

1 BRIGHTON HISTORIC COMMISSION 01/25/2024

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4 B R I G H T O N
5 H I S T O R I C
6 P R E S E R V A T I O N
7 C O M M I S S I O N
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9 January 25th, 2024
10 At approximately 7:15 p.m.
11 Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

12 JERRY LUDWIG, CHAIRPERSON

13 JUSTIN DELVECCHIO)
14 WAYNE GOODMAN)
15 JOHN PAGE)
DIANA ROBINSON) BOARD MEMBERS
16 DAVID WHITAKER)

17 MARY JO LANPHEAR
Town Historian

18 LAUREN BARON, ESQ.
Town Attorney

19 JASON HAREMZA
Town Planner

20 NOT PRESENT:
21 AMANDA L. DREHER

22
23 REPORTED BY: RHODA COLLINS, Court Reporter
24 FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive
25 Batavia, New York 14020

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

Call the roll please.

MR. HAREMZA: Delvecchio?

MR. DELVECCHIO: Here.

MR. HAREMZA: Dreher, absent.

Goodman?

MR. GOODMAN: Here.

MR. HAREMZA: 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.

Motion to approve the agenda.

MR. WHITAKER: So moved.

MR. PAGE: I'll second.

CHAIRPERSON LUDWIG: All in favor?

ALL MEMBERS: Aye.

CHAIRPERSON LUDWIG: The agenda stands

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approved.

We have minutes, lots of minutes.

Actually, first of all, let's start with September. Any additions or corrections on the September minutes?

I think the only one I had was on Page 33, Line 4, it was a word called ensemble and I think it should be ensemble "with" and not "when."

October -- any other corrections on September's?

Amanda isn't here tonight, so she'll let us know.

October, any corrections or additions on October minutes?

How about November?

Okay. Motion to approve the minutes as corrected.

MR. PAGE: I will make that motion.

CHAIRPERSON LUDWIG: Thank you, John.

Second?

MR. WHITAKER: Second.

CHAIRPERSON LUDWIG: All in favor?

ALL COUNCIL MEMBERS: Aye.

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3 CHAIRPERSON LUDWIG: Minutes stand approved.

4 Was this meeting duly advertised?

5 MR. HAREMZA: The meeting was duly advertised
6 in the Daily Record of January 11, 2024.

7 CHAIRPERSON LUDWIG: That meeting as
8 advertised will now be held.

9 Do we have any additional communications?

10 MR. HAREMZA: We do not.

11 CHAIRPERSON LUDWIG: No communications, no
12 designation of landmarks, no Certificates of Appropriateness,
13 no hardship applications.

14 Public Hearings are closed.

15 The first item, new business, any new
16 business?

17 MR. HAREMZA: No new business.

18 CHAIRPERSON LUDWIG: Okay, very good.

19 Old business, first item

20 APPLICATION 11H-01-23

21 Application 11H-01-23 update on the status of
22 125 Old Mill Road, tax number 137.20-1-3.11, designated as a
23 Town of Brighton Landmark 11-16-2023.

24 MR. HAREMZA: I think most of you probably
25 know, this was heard by the Zoning Board on January 3rd, the

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2nd or 3rd. And they tabled any decision and the public hearing remains open for the appeal of this Commission's designation of 125 Old Mill as a landmark.

As you know, the appeal of a designation goes to the Zoning Board, so they are in the middle of that.

They had some discussion and in conversations with the attorney for the town and Rick DiStefano, who is the secretary to the ZBA, and myself, we thought it would be good for the applicant for the designation, Town Historian, Mary Jo Lanphear, to provide some additional information. She compiled that and that's what I distributed for you tonight just for your information.

And Mary Jo will be presenting at the next Zoning Board meeting on February 7th.

CHAIRPERSON LUDWIG: Mary Jo, thank you. And Mary Jo, if you would just briefly, you don't have to read everything, but if you can bring us up to date on what you distributed here.

MS. LANPHEAR: What I did was try to find more information for Herbert C. Williamson, the architect first of all. And if you can, I would have you look at a couple of houses he did in addition to the Everest Bentley house, 1229 East Avenue. It was designated -- it was awarded an award by

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the Landmark Society in 1998, to the family that lived there, the Arena's. That was determined then that it was a Herbert C. Williamson house. It's a magnificent East Avenue mansion.

The next year he did a house for Wyatt Grommet in Long Meadow in Pittsford and it is a very modern house, very, very different from the East Avenue house.

But I think it shows his eclecticism. He can do just about anything and we know he did cottages in the McAster Drive neighborhood, Engleside they called it. And he also did some big apartment building, the post-war housing on the Norton Street area, was also one of his.

So, he was a very accomplished architect, not to be just dismissed as --

CHAIRPERSON LUDWIG: You did state on -- I haven't read the whole thing, but you did state on here which one was a designated landmark by us. Did you say we designated one, one of his before?

MS. LANPHEAR: I don't have one of his yet, no.

CHAIRPERSON LUDWIG: Oh, okay.

MR. GOODMAN: The only one we have seen was 125?

MS. LANPHEAR: Correct. We didn't have one

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before that.

And the other thing I looked up was information about the Everest family, because it wasn't just the Bentleys and just a family of lawyers that were associated with the house. Again, as somebody stated tonight, the Everest families were associated with Vacuum Oil, which was a very early user and commercial production, after the commercial production of petroleum, only sevens years after that, Hiram Bond Everest and his partner founded Vacuum Oil. It was kind of a fluke, they were trying to distil kerosene, but they found that the residue from the distillation made a suitable lubricant, and it was used in the manufacture of automobiles.

Those of you who are local would know that George B. Selden was one of the famous automobile builders in this area and he considered Charles Everest -- I am sorry, Hiram Everest, that Hiram Everest was the city's greater inventor. He made the automobile possible. So I think that has a lot to say about the Everests.

When his son Charles died in 1917, he left an estate with \$1,525,000, which in today's terms would be \$36 million. Again, that was probably the funding that produced 125 Old Mill Road.

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Lastly, I did try to expand on what we know about Fletcher Steele. Born on Park Avenue in 1885, possibly in Brighton, I don't know. I haven't checked it out if we could claim him. But anyway, he's obviously one of most famous landscape architects in the country. And he grew up here and his projects were many. And he did, not only did he design the garden in 1932, he continued to work with them for the next 30 years. So, this was not just a fly -- a short term deal, this was a long term commitment he made to that property.

CHAIRPERSON LUDWIG: Great. And these will be passed along to the ZBA; is that right?

Okay.

Thank you.

MR. PAGE: Can you get a little reminder of how the Zoning Board of Appeals works? We had one property that has been appealed prior to this time.

MS. BARON: So, the Zoning Board of Appeals is hearing your designation date, which means they are hearing it with essentially fresh eyes, looking at all of the evidence presented that was before this Board. And they have asked for additional information, which Mary Jo provided to them as well for their consideration.

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3 They have the ability to affirm your
4 designation, to reverse your designation, or to modify the
5 designation if they so choose to do.

6 MR. PAGE: So, as I understand it from the
7 prior time, we are talking 20-some years ago, they don't take
8 testimony or ask questions of any of the members that they --
9 that Mary Jo would be there as a representative?

10 MS. BARON: Yes. Mary Jo is the applicant, is
11 the representative of the designation.

12 MS. LANPHEAR: And I don't understand that
13 because it's the Board itself that did the designation, I
14 didn't vote on this. I was only the provider of the
15 information, so I guess I don't understand why --

16 CHAIRPERSON LUDWIG: Your name is on the form.
17 Nice try.

18 MR. PAGE: Again, what my understanding is, is
19 that even though the people making requests get to provide
20 information, we only are allowed to provide the information
21 that was created in the record.

22 MS. BARON: Yes, exactly. The ZBA --

23 MR. PAGE: I don't consider it the right way
24 to do things, but I understand it is the way things are done.

25 So, you know, one of the big things that is

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3 hard for people to understand, I think, especially when we
4 look at all of the conditions that warrant consideration for
5 designation, is that it takes only one designation criteria
6 to make a property designatable.

7 MS. BARON: Yes.

8 MR. PAGE: It does. So, they tend to chip
9 away often when people come and are questioning the
10 deliberations on the weaker aspects. And it does, you know,
11 worry me that the Zoning Board of Appeals, without the
12 benefit of all of the information we come to the table with
13 has to also wrestle with that. But then, we have Counsel
14 there also to help understand how we operate.

15 MS. BARON: Yes. They, the Board at the last
16 meeting I was very clear advising them that only one of the
17 criteria in the code needs to be satisfied in order to
18 designate as a landmark and I will reiterate that again in
19 the next meeting.

20 CHAIRPERSON LUDWIG: John pointed this out at
21 our meeting before, was that we don't look at this from a
22 national scope, we look at it from a local scope. I think
23 that puts a different -- some of these houses might not be
24 designatable if you were looking on a national, you know,
25 comparing it with other national properties. But certainly

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from a local standpoint they are very important.

I think that's, John pointed that out and I think that needs to be reiterated.

MR. GOODMAN: That's a good point, Jerry. And I wonder if it's national registered eligible anyway? I don't know if we've considered that, but it would certainly be open for discussion. And I guess when I was present for the initial discussion about this, I felt like it was so incredibly obvious that this property should be designated. I felt like it was incredibly obvious that it fits multiple criteria.

So my question then is, does the appeal process utilize the same set of criteria that we are utilizing?

MS. BARON: Yes. The ZBA is looking at the exact same, the Historic Preservation section of the Town of Brighton code where it lists how the criteria for designation.

MR. GOODMAN: Okay. Thank you.

CHAIRPERSON LUDWIG: And I guess, one final point is, just because we didn't pick this up on our first, second or third go around on properties doesn't mean that all of a sudden there's a property that we may not have noticed

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before, but certainly that is eligible. And so --

MR. PAGE: I am reading so far, saying we have a wealth of possibilities.

CHAIRPERSON LUDWIG: Sure.

MR. PAGE: And we could be working through it for the next couple of decades.

MS. LANPHEAR: We also spent about a year on this property too. My notes say that we first talked about this in January of last year.

CHAIRPERSON LUDWIG: Any other?

MR. DELVECCHIO: One item that I can make, you know, I hope that the ZBA would understand fully, although, you know, the first round of looking at this, kind of, sort of criteria can be kind of daunting and that this is their first go, is to make sure they have a full understanding that this is in regards to the whole property, not just the home itself.

To me, one of the leading features is, you know, the property beyond the home itself that, you know, and the significant designer, that in and of itself I think is strong enough merits. But if someone, if even one member was let's say, confused or uncertain of that and just kind of looking at pictures of the house in its current state, they

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might say, well, it doesn't rise to meet their view of that.

You know, that could be a slippery slope. So, I just encourage whoever is there can provide that kind of counsel to make sure that they truly understand, you know, the context of the law and the full scope of it. So.

CHAIRPERSON LUDWIG: Good point.

MR. HAREMZA: Just, ZBA has seven members, you only need four of them. So it doesn't need to be a unanimous vote to uphold your decision.

MR. DELVECCHIO: Okay. The one on the edge. Understood. Thank you.

CHAIRPERSON LUDWIG: Anyone else?

So when is the next Zoning Board of Appeals meeting?

MS. BARON: February 7th.

CHAIRPERSON LUDWIG: We will be interested to hear how it goes.

Okay. Next item -- oh, I just thought and it is not on the old business, but I thought I would mention that Jason and I did make a little journey over to Mercy -- speaking of things that have been on the agenda for some time -- and to look at the doors. And we met with the director of operations over there, also another person, and

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we are still waiting for some additional more specific drawings from our good friends at SWBR before we give our final yay or nay to the proposed doors.

I think the thing that is important to realize is that the doors are not used on a regular basis, so it's not a matter of life or death or anything like that. They are, in fact, there are -- there were some chairs and a little dais in front of the doors up on the main level there.

The students come in on the door facing Clover, and so I think we did reiterate it, because someone didn't offer them a hundred thousand to put Wonder Windows in, we wouldn't necessarily approve that and we wouldn't approve these unless we are comfortable that they meet the architectural integrity of what is already there.

Next item, any questions about that by the way?

Next question, is -- or next item is Thackery Road, survey has been ordered. Where are we on that? Is Chris on that or is now Katie going to do that?

MR. HAREMZA: Correct. So, sort of talking all five of these in a bunch. Katie Comeau is back at Bero Architecture, so she will be conducting the cultural resources survey for the Town of Brighton. She is sort of

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working on the two that were paused, the fourth and fifth on the list there, 245 Thackery and Council Rock, that is her priority right now.

And then, she will be doing 240 Thackery Road and 3250 East Avenue has not been ordered yet, but presumably that will be next.

CHAIRPERSON LUDWIG: Okay. Any questions on those?

Next, I guess, is 960 North Landing Road and I believe we had requested from Chris Brandt to give us an update on when the vinyl windows and how many and when were the vinyl windows installed. And have you heard anything from Chris on that?

MR. HAREMZA: I'm not sure. My recollection is, actually that there were some e-mails back before the holidays between Chris and I, and I need to go back and see what he has seen and if he has done any sort of reconnaissance on that property.

CHAIRPERSON LUDWIG: I guess as soon as we know, I don't think that's necessarily a make or break situation. But I guess I would like that as part of the record before we decide to either move forward or whatever we are going to do with the designation, and hopefully you can

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dig those up maybe by the next meeting.

Anything else?

Motion to adjourn.

MR. DELVECCHIO: I will move.

MR. GOODMAN: Second.

CHAIRPERSON LUDWIG: All in favor.

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON LUDWIG: Thank you.

* * *

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 10th day of February, 2024.

At Rochester, New York

Rhoda Collins
Rhoda Collins