he served in  
2     World War II as a colonel. I mean, what kind of  
3     person does that? And in between have an amazing  
4     career in architecture. Not as famous as some, but a  
5     great career.

6             He started the first Cub Scout pack, I guess  
7     they're called, in Rochester, which shows something  
8     else.

9             And something that might interest you, if  
10    you just missed it in the material, he ran for  
11    supervisor for the Town of Brighton. He didn't win,  
12    but he ran. By God. What a guy, huh?

13            And I think he's a part of the story.  
14    That's why this property is so interesting because it  
15    starts with this like -- you know, I'd like to start  
16    with her, Janet. She inherits this money.

17            Going backwards, she gets it from one of the  
18    original people who made a ton of money and was famous  
19    for Vacuum Oil. She gets that. She has the means to  
20    hire a fine architect, a locally prominent architect,  
21    Herbert Williamson, to hire a national -- world  
22    renowned Fletcher Steele to start a 30-year business  
23    on that place. And then she also helps out with  
24    Harley.

25            And then she gives birth and rears a kid who

1 goes on to become a famous explorer in Antarctica,  
2 which is additional information from the New York  
3 Times that Mary Jo got for us.

4 I mean, this is a story on this house if you  
5 just want to read it and feel it. And I feel it.  
6 People here tonight, they're feeling it. This isn't  
7 people grabbing saying, I don't like that neighbor.  
8 So I don't want them to get anything. I see a lot of  
9 that in my day job. But this is a group of people  
10 that love this house, neighbors that appreciate it.

11 This is the reason why this statute was  
12 passed, this law was passed, to protect this. And  
13 that's why this is a great meeting here tonight, I  
14 hope.

15 Now, let me finish up, only -- I think we --  
16 I did want to talk about -- I guess I covered this  
17 idea that you're going to be shown a plan that we're  
18 going to protect the landscaping somehow or they  
19 can -- don't worry. We'll do that for you.

20 Again, it can't be done and it ignores the  
21 house and all the significance it has. It's really,  
22 frankly, insulting to all of us to consider that.

23 Charles Bentley, we also have covered. And  
24 the Colonial Revival issue I think was answered very  
25 well by Ms. Vanderlinde and Mary Jo on the issues

1 about that. I mean, both experts say it's Colonial  
2 Revival. Obviously, the -- our Town's expert said  
3 that it's in good shape. The experts for the owners  
4 say, no, it's not. I suggest you follow the  
5 experience and opinions of the Town.

6 So I think I would say again simply, we  
7 heard that this is a low bar, that this house, this  
8 property is a low -- it's too low a bar. It doesn't  
9 have the famous name, architect. It's not in perfect  
10 condition. You know, so it's too low bar.

11 I say, as the Town Historian has, this meets  
12 a high bar. It meets four of the criteria quite well.  
13 It doesn't just slip by on one like -- the Town  
14 Historian, she's going to kill me -- the brick houses,  
15 which don't have an architect, don't have anyone  
16 famous connected to it, but because the brick houses  
17 are the old ones here, they're made from bricks from  
18 Rochester. And so they have an important event in our  
19 local history connected to them. Good for them. Glad  
20 they're listed.

21 But out of the 80-some-odd houses which have  
22 been designated, there are a lot that don't have a  
23 great architect connected to them or don't have a  
24 famous person. I think this house has all of that  
25 together.

1 All right. Any questions?

2 CHAIRPERSON MIETZ: Anything? Okay. Thank  
3 you.

4 Anyone else want to say something? Just let  
5 me suggest and what I said at the beginning though,  
6 this is not going to be a rebuttal of what was said by  
7 the people who have come up to speak. If you have  
8 something to add or clarify, that'd be great. Okay.

9 MR. SALAFIA: I do.

10 CHAIRPERSON MIETZ: All right. Just name --

11 MR. SALAFIA: Name is Nunzio Salafia. I  
12 live at 10 Pine Acres. I'm the owner of the house.

13 For about 15 to 20 years I've been trying to  
14 buy a house in the neighborhood. I've been drawn to  
15 the beauty of the creek in the back. It's very  
16 magical.

17 I went to see the house that the Flaums  
18 bought. Didn't like the lot because it didn't have  
19 the view that this house has.

20 Before then I went to see the house right  
21 next to them that was also knocked down. I didn't  
22 like the view. That's the reason why I didn't buy it.

23 When I went to look at this house, this  
24 house had a totally different view that is just very  
25 appealing for the way that I like to live.



1           When I went to look at the house, the first  
2           thing that came to mind was there's no way in hell I'm  
3           going to live in a house with seven bedrooms and four  
4           and a half baths. We'd only be using one bedroom  
5           because we don't have any kids. It's just me and my  
6           wife.

7           So I talked to the -- I did my due  
8           diligence. And the way that I thought it was going to  
9           be following the footsteps of the houses next door  
10          that had been knocked down.

11          So I called the Town. Is there a history  
12          with this house? Is it historic in any way? The  
13          answer was no.

14          The big problem we have here is the Town is  
15          using a system that fails everything that's trying to  
16          be protected.

17          This house over here from the previous  
18          ownership that clearly did not like the house. She  
19          put in two additions. She converted a two-car garage  
20          into an office. She then put in a three-car garage  
21          that a car does not fit. I tried to get my car to fit  
22          and I scratched the sides. And it doesn't even fit to  
23          close the door.

24          14 skylights, French doors, canopy and the  
25          ugliest roof that money can buy. You couldn't find,

1 in my opinion, on the roof -- the green roof on a  
2 beautiful house like this house is.

3 So with all that in mind, I was pretty  
4 convinced that it would not be a problem. And I  
5 applied and I purchased the house.

6 The moment I purchased the house, I called  
7 the Town right away. And I says, "Look, I want to  
8 knock it down. What do I got to do?"

9 "Well, the first thing you got to do is you  
10 got to do a survey to make sure there is no asbestos."

11 Even though I was told by the previous owner  
12 in writing that the house had no asbestos, even though  
13 she removed asbestos a couple of years ago to change  
14 the furnace, we found out after we opened up walls,  
15 every single wall in there, which is plaster, that the  
16 house is infected with asbestos. It is going to cost  
17 about \$120,000 just to remove the asbestos. Well, I  
18 was willing to pay that.

19 A minute ago you asked a question about what  
20 kind of shape is the landscaping in. The landscaping  
21 is the kind of landscaping because the way it was  
22 constructed with boulders and rocks. It shifts and  
23 moves all the time, especially with the fact the slope  
24 is going towards the landscaping to keep it away from  
25 the house.

1           So right now, there is a fence that is  
2     rotten, brick that is damaged, walls -- they're going  
3     all the way down to the ravine. Walls that are  
4     buckling. The house needs all the reconstructions of  
5     the landscaping, which is going to be really costly  
6     because it's not a newer block that you just remove  
7     and put it back in place.

8           The other thing is the plants that were put  
9     in there 80, 90 years ago, they're no longer plants.  
10    They're trees. They're bushes. Some of the bushes  
11    are covering the windows in the back. So even though  
12    the house was designed with the view of the creek  
13    right in the backyard -- I got pictures. I can make a  
14    copy of it. I should have thought about doing it.  
15    But these bushes are so enormous that they cover the  
16    whole window. There's no way you can trim them. You  
17    got to cut them down because it's just ungodly huge  
18    and they're covering up the windows.

19           If I knew that this thing was going to take  
20    place, I would have never got involved. I didn't want  
21    to offend anybody here in the neighborhood. I thought  
22    it had been set up -- precedent had been set up by the  
23    three homes that I'm next to, where everything was  
24    knocked down and build for new. And that's what I  
25    wanted to do. I don't want to live in a seven-bedroom

1 house loaded with asbestos.

2 To top it all, the person that did the  
3 analysis of the asbestos, because of the kind of  
4 asbestos that it is, he say, I'm not sure that what I  
5 got to do to give you the clearance of the letter I'm  
6 going to be able to do it because the two-by-fours  
7 that this asbestos is attached to is so rough. And I  
8 don't think they're going to be able to remove it.

9 But I would never live there no matter what.  
10 You know, if it was fully removed -- you know, the  
11 stigma that it's got, I just would not want to live  
12 there. Even after I spend 100 -- well I figured  
13 around -- it's going to cost probably \$3- to \$400,000  
14 just to take it down and restore it to the way that it  
15 was to begin with because the asbestos got to be  
16 removed. All the mechanicals that are sucking through  
17 the air ducts, the asbestos is going through the  
18 furnace and then being thrown back through the air,  
19 they all got to be replaced.

20 The plumbing is going to be interfered.  
21 Then it has to be re-insulated, re-drywalled and  
22 repainted just to bring it to the state that it is  
23 right now. The house is not livable the way it is  
24 because I destroyed it. I destroyed it to do the due  
25 diligence that the Town told me to do in order to be

1     able to get the permit. And then, stop, you cannot go  
2     anymore. So I don't understand. Thank you.

3             CHAIRPERSON MIETZ: Okay. Thank you,  
4     Mr. Salafia.

5             Okay. Go ahead, Mr. Tantillo.

6             MR. TANTILLO: When you said corrections,  
7     not rebuttals, I crossed off half my list.

8             So the first correction is an incredibly  
9     simple one. Ms. Lanphear suggested that the HPC  
10    relied on all four factors in making its decision.  
11    And essentially the first factor, that's actually the  
12    exact opposite of what their decision was. So we have  
13    the transcript of the decision effectuated. It's page  
14    28 of the HPC's transcript. And that specific factor  
15    is entirely --

16            CHAIRPERSON MIETZ: Which specific --

17            MR. TANTILLO: The first one was the --  
18    possesses historic value as part of the cultural,  
19    political, economic, architectural or social history  
20    of the locality, region, state or nation. It was the  
21    other three factors that were relied on in their  
22    decision.

23            I understand that the HPC met more recently.  
24    I don't know if they modified it or tried to  
25    supplement their decision at that meeting. They

1 can't. They have to rely on their decision.

2 MR. PREMO: Can you give me the specific --  
3 you referenced a document.

4 MR. TANTILLO: Yeah. It's page 28, line 15.

5 MR. PREMO: What's the document?

6 MR. TANTILLO: Oh, the transcript of the  
7 HPC.

8 CHAIRPERSON MIETZ: The meeting.

9 MR. DiSTEFANO: You received it last week.

10 MS. BARON: I believe, just for the record,  
11 Jon's talking about the November 2023 meeting of the  
12 HPC.

13 I also just want to clarify that the HPC did  
14 not make any supplemental decision at their January  
15 meeting or make any additional rulings on this  
16 application.

17 MR. TANTILLO: So that's why that factor is  
18 not part of the decision. We didn't address it in our  
19 papers because we thought it was agreed that it's not  
20 part of the decision.

21 Another fairly important clarification. It  
22 feels like every board meeting we've been to --  
23 there's been multiple HPC hearings and now a couple  
24 times here -- a new name is introduced as a historic  
25 personage that's associated with this property and so

1 it should be designated. Tonight we heard Hiram  
2 Everest for the first time. He has nothing to do with  
3 this property. He didn't live there. His daughter  
4 lived there.

5 Are we going through every family member of  
6 Hiram Everest and designating all their properties?  
7 Hiram Everest provided no authority to designate this  
8 property a landmark.

9 This one maybe --

10 CHAIRPERSON MIETZ: Clarifications maybe.

11 MR. TANTILLO: There's so much. All right.

12 It was suggested that Mr. Salafia allowed  
13 the property to fall into disrepair. We were planning  
14 to demolish it. All this stuff came up after the  
15 demolition permit and everything's been on hold since  
16 then.

17 He's a good steward of the property. We  
18 just haven't had the opportunity to work with the  
19 Town. It's only ever been a demolition application  
20 and then this.

21 Which brings me to one of the potentially  
22 attractive -- the Board asked Ms. Lanphear if the Town  
23 had the power to require Mr. Salafia to restore the  
24 landscaping as part of the designation. And  
25 Ms. Lanphear agreed that it does not.

1           We can restore it. That can be part of -- a  
2           condition of the decision. Everyone can get something  
3           out of this if we designate the property -- or  
4           designate the landscaping conditionally on it being  
5           restored to the satisfaction of the Town.

6           If the Fletcher Steele landscaping is the  
7           historic factor that we're all considering, that's the  
8           best way to preserve it. And so that can be part of  
9           what happens.

10           CHAIRPERSON MIETZ: Okay.

11           MR. TANTILLO: I'll stop there.

12           CHAIRPERSON MIETZ: Thanks for your  
13           deference.

14           Excuse me. Yes.

15           MR. ARDIETA: Joe Ardieta, Vanguard  
16           Engineering. I have one answer to a question and I  
17           have one clarification.

18           The question was regarding the walls, the  
19           location of the walls and where they fit within the  
20           buildable area. The patio walls are at the southwest  
21           corner of the buildable area. They coincide directly  
22           with the steep slope because they are retaining walls.  
23           Okay. That's the answer.

24           CHAIRPERSON MIETZ: At the rear of the  
25           house?



1 MR. ARDIETA: Yes. So it's the southwest  
2 corner.

3 And then a clarification was regarding the  
4 site plan application. We did submit a site plan  
5 application that did not take into account the house  
6 being designated a historic landmark because that  
7 process hasn't taken place yet. Obviously, that plan  
8 is no longer valid.

9 CHAIRPERSON MIETZ: We got you. Thanks.  
10 Okay.

11 MR. ARDIETA: Perfect.

12 CHAIRPERSON MIETZ: If there's nothing else,  
13 then we'll close this public hearing at this time and  
14 move on to the next.

15 MR. DiSTEFANO: We need a quick five-minute  
16 recess. We'll come back and finish.

17 (The proceeding recessed at 9:03 p.m.)

18 (The proceeding reconvened at 9:10 p.m.; appearances  
19 as before noted.)

20 CHAIRPERSON MIETZ: Okay. So let's go back  
21 to the agenda. And I think we have two more.

22 MR. DiSTEFANO: Yes. Two more.

23 CHAIRPERSON MIETZ: Go right ahead.

24 **Application 2A-01-24**

25 Application of Eric Schoenhardt, agent, and

1 Clare and Hyeuo Park, owners of property located at 95  
2 Brittany Circle, for an Area Variance from bulk  
3 regulations as set forth using Town Law Section  
4 278-Cluster Development (formerly Town Law Section  
5 281), to allow a two-story addition to extend 5 feet  
6 into the 15 foot required rear setback. All as  
7 described on application and plans on file.

8 MR. SCHOENHARDT: Hello. My name's Erick  
9 Schoenhardt. I'm at 403 East Linden Avenue in East  
10 Rochester. I'm the -- I've been asked to be a  
11 contractor to build this addition. I'm here  
12 representing Clare and Hyeuo. His name does not have  
13 an A in it. H-Y-E-U-O is his name. I've been asked  
14 to represent them. They're out of town.

15 They want to put an addition on the back of  
16 the home. It's a single-family dwelling. We want to  
17 put a 20-by-14 addition. They have three children.  
18 They enjoy the neighborhood. They want to stay there,  
19 but it's gotten to be restrictive. That's why they're  
20 asking for a small addition on the back of the house.

21 Unfortunately because of the rear property  
22 line, it takes off at an angle, they're going to  
23 encroach on a 15-foot rear setback. And they're  
24 asking for -- to encroach on it by 5 feet.

25 Would you like me to go through the

1 standard --

2 CHAIRPERSON MIETZ: You can if you wish. We  
3 have all of it.

4 MR. SCHOENHARDT: You do have it all. I  
5 think the biggest thing is -- is it self-created?  
6 Well, if having kids is self-created, then yes, it is.  
7 You know?

8 But the truth is, they fell in love with the  
9 neighborhood. They've got a lot of close friends  
10 there. They enjoy it. They want to stay. That's  
11 where they want to raise their children.

12 I also asked them to go around and ask their  
13 neighbors how they felt about them, whether they would  
14 approve them doing this addition. So for their  
15 immediate neighbors, there's four people that they've  
16 asked to sign just a little affidavit saying that  
17 they'd be glad to have them do it.

18 I've also included a property -- a map of  
19 the neighborhood that shows where those neighbors live  
20 in relationship to the Parks in the letters that's  
21 come around.

22 MR. D'AUGUSTINE: I know it's coming around,  
23 but is one of those neighbors to the rear?

24 MR. SCHOENHARDT: Correct. Two of them are  
25 to the rear. One is right next to them. One is

1 across the street.

2 MR. DiSTEFANO: Just for the record, we have  
3 signatures from owners at 101 Brittany Circle, 33  
4 Brittany Circle, 39 Brittany Circle, and 68 Brittany  
5 Circle in favor of the variances as proposed.

6 MR. SCHOENHARDT: The 68 Brittany Circle is  
7 actually across the street from them. They're the  
8 only people across the street that would be able to  
9 see the addition.

10 So really everybody immediately around them,  
11 they've asked and they're in support of it.

12 CHAIRPERSON MIETZ: Okay. I have one  
13 question for you. Was there anything else thought  
14 about or attempted to be thought about as it relates  
15 to the design of this, of how you got to this final  
16 design?

17 MR. SCHOENHARDT: Sure. There's a -- if you  
18 take a look at the site plan, you'll see there's a  
19 little pocket corner, which is where we're putting the  
20 addition. It's kind of secluded in there. And it  
21 allows us to take advantage of the most space within  
22 the existing, call it, square of the building, just  
23 project out a little ways.

24 We looked at the possibility of moving over  
25 to -- I guess that would be the east -- the east side,

1 closer to the street. The problem is that it's right  
2 on top of the street. It eats up a bunch of their  
3 backyard. It'd be the most obtrusive in terms of  
4 vision to the neighbors.

5 This way it's kind of tucked in behind. And  
6 we thought it was the most unobtrusive way to put an  
7 addition on the house.

8 Also, it worked best in terms of the  
9 internal floor.

10 CHAIRPERSON MIETZ: Okay. Thank you.  
11 Appreciate that.

12 MR. PREMO: Is there going to be -- in  
13 looking at the plans, is there going to be a 6-foot  
14 wooden fence put up?

15 MR. SCHOENHARDT: No. That's existing.

16 MR. PREMO: That's existing.

17 MR. SCHOENHARDT: Yeah. That's the existing  
18 site plan.

19 CHAIRPERSON MIETZ: That development back  
20 there has a lot of fencing like that.

21 MR. SCHOENHARDT: No. We have no plans to  
22 add a fence.

23 MR. DiSTEFANO: Can I ask a question?

24 CHAIRPERSON MIETZ: Yes.

25 MR. DiSTEFANO: This area, not just Brittany

1 Circle, but Markay Court, Gailhaven, they're all  
2 created under this cluster development proposal back  
3 in the mid-80s.

4 One of the things that is not real clear on  
5 the Brittany Circle is coverage. And I think  
6 basically how they kind of handled coverage from my  
7 reading of the minutes and the understanding of the  
8 project, the overall subdivision, that setbacks kind  
9 of would control coverage.

10 You're asking for -- not only are you asking  
11 for a setback variance, but in essence, you're asking  
12 for a coverage variance.

13 Are there any other houses in that  
14 neighborhood that you feel are covering more land than  
15 what this proposal will do? Or are you pretty much  
16 greater in coverage than the rest of the houses in the  
17 neighborhood?

18 MR. SCHOENHARDT: I didn't do the research.  
19 You know, I did not go look at every other house.

20 MR. DiSTEFANO: Is there anyone that stands  
21 out that you could say, yeah, that's pretty jammed  
22 right in there?

23 MR. SCHOENHARDT: Forgive me. I just didn't  
24 look. I mean, I'd be lying if I said, oh, yeah. I  
25 looked at this and this is no worse --

1 MR. DiSTEFANO: I appreciate that.

2 MR. SCHOENHARDT: I did take a color Google  
3 shot of the place.

4 And the one other thing, we're not really  
5 altering anything in terms of trees. That is a small  
6 lot.

7 To your point, the coverage, I fully  
8 understand your point. Although, there's a deck  
9 that's coming out. I mean, it's a corner that's  
10 really unused, you know, in that area. Yes, it's more  
11 coverage. Is it grossly detrimental? In my opinion,  
12 it wouldn't be.

13 MR. TROBE: Can I add something?

14 MR. SCHOENHARDT: Please.

15 This is Steve Trobe the architect.

16 MR. TROBE: Steve Trobe, 120 Arvine Heights,  
17 Rochester.

18 So in terms of coverage, this property is  
19 unique as it is a corner property. So the majority of  
20 the land is actually in front. So it has two front  
21 setbacks to align with the houses on either side.

22 So it's covering more of the back of the  
23 property, which is pretty much a small corner. But in  
24 terms of the overall lot, it probably has less  
25 coverage because it has so much frontage.

1           So I don't know if that helps, but it's part  
2 of the equation.

3           CHAIRPERSON MIETZ: Okay. Thank you.

4           MR. SCHOENHARDT: Any other questions?

5           CHAIRPERSON MIETZ: Questions by Board  
6 members?

7           MR. PREMO: I guess I'm -- so the variance  
8 that we're looking for is for the specific cluster  
9 development here?

10          MR. DiSTEFANO: Correct.

11          MR. PREMO: And where is that -- is  
12 that in -- are those provisions in the zoning code?

13          MR. DiSTEFANO: No. You'll not find them in  
14 the code. You'll have to go back to the resolution of  
15 1984 and '87 and dig through the records and find out  
16 that in this, for Brittany Circle, they required a  
17 20-foot front setback, 15-foot rear setback and 5-foot  
18 side setbacks. So they were specific to that  
19 subdivision.

20          MR. PREMO: And those are set at the time  
21 the Town Board approves the cluster?

22          MR. DiSTEFANO: The Planning Board approves  
23 cluster development, correct. Similar to incentive  
24 zoning.

25          MR. PREMO: Right. That includes other



1 areas that have been preserved open or whatever in the  
2 back I believe of this area?

3 MR. DiSTEFANO: Right.

4 MR. PREMO: Okay. And we -- is it the same  
5 test for changing those standards as it is for a  
6 variance from the zoning code?

7 MR. DiSTEFANO: To be honest with you, Ed,  
8 that's a good question. I don't think it's really  
9 ever been discussed and determined in these cases. I  
10 think it is something -- a tool to use, to use the  
11 regular variance process to say the impacts on the  
12 neighborhood, character, the -- are they doing the  
13 minimum necessary to achieve what they want. So I  
14 think it is a good --

15 MR. PREMO: So I guess the other question  
16 is, is this a Planning Board issue? If they were the  
17 ones that set the conditions are they the ones --

18 MS. BARON: I'll just answer that question.  
19 I think in terms of the approval, the cluster  
20 development with specific setback requirements, the  
21 Planning Board would not have variance approval of  
22 changing any type of requirements that are associated  
23 with a setback. It would be up to the Zoning Board  
24 and the criteria that you typically use to evaluate  
25 variances that should be applied.

1 MR. PREMO: Okay. Thank you.

2 CHAIRPERSON MIETZ: Good. Any other  
3 questions?

4 MR. SCHOENHARDT: One other comment on that.  
5 I mean, part of the issue is the unique shape of that  
6 property. We're stuck between a rock and a hard place  
7 that the best place to put an addition is in this  
8 little pocket, corner, that's not much use to the  
9 property. At the same time that's the place that's  
10 closest to the property line.

11 And if you take a look at the backyards of  
12 the house behind it, it's significant that the  
13 neighbors behind said, no, we're okay with that  
14 encroachment because that's -- the property line  
15 angles towards the house at that particular corner.

16 And my argument would be that that's the one  
17 thing that's self-created. They didn't do anything  
18 about creating that lot line that pushed close to that  
19 corner of the house.

20 CHAIRPERSON MIETZ: Would you guess how far  
21 away that house is from -- not from the property line  
22 but from house to house?

23 MR. SCHOENHARDT: I put it about 40, 50 feet  
24 is my top of the head guess.

25 CHAIRPERSON MIETZ: That's close enough.

1 Okay. Thank you very much, gentlemen.

2 Is there anyone in the audience who would  
3 like to speak regarding this application? Okay.  
4 There being none, the public hearing's closed.

5 **Application 2A-02-24**

6 Application of Jessica Costa, Vital Signs,  
7 agent, and 2090 Clinton Avenue South LLC, owner of  
8 property located at 2080 South Clinton Avenue, for  
9 modification of an approved freestanding sign  
10 (8-03-15) allowing for two business identifying signs  
11 in lieu of one as approved. All as described in  
12 application and plans on file.

13 MR. ZIEMNIAK: Hi. My name is Justin  
14 Ziemniak with Vital Signs at 764 Ridge Road in  
15 Webster. I am here because we had a previous sign  
16 approved. But then we made a change. And the only  
17 change to the sign -- continued the existing colors  
18 and the same size sign that there was before.

19 It began with just Northridge Church as the  
20 only business listed on there. And then now, it has  
21 the two businesses on there. So we're just asking for  
22 a variance to approve that.

23 MR. DiSTEFANO: Actually, when it was  
24 approved, it was approved for Jubilee Center, not even  
25 Northridge Church.

1           We probably -- I wouldn't have probably made  
2           them come back if it was just changing name to name.  
3           But the fact that they've now split it out and put the  
4           sign to two and added another user on there, that's  
5           why they're back in front of us.

6           CHAIRPERSON MIETZ: But the square footage  
7           is the same.

8           MR. ZIEMNIAK: Correct.

9           CHAIRPERSON MIETZ: You made no change to  
10          the receiver, we'll say.

11          MR. ZIEMNIAK: Yup.

12          MS. SCHWARTZ: I have a question. This is a  
13          little more than approving or whatever. Personally, I  
14          find reading the Gastroenterology Group of Rochester  
15          minute compared to the size of the logo.

16          My thought is because it's a really heavily  
17          trafficked part of Clinton and people really don't go  
18          the speed limit because it's kind of open, you can  
19          miss it. And was there any thought given to having  
20          the wording of the business, if you will, larger than  
21          the logo just for safety purposes?

22          MR. ZIEMNIAK: Yes. I see what you're  
23          saying. I am filling in for Jessica, who filled this  
24          out and knows a little more about it.

25          I'm thinking part of it might be branding.

1 That's their logo imprint right there, that GGR.

2 MS. SCHWARTZ: I'm just really thinking  
3 about for safety because even when I was going by to  
4 get another look at Jubilee, the traffic around me was  
5 so fast and whatever, I could barely -- I mean, I knew  
6 where it was, but you don't see it.

7 So that's my concern. If they're using this  
8 so people can find them, maybe some thought should be  
9 given. I have no problem with it being two.

10 CHAIRPERSON MIETZ: All right. Other  
11 questions for this gentleman? I think we're pretty  
12 clear.

13 Then the lighting, is that going to be the  
14 same? Do you know?

15 MR. ZIEMNIAK: Yes. It's the existing  
16 ground lighting.

17 CHAIRPERSON MIETZ: Same conditions we had  
18 before. Very good.

19 Okay. So are you still good? Let's go  
20 through it here.

21 (Proceedings concluded at 9:24 p.m.)

22 (Start of deliberations and decisions.)

23

24

25

\* \* \* \*

REPORTER CERTIFICATE

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

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 7th day of February, 2024  
at Brighton, New York.



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Holly E. Castleman ACR,  
Official Court Reporter

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**BRIGHTON**  
**ZONING BOARD OF APPEALS**  
**MEETING**  
**DELIBERATIONS AND DECISIONS**

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February 7, 2024  
At approximately 7 p.m.  
Brighton Town Hall  
2300 Elmwood Avenue  
Rochester, New York 14618

**PRESENT:**

DENNIS MIETZ  
Chairperson

EDWARD PREMO	)	Board Members
HEATHER McKAY-DRURY	)	
KATHLEEN SCHMITT	)	
JUDY SCHWARTZ	)	
MATTHEW D'AUGUSTINE	)	

LAUREN BARON, ESQ.  
Attorney for the Town

RICK DiSTEFANO  
Secretary

**ABSENT:**

ANDREA TOMPKINS-WRIGHT

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

1     **Application 1A-03-24**

2             Application of Rodney Buffington, agent, and  
3     Cameron Sands, owner of property located at 3601  
4     Elmwood Avenue, for Area Variances from Section 207-2  
5     to 1) allow for a 5-foot high front yard wall with a  
6     6.5-foot high gate in lieu of the maximum 3.5 feet in  
7     height allowed by code, 2) allow for a side yard  
8     (east) wall to be 8 feet in height in lieu of the  
9     maximum 6.5 feet allowed by code, and 3) allow for  
10    sunken garden walls to be 10 feet in height in lieu of  
11    the maximum 3.5 feet and 12.75 feet in height in lieu  
12    of the maximum 6.5 feet allowed by code. All as  
13    described in application and plans on file.

14            MS. MCKAY-DRURY: I move to disprove  
15    application number 1A-03-24 to the extent that it  
16    sought a gate feature raging in height from 4 to 5 and  
17    a half feet in lieu of the maximum 3.5 feet allowed by  
18    code and to the extent that this application was not  
19    previously granted based on the following findings of  
20    fact.

21     **Findings of Fact:**

22     1. The requested variance will result in substantial  
23     change of the character to the neighborhood. A nearly  
24     car-height privacy gate preventing passersby from  
25     viewing the entrance to the subject property would



1 result in a substantial change in the neighborhood  
2 where no neighboring properties have anything  
3 resembling this physical and visual barrier.

4 2. The difficulty necessitating the variance can be  
5 solved in another matter given the homeowner has not  
6 articulated a credible reason why their desire to  
7 limit who can enter the driveway could not be achieved  
8 with a gate at the permissible height, which would not  
9 require a variance.

10 3. While not quite doubling the height permitted by  
11 the Code, the visual effect of this proposed privacy  
12 gate at this height to nearly block any drivers from  
13 seeing into the property would be substantial.

14 4. The variance requested is not the minimum  
15 necessary to grant relief from the difficulty given  
16 that it could be resolved without even needing a  
17 variance, i.e., with the shorter fence.

18 5. The proposed variance is not at all consistent  
19 with surrounding properties.

20 6. Although not dispositive, this variance request is  
21 self-created.

22 MS. SCHWARTZ: Second.

23 MR. DiSTEFANO: The motion is to deny  
24 application 1A-03-24.

25 (Ms. Schmitt, yes; Mr. Mietz, yes;

1 Mr. D'Augustine, yes; Mr. Premo, No;  
2 Ms. Schwartz, yes; Ms. McKay-Drury, yes.)  
3 (Upon roll motion to deny carries.)  
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1     **Application 1A-07-24**

2             Application of Ryan Kelly, agent, and  
3     Golisano Business COE, Inc., owner of property located  
4     at 150 Sawgrass Drive for 1) an Area Variance from  
5     Section 207-2A to allow a front yard wall to be 6.5  
6     feet in height in lieu of the maximum 3.5 feet allowed  
7     by code; and 2) a Sign Variance from Section 207-32B  
8     to allow for a second freestanding sign where no  
9     freestanding signs are allowed by code. All as  
10    described on application and plans on file.

11            MS. SCHWARTZ: I move we approve application  
12    1A-07-24 -- but I have to say on the application, you  
13    need to change it. It says 23 -- based on the  
14    following findings of fact.

15     **Findings of Fact:**

16    1. The variance of a 6-and-a-half-foot front yard  
17    wall in lieu of the maximum 3 and a half feet allowed  
18    by code is substantial. However, the placement of is  
19    in keeping with the vast expanse of the surrounding  
20    area.

21    2. The sign is for wayfinding purposes and will  
22    reduce confusion for people going further into the  
23    park for medical buildings. The sign affords more  
24    safety and security for those coming to this building.

25    3. There will be no adverse effect on the character

1 of the area as this building is the first into the  
2 large office park development.

3 4. The applicant stated the proposed landscape plan  
4 around the second freestanding sign will offer  
5 multiple environmental advantages and an eco-friendly  
6 approach.

7 MS. BARON: If you want to discuss whether  
8 it is substantial or not.

9 MS. SCHWARTZ: I said the -- the first one,  
10 front yard wall in lieu of the maximum 3 and a half  
11 foot allowed is substantial. However, the placement  
12 of it is -- it's a vast area.

13 MS. BARON: Okay. And whether the  
14 difficulty was self-created.

15 MS. SCHWARTZ: I didn't say that. This  
16 application -- so that this is a self-created issue.

17 MR. DiSTEFANO: Well, all area variances,  
18 size variances are self-created. We know that. So  
19 you got to kind of word it the other way. Although  
20 self-created, the site tends to have directional  
21 issues and this additional signage will help  
22 wayfinding.

23 MS. SCHWARTZ: The second sign will reduce  
24 the confusion.

25 MS. BARON: Then also additionally, if you

1 want to add the additional condition that Rick  
2 discussed.

3 **Findings as Amended:**

4 1. The variance of 6-and-a-half foot front yard wall  
5 in lieu of the maximum 3-and-a-half feet allowed by  
6 code is substantial. However, the placement of is in  
7 keeping with the vast expanse of the surrounding area.

8 2. The sign is for wayfinding purposes and will  
9 reduce confusion for people going further into the  
10 park for medical buildings. The sign affords more  
11 safety and security for those coming to this building.

12 3. There will be no adverse effect on the character  
13 of the area as this building is the first into the  
14 large office park development.

15 4. The applicant stated the proposed landscape plan  
16 around the second freestanding sign will offer many  
17 multiple environmental advantages and an eco-friendly  
18 approach.

19 5. Although self-created, the site tends to have  
20 directional issues and this additional signage will  
21 help wayfinding.

22 **Conditions:**

23 1. This approval only applies to the sign as  
24 presented and in the testimony given.

25 2. All necessary Architectural Review Board and

1 Planning Board approvals shall be obtained.

2 4. Granting of this variance limits the site to the  
3 two freestanding signs and does not allow for any  
4 building-face signs.

5 MS. MCKAY-DRURY: Second.

6 MR. DiSTEFANO: Motion is to approve with  
7 conditions.

8 (Ms. Schmitt, yes; Mr. Mietz, yes;

9 Mr. D'Augustine, yes; Mr. Premo, yes;

10 Ms. McKay-Drury, yes; Ms. Schwartz, yes.)

11 (Upon roll motion to approve with conditions  
12 carries.)

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1     **Application 1A-08-24**

2             Application of Jon Tantillo, agent, and  
3     Salafia Nunzio, owner of property located at 125 Old  
4     Mill Road, appealing the Historic Preservation  
5     Commission's landmark designation of said property,  
6     pursuant to Section 224-3F of the code. All as  
7     described on application and plans on file.

8             MR. D'AUGUSTINE: I move to table  
9     application 1A-08-24 and close the public hearing.

10            MR. PREMO: Second.

11            MR. DiSTEFANO: Motion is to table and to  
12     close the public hearing.

13            (Ms. Schmitt, yes; Ms. McKay-Drury, no;  
14     Mr. Mietz, yes; Mr. D'Augustine, yes;  
15     Ms. Schwartz, no; Mr. Premo, yes.)

16            (Upon roll motion to table and close the  
17     public hearing carries.)

1 **Application 2A-01-24**

2 Application of Eric Schoenhardt, agent and  
3 Clare and Hyeuo Park, owners of property located at 95  
4 Brittany Circle, for an Area Variance from bulk  
5 regulations as set forth using Town Law Section  
6 278-Cluster Development (formerly Town Law Section  
7 281), to allow a two-story addition to extend 5 feet  
8 into the 15 foot required rear setback. All as  
9 described on application and plans on file.

10 MR. D'AUGUSTINE: Motion to approve  
11 application 2A-01-24 based on the following findings  
12 of fact.

13 **Findings of Fact:**

- 14 1. The requested variance will not result in a  
15 substantial change in the character of the  
16 neighborhood given that the addition is in keeping  
17 with the size and scale of other homes in the  
18 neighborhood.
- 19 2. The difficulty cannot be solved in a manner not  
20 requiring a variance because if the addition were on  
21 the side of the home, which would not require a  
22 variance, it would create a much more visual change in  
23 the nature of the neighborhood.
- 24 3. The variance is the minimum needed to provide the  
25 additional space in order to accommodate the



1 applicant's growing family.

2 4. The variance is not substantial given that the  
3 applicant is only requesting an additional 5 feet of  
4 space from the current setback rules and the fact that  
5 it is on a corner lot and does not create coverage  
6 problems in the neighborhood.

7 **Conditions:**

8 1. The applicant will get all necessary ARB approval  
9 and necessary building permits.

10 2. This variance will apply only to the plans as  
11 submitted and the testimony given.

12 MS. SCHWARTZ: Second. I have a question  
13 though, Rick. This can be seen from the other part of  
14 the circle, but technically it's not seen as you look  
15 at the front of the house. So do they need ARB?

16 MR. DiSTEFANO: You can see it from the road  
17 when you come around the side. It's a corner lot.  
18 Corner lots got two frontages.

19 So they've always got a rear addition that  
20 you see from the road.

21 MR. D'AUGUSTINE: The little top sticks out.

22 MR. DiSTEFANO: Motion is to approve with  
23 conditions.

24 (Ms. McKay-Drury, yes; Ms. Schmitt, yes;

25 Mr. Premo, yes; Mr. Mietz, yes;

1 Ms. Schwartz, yes; and Mr. D'Augustine,  
2 yes.)  
3 (Upon roll motion to approve with conditions  
4 carries.)  
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1 **Application 2A-02-24**

2 Application of Jessica Costa, Vital Signs,  
3 agent, and 2090 Clinton Avenue South LLC, owner of  
4 property located at 2080 South Clinton Avenue, for  
5 modification of an approved freestanding sign  
6 (8-03-15) allowing for two business identifying signs  
7 in lieu of one as approved. All as described in  
8 application and plans on file.

9 CHAIRPERSON MIETZ: I move we approve  
10 application 2A-02-24 and move that the Board having  
11 considered the information presented by the applicant  
12 and having conducted the required review pursuant to  
13 SEQRA adopts the negative declaration prepared by town  
14 staff and determines that the proposed action will not  
15 likely have a significant environmental impact. I  
16 move based on the following findings of fact.

17 **Findings of Fact:**

- 18 1. Due to the depth of the lot and the configuration  
19 of the buildings on the site, wayfinding is needed to  
20 advise the public of the tenancies.
- 21 2. The previously approved monument sign will be  
22 reconfigured with the two tenant names in the same  
23 size and face in the masonry piers.
- 24 3. The health, safety and welfare will be enhanced by  
25 this change to the sign to properly identify the

1 businesses on the highly trafficked highway.

2 **Conditions:**

3 1. It's based on the testimony given and plans  
4 submitted as to the size, location and sign face.

5 2. All lighting shall be shielded and will be turned  
6 off by 10 p.m., which was part of the original one

7 3. All planning and ARB approvals and permits shall  
8 be obtained.

9 MS. SCHWARTZ: Second.

10 MR. DiSTEFANO: Motion is to approve with  
11 conditions.

12 (Mr. Premo, yes; Mr. D'Augustine, yes;  
13 Ms. McKay-Drury, yes; Ms. Schmitt, yes;  
14 Ms. Schwartz, yes; Mr. Mietz, yes.)

15 (Upon roll motion to approve with conditions  
16 carries.)

1 MR. PREMO: I make a motion that we approve  
2 that the Planning Board is established as the lead  
3 agency for the Talmudic Institute project at 166 South  
4 Winton Road, Town of Brighton project number ER-1-24.

5 MR. DiSTEFANO: All those in favor say aye.

6 ALL BOARD MEMBERS: Aye.

7 MR. DiSTEFANO: All those opposed.

8 (Proceedings concluded at 10:26 p.m.)

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REPORTER CERTIFICATE

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

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 7th day of February, 2024  
at Brighton, New York.



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Holly E. Castleman ACR,  
Official Court Reporter