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B R I G H T O N
H I S T O R I C
P R E S E R V A T I O N
C O M M I S S I O N

March 28th, 2024
At approximately 7:15 p.m.
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JERRY LUDWIG, CHAIRPERSON

JUSTIN DELVECCHIO)
AMANDA L. DREHER)
JOHN PAGE)
DIANA ROBINSON)
DAVID WHITAKER)

BOARD MEMBERS

MARY JO LANPHEAR
Town Historian

LAUREN BARON, ESQ.
Town Attorney

JASON HAREMZA
Town Planner

NOT PRESENT:
WAYNE GOODMAN

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

BRIGHTON HISTORIC COMMISSION 03/28/2024

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

MR. HAREMZA: DelVecchio?

MR. DELVECCHIO: Here.

MR. HAREMZA: Dreher is absent at this time. Goodman is absent. Ludwig?

CHAIRPERSON LUDWIG: Here.

MR. HAREMZA: Page?

MR. PAGE: Here.

MR. HAREMZA: Robinson?

MS. ROBINSON: Here.

MR. HAREMZA: Whitaker?

MR. WHITAKER: Here.

CHAIRPERSON LUDWIG: Thank you.

May I have a motion to approve the agenda?

MR. WHITAKER: So moved.

MR. PAGE: I'll second.

CHAIRPERSON LUDWIG: All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON LUDWIG: Minutes? Amanda is not here. Any other additions or corrections?

MS. LANPHEAR: I have one on Page 6, Line 11, the spelling is Astor Drive, A-S-T-O-R not McAstor. And it's

BRIGHTON HISTORIC COMMISSION 03/28/2024

Ingleside not Engleside. That's all.

CHAIRPERSON LUDWIG: Anything else?

Motion to approve.

MR. PAGE: I'll make the motion.

MR. WHITAKER: I will second.

CHAIRPERSON LUDWIG: All in favor?

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON LUDWIG: Minutes stand approved as corrected.

Was this meeting duly advertised?

MR. HAREMZA: This meeting was advertised in the Daily Record of March 14, 2024.

CHAIRPERSON LUDWIG: That meeting will now be held.

And Amanda is here.

Any additions or corrections to the minutes that you saw?

MS. DREHER: I was not here in January, but there was one thing I did not quite understand and I noted it on my phone. Page 8, Line 21 it was saying the ZBA is hearing your designation date; is that correct? That was the attorney speaking.

MR. WHITAKER: It was about 125 Old Mill.

1 BRIGHTON HISTORIC COMMISSION 03/28/2024

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3 CHAIRPERSON LUDWIG: Yes. Would you say that
4 again?

5 MS. DREHER: The ZBA is hearing your
6 designation date.

7 MS. BARON: It probably should have been the
8 Zoning Board of Appeals is hearing just your designation.

9 MS. DREHER: The date was the part that was
10 confusing to me. Otherwise, I didn't see anything of
11 substance.

12 CHAIRPERSON LUDWIG: Let's add that correction
13 to the minutes. Thank you.

14 We have no communications, no designation of
15 landmarks, no Certificates of Appropriateness, no hardship
16 applications, no new business that I'm aware of.

17 Public hearings are closed.

18 MR. HAREMZA: Excuse me, Jerry, for the record
19 let the record reflect that Commission Member Dreher is
20 present.

21 CHAIRPERSON LUDWIG: Very good. Thank you.

22 The first item on the agenda is update on the
23 status of 125 Old Mill Road.

24 Jason, you want to fill us in on that?

25 MR. HAREMZA: I will defer to the attorney for

BRIGHTON HISTORIC COMMISSION 03/28/2024

the town, Lauren Baron.

CHAIRPERSON LUDWIG: Okay.

MS. BARON: Thanks, Jason.

At the ZBA's last meeting they adopted a resolution granting in part and denying in part the appeal. Meaning, they designated the landscaping architecture as a historic landmark but not the house. They were planning to review findings of fact in support of the determination after their May meeting, because not all of them will be in attendance at their April meeting.

So, that is the update.

CHAIRPERSON LUDWIG: Can you repeat? They are going to do what in May?

MS. BARON: So, they just adopted a general resolution at the last meeting. They will be adopting or reviewing findings of fact in support of that resolution at the May meeting.

MR. PAGE: So, who is finding the fact?

MS. BARON: They will be finding the fact. The attorneys for the town will be, and the staff will be assisting drafting that. But they will be relying on record.

CHAIRPERSON LUDWIG: So, the decision stands, is that true? Or, does the decision stand that they made at

BRIGHTON HISTORIC COMMISSION 03/28/2024

their last meeting?

MS. BARON: Yes. They adopted the resolution which was granting part and denying part of the appeal at the last meeting.

CHAIRPERSON LUDWIG: Okay. So informally, or formally since we are taking minutes, did you hear any feedback from the purchasers or from the neighbors?

MS. BARON: I have not heard anything from the property owners themselves or their attorney.

The town has been contacted by an attorney representing one of the neighbors at this time, but there is that. That's all I have to say about that right now.

CHAIRPERSON LUDWIG: Okay. Very good.

MR. PAGE: During the discussion as it was, again, I have stated my feelings about this, that I think you know that's not the way the law apparently works. Is that there should be people representing the finding the facts from this committee to rebut people, providing their opinions of fact. That, at that meeting, so they are going to find that the house was wrongly designated based on our information we provided, that we used for our findings of fact, plus the meeting that we held with the information provided by the owners and the residents of the neighborhood,

BRIGHTON HISTORIC COMMISSION 03/28/2024

plus the additional information they received at the meeting.

MS. BARON: Yes. At the meeting from the ZBA the additional submissions that were received, yes, it is as a record as a whole, all of the information that was received.

MR. PAGE: Do you have --

MS. BARON: I was at every meeting.

CHAIRPERSON LUDWIG: Mary Jo, you were there?

MR. PAGE: Was there -- so, was there something that you thought was well presented that put it -- that was a rebuttal of the findings of fact that we had?

MS. BARON: So, I have no personal opinion on this application. I did not vote on this application, I am the town attorney, that's not my purview, not my position.

That is what the ZBA decided based on the testimony that was given and the additional information that was provided.

MR. WHITAKER: What additional information?

MS. BARON: Several additional people testified during the ZBA meetings. Several additional neighbors, the property owner of the property also spoke and there was additional written submissions submitted by the current property owner and several neighbors as well.

BRIGHTON HISTORIC COMMISSION 03/28/2024

MS. DREHER: In the resolution is it stated that the entire, all features of the landscape, the entire landscape is going to be designated? I mean, like, basically the only thing that is not designated is the house itself, but everything surrounding the house? Or is that -- were there further limitations on that?

MS. BARON: It was rated as the landscape architecture design by Fletcher Steele that is in existence on the property is what is designated.

MS. DREHER: Okay. So at some point we need to parse what is Fletcher Steele created and what is not? So that they understand what they can change?

MR. PAGE: That's the next question would be is, what -- assuming this all plays itself out, then what role do we play in the development of that property?

MS. BARON: So, there is a couple roles and also staff plays an important role in terms of if the property owner does seek a demolition, goes back to seek a demolition permit and building permit for a new structure on the property. It will be a matter of working with staff in order to protect the low landscape architecture and having conditions in place associated with any permitting that is granted to protect the landscape architecture.

BRIGHTON HISTORIC COMMISSION 03/28/2024

And then, if they wanted to change the landscape architecture based on what is considered to be the landscape architecture designed by Fletcher Steele based on what is in the record, they would have to come back for a certificate of appropriateness similar to what anyone would have to do for any --

MR. WHITAKER: For them or us?

MS. BARON: It would come to you, if they were going to change the landscape architecture. Just as it would come to you if they are considering changes to the designated landmark.

MR. PAGE: So, as a point of interest and maybe there's some clarification in the meantime, that the way that our ordinance is written it seems to give us some opportunity. I understand, so theoretically we would -- well, I don't know.

If the property is designated then, I guess, there is two questions I would have. Is that, would we be the reviewing Board as opposed to the Architectural Review Board of any work that is done on that property, including any new building construction?

And, if not, because when we were talking about the house and we're talking -- there's a thing around,

BRIGHTON HISTORIC COMMISSION 03/28/2024

you know, there's an automatic area around the house that the Board, I believe, based on discussions we had before that gives us a review process for landscape work.

And I would think that one could conceive of a reciprocal scenario, because this is an unusual, this is a first, a precedent setting.

So, that's one.

And then, two, is, I'm sure they would be not super enthusiastic about our Board looking at the house itself, but then how the house that's proposed might affect the landscape. It is a little hard to imagine how a project could be developed that didn't affect the landscape in some matter. So, they might have to conceivably go to both our Board and the Architectural Review Board if there's some conclusion that we wouldn't be so.

CHAIRPERSON LUDWIG: Well, the original plan was to build this for, I think, his wife, quote, unquote, and subdivide the property, so I'm not sure how --

MS. BARON: Those plans were not approved by any Board, so.

CHAIRPERSON LUDWIG: The subdivision?

MS. BARON: No subdivision has been approved for the parcel, is my understanding. They would have to come

BRIGHTON HISTORIC COMMISSION 03/28/2024

back with completely new plans that would need to be reviewed by everybody who has it before you.

MS. ROBINSON: So, as a clarification as to what John was saying, we have them raised within 250 feet?

CHAIRPERSON LUDWIG: Uh-uh.

MS. ROBINSON: Okay. So, somehow somebody is going to put some lines around what is and is not part of Fletcher Steele's work that's designated. We get 250 feet around that.

MR. PAGE: I don't know. That's the question I have. I think the way it is worded could be, since we didn't -- since the building wouldn't be designated, then the wording is tied to the building perhaps.

MS. BARON: The ZBA did not include a buffer. The 250 is an option. It could go -- the wording of the statute is that the buffer that you grant as a Board can go no higher than 250 feet without permission from the landowner. So, it's a permissive buffer essentially, you don't have to put a buffer in place for --

CHAIRPERSON LUDWIG: I would think it's going to be very -- this is going to be a sticky wicket here, because I am sure the footprint of the house will be greater than what is there now.

BRIGHTON HISTORIC COMMISSION 03/28/2024

And so, how does that all blend in, you know, where does Fletcher Steele start and where doesn't he start? And how does that all -- and will -- if they proposed plans that interfere with that Fletcher Steele's original garden and so forth, does that mean -- and we say no, does it go back to the Zoning Board again? I assume it would.

MS. DREHER: I think that makes sense because then they -- once you got into the landscaping, which if you wanted a larger footprint, if I recall most of the landscaping is fairly close to the house. My question was, that is this the novel interpretation of the ordinance to allow a landscape to be designated separately?

MS. BARON: So, novel, in the sense that this has never occurred before. That question I can't answer, because I have not been -- that would be a question that Jerry or Mary Jo could answer.

Other than the wording of the statutes, that can be any structure, feature, aspect of the property that can be designated. It doesn't necessarily have to be a building in and of itself to be designated as a landmark based on the wording of the statute.

CHAIRPERSON LUDWIG: Now, this is all new territory.

BRIGHTON HISTORIC COMMISSION 03/28/2024

MS. DREHER: But, I don't have it in front of me. Usually I have it in my book, but structure, if it just said structure, but if it said feature, aspect, then I don't think there's any way that Mary Jo as the applicant could then escalate this and say, well, you're interpreting the statute to allow, you know, destination of the landscaping only and that the way it is written that's an improper interpretation. It doesn't sound like that.

Basically, I am saying I don't see any basis in the ordinance to say they can't do what they did, which is only designating the landscaping.

MS. ROBINSON: I have a practical question. If someone wants to demolish the house or change the house or build a new house, it's pretty obvious if someone started interfering with some plants and shrubbery and trees, exactly how would anyone know?

MS. BARON: Well, that's an interesting question. A kind of question I can throw back on the Board. How do you know if someone changes a window on a landmark that you designated? I mean, it's a matter of enforcement, which is often an issue that Brighton deals with with any aspect of the law, right? I mean, is it -- I am assuming it to believe it is something that neighbors complain. Is that

BRIGHTON HISTORIC COMMISSION 03/28/2024

an accurate statement?

CHAIRPERSON LUDWIG: Or if someone notices it from the street. But, you can't demolish a house like this without, you know, you just can't pick it up and put it in a Dumpster. I mean, and, so, what happens if bulldozers and so forth all of a sudden start making rounds around the exterior part of the house, I mean --

MR. PAGE: Well, it's not an unusual situation especially when you're doing renovations or for additions to the property. We'd be -- the Town would be asking for proof of, you know, protections that met the intent of the law.

I didn't want to bring this up to get into these kind of specifics first, I just wanted to point out that it was something that should be thought about. Because, who knows, maybe nothing will ever happen. Maybe if they can't subdivide it, they won't do anything.

We don't know until later, and we don't know whether to what degree we will be involved.

MS. BARON: So, going off of what Board Member Page says, town staff -- and maybe Jason can speak to this -- when a site plan is reviewed and submitted there is often protections for landscaping and trees and things that are on site of the particular property in order for them to be, you

BRIGHTON HISTORIC COMMISSION 03/28/2024

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3 know, fenced, screened, from being bulldozed and said, so
4 they are not damaged during the construction process. So
5 that, I think, is a pretty common thing that staff deals
6 with.

7 CHAIRPERSON LUDWIG: And who knows, maybe
8 because of this and a pending lawsuit by the neighbors, maybe
9 he will walk away.

10 MR. HAREMZA: This is already a long and
11 convoluted process and I think it is going to continue to be
12 so, there is a lot we don't know at this point. And, yes, I
13 agree with Lauren that actually, if there was going to be a
14 demolition of the building and that would go through the site
15 plan review process. That provides a greater level of
16 protection than just the day-to-day stuff, which goes to
17 Commissioner Robinson's point how, you know, if they start
18 taking the plants, how would anybody know. The reality is,
19 you know, like Lauren referenced, you can change the siding
20 on a designated landmark, you don't need a permit for that.
21 There's no gatekeeping mechanism the town has to catch that
22 other than neighbors or, you know, other people noticing what
23 is going on. So, that's a larger challenge with, you know,
24 designation in general.

25 MS. ROBINSON: Jerry, did I hear you say

BRIGHTON HISTORIC COMMISSION 03/28/2024

something about the neighbors?

CHAIRPERSON LUDWIG: Well, I wouldn't be surprised if you see one of the neighbors, the one, Kruger, is his name?

MR. WHITAKER: Kagel.

CHAIRPERSON LUDWIG: Lives on the corner of Clover and Old Mill and he is the attorney for the Pittsford Town Board. I would not be surprised if he spearheaded some action by the residents. I wouldn't be surprised at all.

MS. LANPHEAR: He was at the hearing and in, I think that is the group that we're talking about, the neighbors.

MR. WHITAKER: He did speak at the hearing.

CHAIRPERSON LUDWIG: Was he there at the hearing?

MS. LANPHEAR: He has been at every single meeting. He has submitted his testimony. He has been very active.

MS. DREHER: So you are thinking -- well, this is completely irrelevant to our proceedings actually. We probably shouldn't be --

CHAIRPERSON LUDWIG: We don't know.

MS. DREHER: I just think that he would be --

BRIGHTON HISTORIC COMMISSION 03/28/2024

that they would be suing -- yeah, I don't know.

I understand what they would want to do, but whether they could have a chance of accomplishing it would be another issue.

MR. DELVECCHIO: Could we go back to the Fletcher Steele footprint topic? And can the town staff help me understand what methods are available to define that? Because, my thought is, it should be defined timely, for instance right now they could be eliminating -- could they be eliminating certain features that otherwise should be defined in some sort of a drawing, if you will.

When you have a site plan and you have a house designated it is pretty clear, right? Now we're saying, okay, don't designate the house, just the Fletcher Steele footprint. So, what is the method to do that?

MR. PAGE: The first level I would think would be the record that was put forth, including the very detailed descriptions and photographs and so on. I would concur in this scenario if I were, you know, being asked to offer an opinion, I would request prior to any demolition that a drawing be provided that the town could rely on that is part of any submission that identified, and then had an agreement.

MR. DELVECCHIO: What I heard in part of the

BRIGHTON HISTORIC COMMISSION 03/28/2024

summary of the resolution was, existing today. Okay.

So, drawings from 19- whatever, a hundred years ago, are so ported, but not necessarily indicative of what the footprint is today of the remaining work.

MR. WHITAKER: It would have a current photograph.

MR. PAGE: This might be something that the town could consider as part of the findings for the ZBA when they come with their findings that would assist this scenario that we have. I mean, I am going to say, I'm disappointed, of course, but by designating the -- if it stands that the Steele landscape is designated, it offers a degree of protection to the whole property that wouldn't exist if the entire designation had been overturned.

MR. DELVECCHIO: If the -- if it is interpreted that way. If somebody else interprets it as, hey, there's three retraining walls over here that will remain, but the rest has already been affected so it doesn't really match what's already there. So that's for open field.

MR. PAGE: Which is probably what it would be. What I am referring to is, it would have implications to have the subdivision.

MR. DELVECCHIO: Agreed.

BRIGHTON HISTORIC COMMISSION 03/28/2024

MS. DREHER: I think it would have implications as to what they could build as well. We have to remember this also would apply to any future owners, so if the property -- current plans are, you know, they walk away and another owner would be living in it the same way and we would have the opportunity to review any Certificates of Appropriateness that were requested for changes, so.

MR. DELVECCHIO: So, I'm still not understanding, or I would like to hear from you guys what methods are out there to define footprint.

MS. BARON: So, I think what Board Member Page said, would be what the method would be. It would be relying on what's in the record currently in terms of what was designated in the drawings that were in the record from Fletcher Steele depicting the aspects that he wanted to construct on the property, such as the front gate, all of the retaining walls and the gating that was located in the front yard of the property, the tennis court area, and the different sections that he designed.

I think there is adequate evidence in the record showing those particular aspects, and --

MR. DELVECCHIO: So, they submit a site plan that affects those prior drawings, it comes before us to

BRIGHTON HISTORIC COMMISSION 03/28/2024

evaluate, if you will, the appropriateness of that site plan meshing with --

MS. BARON: So, I think when a Certificate of Appropriateness will come before you is if they submitted plans indicating they needed to remove aspects of those features. So, that would be, I think, the only instance where it would come before you again, not just generally to determine whether the site plan would interfere or not interfere with the landscaping, if that answers your question.

MS. DREHER: So, would the -- who is going to review a site plan first then?

MS. BARON: The Planning Board.

MS. DREHER: The Planning Board. So the Planning Board could say to them, what you presented to us also impacts the landscaping, you need to go for a Certificate of Appropriateness?

MS. BARON: Yes.

MS. DREHER: That would be the procedure. So, it is not just going to be the owners deciding whether this falls into what was decided in the record of the landscaping, it would also be the Planning Board looking at the site plan?

MR. DELVECCHIO: So, the Planning Board will

BRIGHTON HISTORIC COMMISSION 03/28/2024

have the basis, the design information for the Fletcher Steele work in hand.

MR. PAGE: So, can I suggest something here? We're saying Planning Board, but I'm going to say, if you say the Planning Board, the Planning Board also relies on a staff and in this instance it is my opinion that the staff is better prepared to, you know, advise. They are prepared to provide additional information to the Planning Board from what they might inherently come to the table with. And they are acting, to a degree, on our behalf, just as they are in any sort of process.

MS. DREHER: Well, they would have to rely on how the record of the ZBA set out the landscaping though.

MS. BARON: I think a lot of these questions will be answered by the findings of fact when those are reviewed and eventually adopted by the Zoning Board. I think a lot of these questions will be answered at that point in time. But that won't be, as I said, until May.

CHAIRPERSON LUDWIG: Okay. But this brings -- any other questions about Old Mill?

One thing that I -- a couple things I wanted to bring up. One, there doesn't seem to be any formal review -- or informal review or just driving around and just

BRIGHTON HISTORIC COMMISSION 03/28/2024

kind of checking on existing designated properties.

And, do we still send brochures when a property changes hands that basically explains what the designated property is all about? What you can do and what you can't do and so forth?

MR. HAREMZA: I don't know when we ever did that. There's no way for us to -- I mean, there's a way to do it, but we have not tracked property ownership changes in years.

CHAIRPERSON LUDWIG: Well, theoretically that should be if a deed changes, isn't a designation on the deed somewhere? Did we talk about this years ago?

MR. HAREMZA: Yes. But, we don't see the deed.

MS. DREHER: Right. But, if somebody were to buy a house and the attorney did not uncover this, there would be problems. So, the parties would -- the new owner would find out or the new owner would be suing somebody. I think --

CHAIRPERSON LUDWIG: Well, or the new owner could go start a process and unless they came in for a building permit.

MR. HAREMZA: Yeah. To me, that's the larger

BRIGHTON HISTORIC COMMISSION 03/28/2024

challenge with designation in general, that so many changes don't require any kind of, you know, permit or gatekeeping by the town. So, you know, if the Fletcher Steele garden, you run a bobcat and you go a few hours in the afternoon, and you don't need a permit to do that.

CHAIRPERSON LUDWIG: Well, I guess, you know, if you are not doing anything on a Sunday afternoon, drive around. I noticed there's a house for sale that just came up on Clover Street one of the brick houses, not the academy.

MR. WHITAKER: Harris, Ed Harris' house.

CHAIRPERSON LUDWIG: Yeah. And I mentioned to Jason a while ago, I guess last fall I saw Wonder Windows' little sign out by the street and I was hoping someone could kind of mosey around and see what Wonder Windows was doing, you know, those kind of things.

MS. DREHER: Is it a property that has been designated?

CHAIRPERSON LUDWIG: Yes.

MS. LANPHEAR: 1496 Clover Street.

MS. DREHER: I think there's nothing to prevent someone from the town observing a sign like that and then observing that the windows were changed and then looking to see that they failed to obtain a Certificate of

BRIGHTON HISTORIC COMMISSION 03/28/2024

Appropriateness.

CHAIRPERSON LUDWIG: There's nothing from the street that was visible, you know, without driving in and doing a whole lot of recon kind of thing. Which, I brought it up to Jason and I don't know --

MS. BARON: I don't advise doing that, going on someone's private property to do recons.

MS. DREHER: We absolutely cannot go on their property.

CHAIRPERSON LUDWIG: No. But we could say, oh, I'm seeing -- they subdivided the whole --

MS. DREHER: Stay on the street.

MR. HAREMZA: Jerry, good question. Was that something Ramsey would do as secretary for this Board?

CHAIRPERSON LUDWIG: He might have over at the building department, you know, whoever does the building inspections, something like that, might have just --

MR. HAREMZA: Or he would have to see it himself to even alert them.

CHAIRPERSON LUDWIG: Well, or he would call the owner and say, you know, we noticed the Wonder Windows sign out, what is that all about?

MS. LANPHEAR: I called Ramsey a couple times

BRIGHTON HISTORIC COMMISSION 03/28/2024

about places I saw that he found helpful.

CHAIRPERSON LUDWIG: He had, okay.

MR. HAREMZA: Yeah. A good question, because obviously when folks leave they take a lot of knowledge with them and that's something that may have just gotten lost in the shuffle with Ramsey and Jeff only being here a short time.

So, let's have a chat internally about that. Maybe with Rick and see how we want to make that a more formal process.

CHAIRPERSON LUDWIG: That's a good idea. The other thing I wanted to bring up is the sad site of 3108 East Avenue, gas station. And I checked with Jason on that a while ago and apparently both their Certificate of Appropriateness and their special use permit have expired.

MS. BARON: It's actually their variances, the use variance and the two area variances for their project and all the variances were expired.

CHAIRPERSON LUDWIG: First I called --

MS. LANPHEAR: There are two properties they are working on.

CHAIRPERSON LUDWIG: There's one at the 12 Corners property.

BRIGHTON HISTORIC COMMISSION 03/28/2024

MR. HAREMZA: That's proceeding, but that didn't involve the HPC.

CHAIRPERSON LUDWIG: Anyway, I called Bristol Valley Homes, who and I am not sure what the relationship is there, but Bristol Valley Homes owned the property and I don't know if they were leasing it to Quicklee's or selling it or whatever. But the gentleman I talked to said, oh, that's going to start any minute.

So then, I called Quicklee's and Lou, who is the individual we dealt with and who presented the plans for our approval and so forth, he left Quicklee's. I don't know whether he quickly left Quicklee's, but he's gone.

I did finally track down Dan, and I don't know how to pronounce his last name or spell it. And I did talk with Dan and he said, yes, I gave them both Rick's name and number, Lauren's and Jason's. And I said, I think you've got work to do here and if you plan to proceed.

And he had just -- now, I don't know whether he was playing dumb or not, but he had just come from work for -- well, on his answering machine it said it was Dan so and so from RE/MAX. So, you know, I don't know. So, the sad part is, that for that little gas station. It's looking sad.

MS. BARON: So, also for the record, my

BRIGHTON HISTORIC COMMISSION 03/28/2024

understanding is, Rick did speak to their attorney as well, so they were on notice that they need to come back to this Board to get another Certificate of Appropriateness, as well as figure out their variance situation with the Zoning Board of Appeals.

CHAIRPERSON LUDWIG: Did Rick get anything beyond that? I mean, are they still interested in the property, do we know?

MR. HAREMZA: I don't know. And I don't believe they have made the application. They have not made the application yet.

CHAIRPERSON LUDWIG: Well, I think it would be good to keep an eye on it. I did, you know, there's other things that could be done with the property and if they're not interested, then maybe that would happen too.

Okay. Now, one thing I did -- I think you've all seen this matrix before. I know Lauren hadn't seen it, so I wanted to pass it out because, given what happened to Old Mill Road, I thought it was even more important that we make sure that if we designate a property that it is as iron clad as possible.

MS. LANPHEAR: Jerry, that designation was iron clad. You did the right thing.

BRIGHTON HISTORIC COMMISSION 03/28/2024

CHAIRPERSON LUDWIG: I know, but just still.

MR. PAGE: I would suggest that at the very top there would be a section from the ordinance that said, any one of these criteria is sufficient, in bold, because I am sure that was part of the thinking.

MS. DREHER: And in the findings of fact they're going to state that the house does not meet any of them. That's going to be a resolution, so they're going to have to indicate that they were aware of that and they reject because --

CHAIRPERSON LUDWIG: This was basically a draft of something, especially handy if we had two properties and we were trying to decide which one to proceed with. And also, some way to take some of the emotion out of a designation.

So, that's all. And I wanted to make sure everyone had that.

So, nothing more on Old Mill.

240 Thackery Road.

MR. HAREMZA: 240 Thackery Road, I have some, for all of these next several items, I have updates from Bero Architecture, Chris Brandt and Katie Comeau. 240 Thackery, the survey is completed, they are waiting for good lighting

BRIGHTON HISTORIC COMMISSION 03/28/2024

and weather to photograph.

960 North Landing, that was where there were some questions on replacement windows and Chris Brandt from Bero is going to do a drive-by. He said he still owes me that and planning to do that very soon.

MR. WHITAKER: That is the yellow farmhouse that is across from the church?

MS. LANPHEAR: Yes.

CHAIRPERSON LUDWIG: And I might jump in on that house, the owner realized that the house had been surveyed and did come to us when they remodeled the garage, which was good. That's a good sign, so.

MR. HAREMZA: 3250 East Avenue, that was on the Commission's list as the next property to be surveyed, recommended waiting for 2024, here we are. And Chris's response was, noted. It looks to be a great house.

245 Thackery, that was where the survey was begun in late 2022, but paused during staff changes. It is in progress by Bero, but they offered the following: We are of the opinion that there are several other more noteworthy Hershey designed houses in the same neighborhood that should take precedence over this one. Including 285 and 344 Council Rock, 420 Pelham, and 211 Thackery.

1 BRIGHTON HISTORIC COMMISSION 03/28/2024

2
3 CHAIRPERSON LUDWIG: Could you go through
4 those numbers again please?

5 MR. HAREMZA: Yes. 285 and 344 Council Rock,
6 420 Pelham, and 211 Thackery.

7 CHAIRPERSON LUDWIG: So, if 245 is down the
8 list as far as Bero is concerned, where are we in the --

9 MR. HAREMZA: Well, they say in progress, so I
10 don't have more details on how far along. I guess tonight if
11 you wanted to say, let's pause that and evaluate the other
12 addresses they offered, we could do that. Or we could just
13 let 245 Thackery proceed and put the next several on the list
14 to be done or to be evaluated.

15 CHAIRPERSON LUDWIG: What's the
16 Commission's -- what do you think, folks?

17 MS. ROBINSON: Put it on hold.

18 MS. DREHER: Yeah, I would agree. Put it on
19 hold and take a look at the other ones.

20 MS. BARON: You voted to do a survey, correct?

21 CHAIRPERSON LUDWIG: I think we need a vote.

22 MS. BARON: Yeah, I think you need the vote.

23 CHAIRPERSON LUDWIG: I guess, part of it --
24 how far along is the survey? If it is 95 percent done, well
25 probably makes no sense to pause it. If it's under

BRIGHTON HISTORIC COMMISSION 03/28/2024

50 percent done, probably it does.

MR. HAREMZA: Well, you can vote to pause it tonight and I can get information and we can revisit it next month. And if it's already 90 percent done, you can unpause and let them finish, or you can continue the pause.

CHAIRPERSON LUDWIG: Thoughts?

John, what do you think?

MR. PAGE: I'm okay.

CHAIRPERSON LUDWIG: David?

MR. WHITAKER: Pause it.

CHAIRPERSON LUDWIG: All in favor of pausing?

ALL COUNCIL MEMBERS: Aye.

MR. HAREMZA: Survey paused. That's just 245.

CHAIRPERSON LUDWIG: Now, 321 Council Rock, there was no similar comments about that?

MR. HAREMZA: No. They said that is also in progress but it sounds further along. They should have that completed within the next month.

CHAIRPERSON LUDWIG: Okay. All right. Well then, I guess we should also consider taking a little trip down Council Rock, Pelham, and Thackery and look at the other addresses.

So, I guess the only question is, should we

BRIGHTON HISTORIC COMMISSION 03/28/2024

1
2
3 wait for Chris Brandt on 960 for his thoughts about that?

4 Okay.

5 Then, John?

6 MR. PAGE: Is there some update on the doors
7 for Mercy?

8 MR. HAREMZA: The doors were -- we worked
9 quite extensively after this Board gave their conditional
10 approval, and I don't know if we actually spoke about this at
11 the last meeting, Jerry and I did a site visit and met the
12 staff at Mercy. They provided a drawing, that finally after
13 a much additional discussion with the architect for the doors
14 there was a drawing that staff found acceptable to approve,
15 and that's it.

16 MR. PAGE: Okay.

17 CHAIRPERSON LUDWIG: We didn't have the
18 drawings when we went to look at the doors, we took some
19 measurements and so forth.

20 MR. HAREMZA: It essentially came down to two
21 things: The width of the wooden divider between the two --
22 the mullion between the two windows, and we got that to,
23 because I recall within half and three quarters of an inch of
24 what the width is now. And then, the design details of the
25 carved wooden panels of --

BRIGHTON HISTORIC COMMISSION 03/28/2024

CHAIRPERSON LUDWIG: The inlays, I wasn't happy with what they did. I think they'll look a hell of a lot better than anything else we have seen. I think it will be okay.

Providing they do -- you did tell them you wanted those decorative things at the bottom panels. Okay.

MR. WHITAKER: So they're proceeding?

CHAIRPERSON LUDWIG: Yea, but they have to spend the money by the, you know, whenever.

MR. HAREMZA: End of next month.

MR. WHITAKER: I was just saying, when I went down Thackery Road all the houses looks to be the same.

CHAIRPERSON LUDWIG: The thing is though, I have noticed some windows have been replaced and some look pretty much as they were built. So, it will be interesting to see what we pick for the next one, Boyde and Hershey. Of course, we've got Hershey don't we? Don't have any Boydes.

MS. DREHER: I'm not sure where this would fall in the agenda, but I was wondering what this is.

MR. HAREMZA: I'm glad you brought that up. It could fall under presentations, would just be nice to have a category. I will let Mary Jo.

MS. LANPHEAR: Steve Zimmer is retiring from

BRIGHTON HISTORIC COMMISSION 03/28/2024

the highway department and he is the deputy director of --

MR. HAREMZA: The Deputy Commissioner actually.

MS. LANPHEAR: The Commissioner of Public Works. He retired today. He used to preserve things.

One thing he's preserved, this is in the highway department, these markers I know they were made specifically for the David Hageman house at 661 Highland Avenue, a designated town landmark. And Hageman Adam's house at 895 Highland Avenue, also a town landmark.

And they are gathering dust over in the highway department garage and looking worse for wear. I don't know why they are there. The David Hageman marker was in front of the house for a long time at 661. I don't remember whether the Hageman Adams marker was in front of that house. That was the one Mike Millner bought and gutted.

So, the shell remains, but whether it had something to do with roadwork or something to do with people living at the house and didn't want the markers anymore, I don't know. He sent this to me and I said, I'm going to check with the Preservation Commission and see what your plans are for these markers.

CHAIRPERSON LUDWIG: What is the status of --

BRIGHTON HISTORIC COMMISSION 03/28/2024

does the homeowner have to get permission?

MS. LANPHEAR: I don't think it's to the right of way, if the marker is located in the right of way of the town.

CHAIRPERSON LUDWIG: Only problem is, I know the house on the corner of Clinton and Highland, if there's a walk at all it drops down.

MS. LANPHEAR: Right.

CHAIRPERSON LUDWIG: Hard to see a marker anyway.

MS. LANPHEAR: The right of way is up higher, that would work.

CHAIRPERSON LUDWIG: If there's room.

Well, if there's room to do it between -- I don't know whether they have to be behind the sidewalk I would think.

MS. LANPHEAR: Is there a sidewalk on that side?

CHAIRPERSON LUDWIG: I don't know.

MS. LANPHEAR: I don't think there is.

CHAIRPERSON LUDWIG: Okay. That would have something to do with it, I don't know.

MR. HAREMZA: Do we know, is it typically

BRIGHTON HISTORIC COMMISSION 03/28/2024

installed on the right of way or on private property?

CHAIRPERSON LUDWIG: That's a good question.

MR. HAREMZA: The one that was recently done by M&T Bank regarding the inspiration for slaughter house five, that I believe is on the bank property, on private property.

MS. LANPHEAR: And St. John's Meadow marker is on St. John's Meadow property too.

MS. DREHER: What about the volunteer ambulance, is that --

MS. LANPHEAR: That's smack dab in the middle of the front lawn. That's probably on their property.

The one for Buckland house also, and that's all town property.

CHAIRPERSON LUDWIG: I guess whatever happens, these should be stuck somewhere where they don't get thrown out or melted down.

MR. WHITAKER: Does the town have to contact the property owners?

MS. BARON: I was just going to say, I think that would be step number one. Is reaching out to the current property owners and see if they are amendable to having a sign placed.

BRIGHTON HISTORIC COMMISSION 03/28/2024

I would need to look into the right of way issue. If they were resistant to that whether we could just put it in the right of way. I don't -- that might cause a little bit of an issue, right, that maybe you don't want to cause with the property owner. I will look into that further.

CHAIRPERSON LUDWIG: Asking them first, and then, if not let's put them someplace where they are not going to go to the dump.

Jason's office?

Anything else?

Motion to adjourn?

MR. DELVECCHIO: I move.

MS. ROBINSON: I second that.

CHAIRPERSON LUDWIG: All in favor.

ALL COUNCIL MEMBERS: Aye.

* * *

REPORTER CERTIFICATE

I, Rhoda Collins, do hereby certify that I did report in stenotype machine shorthand the proceedings held in the above-entitled matter;

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

Dated this 21st day of April, 2024.

At Rochester, New York

Rhoda Collins
Rhoda Collins