

A G E N D A
BOARD OF APPEALS - TOWN OF BRIGHTON
MARCH 6, 2024

Written comments may be submitted to Rick DiStefano, Secretary, Brighton Town Hall, 2300 Elmwood Avenue, Rochester, NY 14618 via standard mail and/or via e-mail to rick.distefano@townofbrighton.org.

Applications subject to public hearings and the documents to be considered by the Board will be available for review on the town's website no later than twenty-four hours prior to the meeting to the extent practicable.

7:00 P.M.

CHAIRPERSON: Call the meeting to order.

SECRETARY: Call the roll.

CHAIRPERSON: Agenda Review with Staff and Members

CHAIRPERSON: Approve the minutes of the February 7, 2024 meeting.

CHAIRPERSON: Announce that the public hearings as advertised for the BOARD OF APPEALS in the Daily Record of February 28, 2024 will now be held.

[3A-01-24](#) Application of The Country Club of Rochester, owner of property located at 2935 East Avenue, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a tent and hold up to six (6) outdoor wedding/club special events during the year 2024. All as described in application and plans on file.

[3A-02-24](#) Application of Shelly Straton, agent, and The Park at Allens Creek, LLC, owner of property located at 100-160 Allens Creek Road, for a Temporary and Revocable Use Permit pursuant to Section 219-4 allowing for a food truck to be on site up to four (4) times per year for the years 2024 and 2025. All as described on application and plans on file.

[3A-03-24](#) Application of Talmudical Institute of Upstate New York, applicant, and TIUNY Holdings, Inc., owner of property located at 1666 Winton Road South for 1) an Area Variance from Section 207-10D to allow a basketball court to be located in a front yard (Winton Road South) in lieu of the rear yard as required by code; and 2) an Area Variance from Section 207-11 to allow an in-ground swimming pool to be located in a side yard in lieu of a rear yard as required by code. All as described on application and plans on file.

[3A-04-24](#) Application of Matt Vankleek, agent, and Thomas Walsh, owner of property located at 1 Westland Avenue, for an Area Variance from Section 203-2.1B(6) and 203-9A(4) to allow a standby emergency generator to be located in a side yard in lieu of the rear yard behind the house as required by code. All as described on application and plans on file.

- [3A-05-24](#) Application of Blake Miller Group, agent, and Arin Olson, owner of property located at 226 Meadow Drive, for an Area Variance from Section 207-2A to allow a front yard fence to be 4.5 ft. in height in lieu of the maximum 3.5 ft. allowed by code. All as described on application and plans on file.
- [3A-06-24](#) Application of Colleen Cornell, agent, and Castle Office Group, LLC, owner of property located at 180 Sawgrass Drive, for a Temporary and Revocable Use Permit Pursuant to Section 219-4 to allow for a food truck on site once per week from May thru September 2024. All as described on application and plans on file.
- [3A-07-24](#) Application of Vanessa and John Geer, owners of property located at 2171 West Henrietta Road, for a Temporary and Revocable Use Permit pursuant to Section 219-4 to erect a second tent (25' x 25') covering a front outdoor patio from April thru December for years 2024 and 2025. All as described on application and plans on file.
- [3A-08-24](#) Application of Richard Hunt, architect, and Michael Gestetner, owner of property located at 213 Warrington Drive, for an Area Variance from Section 209-10 to allow livable floor area to be 3,146 sf, after construction of an addition, in lieu of the maximum 2,846 sf allowed by code. All as described on application and plans on file.

CHAIRPERSON: Announce that public hearings are closed.

NEW BUSINESS:

NONE

OLD BUSINESS:

- [1A-08-24](#) Application of Jon Tantillo, agent, and Salafia Nunzio, owner of property located at 125 Old Mill Road, appealing the Historic Preservation Commission's landmark designation of said property, pursuant to Section 224-3F of the code. All as described on application and plans on file. **TABLED AT THE JANUARY 3, 2024 MEETING - PUBLIC HEARING CLOSED**

PRESENTATIONS:

NONE

COMMUNICATIONS:

Letter from Megan Dorritie, Harter Secrest & Emery, dated February 14, 2024, representing Loren and Jamie Flaum, in regard to the appeal of Landmark Designation for 125 Old Mill Road.

Communications from Mary Jo Lamphear, Town of Brighton Historian, dated February 28, 2024, regarding Brighton Landmark Designation of 125 Old Mill Road.

Letter from Katie Eggerts Comeau, Bero Architecture, dated February 26, 2024, regarding Brighton Landmark Designation of 125 Old Mill Road.

Letter from Megan K. Dorritie, Harter Secrest and Emery LLP, dated March 4, 2024, Brighton Landmark Designation of 125 Old Mill Road.

PETITIONS:

NONE



Harter Secrest & Emery LLP
ATTORNEYS AND COUNSELORS

WWW.HSELAW.COM

February 14, 2024

VIA EMAIL AND OVERNIGHT MAIL

Town of Brighton Zoning Board of Appeals
Rick DiStefano, Secretary
Brighton Town Hall
2300 Elmwood Avenue
Rochester, NY 14618
rick.distefano@townofbrighton.org



Re: 125 Old Mill Road
Appeal of Landmark Designation

Dear Mr. DiStefano,

I write concerning the appeal (the “Appeal”) brought by Nunzio and Mirella Salafia challenging the Town of Brighton’s Landmark designation for 125 Old Mill Road (SBL No. 137.20-1-3.11) (the “Property”), which is currently pending before the Town’s Zoning Board of Appeals (“ZBA”). We have been engaged by Loren and Jamie Flaum, whose home abuts the Property, to help them navigate the Appeal process and ensure that the ZBA has all the information it needs to consider the Appeal fully.

I understand from several people who attended the ZBA’s meeting on Wednesday, February 7, 2024, that the meeting ran quite late. Perhaps as a result of the late hour, there is some confusion about how the ZBA left the status of the Appeal and further opportunity for public input.

Unable to locate any publicly available video or audio recording of the meeting and having been told that the transcript of the meeting will be unavailable for several weeks, we seek clarity on two items. First, meeting attendees were left with the impression that the public hearing on the Appeal was closed and that there will be no additional opportunity for public input. Second, attendees were told that despite the conclusion of the public hearing, “additional communications” about the Appeal would take place before the ZBA determines the Appeal at its next meeting on March 6, 2024.

These two circumstances, if accurate, appear incompatible. If the public hearing is closed, one could reasonably expect that the information to be considered by the ZBA would not change before the ZBA determines the Appeal. But if there will be no change in the information to be considered by the ZBA, why the need for “additional communications?” And if there are “additional communications” how will the public be informed of the fact and substance of those communications? Moreover, if the public hearing is closed, how will the public be able to provide input on amendments or additions to the Appeal application?

We submit that public input is especially important here, where I am told that the applicants have submitted information that can be misunderstood or was incorrect. Mr. Salafia represented to the ZBA that the landmark designation was not warranted because the Property's garage was not part of the original historic structure. However, as one Member pointed out in deliberations on February 7, the garage was part of the original structure and Mr. Salafia's statement was at best misleading and at worst untrue.

Finally, in the interest of full disclosure, my law firm has connections to Members Edward F. Premo, II, Esq. and Andrea Wright, Esq. At this point, we do not believe that our involvement in the Appeal requires these Members to recuse themselves from consideration of the Appeal. We flag the issue solely to alert the ZBA of this circumstance so it can conduct its own analysis of whether recusal is required.

We look forward to a response from the ZBA to these important questions. Feel free to contact me at the phone number listed below if you have any questions for me or want to discuss this letter.

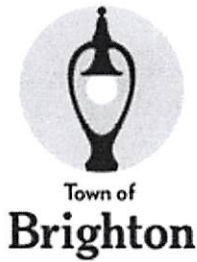
Respectfully submitted,

Harter Secrest & Emery LLP



Megan K. Dorritie
DIRECT DIAL: (585) 231-1115
E-MAIL: MDORRITIE@HSELAW.COM

cc: Jon Tantillo, Knauf Shaw o/b/o Nunzio Salafia
Dennis Mietz, Chairperson
Edward F. Premo, II
Heather McKay-Drury
Kathleen Schmitt
Andrea Tompkins-Wright
Judy Schwartz
Matthew D'augustine
Lauren Baron, Attorney for the Town



Office of the Town
Historian

Mary Jo Lanphear
Town Historian

28 February 2024

To: Town of Brighton Zoning Board of Appeals
From: Mary Jo Lanphear, Town of Brighton Historian
Re: 125 Old Mill Road

Following up on the discussion at the Zoning Board of Appeals meeting on February 7, and in light of the postponed vote on the motion, here are some additional comments about the designation of 125 Old Mill Road as a town of Brighton landmark.

Section 224-1 of Local Law No. 3 of 1995 states that "it is the purpose of this article [Article 5-K of the New York General Municipal Law] to safeguard the heritage of the town of Brighton by protecting and enhancing the landmarks which represent cultural, social, economic, political, and architectural history."

Section 224-2 concerns the Historic Preservation Commission itself, stating that it "shall consist of seven members to be appointed by the Town Board, and its members shall have an interest in and knowledge of historic preservation and architectural development within the Town and be residents of the Town. At least one member shall be a professional architect or civil engineer licensed in New York. At least two members shall own a historic structure or Landmark within the Town of Brighton."

The present seven-member HPC has an architect, a civil engineer, the executive director of the Landmark Society of Western NY, an attorney, a former building inspector/contractor, and two preservation experts. Two members are also owners of designated historic landmarks.

The Commission takes its work seriously and makes its decisions based on well-founded knowledge and experience. The decision to designate 125 Old Mill Road was made after months of gathering facts from primary source documents, consulting with a skilled architect and local history researcher, and pertinent discussion. It was not a decision made lightly, without considering the owner and the adjacent community.

Section 224-3 lists the criteria for designation. "Commission may designate an individual property, site, or structure...if it

(i) possesses historic value as part of the cultural, political, economic, architectural, or social history of the locality, region, state or nation; OR

(ii) is identified with historic personages; OR

(iii) embodies the distinguishing characteristics of an architectural style; OR

(iv) is the work of a significant designer."

Only one criterion is required for designation and 125 Old Mill Road fulfills criterion #1.

February 26, 2024

Zoning Board of Appeals
Town of Brighton
2300 Elmwood Avenue
Rochester, NY 14618RE: Letter of Support for Upholding Landmark Designation
Case 1A-08-24 - 125 Old Mill Road

Dear Board Members:

I am writing to support and offer clarification regarding the Historic Resource Survey prepared for the property at 125 Old Mill Road by my colleagues at Bero Architecture. I was the firm's architectural historian from 2010 to 2021, and returned in October 2023 as the Senior Architectural Historian after spending the previous two years as Vice President for Policy and Preservation at the Preservation League of New York State. In addition to my training and experience in architectural history, my 25-year career in historic preservation has included multiple projects involving evaluation and documentation of historic landscapes; my past projects include the National Register Multiple Property Documentation Form for Rochester's historic park system, as well as historic resource surveys of the Rochester and Utica Park systems, and individual park and landscape documentation projects. I am a past board member of the National Association for Olmsted Parks and current trustee of the Rochester Olmsted Parks Alliance. I am also a Brighton resident.

I was not involved in the research or writing of the survey report for 125 Old Mill Drive. I want to commend my colleagues Christopher Brandt and Tessa Neukirch for preparing a factual and balanced history and description of the property.

In accordance with §224-3 "Criteria and procedures for the designation of landmarks" of the Code of the Town of Brighton:

The (Historic Preservation) Commission may designate an individual property, site or a structure or a significant feature of any such property, site or structure as a landmark if it:

- 1. Possesses historic value as part of the cultural, political, economic, architectural or social history of the locality, region, state or nation; or*
- 2. Is identified with historic personages; or*
- 3. Embodies the distinguishing characteristics of an architectural style; or*
- 4. Is the work of a significant designer.*

The code specifically notes that only one of the four criteria above must be met for designation. The property at 125 Old Mill Road clearly meets Criterion 4 as the work of a significant designer, namely the nationally renowned landscape architect Fletcher Steele. As was well presented in the survey report, Fletcher Steele was one of the most notable landscape architects of the twentieth century in the United States, and his designs throughout the northeastern United States are justifiably celebrated. The most famous example may be Naumkeag, the estate of Joseph and Caroline Choate, whose daughter, Mabel, worked with Fletcher Steele for nearly 30 years, starting in 1929, to create some of the most spectacular historic gardens in the nation,

now open to the public. The “Blue Steps” Steele designed at this estate are among the most photographed designed landscape features in the world. Steele was a Rochester native and worked here regularly even while based in Boston for most of his career; in Boston he established an elite clientele and worked throughout the northeastern United States designing magnificent estates, gardens, college campuses, and other private and public landscapes.

In evaluating a property like this, where both the building and grounds were professionally designed and are important to the property’s character, it is important to expand the typical building-focused way of evaluating potential landmarks, and instead consider the property holistically, as a *site* made up of both architectural and landscape components, rather than primarily as a *building* to which the landscape is secondary (if considered as part of the history and designation at all). In this case, the historic resource in question is not just the house, nor is it just the landscape; it is both, as a unified composition.

The property at 125 Old Mill Road meets Brighton Landmark Ordinance Criterion 4 as a highly intact design by Fletcher Steele, one of three known surviving landscapes designed by the nationally renowned landscape architect in the town of Brighton. Fletcher Steele exceeds the requirements for significance in Criterion 4 by any measure, due to his prominence in and lasting influence on his profession. Fletcher Steele’s landscape design is in visual conversation with the property’s Colonial Revival style house, designed by local architect Herbert Williamson; the house was one of the chief elements that Fletcher Steele integrated into his design, ensuring thoughtful and harmonious compatibility between the building and the landscape.

Together, the house and landscape meet Criterion 3 as a coordinated, Colonial Revival-style, early 20th-century suburban estate. The house is an example of the Colonial Revival style, a broad stylistic category that has had enduring popularity throughout the United States and is expressed in many variations. Original character-defining features present on the exterior of the house include its massing and fenestration composition, garrisoned second story, finely detailed center entrance with multipaneled door framed by pilasters and flanked by leaded-glass sidelights, 12-over-12 and 8-over-8 double hung wood-windows, louvered wood shutters with hinges and shutter dogs, broad clapboard siding with contrasting brick-clad first story, semi-elliptical arcaded side porch and garage openings, and decorative louvered cupola. The house’s main symmetrical five-bay side-gable mass flanked by chimneys, highly typical of the Colonial Revival style, is extended further into the surrounding landscape by two large gambrel-roofed side wings. The above elements, described in the original survey, are also described as elements of the style in *A Field Guide to American Houses*, the widely accepted gold standard for defining residential architectural styles in the historic preservation field. Furthermore, the Colonial Revival-style characteristics of the house are complemented and extended into the landscape by the Colonial Revival-style fencing and terrace balustrade designed by Fletcher Steele.

The designed historic landscape retains a high degree of integrity with the majority of its historic features intact (and as members of the Historic Preservation Commission are aware, *integrity* is different from *condition*, so the lack of maintenance of some of the landscape features resulting in overgrowth does not diminish integrity, just as deferred maintenance of a building does not diminish its integrity). In the context of the property as a whole, the house also retains a high degree of integrity; most importantly, the building and landscape retain their historic relationship and each continues to enhance the other. In this context, relatively minor changes to the house, particularly those (like roofing material) that are readily reversible, and/or occur on secondary or less-prominent portions of the building (such as changes to side wings, service areas, or the sides or rear of a building with a clear primary façade) do not substantially affect the integrity of the entire design of the property. Imagine how long a list of character-defining features would be if the features of this house and landscape were all included in one list; then imagine how small a percentage of that list would be represented by the alteration of a few windows and a change in roofing material. (I would not recommend literally using such a list, as it eliminates consideration of equally important integrity factors that are not easily

February 26, 2024

confined to a list – this is just a thought experiment to illustrate the expansiveness of considering integrity with respect to the site as a whole, rather than with respect to the building in isolation.) Interior alterations are not relevant to an evaluation of integrity as local landmark designation does not consider or protect interior features.

I want to note that while Fletcher Steele is a nationally significant landscape architect, national prominence is not a requirement for any of the four criteria in the Brighton preservation ordinance. Even the National Register of Historic Places recognizes locally and regionally significant architects, landscape architects, individuals, and events; national significance is not required for National Register listing, nor is it required for landmark designation in Brighton.

It is my professional opinion that the property at 125 Old Mill Road meets Criterion 3 for local landmark designation as a distinguished example of the Colonial Revival style, and meets Criterion 4 as the work of a significant designer. I am basing this opinion on my evaluation of the property as a whole, since the house and landscape are, historically and currently, a unified composition.

Sincerely,



Katie Eggers Comeau
Senior Architectural Historian



Harter Secrest & Emery LLP

ATTORNEYS AND COUNSELORS

WWW.HSELAW.COM

March 4, 2024

RECEIVED
MAR 05 2024

TOWN OF BRIGHTON
BUILDING & PLANNING

VIA EMAIL AND OVERNIGHT MAIL

Town of Brighton Zoning Board of Appeals
Rick DiStefano, Secretary
Brighton Town Hall
2300 Elmwood Avenue
Rochester, NY 14618
rick.distefano@townofbrighton.org

Re: 125 Old Mill Road
Appeal of Landmark Designation

Dear Mr. DiStefano,

As you know, we represent Loren and Jamie Flaum, who own and live at 141 Old Mill Road, concerning the appeal (the "Appeal") brought by Nunzio and Mirella Salafia challenging the Town of Brighton's Landmark designation for 125 Old Mill Road (SBL No. 137.20-1-3.11) (the "Property"), which is currently pending before the Town's Zoning Board of Appeals ("ZBA").

I write to set out the Flaums' position on the Appeal and ask that this correspondence be included in the record of the ZBA's determination of the Appeal. For the reasons that follow, the Appeal should be denied, and the Landmark designation should be upheld.

The Code of the Town of Brighton (the "Code") declares that "... the protection, enhancement, perpetuation and the use of buildings, structures, places and sites of historic value is in the public interest for the Town of Brighton." (Code § 224-1.) To ensure proper attention to this important public policy, the Code establishes an Historical Preservation Commission ("HPC"), whose members "have an interest in and knowledge of historical preservation and architectural development within the Town..." (Code § 224-2(A).) The HPC may designate any "individual property, site or a structure or a significant feature of any such property, site or structure as a landmark" if the site

- (1) Possesses historic value as part of the cultural, political, economic, architectural or social history of the locality, region, state or nation; or
- (2) Is identified with historic personages; or
- (3) Embodies the distinguishing characteristics of an architectural style; or
- (4) Is the work of a significant designer.

(Code § 223-2(A) (emphasis added).)

As evidenced by the plain text of the Code, only one of the four criteria set out in § 224-2(A) need be satisfied for the site to be designated a “Landmark.”

Here, everyone—including the appellants—agree that the Property’s extensive landscaping, designed by renowned landscape architect Fletcher Steele, satisfies at least one of these criteria, specifically, criterion 4.¹ As Mr. Tantilillo, a representative for the appellants, stated at the public hearing before the ZBA on January 3, 2024, “Admittedly, Fletcher Steele is significant....” (Transcript of ZBA Hearing on January 3, 2024, p. 53.) Further, implicit in appellants’ efforts to preserve the landscaping in the site plan process is the proposition that the landscaping is worthy of Landmark status. (Trans. Jan. 3, pp. 53 & 57.) After all, the property is one of only three intact Fletcher Steele projects within the Town of Brighton today. (Town of Brighton Cultural Resource Survey prepared by Bero Architecture dated September 2023 [the “Bero Report”], p. 8.)

But for historical preservation purposes, it is not enough to protect only the landscaping. As demonstrated before this Board, the landscaping and gardens are inexorably intertwined with the structures on the Property. As former owner Ms. Spencer testified, the landscaping involves plantings, trees, walls, terraces, a patio, and fencing that goes around the whole back and front of the Property. (Transcript of ZBA Hearing on February 7, 2024, p. 73.) Mr. Steele used the house as an element of his landscape design. (Letter of support for upholding the landmark designation submitted by Bero Architecture dated February 26, 2024 (“Bero Supplement”).) The photographs included in the Bero Report bear this out. As can be seen in Figure 35 of the Bero Report, the West Terrace wall leads directly into the house’s foundation.

This fact is highlighted in the letter of support for upholding the landmark designation submitted by the Town’s consultant. In it, Bero states, “[i]n evaluating a property like this, where both the building and the grounds were professionally designed and are important to the property’s character, it is important to expand the building-focused way of evaluating potential landmarks, and instead consider the property holistically, as a *site* made up of both architectural and landscape components....” (Bero Supplement, p. 2 (emphasis in original).) Bero goes on to conclude that, **“the historic resource in question is not just the house, nor is it just the landscape; it is both, as a unified composition.”** (Bero Supplement, p. 2 (emphasis in added).)

It is also important to note that under the Code, the HPC may include a radius of 250’ around the site or feature in the designation to ensure that the site is protected. (Code § 224-3(B).) Using that measurement here, the house would necessarily be part of that protective radius.

To the extent that the appellants have suggested that the Property can be developed while preserving the landscaping, we submit that such an argument is not suitable for consideration as part of the Landmark designation analysis. Whether alterations to a Landmark property can be

¹ The Flaums also submit that the Property satisfies the other three criteria, but believe that those bases for the Landmark designation are sufficiently addressed in the numerous submissions by the Town Historian and voluminous input received at the public hearing.

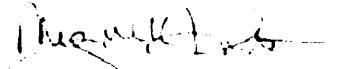
made while preserving the property's historic nature should be addressed through a certificate of appropriateness, the process for which is set out in Code §§ 224-4, 224-5, and 224-6.

Finally, although we recognize that the ZBA is tasked with a *de novo* review for the Appeal, we implore the ZBA to acknowledge the expertise of the members of the HPC and the Town Historian. Indeed, the current HPC is comprised of numerous experts within the field of historical preservation, including an architect, a civil engineer, the executive director of the Landmark Society of Western NY, an attorney, a former building inspector/contractor, owners of designated historic landmarks, and two other preservation experts. The Town has seen fit to entrust these individuals with the important public policy of preserving the Town's history and heritage and their well-informed conclusions should carry the weight that they deserve.

Please feel free to reach out if you have any questions about this submission.

Respectfully submitted,

Harter Secrest & Emery LLP



Megan K. Dorritie
DIRECT DIAL: (585) 231-1115
E-MAIL: MDORRITIE@HSELAW.COM

cc: Jon Tantillo, Knauf Shaw o/b/o Nunzio Salafia
Dennis Mietz, Chairperson
Edward F. Premo, II
Heather Mckay-Drury
Kathleen Schmitt
Andrea Tompkins-Wright
Judy Schwartz
Matthew D'augustine
Lauren Baron, Attorney for the Town

At a meeting of the Zoning Board of Appeals of the Town of Brighton, held at the Brighton Town Hall, 2300 Elmwood Avenue, Brighton, N.Y. on the 6th day of March, 2024, at approximately 7:00 p.m.

PRESENT:

DENNIS MIETZ,

Chairperson

EDWARD PREMO
HEATHER MCKAY-DRURY
KATHLEEN SCHMITT
ANDREA TOMPKINS-WRIGHT
JUDY SCHWARTZ
MATTHEW D'AUGUSTINE

Board Members

WHEREAS, on November 16, 2023, the Town of Brighton Historic Preservation Commission designated property located at 125 Old Mill Road, Rochester, New York 14618 (the "Property") as a "Landmark" pursuant to the Historic Preservation Law of the Town of Brighton codified at Chapter 224 of the Town of Brighton Code (the "HPC Resolution"); and

WHEREAS, on or about December 12, 2024, Jon Tantillo of Knauf Shaw LLP on behalf of the owners of the Property, Nunzio and Mirella Salafia (the "Applicant"), filed an appeal of the HPC Resolution to the Town of Brighton Zoning Board of Appeals (the "ZBA") seeking reversal of the designation of the Property as a "Landmark" (the "Appeal"); and

WHEREAS, on January 3, 2024 and February 7, 2024, the ZBA held regular meetings, which were duly noticed and public as required by law; and

WHEREAS, on January 3, 2024 and February 7, 2024, the ZBA held a properly noticed public hearing with respect to the Appeal, and during

the public hearing all persons desiring to speak on the Appeal were heard, and such persons also submitted documents and other correspondence for consideration by the ZBA, and all those materials were considered by the ZBA as part of the record for the Appeal; and

WHEREAS, on February 7, 2024, the ZBA closed the public hearing and commenced deliberations with respect to the Appeal; and

WHEREAS, on March 6, 2024, the ZBA held a regular meeting, which was duly noticed and published as required by law, where the ZBA continued its deliberations with respect to the Appeal; and

NOW, THEREFORE, on motion of _____, seconded by _____, it is hereby

RESOLVED, each of the Whereas Clauses in this Resolution are incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein; and further

RESOLVED, in accordance with the records and proceedings, that the ZBA hereby determines that the Appeal is denied and the designation of the Property as a "Landmark" is affirmed; and further

RESOLVED, the Attorney to the Town is directed to draft findings of fact in accordance with this resolution and the deliberations of the ZBA for the ZBA's consideration at its April 3, 2024 meeting.

Dated: March 6, 2024

Dennis Mietz, Chairperson	Voting	_____
Edward Premo, Board Member	Voting	_____
Heather McKay-Drury, Board Member	Voting	_____
Kathleen Schmitt, Board Member	Voting	_____
Andrea Tompkins-Wright, Board Member	Voting	_____
Judy Schwartz, Board Member	Voting	_____
Matthew D'Augustine, Board Member	Voting	_____

At a meeting of the Zoning Board of Appeals of the Town of Brighton, held at the Brighton Town Hall, 2300 Elmwood Avenue, Brighton, N.Y. on the 6th day of March, 2024, at approximately 7:00 p.m.

PRESENT:

DENNIS MIETZ,

Chairperson

EDWARD PREMO
HEATHER McKAY-DRURY
KATHLEEN SCHMITT
ANDREA TOMPKINS-WRIGHT
JUDY SCHWARTZ
MATTHEW D'AUGUSTINE

Board Members

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WHEREAS, on or about December 12, 2024, Jon Tantillo of Knauf Shaw LLP on behalf of the owners of the Property, Nunzio and Mirella Salafia (the "Applicant"), filed an appeal of the HPC Resolution to the Town of Brighton Zoning Board of Appeals (the "ZBA") seeking reversal of the designation of the Property as a "Landmark" (the "Appeal"); and

WHEREAS, on January 3, 2024 and February 7, 2024, the ZBA held regular meetings, which were duly noticed and public as required by law; and

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the public hearing all persons desiring to speak on the Appeal were heard, and such persons also submitted documents and other correspondence for consideration by the ZBA, and all those materials were considered by the ZBA as part of the record for the Appeal; and

WHEREAS, on February 7, 2024, the ZBA closed the public hearing and commenced deliberations with respect to the Appeal; and

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NOW, THEREFORE, on motion of _____, seconded by _____, it is hereby

RESOLVED, each of the Whereas Clauses in this Resolution are incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein; and further

RESOLVED, in accordance with the records and proceedings, that the ZBA hereby determines that the Appeal is granted and the designation of the Property as a "Landmark" is reversed; and further

RESOLVED, the Attorney to the Town is directed to draft findings of fact in accordance with this resolution and the deliberations of the ZBA for the ZBA's consideration at its April 3, 2024 meeting.

Dated: March 6, 2024

Dennis Mietz, Chairperson	Voting	_____
Edward Premo, Board Member	Voting	_____
Heather McKay-Drury, Board Member	Voting	_____
Kathleen Schmitt, Board Member	Voting	_____
Andrea Tompkins-Wright, Board Member	Voting	_____
Judy Schwartz, Board Member	Voting	_____
Matthew D'Augustine, Board Member	Voting	_____

At a meeting of the Zoning Board of Appeals of the Town of Brighton, held at the Brighton Town Hall, 2300 Elmwood Avenue, Brighton, N.Y. on the 6th day of March, 2024, at approximately 7:00 p.m.

PRESENT:

DENNIS MIETZ,

Chairperson

EDWARD PREMO
HEATHER McKAY-DRURY
KATHLEEN SCHMITT
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Board Members

WHEREAS, on November 16, 2023, the Town of Brighton Historic Preservation Commission designated property located at 125 Old Mill Road, Rochester, New York 14618 (the "Property") as a "Landmark" pursuant to the Historic Preservation Law of the Town of Brighton codified at Chapter 224 of the Town of Brighton Code (the "HPC Resolution"); and

WHEREAS, on or about December 12, 2024, Jon Tantillo of Knauf Shaw LLP on behalf of the owners of the Property, Nunzio and Mirella Salafia (the "Applicant"), filed an appeal of the HPC Resolution to the Town of Brighton Zoning Board of Appeals (the "ZBA") seeking reversal of the designation of the Property as a "Landmark" (the "Appeal"); and

WHEREAS, on January 3, 2024 and February 7, 2024, the ZBA held regular meetings, which were duly noticed and public as required by law; and

WHEREAS, on January 3, 2024 and February 7, 2024, the ZBA held a properly noticed public hearing with respect to the Appeal, and during

the public hearing all persons desiring to speak on the Appeal were heard, and such persons also submitted documents and other correspondence for consideration by the ZBA, and all those materials were considered by the ZBA as part of the record for the Appeal; and

WHEREAS, on February 7, 2024, the ZBA closed the public hearing and commenced deliberations with respect to the Appeal; and

WHEREAS, on March 6, 2024, the ZBA held a regular meeting, which was duly noticed and published as required by law, where the ZBA continued its deliberations with respect to the Appeal; and

NOW, THEREFORE, on motion of _____, seconded by _____, it is hereby

RESOLVED, each of the Whereas Clauses in this Resolution are incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein, and be it further; and further

RESOLVED, in accordance with the records and proceedings, that the ZBA hereby determines that the Appeal is granted in part and denied in part, and the designation of the Property as a "Landmark" is modified to designate only the landscape architecture on the Property designed by Fletcher Steele as a "Landmark"; and further

RESOLVED, the granting of the Appeal is on the condition that if the Applicant seeks any additional demolition or building permits from the Town of Brighton for the Property, such permits shall provide for the protection of the designated landscape architecture on the Property and the Applicant shall submit plans acceptable to Town of Brighton Staff and/or the Town of Brighton Planning Board to ensure sufficient protection of the landscape architecture on the Property; and further

RESOLVED, the Attorney to the Town is directed to draft findings of fact in accordance with this resolution and the deliberations of the ZBA for the ZBA's consideration at its April 3, 2024 meeting.

Dated: March 6, 2024

Dennis Mietz, Chairperson	Voting	_____
Edward Premo, Board Member	Voting	_____
Heather McKay-Drury, Board Member	Voting	_____
Kathleen Schmitt, Board Member	Voting	_____
Andrea Tompkins-Wright, Board Member	Voting	_____
Judy Schwartz, Board Member	Voting	_____
Matthew D'Augustine, Board Member	Voting	_____