

Proceedings held before the Historic Preservation Commission of of Brighton at 2300 Elmwood Avenue, Rochester, New York held on November 16, 2017 commencing at approximately 7:30 p.m.

PRESENT: Jerry Ludwig
John Page
Wayne Goodman
Justin DelVecchio
Diana Robinson

NOT PRESENT: Arlene Vanderlinde
David Whitaker
Kenneth W Gordon, Town Attorney
Mary Jo Lanphear, Town Historian

Ramsey Boehner, Town Planner

FIRE ALARM PROCEDURES WERE ANNOUNCED

MR. CHAIRMAN: I would like to call the November 16, 2017 meeting to order. We do not have minutes to approve. I would ask for a motion to approve the agenda.

MR. PAGE: I so move.

MS. ROBINSON: Second.

UPON ROLL CALL VOTE MOTION ANOUNIMOUSLY CARRIED

Mr. Page	Yes	Mr. Ludwig	Yes.
Mr. Goodman	Yes	Ms. Robinson	Yes
Mr. DelVecchio	Yes.		

MR. CHAIRMAN: Was this meeting properly advertised?

MR. BOEHNER: Yes, it was properly advertised in the Brighton Pittsford Post of November 2, 2017

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

COMMUNICATIONS

NONE

DESIGNATION OF LANDMARKS

NONE

CERTIFICATE OF APPROPRIATENESS

11H-01-17 Application of Jerome Ludwig & Sara Rockwell, owners of property at 2940 East Avenue, tax number 138.05-1-71, for a certificate to remove a decayed and damaged maple tree. All as described on application and documents on file.

MR. LUDWIG: I will ask John to take over the meeting at this time and I will say what I need to say.

MR. PAGE: Certainly.

MR. LUDWIG: For the record I am Jerome Ludwig, and Sara Rockwell who is not here this evening, we are the owners of 2140 East Avenue. We have a large Silver Maple right behind our house that has been there since the house was built. It's been cabled when we first moved in and there have been a number of branches that have come down and gone around and one by one they got removed. And then in March of this year when we had the wind storm we lost half the tree and fortunately it missed the carriage house and it's time to take it down. I don't want to because it has provided a lot of shade for the back of the house but its time, its decayed as you see from the letter, it needs to go. So any questions? You are all welcome to show up if you need any fire wood.

MR. BOEHNER: The only thing I am going to say is that in your situation with the trees are interesting especially with the dangers because you do want to get them out of there. There are violations of the code about falling on the structures as this letter properly says. And I am just saying and maybe this is for afterwards I tend to go after the trees and say you don't have to come in but because of Jerry's position on this Commission I asked him to come in. But normally if something is this bad I would say you need to take that tree down. I just wanted to say why did you have Jerry come in and it is just because of his standing. There is also a letter that we received that I just gave to you from Thomas Letchner of Clover Landscape, dated November 14, 2017 describing the condition of the tree and the danger it is to the property owners.

MR. LUDWIG: He has been here previously and in March when it went down. The cables just broke and there is still a chunk going this way on the top with a cable on it so it is a danger. Any questions?

MR. PAGE: I don't have any. Does anyone else. Not hearing any I will close the hearing.

MR. BOEHNER: I do have a motion

WHEREAS, application 11H-01-17 has been submitted for a certificate of appropriateness under the Town's Historic Preservation Law to remove a decayed and damage Maple tree located at 2940 East Avenue Monroe Avenue in the Town of Brighton, owned by Jerome Ludwig and Sara Rockwell

AND WHEREAS, the Historic Preservation Commission duly called a public hearing to consider such matter which hearing was duly held on November 16, 2017 at Brighton Town Hall at 2300 Elmwood Avenue in the Town of Brighton.

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

AND WHEREAS, the Historic Preservation Commission finds that based on review of the application and testimony at such hearing and the

materials submitted with such application and having considered the matters set forth under section 224-5 of the Town Code.

BE IT RESOLVED that application 11H-01-17 for a certificate of appropriateness for property located at 2940 East Avenue together with the attachments submitted with the application be received and filed

IT IS HEREBY RESOLVED, that the Historic Preservation Commission hereby approves application 11H-01-17 for a certificate of appropriateness UNDER 11h-01-17

AND BE IT FURTHER RESOLVED that the Historic Preservation Commission hereby approves the application of at the property located at 1470 Monroe Avenue in the Town of Brighton subject to the condition that the work be completed within one year of this approval

MR. PAGE: Would someone like to make that motion?

MR. GOODMAN: So moved.

MR. DELVECCIO: Second.

UPON ROLL CALL VOTE MOTION ANOUNIMOUSLY CARRIED

Mr. Page	Yes		
Mr. Goodman	Yes	Ms. Robinson	Yes
Mr. DelVecchio	Yes.		

* MR. LUDWIG TOOK OVER THE MEETING AT THIS POINT

HARDSHIP APPLICATIONS

NONE

MR. CHAIRMAN: The public hearings are closed.

NEW BUSINESS

2801 East Avenue for Demolition of shed on property that has been surveyed but has not been designated. Removal of the property from the adopted list of surveyed properties that have not been designated.

MR. CHAIRMAN: Would you like to come up and introduce yourselves?

MR. TICKLE: Hi, everybody I am Scott Tickle and this is my wife Erica. We are the new proud owners of 2801 East Avenue. I have some little packets of information that should help you to address any concerns or questions that anybody might have.

MR. PAGE: Can we address the two issues independently?

MR. CHAIRMAN: Well, the interesting thing about this is that – Ramsey do you want to give us a little background here? Because the Dollinger's who lived here came in and asked that it be removed and at that time we agreed with the concerns about the wall in front.

MR. BOEHNER: Yes, there is vinyl siding and other things about that house and the concern was the wall that runs along the front of that property at that time we did not know where that wall was located. And the Commission said at that time they had no interest in designating the property except for the wall. At that meeting I had express I did not think that wall was on the property but I don't have a survey. He has the survey and he e-mailed it to me. In that survey there were tie pins which he went out and found and I don't know how he did that but he found them along the road. And I was able to go out and measure to verify the survey and the survey was pretty detailed and showed other features of the property including other walls. So there was a wall on the property and it should have been shown on the survey and I did go out and measure from the stake and found that the wall is two to three feet setback off the property line and the right of way. So the wall is not on their property and I was able to go out and verify that.

MR. CHAIRMAN: So given our previous discussion as long as the wall is outside the property I see no reason why this can not be removed from the designated list. In fact we have several properties which we will be talking about that we have visited in the past and at some point we will also suggest maybe they be removed from the designated list as well.

MR. BOEHNER: There are two items the removal of the shed which the need permission for and the second item is removing it from the list.

MR. CHAIRMAN: Well if we remove it from the list they won't need permission to remove the shed. I know the shed is architecturally significant and being a car guy I know garages are more significant than sheds.

MR. TICKLE: Does anyone have any questions or need anything I can provide? What required the approval of the demolition if it wasn't designated?

MR. BOEHNER: Because we did a bunch of surveys and there are quite a few properties that have been surveyed that have not been designated. And if we have a survey on the property that has not been designated if you demolish a wall of that structure or take down any other structures you have to come to this Board first to verify do you want it designated or not? So we do have to work on the list because there are other properties that we are holding.

MR. TICKLE: I understand. It is the list of designated properties that we carry through

MR. BOEHNER:

MR. CHAIRMAN: Once you are on the list even though you are not designated you still have to come before the tribunal here.

MR. TICKLE: Okay.

MR. PAGE: If we are going to do the shed lets just do the shed and then we will talk about the other question.

MR. CHAIRMAN: Ramsey, do you want to make a motion on the shed?

MR. BOEHNER: I will move the shed located at 2801 does not meet the criteria under section 224-3 of the Town of Brighton's Comprehensive Development Ordinance of that and may be removed from the property.

MR. PAGE: I will make that motion.

MR. GOODMAN: Second.

UPON ROLL CALL VOTE MOTION ANOUNIMOUSLY CARRIED

Mr. Page	Yes	Mr. Ludwig	Yes.
Mr. Goodman	Yes	Ms. Robinson	Yes
Mr. DelVecchio	Yes.		

MR. CHAIRMAN: We all have a letter from Mary Jo who is not here to defend herself tonight but-

MR. BOEHNER: I did call her to let her know that this was on and to let her know I did have a survey because she was worried about the law and I was worried about the wall being on the property.

MR. PAGE: The house has a fair amount of significance and that has one great architectural feature that is visible and than you have the windows. So you have the best group here for making this –

MR. GOODMAN: I just have a question, so if the new garage is constructed what will happen?

MR. TICKLE: Nothing.

MR. PAGE: It's a free standing building.

MR. GOODMAN: One of my comments would be part of the architectural integrity is the attachment of this two car garage that we see? So my question was if you are building another two car garage I was wondering if you have plans on demolishing this which would return the home back into a more of a –

MS. TICKLE: The upper part is part of a living room and part of a kitchen.

MR. GOODMAN: Fair enough.

MS. ROBINSON: What is the year of this house?

MR. TICKLE: Well this is the center of the house and then this is added and this is added and the back has been bumped out as well. What is there that was there is the front wall.

MR. PAGE: It is a beautiful house the porches and all.

MR. BOEHNER: The date of initial construction is 1902 to 1910 and the additions are 1950.

MR. CHAIRMAN: Any questions or concerns?

MR. PAGE: I told you to keep the front porch because it is so nice.

MR. CHAIRMAN: What they are going to do with East Avenue is make it two lanes with a center passing lane and a bike lane. Any other questions would anyone like to discuss anything on this? Okay the hearing is closed. Ramsey would you like to make a motion on this?

MR. BOEHNER: I would like to move that the property located at 2801 East Avenue be removed from the adopted list of surveyed properties that have not been designated. A yes vote is to have it removed.

MR. PAGE: I will make the motion.

MR. GOODMAN: Second.

UPON ROLL CALL VOTE MOTION UNANIMOUSLY CARRIED

Mr. Page	Yes	Mr. Ludwig	Yes.
Mr. Goodman	Yes	Ms. Robinson	Yes
Mr. DelVecchio	Yes.		

MR. CHAIRMAN: The public hearings are closed.

Comprehensive Plan draft Policy and Land Use Recommendation –

HELD OVER

OLD BUSINESS

NONE

PRESENTATIONS

NONE

ANNOUNCEMENTS

MR. CHAIRMAN: I will not be here for the December meeting, John would you care to Chair?

MR. PAGE: I won't be here for the 28th of December.

MR. BOEHNER: There may not be a meeting on the 21st or the 28th of December but we will know better after the 28th of November. So we will leave it open for now.

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

MR. PAGE: So moved.

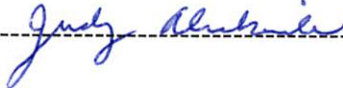
MR. GOODMAN: Second.

MR. CHAIRMAN: The meeting is adjourned.

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CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road, Lyons, New York 14489, do hereby state that the minutes of the November 16, 2017 meeting of the 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

On this *16* day of *December* in the year 2017, 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.



Notary Public

MARCY L. MITCHELL
Notary Public, State of New York
Qualified in Wayne County
No. 01MI6281958
Commission Expires May 13, 20*21*

MARCO L. MITCHELL
Notary Public, State of New York
Qualified in Wayne County
No. 01M8291258
Commission Expires May 13, 2011