

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

8
9 January 25th, 2024
10 At approximately 7:15 p.m.
11 Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

12 PRESENT:

13 JERRY LUDWIG, CHAIRPERSON

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

19 MARY JO LANPHEAR
20 Town Historian

21 LAUREN BARON, ESQ.
22 Town Attorney

23 JASON HAREMZA
24 Town Planner

25 NOT PRESENT:
AMANDA L. DREHER

26
27 REPORTED BY: RHODA COLLINS, Court Reporter
28 FORBES COURT REPORTING SERVICES, LLC
29 21 Woodcrest Drive
30 Batavia, New York 14020

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

3 approved.

We have minutes, lots of minutes.

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

minutes?

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

12 September's?

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

know.

16 October, any corrections or additions on
October minutes?

How about November?

19 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.

1 BRIGHTON HISTORIC COMMISSION 01/25/2024

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3 CHAIRPERSON LUDWIG: Minutes stand approved.

4

Was this meeting duly advertised?

5

6 MR. HAREMZA: The meeting was duly advertised

in the Daily Record of January 11, 2024.

7

8 CHAIRPERSON LUDWIG: That meeting as

advertised will now be held.

9

Do we have any additional communications?

10

MR. HAREMZA: We do not.

11

12 CHAIRPERSON LUDWIG: No communications, no
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?

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MR. HAREMZA: No new business.

18

CHAIRPERSON LUDWIG: Okay, very good.

19

Old business, first item

20

APPLICATION 11H-01-23

21

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

24

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

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

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

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

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

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

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

1 BRIGHTON HISTORIC COMMISSION 01/25/2024
23 the Landmark Society in 1998, to the family that lived there,
4 the Arena's. That was determined then that it was a Herbert
5 C. Williamson house. It's a magnificent East Avenue mansion.6 The next year he did a house for Wyatt Grommet
7 in Long Meadow in Pittsford and it is a very modern house,
8 very, very different from the East Avenue house.9 But I think it shows his eclecticism. He can
10 do just about anything and we know he did cottages in the
11 McAster Drive neighborhood, Engleside they called it. And he
12 also did some big apartment building, the post-war housing on
13 the Norton Street area, was also one of his.14 So, he was a very accomplished architect, not
15 to be just dismissed as --16 CHAIRPERSON LUDWIG: You did state on -- I
17 haven't read the whole thing, but you did state on here which
18 one was a designated landmark by us. Did you say we
19 designated one, one of his before?20 MS. LANPHEAR: I don't have one of his yet,
21 no.

22 CHAIRPERSON LUDWIG: Oh, okay.

23 MR. GOODMAN: The only one we have seen was
24 125?

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

1 BRIGHTON HISTORIC COMMISSION 01/25/2024
2

3 before that.

4 And the other thing I looked up was
5 information about the Everest family, because it wasn't just
6 the Bentleys and just a family of lawyers that were
7 associated with the house. Again, as somebody stated
8 tonight, the Everest families were associated with Vacuum
9 Oil, which was a very early user and commercial production,
10 after the commercial production of petroleum, only sevens
11 years after that, Hiram Bond Everest and his partner founded
12 Vacuum Oil. It was kind of a fluke, they were trying to
13 distil kerosene, but they found that the residue from the
14 distillation made a suitable lubricant, and it was used in
15 the manufacture of automobiles.16 Those of you who are local would know that
17 George B. Selden was one of the famous automobile builders in
18 this area and he considered Charles Everest -- I am sorry,
19 Hiram Everest, that Hiram Everest was the city's greater
20 inventor. He made the automobile possible. So I think that
21 has a lot to say about the Everests.22 When his son Charles died in 1917, he left an
23 estate with \$1,525,000, which in today's terms would be
24 \$36 million. Again, that was probably the funding that
25 produced 125 Old Mill Road.

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

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

15 Okay.

16 Thank you.

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

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

1 BRIGHTON HISTORIC COMMISSION 01/25/2024
23 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

1 BRIGHTON HISTORIC COMMISSION 01/25/2024
2

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

1 BRIGHTON HISTORIC COMMISSION 01/25/2024
2

3 from a local standpoint they are very important.

4 I think that's, John pointed that out and I
5 think that needs to be reiterated.6 MR. GOODMAN: That's a good point, Jerry. And
7 I wonder if it's national registered eligible anyway? I
8 don't know if we've considered that, but it would certainly
9 be open for discussion. And I guess when I was present for
10 the initial discussion about this, I felt like it was so
11 incredibly obvious that this property should be designated.
12 I felt like it was incredibly obvious that it fits multiple
13 criteria.14 So my question then is, does the appeal
15 process utilize the same set of criteria that we are
16 utilizing?17 MS. BARON: Yes. The ZBA is looking at the
18 exact same, the Historic Preservation section of the Town of
19 Brighton code where it lists how the criteria for
20 designation.

21 MR. GOODMAN: Okay. Thank you.

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

1 BRIGHTON HISTORIC COMMISSION 01/25/2024
23 before, but certainly that is eligible. And so --
45 MR. PAGE: I am reading so far, saying we have
6 a wealth of possibilities.
78 CHAIRPERSON LUDWIG: Sure.
910 MR. PAGE: And we could be working through it
11 for the next couple of decades.
1213 MS. LANPHEAR: We also spent about a year on
14 this property too. My notes say that we first talked about
15 this in January of last year.
1617 CHAIRPERSON LUDWIG: Any other?
1819 MR. DELVECCHIO: One item that I can make, you
20 know, I hope that the ZBA would understand fully, although,
21 you know, the first round of looking at this, kind of, sort
22 of criteria can be kind of daunting and that this is their
23 first go, is to make sure they have a full understanding that
24 this is in regards to the whole property, not just the home
25 itself.
2627 To me, one of the leading features is, you
28 know, the property beyond the home itself that, you know, and
29 the significant designer, that in and of itself I think is
30 strong enough merits. But if someone, if even one member was
31 let's say, confused or uncertain of that and just kind of
32 looking at pictures of the house in its current state, they
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1 BRIGHTON HISTORIC COMMISSION 01/25/2024
2

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

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

8 CHAIRPERSON LUDWIG: Good point.

9 MR. HAREMZA: Just, ZBA has seven members, you
10 only need four of them. So it doesn't need to be a unanimous
11 vote to uphold your decision.12 MR. DELVECCHIO: Okay. The one on the edge.
13 Understood. Thank you.

14 CHAIRPERSON LUDWIG: Anyone else?

15 So when is the next Zoning Board of Appeals
16 meeting?

17 MS. BARON: February 7th.

18 CHAIRPERSON LUDWIG: We will be interested to
19 hear how it goes.20 Okay. Next item -- oh, I just thought and it
21 is not on the old business, but I thought I would mention
22 that Jason and I did make a little journey over to Mercy --
23 speaking of things that have been on the agenda for some
24 time -- and to look at the doors. And we met with the
25 director of operations over there, also another person, and

1 BRIGHTON HISTORIC COMMISSION 01/25/2024
2

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

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

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

17 Next item, any questions about that by the
18 way?

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

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

1 BRIGHTON HISTORIC COMMISSION 01/25/2024
23 working on the two that were paused, the fourth and fifth on
4 the list there, 245 Thackery and Council Rock, that is her
5 priority right now.6 And then, she will be doing 240 Thackery Road
7 and 3250 East Avenue has not been ordered yet, but presumably
8 that will be next.9 CHAIRPERSON LUDWIG: Okay. Any questions on
10 those?11 Next, I guess, is 960 North Landing Road and I
12 believe we had requested from Chris Brandt to give us an
13 update on when the vinyl windows and how many and when were
14 the vinyl windows installed. And have you heard anything
15 from Chris on that?16 MR. HAREMZA: I'm not sure. My recollection
17 is, actually that there were some e-mails back before the
18 holidays between Chris and I, and I need to go back and see
19 what he has seen and if he has done any sort of
20 reconnaissance on that property.21 CHAIRPERSON LUDWIG: I guess as soon as we
22 know, I don't think that's necessarily a make or break
23 situation. But I guess I would like that as part of the
24 record before we decide to either move forward or whatever we
25 are going to do with the designation, and hopefully you can

1 BRIGHTON HISTORIC COMMISSION 01/25/2024
2

3 dig those up maybe by the next meeting.

4 Anything else?

5 Motion to adjourn.

6 MR. DELVECCHIO: I will move.

7 MR. GOODMAN: Second.

8 CHAIRPERSON LUDWIG: All in favor.

9 ALL COUNCIL MEMBERS: Aye.

10 CHAIRPERSON LUDWIG: Thank you.

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REPORTER CERTIFICATE

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

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

10

11 Dated this 10th day of February, 2024.

12 At Rochester, New York

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Rhoda Collins
Rhoda Collins