

Proceedings held before the Historic Preservation
Commission of of Brighton at 2300 Elmwood Avenue, Rochester, New
York on August 25, 2016 commencing at approximately 7:30 p.m.

PRESENT: Jerry Ludwig
Justin DelVecchio
John Page
Arlene Vanderlinde
Diana Robinson
David Whitaker

NOT PRESENT: Wayne Goodman

Kenneth W Gordon, Town Attorney
Ramsey Boehner, Town Planner
Mary Jo Lanphear, Town Historian

FIRE ALARM PROCEDURES WERE ANNOUNCED

MR. CHAIRMAN: I would like to call the August
25, meeting to order. May I have a motion to approve the agenda.

MR. WHITAKER: So moved.

MR. PAGE: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Jerry Ludwig	Yes	Diana Robinson	Yes
David Whitaker	Yes	John Page	Yes
Arlene Vanderlinde	Yes	Justin DelVecchio	Yes

MR. CHAIRMAN: We have minutes from the
July 28, 2016 meeting. I would like a motion to approve those with
corrections.

MR. PAGE: So moved to approve the minutes for
the July 28, 2016 meeting with corrections.

MS. VANDERLINDE: Second.

UPON ROLL CALL VOTE	MOTION CARRIED
Mr. Page Yes	Mr. Ludwig Yes.
Ms. Vanderlinde Yes	Ms. Robinson Yes
Mr. Whitaker Yes	Mr. DelVecchio Yes

MR. CHAIRMAN: Was this meeting properly advertised?

MR. BOEHNER: Yes, it was properly advertised in the Brighton Pittsford Post of August 11, 2016.

MR. CHAIRMAN: That meeting as duly advertised will now be held.

COMMUNICATIONS

NONE

DESIGNATION OF LANDMARKS

NONE

CERTIFICATE OF APPROPRIATENESS

5H-04-16 Application of Mary Jo Lanphear, Town Historian, for property owned by Temple Sinai , at 363 Penfield Road, tax number 123.17.1-40, for landmark designation pursuant to the Historic Preservation Local Law of the Town of Brighton. All as described on application and documents on file. ADJOURNED FROM THE MAY 26, 2016 MEETING.

MR. CHAIRMAN: Is there anyone here who wishes to speak on behalf of this application?

MS BONDI: I am Susan Bondi and I am president of the congregation at Temple Sinai. I had met with Ramsey and Mary Jo about the application and we had some concerns that it would limit our ability to make changes and they assured me it really shouldn't be a problem and we could do anything we wanted inside or anything exterior

that was considered maintenance in like kind would be okay. So we feel comfortable with designation.

MR. CHAIRMAN: Are there any questions or concerns of the Commission? Mary Jo?

MS. LANPHEAR: Mary Jo Lanphear, Town Historian. You have my memo dated the 28th of May and since that date it has met the four criteria for designation and the fact that James Johnson was a domestic architect who designed this building and how wonderful and special this building really is and how it has historic value as part of the architects association and how it embodies the characteristic work of a very significant designer.

MR. CHAIRMAN: Any other thoughts or concerns. There being none I would like to close this public hearing. Would Mr. Gordon like to prepare a motion?

MR. GORDON: Certainly.

WHEREAS application 5H-04-16 has been submitted for designation on property known as being located at 363 Penfield Road in the Town of Brighton, County of Monroe, State of New York, tax account number 123.17-1-40 as a landmark under the Town's Historic Preservation Law.

AND WHEREAS, the Historic Preservation Commission duly called a public hearing to consider such matter and the public hearing was duly held on August 25, 2016 and all persons having an interest in such matter having had an opportunity to be heard therein.

AND WHEREAS based on materials submitted to the Historic Preservation Commission and made part of the record and the testimony of the Town Historian, Mary Jo Lanphear at the public hearing and the contents of the application by Ms. Lanphear regarding the property at 363 Penfield Road and the Cultural Resources Survey by Buro Associates on May 23 and the memorandum of the Town Historian Mary Jo Lanphear. The Historic Preservation Commission finds that the subject property possesses such historical value based upon the fact that the building is the work of a well known innovative architect. It is also James Johnson one of the most important and original works which includes the mushroom

house and building at 363 Penfield Road which constitutes a unique example of post World War II architecture. It is also the most architectural significant religious building in the area.

IT IS HEREBY RESOLVED that the Town of Brighton's application 5H-04-16 be designated as a landmark of 363 Penfield Road together with all of the materials and documents referenced above be received and filed.

AND BE IT FURTHER RESOLVED that the Town of Brighton's Historic Preservation Commission hereby designates 363 Penfield Road In the Town Brighton, County of Monroe and that tax parcel 123.17-1-40 together with referenced survey and materials and documents presented to the Historic Preservation Commission prior to the public hearing be received and filed.

AND BE IT FURTHER RESOLVED that the Historic Preservation Commission hereby designates the aforementioned property located at 363 Penfield Road as a historic landmark pursuant to Chapter 224 of Town Code based upon the Commission's Historic findings regarding historic value under the Town's Historic Preservation Law based upon the significance of the designer of the subject property and the embodiment of the distinguishing characteristics of specific architectural style and possession of historic value as part of the cultural, economic, social and architectural history.

MR. CHAIRMAN: May I have someone move that motion?

MS VANDERLINDE: So moved.

MR. WHITAKER: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Mr. Page	Yes	Mr. Whitaker	Yes.
Ms. Vanderlinde	Yes	Ms. Robinson	Yes
Mr. Ludwig	Yes	Mr. DelVecchio	Yes

7H-02-16 Application of Bell Atlantic Mobile of Rochester, L.P. (d/b/a Verizon Wireless) for property owned by Moran Titus, LLC, at 1420 Monroe Avenue, tax number 137.05-3-76, for a certificate of appropriateness to construct and operate a micro cell wireless facility which includes a roof-mounted antenna. All as described on application and documents on file. TABLED AT THE JULY 28, 2016 MEETING.

MR. CHAIRMAN: I believe last time we talked about the antenna cell and tonight is to talk about how the cell is getting from the antenna down to the basement?

MR. BERGOFF: Robert Bergoff and also here this evening is Chris Boyce who is the consultant hired by Verizon Wireless in connection with this project who has been involved since the outset and Chris Miles of Costich Engineering. I understand there is an issue related to the column and how that is going to look. It could not be done on the inside of the building and we did submit supplemental amendments dated August 23, 2016 which address those issues and the criteria in the letter. The antenna could not go through the building and we were left with how we could do it outside as aesthetically pleasing as possible. We also talked about making it a three inch conduit line being painted a similar color to match or blend in with the brick. We have shown that in a photo simulation to show it won't be noticeable. You would have to be in the interior of the court yard for this to be seen. I would guess you have cables that are more visible than this one. I don't know what to do to make this any more less visible.

MR. CHAIRMAN: Is there any reason it has to be inside the complex versus outside?

MR. BERGOFF: Can I clarify something when we look at the building we are interested in what it is about the building that gives it significance. We look at things called character that defines the future for these buildings. Again from an aesthetic stand point typically the more we can shield anything from the public view the better it is.

MR. PAGE: There are two options here. One is it more visible from the people living there and since you share a building people look at things called character design and the future for these

buildings and the apartment buildings are concerned with the age and shape and width and materials used but also what is it about the character of the building that makes it important and that is the facade in the court yard facing Monroe Avenue and you follow that with shape and materials and masonry. So I guess my point is that the outside of the building while theoretically more visible to more people it is less obtrusive to the character features of the building.

MR. BURGOFF: There is a short projected bow on that side of the building facing the shopping area.

MR. PAGE: So you may have opened an opportunity for a corner to tuck something in that far right side but I personally feel the interior solution is a better solution. I don't know the floor plan but ideally I think it is a good public space outside in the corner yard to take your loop and make a little opening in the roof and shoot straight down.

MR. CHAIRMAN: Now that we have had an opportunity to study this in some ways that is the best solution and that is what we are challenged with.

MS. VANDERLINDE: I agree with everything John said, with this design I would consider not just facing Monroe Avenue façade but everything in the court yard to be the façade of that building. I challenge you to find another way to place it in a spot that is not going to be conspicuous. Why not in that back corner? There seems to be areas all around the outside and why not have it tucked in the back corner at the longer part of the building. Has that been explored at all? I truthfully would not vote to have that location. I challenge your right to do this to have this on the building. I challenge you to find a better place for it. This is not in the best interest of this building. I am thinking there has to be a better way maybe not as direct or easy to do but worth trying.

MR. BURGOFF: I was not here the last time but –

MS. VANDERLINDE: I will tell you what happened last time. We were given photographs of the exterior with nothing coming down the building and some notes to the effect that it was

going to be outside and we asked to see what it was going to look like and in the meantime I am of the mind there has to be other alternatives.

MR. BERGOFF: The only issue is can it be done unless Chris knows if there is any engineering that it can't be done and secondly can the landlord consent to this.

MR. MILES: Chris Miles I have been with Costich Engineering for about 24 years now and telecommunications for well over 20 years. The previous submission was on the other side of the court yard and the landlord denied that original location. So there is just two places to go on the plan that we have in front of us. The equipment will be placed in the basement.

MR. CHAIRMAN: As you come up the side of the building, where will that be placed, front, side midway?

MR. WHITAKER: There is a chimney there can it go there?

MR. MILES: It is a working chimney as I was told. Back to one of John's comments it is circular and we can certainly use some type of architectural feature to hide this. That is secondary to me to be unobtrusively placed. I would rather talk about placement first and then what it's going to look like. We are limited to leaning away from the antenna to alter that direction -

MR. BOEHNER: One person talking at a time the stenographer can only take down one person at a time.

MR. MILES: Ideally we would like to see it in that jog on the south side exterior of the building and have it be square like a down spout.

MR. CHAIRMAN: So we don't have an answer tonight.

MR. BERGOFF: We understand what your looking for and hopefully we will get an answer for you pretty quickly.

MR. CHAIRMAN: Any other questions? John do you care if it is round or square?

MR. PAGE: I would prefer it be square like a down spout and jog on the south side and basically tuck it in that jog even though it is facing the street, a square jog on the south side and be the color of a brown down spot.

MR. BOEHNER: What do you wish to do tonight.

MR. BURGOFF: We will wait the 30 days and come back.

MR. CHAIRMAN: So the applicant is consenting to a continuation of this matter to the September meeting which will be September 22. Before we close this matter is there anyone here who wishes to speak on this application?

MS. SACCO: Kathleen Sacco: 1392 Monroe Avenue. I am sorry I was outside the room and I wanted to be on time. I have a picture of the bricks and I don't know how they are going to match.

MR. CHAIRMAN: They will probably not match. We are suggesting it be placed between the plaza and the building that projects out. So it will be very forgiving and you won't see it from the court yard.

MS SACCO: Okay I will leave it up to you.

MR. CHAIRMAN: Your point is well taken.

MR. GORDON: Would you like to make the picture of the bricks a part of the public hearing?

MS. SACCO: Yes.

MR. CHAIRMAN: Okay is there anyone else who cares to speak on this? Okay then the hearing is closed on this until next month.

8H-01-16 Application of Bruce R. & Marianna C. Williamson, owners of property at 484 French Road, tax number 150.14-1-3, for a certificate of appropriateness to relocate a portion of the pool enclosure fencing and paving certain areas inside the fence, replace 5 metal storm/screen combinations with wood-framed storm/screen combinations' mount a small spotlight on the garage to illuminate the United Stat flag in the front yard on the Edgewood Avenue side, replace the floodlight mounted on the front of the home above the front bedroom window. All as described on application and plans on file.

MR. WILLIAMSON: Bruce Williamson. I would like to go backwards. I have brought an image of the spot light on my phone. It was sort of flickering around and I will pass it around to show you what the spot light looks like and that is a lovely picture of my car and garage and the two garage doors and the light will be mounted slightly to the left or right above the garage doors easy enough to reach six or seven feet up. The exact spot depends on the beam we want to light up the flag in the front yard. I checked that spot with a flash light to show where it will go directly on the flag. It is a very narrow beam and it will not be visible or shine on other buildings in the area. The purpose of this is to replace the one above the front door. I should say that one fell apart and I had to crawl out the window in our bedroom and get half of my body out. It was a big flood light and it was not attractive on there. So when they came and did some work on the house we decided to put in a small spot light. We are not here all of the time so I would like to have the flag from sunrise to sunset and I am seeking a certificate of appropriateness for a little spot light in the center above the garage door approximately centered on the garage probably on the center but maybe between the garage doors right in that area or somewhere in that area. It may be slightly one way or another.

MR. GORDON: If I may for the record Mr. Williamson has passed his cell phone to each member of the Board during his presentation.

MR. WILLIAMSON: So next we want to relocate a portion of the fencing around the pool and add some hard surface to the pool area. Number 2 is a copy of our survey and there are three areas and one of them needs some further definition. The first one is this area that is marked in blue. The next one shows a grassy area that is by the old

deteriorated piece of landscaping and we replaced that old piece with a newer piece. What is to the left of that is mulch there now, that is 6 by 3 with some flowers but the grassy area is where we would like to put in concrete and that would be more usable as a pool area. And along that same lines the second area that is shown from the rear - and what I did last year and it didn't work out too well, I pulled out all those thistles by hand and put mulch on top of it and the thistles one.

The fence in Exhibit 1 runs across the back of the pool area which is 30 feet long and we want to pull that fence backwards to approximately where this photograph is taken and that is indicated in Exhibit 2 and that would be about 18 foot across and that fence would be removed and that length of fence would be replaced by new fencing to match what is there now. The long line of this brush area and the existing 30 feet of fenced area standing around that brush area would be established on eastern side closest to the boundary line to our neighbors from either side would be angled to meet that point that is at the top of the page that little white area and that is the repair part and parcel and will not change the dimensions of the concrete and that is the green area. I drew that larger for permission to make that concrete. It won't be all concrete and what we want to have there is a new area that would useful be for the pool area. It is hard to define but I can tell you the area that is marked in green would actually be smaller in both directions. Leaving a strip to provide access within that area in green and the rest would be left as is.

Basically as you can see in Exhibit 3 is the area we are talking about is behind and to the right of this area and again not that entire area but that little tree that is there within that area shaded in green that will remain. So the strip part in back would be over where the ground is level and the pump and heater.

MR. CHAIRMAN: Are they on grass or on concrete?

MR. WILLIAMSON: We would put them on something other than grass and have them stay where they are. We didn't want to relocate it on a solid surface. That hasn't been much of an issue. I am not sure how much detail you need to go into but part of that green area is going to get paved over.

MR. WHITAKER: How do you plan to get rid of the thistles?

MR. WILLIAMSON: I was thinking of a flame thrower.

MR. CHAIRMAN: How close would the pavement come to the property line because you need to keep four feet off the property line.

MR. WILLIAMSON: We wouldn't come any closer than four feet from the property line and we will make sure it does not get any closer than 48 inches to the neighbor's property line.

MR. CHAIRMAN: Any other questions on the fencing?

MR. WILLIAMSON: Next we have five metal screen combinations and we plan on replacing those with wooden frames. This can be seen easier in Exhibit 6 and it is an example of one of three that you approved a couple of years ago and they have started to fade a little bit. This was a school house and these will look better from the inside and outside. Any questions on the storms?

MR. CHAIRMAN: Okay does anyone wish to speak on this application? Okay the public hearing is closed. Can you propose a motion Mr. Gordon:

MR. GORDON: Sure.

WHEREAS Application 8H-01-16 has been submitted for a certificate of appropriateness under the Town's Historic Preservation Law for the improvement to property located at 484 French Road, tax account # 150.14-1-3 owned by Bruce R. and Marrienne C. Williamson to perform work including relocating a portion of the pool enclosure with fencing and paving certain areas inside the fence and to replace five metal storm/screens combinations to wood frame storm sewer combination and to mount a small spot light on the garage to illuminate the U. S. Flag in front of the garage on Edgewood Avenue and replace the flood light

mounted on the front of the home all as described in the application and documents on file and specific materials set forth there in.

AND WHEREAS, the Historic Preservation Commission duly called a public hearing to consider the matter on August 25 , 2016

AND WHEREAS the necessary legal notice was published and required sign posted pursuant to Town code.

AND WHEREAS the public hearing was held and all persons having an interest in such matter having an opportunity to be heard therein.

AND WHEREAS, the Historic Preservation Commission hereby determines pursuant to the factors set forth under section 224-5 of the Town Code that the above proposed and described work to the subject property is consistent with the purposes of the Town's Historic Preservation Law and compatible with the property's historic character based upon the review of the application and documents on file were received at the public hearing and the testimony presented in the public hearing.

IT IS HEREBY RESOLVED that the Historic Preservation Commission hereby receives and files the above described application and supporting materials

AND IT IS FURTHER RESOLVED that the Historic Preservation Commission hereby approves the application of 8H-01-16 for a certificate of appropriateness for the above described work to be performed at the property located at 484 French Road and subject to the further condition that the applicant comply with all provisions of the Town's Comprehensive Development regulations and apply for all approvals and variances as required pursuant to Town code'

AND BE IT FURTHER RESOLVED that pursuant to Chapter 224 of Town Code and the described work qualifies for exemption set forth in the New York Real Property law section 441-A

MR. WHITAKER: So moved.

MS. VANDERLINDE: Second.

UPON ROLL CALL VOTE	MOTION CARRIED
Mr. Page Yes	Mr. Ludwig Yes.
Ms. Vanderlinde Yes	Mr. Whitaker Yes
Mr. DelVecchio Yes	Ms. Robinson Yes

HARDSHIP APPLICATIONS

NONE

MR. CHAIRMAN: The public hearings are closed.

NEW BUSINESS

1300 French Road

MR. PAGE: It is hereby resolved pursuant to 224.5 of the Town Code that the Historic Preservation Commission is to contact in writing the owner of 1300 French Road for the purposes of formally notifying them of consideration for designation under Chapter 224.5 of Town code for full designation.

MR. WHITAKER: Second.

UPON ROLL CALL VOTE	MOTION CARRIED
Mr. Page Yes	Mr. Ludwig Yes.
Ms. Vanderlinde Yes	Mr. Whitaker Yes
Mr. DelVecchio Yes	Ms. Robinson Yes

HOURS FOR OPEN FORUM AND PUBLIC HEARINGS

MR. GORDON: I would like to propose that we hear the public hearings at 7:15 since many times we have no one for open forum and we can hear the public hearings at 7:15 as well. I would also like to mention that I work with Ms. Robinson and it has nothing to do with her here and I don't believe there is a conflict.

MR. PAGE: I will make a motion to have 7:15 for open forum as well as the public hearings.

MR. WHITAKER: Second.

UPON ROLL CALL VOTE	MOTION CARRIED
Mr. Page Yes	Mr. Ludwig Yes.
Ms. Vanderlinde Yes	Mr. Whitaker Yes
Mr. DelVecchio Yes	Ms. Robinson Yes

OLD BUSINESS

None

PRESENTATIONS

NONE

ANNOUNCEMENTS

NONE

MR. CHAIRMAN: Can I have a motion to adjourn?

MS. VANDERLINDE: So moved.

MR. PAGE: Second.

MR. CHAIRMAN: The meeting is adjourned.

CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the August 25, 2016 Meeting of the Town of Brighton's Historic Preservation Commission at 2300 Elmwood Avenue, Brighton, New York, is a true and accurate transcription of those notes to the best of my ability as recorded and transcribed by me.

Judy Almekinder

Judy Almekinder

Judy Almekinder

On this *17* day of *September* in the year 2016, before me personally came Judy Almekinder to me known, and known to me to be the person described herein and who executed the foregoing instrument, and she acknowledges to me that she executed the same.

David Marcus

Notary Public

David Marcus
Notary Public - State of New York
Qualified in Monroe County
No. 01MA6327113
Commission Expires *6/29/2019*