

1 Historic Preservation Commission of Brighton 1/24/19

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PROCEEDINGS HELD BEFORE THE HISTORIC PRESERVATION
COMMISSION OF BRIGHTON AT 2300 ELMWOOD AVENUE, ROCHESTER, NEW
4 YORK ON JANUARY 24TH, 2019 AT APPROXIMATELY 7:15 P.M.

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January 24th, 2019
Brighton Town Hall
2300 Elmwood Avenue
7 Rochester, New York 14618

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PRESENT:

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JERRY LUDWIG, CHAIRPERSON
JUSTIN DELVECCHIO
AMANDA L. DREHER
JOHN PAGE
DIANA ROBINSON
12 DAVID WHITAKER

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NOT PRESENT:
WAYNE GOODMAN

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MARY JO LANPHEAR
Town Historian

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KEN GORDON, ESQ.
Town Attorney

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RAMSEY A. BOEHNER
Town Planner

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

1 Historic Preservation Commission of Brighton 1/24/19

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3 CHAIRPERSON LUDWIG: I'd like to call the
4 meeting to order. Would you call the roll please, Ramsey?

5 MR. BOEHNER: Goodman is absent.

6 CHAIRPERSON LUDWIG: May I have an approval of
7 the agenda please?

8 MR. WHITAKER: So moved.

9 MR. PAGE: Second.

10 CHAIRPERSON LUDWIG: All in favor?

11 ALL COUNCIL MEMBERS: Aye.

12 CHAIRPERSON LUDWIG: Stands approved. We have
13 minutes from November 15th, any corrections or additions?

14 MS. DREHER: I saw one typo on the first page,
15 minutes was repeated at the bottom of the first page, the
16 word minutes.

17 CHAIRPERSON LUDWIG: Anything else? Motion to
18 approve?

19 MR. WHITAKER: So moved.

20 MS. ROBINSON: Second.

21 CHAIRPERSON LUDWIG: All in favor?

22 ALL COUNCIL MEMBERS: Aye.

23 CHAIRPERSON LUDWIG: Minutes stand approved.

24 Was this meeting properly advertised?

25 MR. BOEHNER: Yes, it was properly advertised

1 Historic Preservation Commission of Brighton 1/24/19

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3 in the Brighton Pittsford Post of January 10, 2019.

4 CHAIRPERSON LUDWIG: The meeting as duly
5 advertised will now be held. We have no communications, the
6 first item on the agenda.

7 APPLICATION 1H-01-19

8 1H-01-19 Application of Mary Jo Lanphear, Town
9 Historian, for property owned by J. Nelson Thomas, at
10 2351 East Avenue, tax number 122.20-1-23, for landmark
11 designation. All as described on application and documents
12 on file.

13 CHAIRPERSON LUDWIG: Is there anyone here to
14 speak on that? Okay.

15 MR. BOEHNER: Mary Jo did talk --

16 MR. GORDON: Mary Jo has a memo.

17 CHAIRPERSON LUDWIG: Yes.

18 MR. BOEHNER: Mary Jo also did speak to
19 someone that called on behalf of the property.

20 MS. LANPHEAR: A lawyer for Nelson Thomas and
21 David Sinise called me two weeks ago and wanted to know about
22 the process and so forth, and they don't seem to have any
23 objection.

24 MR. BOEHNER: They also called me and I did
25 call them back, but I think they spoke to Mary Jo and did not

1 Historic Preservation Commission of Brighton 1/24/19

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3 call me back.

4 CHAIRPERSON LUDWIG: Well, he owns the
5 property. His office is in the preservation district so he's
6 probably not ultimately familiar with the process.

7 MS. LANPHEAR: Right. They had questions
8 about paint and I said this Board didn't have any issues with
9 paint color, that we thought he did a good job about the
10 lights and so forth. And he's been in touch with Megan
11 MacKenzie, the MacKenzie children. So he's familiar with the
12 family and so forth, the large family that lived there for so
13 long.

14 MR. WHITAKER: Very well maintained.

15 MS. LANPHEAR: Right. My son was just a year
16 younger than their youngest child, Blair, so there was a lot
17 of back and forth between our families.

18 CHAIRPERSON LUDWIG: I think we do need to
19 make sure that it is continued to be know as the -- or
20 MacKenzie is part of the title of the house. They were
21 certainly there a long time.

22 MS. LANPHEAR: We were just talking about
23 that, David and I, because his wife was Finucane, and the
24 Finucanes only had the house for five years before
25 Mr. Finucane died in a plane crash. And the Formans lived

1 Historic Preservation Commission of Brighton 1/24/19

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3 there for a very long time.

4 CHAIRPERSON LUDWIG: And the MacKenzie's got
5 it from the Formans?

6 MS. LANPHEAR: No. In the interim it was
7 owned by a Collier, and then it went to MacKenzie.

8 CHAIRPERSON LUDWIG: Certainly, it's in my
9 opinion anyway, I'm certain we've talked about this for some
10 time and it certainly deserves a designation and the Nelson
11 Thomas' have done a great job maintaining the property and
12 renewing it where necessary.

13 MR. GORDON: So it's going to be known as the
14 Forman-MacKenzie property?

15 CHAIRPERSON LUDWIG: Yes. Any questions,
16 comments? Anyone in the audience that wants to speak to
17 this? Hearing none, I would like to close the Public Hearing
18 then.

19 MR. GORDON: And just as part of the Public
20 Hearing record, you do have Mary Jo's application which is
21 dated June 14th, of 2018; you have an original cultural
22 resources survey from 1999; you have an update to that survey
23 from May 18, 2018; and you have Mary Jo's most recent
24 memorandum dated December 20th, 2018, all as part of the
25 public record.

1 Historic Preservation Commission of Brighton 1/24/19

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CHAIRPERSON LUDWIG: Great. Any comments?
Then would you like to prepare a motion?

MR. GORDON: I will offer the following to be moved by a member of the Board: Whereas Application 1H-01-19 has been submitted for the designation of 2351 East Avenue, in the Town of Brighton, County of Monroe, State of New York, tax map number 122.20-1-23, as a landmark under the Town's Historic Preservation Law. And whereas the Historic Preservation Commission duly called a Public Hearing to consider such designation.

This Public Hearing was duly held on January 24, 2019, and all persons having interest in such matter having had an opportunity to be heard therein, and whereas based on the materials submitted at and testimony at the Public Hearing, including the materials contained in the application by Town Historian Mary Jo Lanphear dated June 14, 2018; the original cultural resources survey from 1999, by Cynthia Howk, of the Landmark Society of Western New York; the update to the cultural resources survey dated May 18, 2018, by Katie Eggers Comeau of Bero architecture; and a memorandum dated December 20, 2018, from Town Historian Mary Jo Lanphear. The Historic Preservation Commission finds that the subject property possess such historic value based

1 Historic Preservation Commission of Brighton 1/24/19

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3 upon the fact that the house is an impressive example of
4 Tudor revival style of architecture and is additionally
5 significant for this association, especially with the
6 Finucane and Forman families, and was designed by a
7 well-known Syracuse architect Ward Wellington Ward.

8 It is hereby resolved that the Town of
9 Brighton application 1H-01-19 for designation as a landmark
10 of 2351 East Avenue, tax map number 122.20-1-23. Together
11 with the referenced cultural resources survey, application,
12 update to the survey, and memorandum dated December 20, 2018,
13 are hereby received and filed. And we further resolve that
14 the Historic Preservation Commission hereby designates the
15 above referenced subject property to be known as the Forman-
16 MacKenzie house located at 2351 East Avenue, in the Town of
17 Brighton, County of Monroe, and State of New York as a
18 historic landmark pursuant to Chapter 224 of the Town Code,
19 based on the Commission's above articulated findings
20 regarding the historic value of the subject property and it's
21 association with the social, cultural, political, and
22 economic history of the town.

23 CHAIRPERSON LUDWIG: Thank you. Would someone
24 like to put forth the motion?

25 MS. DREHER: I'll move.

1 Historic Preservation Commission of Brighton 1/24/19

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3 MR. WHITAKER: Second.

4 CHAIRPERSON LUDWIG: Thank you. Amanda puts
5 forth the motion, David seconded. Any discussion? Ramsey,
6 would you like to call the roll?

7 MR. BOEHNER: Mr. Ludwig?

8 CHAIRPERSON LUDWIG: Yes.

9 MR. BOEHNER: Ms. Robinson?

10 MS. ROBINSON: Yes.

11 MR. BOEHNER: Mr. DelVecchio.

12 MR. DELVECCHIO: Yes.

13 MR. BOEHNER: Mr. Whitaker?

14 MR. WHITAKER: Yes.

15 MR. BOEHNER: Mr. Page.

16 MR. PAGE: Yes.

17 MR. BOEHNER: Ms. Dreher?

18 MS. DREHER: Yes.

19 MR. BOEHNER: Motion passes, it's designated
20 as a landmark.

21 CHAIRPERSON LUDWIG: Okay. Thank you all.

22 No certificates of appropriateness, no
23 hardship applications, Public Hearings are now closed.

24 New business, demolition review 1550 Elmwood
25 Avenue. We've already heard Mr. Kerry about that. Any

1 Historic Preservation Commission of Brighton 1/24/19

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3 questions before we . . .

4 MR. PAGE: No questions.

5 CHAIRPERSON LUDWIG: Vote on that?

6 MR. BOEHNER: The motion would be to authorize
7 me as secretary to draft and submit the letter to the
8 Planning Board letting them know that you will now be
9 scheduling this matter for a hearing of the designation.

10 CHAIRPERSON LUDWIG: Exactly, thank you,
11 Ramsey. Yes means no, so we are voting that Ramsey send a
12 letter that says we have no objections to the demolition. Do
13 you want to call the roll?

14 MR. BOEHNER: Do I have a motion?

15 MR. PAGE: I make that motion.

16 MR. DELVECCHIO: Second.

17 MR. BOEHNER: Mr. Ludwig?

18 CHAIRPERSON LUDWIG: Yes.

19 MR. BOEHNER: Ms. Robinson?

20 MS. ROBINSON: Yes.

21 MR. BOEHNER: Mr. DelVecchio.

22 MR. DELVECCHIO: Yes.

23 MR. BOEHNER: Mr. Whitaker?

24 MR. WHITAKER: Yes.

25 MR. BOEHNER: Mr. Page.

1 Historic Preservation Commission of Brighton 1/24/19

2

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MR. PAGE: Yes.

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MR. BOEHNER: Ms. Dreher?

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MS. DREHER: Yes.

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MR. BOEHNER: Motion passes.

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CHAIRPERSON LUDWIG: Any other new business?

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9 Under old business we have 285 Council Rock
10 Avenue, which has been under old business for some time. So
11 you saw how that worked, right? We received one
12 communication saying that this was probably not the ideal.
13 If we were to designate a Don Hershey house we might look a
14 little farther. So what I was going to say is we remove this
15 from the old business category. Does anybody have any
16 objection?

16

MR. BOEHNER: The question I have, should it
17 be removed from our list of properties.

18

CHAIRPERSON LUDWIG: Okay.

19

20 MR. BOEHNER: Because we do have a list of
21 properties that we're not going to pursue, would ask this
22 Board to give a consideration.

22

23 CHAIRPERSON LUDWIG: Does anybody have an
24 objection to removing this from our list of properties?

24

25 MR. GORDON: We should have a motion to vote
on that.

1 Historic Preservation Commission of Brighton 1/24/19

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CHAIRPERSON LUDWIG: Would someone like to
4 make a motion to remove this from our list of properties?

5

MR. DELVECCHIO: I move.

6

MS. ROBINSON: I will second that.

7

CHAIRPERSON LUDWIG: Thank you.

8

MR. BOEHNER: Mr. Ludwig?

9

CHAIRPERSON LUDWIG: Yes.

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MR. BOEHNER: Ms. Robinson?

11

MS. ROBINSON: Yes.

12

MR. BOEHNER: Mr. DelVecchio.

13

MR. DELVECCHIO: Yes.

14

MR. BOEHNER: Mr. Whitaker?

15

MR. WHITAKER: Yes.

16

MR. BOEHNER: Mr. Page.

17

MR. PAGE: Yes.

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MR. BOEHNER: Ms. Dreher?

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MS. DREHER: Yes.

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MR. BOEHNER: Motion passes.

21

CHAIRPERSON LUDWIG: Anything else we should
22 looking at, folks?

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Mary Jo and I did sit down and we came up with
24 a, I probably shared as well, a sort of a matrix to figure
25 out other properties we should attack next. One is obviously

1 Historic Preservation Commission of Brighton 1/24/19

2

3 their architectural sensitivity with the other thing we
4 conclude, the social things and all of that, but also
5 potential threats and what are in good hands. So we will --
6 in cruising around if you come up with other ideas between
7 now and next month.

8 MR. PAGE: Well, these are ones that are on
9 the list.

10 CHAIRPERSON LUDWIG: Yes.

11 MR. PAGE: I think we had that discussion. We
12 should do at least two to one.

13 CHAIRPERSON LUDWIG: Well, we should be doing
14 that, unfortunately -- oh, we've got Stoneham Road. Do we
15 have anything on that? Do we have a survey?

16 MS. LANPHEAR: We don't have a survey on that,
17 no. But we have information on it.

18 MR. PAGE: Is that a real estate thing that
19 you were holding up?

20 MS. LANPHEAR: Yes, it is.

21 CHAIRPERSON LUDWIG: I brought this up some
22 time ago when it was for sale and at that time there was
23 something else that was sort of inferior with this. I don't
24 know, Mr. Attorney, do we need a survey to --

25 MR. GORDON: (Moving head up and down.)

1 Historic Preservation Commission of Brighton 1/24/19

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3 CHAIRPERSON LUDWIG: Yes, we do. And what's
4 our funds situation?

5 MR. GORDON: The technical answer is no, you
6 don't need a survey. But I would strongly recommend that you
7 always have a survey because that is the usual process, and
8 it provides a much better record.

9 MS. LANPHEAR: I did a draft application back
10 in March of 2017, and it's a Ball Hackett house, Jon Garrett
11 was the builder so it's a good one.

12 CHAIRPERSON LUDWIG: What's our survey funds
13 situation, Ramsey?

14 MR. BOEHNER: We have all of the money for
15 2019. I have to go to the Town Board to authorize them to
16 renew the current contract. They allow us the right to have
17 it renewed.

18 CHAIRPERSON LUDWIG: John.

19 MR. PAGE: So if we were interested in a
20 property is there a level that says we are interested in a
21 property and thus it gets flagged as a property that we would
22 be given an opportunity to think about if something was
23 planned?

24 MR. GORDON: So yes, in two regards, but
25 they're different. First, if 50 percent or more of the

1 Historic Preservation Commission of Brighton 1/24/19

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3 structure is going to be demolished, is that the standard,
4 Ramsey?

5 MR. BOEHNER: Yes.

6 MR. GORDON: Then of course, they need to come
7 to you for that and flag the property. Absent somebody
8 demolishing 50 percent or more of the property, in order to
9 protect it if you will, you would have to at least have a
10 survey, so as soon as it gets flagged it's on the official
11 list. And then really, in terms of protecting the property
12 the only thing that really starts that protection is when the
13 initial letter -- not even the initial, the letter of intent
14 to designate is sent to the property owner.

15 MR. BOEHNER: It's then scheduled for a
16 hearing. We notify them that we are scheduling it for a
17 hearing.

18 MR. PAGE: Okay.

19 CHAIRPERSON LUDWIG: I would say before we
20 move to that step, let's look at the list and see if there's
21 anything else.

22 CHAIRPERSON LUDWIG: Is there anything --
23 well, let's look at that. I know it's a pet of yours, but is
24 it anything different than any other Tudor?

25 MS. LANPHEAR: No, except for the family.

1 Historic Preservation Commission of Brighton 1/24/19

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3 CHAIRPERSON LUDWIG: Right, as is the one you
4 just designated.

5 MS. LANPHEAR: But this one, they've lived in
6 the house a lot longer. They lived in the MacKenzie house
7 for five years.

8 CHAIRPERSON LUDWIG: Okay. We already have a
9 survey on that, right?

10 MS. LANPHEAR: Yes.

11 MS. DREHER: We have an update as well? I'm
12 looking at a list here that says that was updated in 2009?
13 So we have one from 1999 and one from 2009?

14 MS. LANPHEAR: I don't have the folder.

15 CHAIRPERSON LUDWIG: I wish I felt differently
16 about it, even though I rented the garage for three years.

17 MR. GORDON: According to my notes the last
18 two updates that were authorized were 2351, this one just
19 designated, and the 285 Council Rock we took off the record.

20 MR. BOEHNER: Yes, I think we've exhausted at
21 least the current list. What I was going to suggest under
22 new business I would put up discussion of properties to be
23 surveyed, designated, or surveys to be updated. And you guys
24 need to come because usually we start with a list of
25 properties we want to have an updated survey.

1 Historic Preservation Commission of Brighton 1/24/19

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3 CHAIRPERSON LUDWIG: Would you put that on the
4 agenda for next month?

5 MR. BOEHNER: I will suggest that.

6 MR. GORDON: And then with respect to getting
7 authorization from the Town Board.

8 MR. BOEHNER: I do have to do that, Ken.

9 MR. GORDON: My question is --

10 MR. BOEHNER: Unless it's changed.

11 MR. GORDON: -- I don't remember whether the
12 last time we got authorization from the Town Board we did a
13 renewal without the need to go back to the Town Board?

14 MR. BOEHNER: I would have to look into it.

15 MR. GORDON: See if you can look at the
16 contract that we have and see if it allows for a renewal of
17 that, again, without going back to the Town Board.

18 MR. BOEHNER: I don't know if it says about
19 the Town Board. It certainly says about the renewal, but I
20 don't know if it talks about not having --

21 MR. GORDON: Well, if the Town Board approves
22 a contract that says it will be renewed at the Town's
23 discretion without -- that's the whole purpose.

24 MR. BOEHNER: And that's why I will check that
25 and I will follow up with you just to make sure I don't have

1 Historic Preservation Commission of Brighton 1/24/19

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3 to go back, or either way if I do I will go to the Town Board
4 and get the renewal.

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CHAIRPERSON LUDWIG: I would like to hold back
some funds in case something comes up for demolition review
that we have no idea.

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MR. GORDON: Right. We just want to make sure
that when you say, okay, go do it, that we already have the
contract or it's lined up to do.

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CHAIRPERSON LUDWIG: Yes.

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MS. DREHER: And for me, as a new member, can
you give an idea of how many we can afford to do a year?

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MR. GORDON: A lot less than you would like.

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MR. BOEHNER: The Town Board did give us a
little bit more money to do surveys two years ago.

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MS. LANPHEAR: 3,800 as opposed to 2,600.

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CHAIRPERSON LUDWIG: Per year.

MR. GORDON: One new survey costs roughly
\$1,200 and an update costs roughly 5- or \$600. So with your
budget --

MR. BOEHNER: And we always leave some money
towards the end of the year just in case.

MR. GORDON: Yes. You never want to spend it
down early in the year below that \$1,200 limit in case a

1 Historic Preservation Commission of Brighton 1/24/19

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3 property suddenly comes to someone's attention that is
4 suddenly at risk and you wanted to get out and survey it and
5 get it done quickly.

6 MS. DREHER: That makes sense.

7 CHAIRPERSON LUDWIG: Exactly. Okay. Do you
8 all have your list of properties that are surveyed?

9 MS. DREHER: I have a list of the properties
10 that are surveyed, but not designated.

11 CHAIRPERSON LUDWIG: Okay, great. So next we
12 will put that on the agenda for next month. Anything else we
13 need to chat about tonight?

14 Motion to adjourn.

15 MR. WHITAKER: So moved.

16 MR. DELVECCHIO: Second.

17 CHAIRPERSON LUDWIG: All in favor?

18 ALL COUNCIL MEMBERS: Aye.

19 CHAIRPERSON LUDWIG: Thank you, all.

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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 13th day of February, 2019.

At Rochester, New York


Rhoda Collins