

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

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

5

MR. HAREMZA: DelVecchio?

6

MR. DELVECCHIO: Here.

7

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MR. HAREMZA: Dreher is absent at this time.

Goodman is absent. Ludwig?

9

CHAIRPERSON LUDWIG: Here.

10

MR. HAREMZA: Page?

11

MR. PAGE: Here.

12

MR. HAREMZA: Robinson?

13

MS. ROBINSON: Here.

14

MR. HAREMZA: Whitaker?

15

MR. WHITAKER: Here.

16

CHAIRPERSON LUDWIG: Thank you.

17

May I have a motion to approve the agenda?

18

MR. WHITAKER: So moved.

19

MR. PAGE: I'll second.

20

CHAIRPERSON LUDWIG: All in favor?

21

ALL COUNCIL MEMBERS: Aye.

22

23

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

24

25

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

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3 Ingleside not Engleside. That's all.

4 CHAIRPERSON LUDWIG: Anything else?

5 Motion to approve.

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

7 MR. WHITAKER: I will second.

8 CHAIRPERSON LUDWIG: All in favor?

9 ALL COUNCIL MEMBERS: Aye.

10 CHAIRPERSON LUDWIG: Minutes stand approved as
11 corrected.

12 Was this meeting duly advertised?

13 MR. HAREMZA: This meeting was advertised in
14 the Daily Record of March 14, 2024.15 CHAIRPERSON LUDWIG: That meeting will now be
16 held.

17 And Amanda is here.

18 Any additions or corrections to the minutes
19 that you saw?20 MS. DREHER: I was not here in January, but
21 there was one thing I did not quite understand and I noted it
22 on my phone. Page 8, Line 21 it was saying the ZBA is
23 hearing your designation date; is that correct? That was the
24 attorney speaking.

25 MR. WHITAKER: It was about 125 Old Mill.

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CHAIRPERSON LUDWIG: Yes. Would you say that again?

5

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

7

8

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

9

10

11

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

12

13

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

14

15

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

16

17

Public hearings are closed.

18

19

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

20

21

CHAIRPERSON LUDWIG: Very good. Thank you.

22

23

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

24

25

Jason, you want to fill us in on that?

MR. HAREMZA: I will defer to the attorney for

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3 the town, Lauren Baron.

4 CHAIRPERSON LUDWIG: Okay.

5 MS. BARON: Thanks, Jason.

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

13 So, that is the update.

14 CHAIRPERSON LUDWIG: Can you repeat? They are
15 going to do what in May?16 MS. BARON: So, they just adopted a general
17 resolution at the last meeting. They will be adopting or
18 reviewing findings of fact in support of that resolution at
19 the May meeting.

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

21 MS. BARON: They will be finding the fact.
22 The attorneys for the town will be, and the staff will be
23 assisting drafting that. But they will be relying on record.24 CHAIRPERSON LUDWIG: So, the decision stands,
25 is that true? Or, does the decision stand that they made at

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3 their last meeting?

4

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

7

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

10

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

12

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

15

16 CHAIRPERSON LUDWIG: Okay. Very good.

17

18 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
19 there should be people representing the finding the facts
20 from this committee to rebut people, providing their opinions
of fact. That, at that meeting, so they are going to find
21 that the house was wrongly designated based on our
22 information we provided, that we used for our findings of
23 fact, plus the meeting that we held with the information
24 provided by the owners and the residents of the neighborhood,
25

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3 plus the additional information they received at the meeting.

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

8 MR. PAGE: Do you have --

9 MS. BARON: I was at every meeting.

10 CHAIRPERSON LUDWIG: Mary Jo, you were there?

11 MR. PAGE: Was there -- so, was there
12 something that you thought was well presented that put it --
13 that was a rebuttal of the findings of fact that we had?14 MS. BARON: So, I have no personal opinion on
15 this application. I did not vote on this application, I am
16 the town attorney, that's not my purview, not my position.17 That is what the ZBA decided based on the
18 testimony that was given and the additional information that
19 was provided.

20 MR. WHITAKER: What additional information?

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

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

9

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

13

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

17

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

21

22 MS. BARON: So, there is a couple roles and
23 also staff plays an important role in terms of if the
24 property owner does seek a demolition, goes back to seek a
25 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.

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

9 MR. WHITAKER: For them or us?

10 MS. BARON: It would come to you, if they were
11 going to change the landscape architecture. Just as it would
12 come to you if they are considering changes to the designated
13 landmark.14 MR. PAGE: So, as a point of interest and
15 maybe there's some clarification in the meantime, that the
16 way that our ordinance is written it seems to give us some
17 opportunity. I understand, so theoretically we would --
18 well, I don't know.19 If the property is designated then, I guess,
20 there is two questions I would have. Is that, would we be
21 the reviewing Board as opposed to the Architectural Review
22 Board of any work that is done on that property, including
23 any new building construction?24 And, if not, because when we were talking
25 about the house and we're talking -- there's a thing around,

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23 you know, there's an automatic area around the house that the
4 Board, I believe, based on discussions we had before that
5 gives us a review process for landscape work.6 And I would think that one could conceive of a
7 reciprocal scenario, because this is an unusual, this is a
8 first, a precedent setting.

9 So, that's one.

10 And then, two, is, I'm sure they would be not
11 super enthusiastic about our Board looking at the house
12 itself, but then how the house that's proposed might affect
13 the landscape. It is a little hard to imagine how a project
14 could be developed that didn't affect the landscape in some
15 matter. So, they might have to conceivably go to both our
16 Board and the Architectural Review Board if there's some
17 conclusion that we wouldn't be so.18 CHAIRPERSON LUDWIG: Well, the original plan
19 was to build this for, I think, his wife, quote, unquote, and
20 subdivide the property, so I'm not sure how --21 MS. BARON: Those plans were not approved by
22 any Board, so.

23 CHAIRPERSON LUDWIG: The subdivision?

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

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23 back with completely new plans that would need to be reviewed
4 by everybody who has it before you.5 MS. ROBINSON: So, as a clarification as to
6 what John was saying, we have them raised within 250 feet?

7 CHAIRPERSON LUDWIG: Uh-uh.

8 MS. ROBINSON: Okay. So, somehow somebody is
9 going to put some lines around what is and is not part of
10 Fletcher Steele's work that's designated. We get 250 feet
11 around that.12 MR. PAGE: I don't know. That's the question
13 I have. I think the way it is worded could be, since we
14 didn't -- since the building wouldn't be designated, then the
15 wording is tied to the building perhaps.16 MS. BARON: The ZBA did not include a buffer.
17 The 250 is an option. It could go -- the wording of the
18 statute is that the buffer that you grant as a Board can go
19 no higher than 250 feet without permission from the
20 landowner. So, it's a permissive buffer essentially, you
21 don't have to put a buffer in place for --22 CHAIRPERSON LUDWIG: I would think it's going
23 to be very -- this is going to be a sticky wicket here,
24 because I am sure the footprint of the house will be greater
25 than what is there now.

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

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

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

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

24 CHAIRPERSON LUDWIG: Now, this is all new
25 territory.

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

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

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

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

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3 an accurate statement?

4 CHAIRPERSON LUDWIG: Or if someone notices it
5 from the street. But, you can't demolish a house like this
6 without, you know, you just can't pick it up and put it in a
7 Dumpster. I mean, and, so, what happens if bulldozers and so
8 forth all of a sudden start making rounds around the exterior
9 part of the house, I mean --10 MR. PAGE: Well, it's not an unusual situation
11 especially when you're doing renovations or for additions to
12 the property. We'd be -- the Town would be asking for proof
13 of, you know, protections that met the intent of the law.14 I didn't want to bring this up to get into
15 these kind of specifics first, I just wanted to point out
16 that it was something that should be thought about. Because,
17 who knows, maybe nothing will ever happen. Maybe if they
18 can't subdivide it, they won't do anything.19 We don't know until later, and we don't know
20 whether to what degree we will be involved.21 MS. BARON: So, going off of what Board Member
22 Page says, town staff -- and maybe Jason can speak to this --
23 when a site plan is reviewed and submitted there is often
24 protections for landscaping and trees and things that are on
25 site of the particular property in order for them to be, you

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23 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

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3 something about the neighbors?

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

7 MR. WHITAKER: Kagel.

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

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

15 MR. WHITAKER: He did speak at the hearing.

16 CHAIRPERSON LUDWIG: Was he there at the
17 hearing?

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

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

24 CHAIRPERSON LUDWIG: We don't know.

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

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

4 I understand what they would want to do, but
5 whether they could have a chance of accomplishing it would be
6 another issue.7 MR. DELVECCHIO: Could we go back to the
8 Fletcher Steele footprint topic? And can the town staff help
9 me understand what methods are available to define that?
10 Because, my thought is, it should be defined timely, for
11 instance right now they could be eliminating -- could they be
12 eliminating certain features that otherwise should be defined
13 in some sort of a drawing, if you will.14 When you have a site plan and you have a house
15 designated it is pretty clear, right? Now we're saying,
16 okay, don't designate the house, just the Fletcher Steele
17 footprint. So, what is the method to do that?18 MR. PAGE: The first level I would think would
19 be the record that was put forth, including the very detailed
20 descriptions and photographs and so on. I would concur in
21 this scenario if I were, you know, being asked to offer an
22 opinion, I would request prior to any demolition that a
23 drawing be provided that the town could rely on that is part
24 of any submission that identified, and then had an agreement.

25 MR. DELVECCHIO: What I heard in part of the

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3 summary of the resolution was, existing today. Okay.

4 So, drawings from 19- whatever, a hundred
5 years ago, are so ported, but not necessarily indicative of
6 what the footprint is today of the remaining work.7 MR. WHITAKER: It would have a current
8 photograph.9 MR. PAGE: This might be something that the
10 town could consider as part of the findings for the ZBA when
11 they come with their findings that would assist this scenario
12 that we have. I mean, I am going to say, I'm disappointed,
13 of course, but by designating the -- if it stands that the
14 Steele landscape is designated, it offers a degree of
15 protection to the whole property that wouldn't exist if the
16 entire designation had been overturned.17 MR. DELVECCHIO: If the -- if it is interpreted
18 that way. If somebody else interprets it as, hey, there's
19 three retraining walls over here that will remain, but the
20 rest has already been affected so it doesn't really match
21 what's already there. So that's for open field.22 MR. PAGE: Which is probably what it would be.
23 What I am referring to is, it would have implications to have
24 the subdivision.

25 MR. DELVECCHIO: Agreed.

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

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

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

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

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

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3 evaluate, if you will, the appropriateness of that site plan

4 meshing with --

5 MS. BARON: So, I think when a Certificate of

6 Appropriateness will come before you is if they submitted

7 plans indicating they needed to remove aspects of those

8 features. So, that would be, I think, the only instance

9 where it would come before you again, not just generally to

10 determine whether the site plan would interfere or not

11 interfere with the landscaping, if that answers your

12 question.

13 MS. DREHER: So, would the -- who is going to

14 review a site plan first then?

15 MS. BARON: The Planning Board.

16 MS. DREHER: The Planning Board. So the

17 Planning Board could say to them, what you presented to us

18 also impacts the landscaping, you need to go for a

19 Certificate of Appropriateness?

20 MS. BARON: Yes.

21 MS. DREHER: That would be the procedure. So,

22 it is not just going to be the owners deciding whether this

23 falls into what was decided in the record of the landscaping,

24 it would also be the Planning Board looking at the site plan?

25 MR. DELVECCHIO: So, the Planning Board will

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23 have the basis, the design information for the Fletcher
4 Steele work in hand.5 MR. PAGE: So, can I suggest something here?
6 We're saying Planning Board, but I'm going to say, if you say
7 the Planning Board, the Planning Board also relies on a staff
8 and in this instance it is my opinion that the staff is
9 better prepared to, you know, advise. They are prepared to
10 provide additional information to the Planning Board from
11 what they might inherently come to the table with. And they
12 are acting, to a degree, on our behalf, just as they are in
13 any sort of process.14 MS. DREHER: Well, they would have to rely on
15 how the record of the ZBA set out the landscaping though.16 MS. BARON: I think a lot of these questions
17 will be answered by the findings of fact when those are
18 reviewed and eventually adopted by the Zoning Board. I think
19 a lot of these questions will be answered at that point in
20 time. But that won't be, as I said, until May.21 CHAIRPERSON LUDWIG: Okay. But this brings --
22 any other questions about Old Mill?23 One thing that I -- a couple things I wanted
24 to bring up. One, there doesn't seem to be any formal
25 review -- or informal review or just driving around and just

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3 kind of checking on existing designated properties.

4 And, do we still send brochures when a
5 property changes hands that basically explains what the
6 designated property is all about? What you can do and what
7 you can't do and so forth?8 MR. HAREMZA: I don't know when we ever did
9 that. There's no way for us to -- I mean, there's a way to
10 do it, but we have not tracked property ownership changes in
11 years.12 CHAIRPERSON LUDWIG: Well, theoretically that
13 should be if a deed changes, isn't a designation on the deed
14 somewhere? Did we talk about this years ago?15 MR. HAREMZA: Yes. But, we don't see the
16 deed.17 MS. DREHER: Right. But, if somebody were to
18 buy a house and the attorney did not uncover this, there
19 would be problems. So, the parties would -- the new owner
20 would find out or the new owner would be suing somebody. I
21 think --22 CHAIRPERSON LUDWIG: Well, or the new owner
23 could go start a process and unless they came in for a
24 building permit.

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

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

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

12 MR. WHITAKER: Harris, Ed Harris' house.

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

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

20 CHAIRPERSON LUDWIG: Yes.

21 MS. LANPHEAR: 1496 Clover Street.

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

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3 Appropriateness.

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

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

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

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

14 MS. DREHER: Stay on the street.

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

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

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

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

25 MS. LANPHEAR: I called Ramsey a couple times

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3 about places I saw that he found helpful.

4 CHAIRPERSON LUDWIG: He had, okay.

5 MR. HAREMZA: Yeah. A good question, because
6 obviously when folks leave they take a lot of knowledge with
7 them and that's something that may have just gotten lost in
8 the shuffle with Ramsey and Jeff only being here a short
9 time.10 So, let's have a chat internally about that.
11 Maybe with Rick and see how we want to make that a more
12 formal process.13 CHAIRPERSON LUDWIG: That's a good idea. The
14 other thing I wanted to bring up is the sad site of 3108 East
15 Avenue, gas station. And I checked with Jason on that a
16 while ago and apparently both their Certificate of
17 Appropriateness and their special use permit have expired.18 MS. BARON: It's actually their variances, the
19 use variance and the two area variances for their project and
20 all the variances were expired.

21 CHAIRPERSON LUDWIG: First I called --

22 MS. LANPHEAR: There are two properties they
23 are working on.24 CHAIRPERSON LUDWIG: There's one at the
25 12 Corners property.

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

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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 Quickle's or selling
it or whatever. But the gentleman I talked to said, oh,
that's going to start any minute.

11

12

13

14

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

15

16

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19

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.

20

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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

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23 understanding is, Rick did speak to their attorney as well,
4 so they were on notice that they need to come back to this
5 Board to get another Certificate of Appropriateness, as well
6 as figure out their variance situation with the Zoning Board
7 of Appeals.8 CHAIRPERSON LUDWIG: Did Rick get anything
9 beyond that? I mean, are they still interested in the
10 property, do we know?11 MR. HAREMZA: I don't know. And I don't
12 believe they have made the application. They have not made
13 the application yet.14 CHAIRPERSON LUDWIG: Well, I think it would be
15 good to keep an eye on it. I did, you know, there's other
16 things that could be done with the property and if they're
17 not interested, then maybe that would happen too.18 Okay. Now, one thing I did -- I think you've
19 all seen this matrix before. I know Lauren hadn't seen it,
20 so I wanted to pass it out because, given what happened to
21 Old Mill Road, I thought it was even more important that we
22 make sure that if we designate a property that it is as iron
23 clad as possible.24 MS. LANPHEAR: Jerry, that designation was
25 iron clad. You did the right thing.

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3 CHAIRPERSON LUDWIG: I know, but just still.

4 MR. PAGE: I would suggest that at the very
5 top there would be a section from the ordinance that said,
6 any one of these criteria is sufficient, in bold, because I
7 am sure that was part of the thinking.8 MS. DREHER: And in the findings of fact
9 they're going to state that the house does not meet any of
10 them. That's going to be a resolution, so they're going to
11 have to indicate that they were aware of that and they reject
12 because --13 CHAIRPERSON LUDWIG: This was basically a
14 draft of something, especially handy if we had two properties
15 and we were trying to decide which one to proceed with. And
16 also, some way to take some of the emotion out of a
17 designation.18 So, that's all. And I wanted to make sure
19 everyone had that.

20 So, nothing more on Old Mill.

21 240 Thackery Road.

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

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3 and weather to photograph.

4 960 North Landing, that was where there were
5 some questions on replacement windows and Chris Brandt from
6 Bero is going to do a drive-by. He said he still owes me
7 that and planning to do that very soon.8 MR. WHITAKER: That is the yellow farmhouse
9 that is across from the church?

10 MS. LANPHEAR: Yes.

11 CHAIRPERSON LUDWIG: And I might jump in on
12 that house, the owner realized that the house had been
13 surveyed and did come to us when they remodeled the garage,
14 which was good. That's a good sign, so.15 MR. HAREMZA: 3250 East Avenue, that was on
16 the Commission's list as the next property to be surveyed,
17 recommended waiting for 2024, here we are. And Chris's
18 response was, noted. It looks to be a great house.19 245 Thackery, that was where the survey was
20 begun in late 2022, but paused during staff changes. It is
21 in progress by Bero, but they offered the following: We are
22 of the opinion that there are several other more noteworthy
23 Hershey designed houses in the same neighborhood that should
24 take precedence over this one. Including 285 and 344 Council
25 Rock, 420 Pelham, and 211 Thackery.

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

5

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

7

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

9

9 MR. MCKEEGAN: 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

16 Commission's -- what do you think, folks?

17

MS. ROBINSON: Put it on hold.

18

19

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

30

MS. BABON: 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

24

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

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3 50 percent done, probably it does.

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

8 CHAIRPERSON LUDWIG: Thoughts?

9 John, what do you think?

10 MR. PAGE: I'm okay.

11 CHAIRPERSON LUDWIG: David?

12 MR. WHITAKER: Pause it.

13 CHAIRPERSON LUDWIG: All in favor of pausing?

14 ALL COUNCIL MEMBERS: Aye.

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

16 CHAIRPERSON LUDWIG: Now, 321 Council Rock,
17 there was no similar comments about that?18 MR. HAREMZA: No. They said that is also in
19 progress but it sounds further along. They should have that
20 completed within the next month.21 CHAIRPERSON LUDWIG: Okay. All right. Well
22 then, I guess we should also consider taking a little trip
23 down Council Rock, Pelham, and Thackery and look at the other
24 addresses.

25 So, I guess the only question is, should we

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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 --

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

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

9 MR. WHITAKER: So they're proceeding?

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

12 MR. HAREMZA: End of next month.

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

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

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

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

25 MS. LANPHEAR: Steve Zimmer is retiring from

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

4 MR. HAREMZA: The Deputy Commissioner
5 actually.

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

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

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

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

25 CHAIRPERSON LUDWIG: What is the status of --

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3 does the homeowner have to get permission?

4 MS. LANPHEAR: I don't think it's to the right
5 of way, if the marker is located in the right of way of the
6 town.7 CHAIRPERSON LUDWIG: Only problem is, I know
8 the house on the corner of Clinton and Highland, if there's a
9 walk at all it drops down.

10 MS. LANPHEAR: Right.

11 CHAIRPERSON LUDWIG: Hard to see a marker
12 anyway.13 MS. LANPHEAR: The right of way is up higher,
14 that would work.

15 CHAIRPERSON LUDWIG: If there's room.

16 Well, if there's room to do it between -- I
17 don't know whether they have to be behind the sidewalk I
18 would think.19 MS. LANPHEAR: Is there a sidewalk on that
20 side?

21 CHAIRPERSON LUDWIG: I don't know.

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

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

25 MR. HAREMZA: Do we know, is it typically

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3 installed on the right of way or on private property?

4

CHAIRPERSON LUDWIG: That's a good question.

5

6 by M&T Bank regarding the inspiration for slaughter house
7 five, that I believe is on the bank property, on private
8 property.

9

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

11

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

13

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

15

17

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

20

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

22

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

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23 I would need to look into the right of way
4 issue. If they were resistant to that whether we could just
5 put it in the right of way. I don't -- that might cause a
6 little bit of an issue, right, that maybe you don't want to
7 cause with the property owner. I will look into that
8 further.9 CHAIRPERSON LUDWIG: Asking them first, and
10 then, if not let's put them someplace where they are not
11 going to go to the dump.

12 Jason's office?

13 Anything else?

14 Motion to adjourn?

15 MR. DELVECCHIO: I move.

16 MS. ROBINSON: I second that.

17 CHAIRPERSON LUDWIG: All in favor.

18 ALL COUNCIL MEMBERS: Aye.

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3 REPORTER CERTIFICATE
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7

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.

11
12 Dated this 21st day of April, 2024.

13 At Rochester, New York
14
15

16 *Rhoda Collins*
17 Rhoda Collins
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