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B R I G H T O N
H I S T O R I C
P R E S E R V A T I O N
C O M M I S S I O N

November 19th, 2020
At approximately 7:15 p.m.
Brighton Town Hall Zoom meeting
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JERRY LUDWIG, CHAIRPERSON

AMANDA L. DREHER)
WAYNE GOODMAN)
JOHN PAGE)
DIANA ROBINSON) BOARD MEMBERS
DAVID WHITAKER)

MARY JO LANPHEAR
Town Historian

KEN GORDON, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

NOT PRESENT:
JUSTIN DELVECCHIO

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

1 BRIGHTON HISTORIC PRESERVATION COMMISSION 11/19/2020

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3 CHAIRPERSON LUDWIG: If there's anyone to
4 speak at the open forum please raise your hand.

5 Well, I guess not.

6 MR. WHITAKER: I can't see.

7 CHAIRPERSON LUDWIG: Well, we'll --

8 MR. BOEHNER: I don't see anyone raising their
9 hand at this time. We are going to wait about five minutes
10 or so and I think we will be able to start the meeting when
11 the attorney and other members join us.

12 CHAIRPERSON LUDWIG: That's fine.

13 MR. BOEHNER: I think we have no one in the
14 meeting, so if everyone can be patient we will get started in
15 a few minutes.

16 (There is a short pause in the proceedings.)

17 MR. BOEHNER: All right. Jerry, I think we're
18 ready to get this show rolling.

19 CHAIRPERSON LUDWIG: Okay, very good.

20 MR. BOEHNER: Would you like to call the
21 meeting to order?

22 CHAIRPERSON LUDWIG: I would like to. So, I
23 will call the meeting to order.

24 Mr. Secretary, will you please call the roll?

25 MR. BOEHNER: Member Dreher?

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MS. DREHER: Here.

4

MR. BOEHNER: Mr. Whitaker?

5

MR. WHITAKER: Here.

6

MR. BOEHNER: Mr. Goodman?

7

MR. GOODMAN: Here.

8

MR. BOEHNER: Mr. DelVecchio?

9

MR. BOEHNER: Ms. Robinson?

10

MS. ROBINSON: Here.

11

MR. BOEHNER: Mr. Ludwig.

12

CHAIRPERSON LUDWIG: Here.

13

MR. BOEHNER: Mr. Page just joined us.

14

MR. PAGE: Here.

15

MR. BOEHNER: Thank you, John.

16

Absent is Delvecchio, and we will keep our
17 eyes open for him and see if he joins us.

18

CHAIRPERSON LUDWIG: Motion to approve the
19 agenda?

20

MR. BOEHNER: Jerry, I believe we are all set
21 with the agenda. I have no other amendments.

22

CHAIRPERSON LUDWIG: Okay. Motion to approve?

23

MS. DREHER: I'll move.

24

MR. WHITAKER: Second.

25

CHAIRPERSON LUDWIG: All in favor?

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ALL COUNCILMEMBERS: Aye.

4

CHAIRPERSON LUDWIG: Those opposed?

5

(No verbal response.)

6

CHAIRPERSON LUDWIG: Approval of the minutes.

7

Did you all receive the minutes and had time to look through
8 them?

9

I have a few. Page 10, Line 20, it starts out
10 we're more and I think it should be what's more.

11

And then on Page 23, Line 21 and 24, it says
12 moister, and I believe it should be moisture.

13

Page 46, Line 6, glass would be runt, I think
14 run. Now, runt is an appropriate word if you live in
15 Virginia and something doesn't go well it's runt, but I think
16 the word here is run.

17

Page 56, Line 22, it says sticking. I am not
18 sure what that means, did anyone else catch that?

19

And Page 61, Line 4, minor grammatical, it
20 says you are, you're, and it should be your.

21

Anyone else?

22

MS. DREHER: I have two additional notes.

23

Page 54, I'm not sure if we know what this says, but it says,
24 and it's Line 10, and then the addition that is the entry and
25 the canopy over the entry is also a very slight slope that is

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3 dying into the steeper slope. I don't think dying is the
4 right word there, but I don't recall --

5 CHAIRPERSON LUDWIG: I think maybe it is.

6 MS. DREHER: Okay.

7 CHAIRPERSON LUDWIG: When something --

8 MR. PAGE: That's okay.

9 CHAIRPERSON LUDWIG: Okay, yes.

10 MS. DREHER: The only other one I had was
11 Page 69, Line 23, and destination should be designation.

12 And same error, Page 71, Line 25, it says
13 destination and it should be designation.

14 CHAIRPERSON LUDWIG: Okay. Anyone else?

15 Motion to approve as corrected?

16 MR. PAGE: I will make the motion.

17 CHAIRPERSON LUDWIG: Second, please.

18 MR. GOODMAN: Second.

19 CHAIRPERSON LUDWIG: All in favor?

20 ALL COUNCILMEMBERS: Aye.

21 MR. BOEHNER: Motion passes.

22 CHAIRPERSON LUDWIG: Okay, thank you, all.

23 Was this meeting duly advertised, Ramsey?

24 MR. BOEHNER: Yes, it was properly advertised
25 in the Brighton Pittsford Post of November 5, 2020.

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3 CHAIRPERSON LUDWIG: Well, that meeting as
4 duly advertised will now be held.

5 John is here so we can start with the order.
6 First item, 10H, certificate of appropriateness, 10H-01-20.
7 APPLICATION 10H-01-20

8 10H-01-20 Application of Robert Burke Jr. And
9 Charis Lee, owners of property at 106 Oak Lane, tax number
10 138.05-1-9, for a Certificate of Appropriateness to construct
11 a 335 s.f. addition. All as described on application and
12 documents on file.

13 CHAIRPERSON LUDWIG: Who is here to speak on
14 that?

15 MR. BOEHNER: We have a few people here,
16 Jerry, and we will start letting them in. We have Robert
17 Burke, Chris Hennessey and Charis Lee.

18 CHAIRPERSON LUDWIG: Okay. Whoever would like
19 to start it off, please state your name for the record.

20 CHRIS HENNESSEY: My name is Chris Hennessey,
21 I am the architect working on the project with Charis Lee.

22 CHAIRPERSON LUDWIG: Okay. You have the
23 floor.

24 CHRIS HENNESSEY: Thank you very much -- and
25 Robert Burke.

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4 So, my clients would like to construct an
5 addition to their home to enlarge their kitchen and to also
6 connect the existing family room, which is off the back part
7 of the house before the garage.

8

9 So it's a wing off the back of the house and
10 right now the family room is all by itself with only one way
11 to get into there, as well as there's only one way to get
12 into the kitchen. They're totally separated from each other.

13

14

15 So, my clients would like to connect those two
16 spaces and put an addition on the rear of their house. Oh,
17 there it is.

18

19

20 CHAIRPERSON LUDWIG: Okay. Let's see, anyone
21 else to speak?

22

23

24 I know John had some questions and suggestions
25 before at the last meeting. Also, I think also contacted
26 Miss Hennessy about some of his suggestions.

27

28

29 So, John, do you want to step in, or . . .

30

31 MR. PAGE: Well, yeah, I would be happy to --

32

33 CHAIRPERSON LUDWIG: Sure, whatever you want.

34

35 MR. PAGE: -- sort of review the thinking that
36 I had. First, I want to say I have no problem with the
37 program that you are suggesting. I think it's good for the
38 house to have a larger kitchen and good for the family room

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3 to be more open to everything. So, the reason for what
4 you're trying to do is, I think, you know, going to be very
5 good for the house.

6 What I found difficult was taking that program
7 and trying to force an architect to work on it when you have
8 such a difficult, for such a modest thing, such a difficult
9 task to try to make it work with the existing building and
10 the style of the house.

11 I think the aspect that I was most -- I found
12 most challenging was the proposal to put -- with how to make
13 the roofs work with one another, in some way. I am not sure
14 that I even see a way that it can work very easily.

15 But, the -- this style of house, it's very
16 difficult to have a low sloped roof on a house that has this
17 style. But then, because of the layout of the house and the
18 roofs that are there, the way they interact with the addition
19 that originally was put on the house very early, makes it
20 very difficult to come up with something.

21 So, there were two ways that seem like they
22 might work a little easier, and one was to create a parapet
23 and another was to carry a mansard around. They both
24 revolved around creating a flat roof portion, while having
25 roofs or canopies that were consistent with the style of the

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3 house.

4 The other thing that I thought was going to be
5 problematic for you was if you tried to make the addition
6 flush with the existing wall of the kitchen, primarily
7 because getting plaster to match at a new joint was going to
8 be very difficult on that. So I think that having some sort
9 of recess as is now shown is going to be useful for a number
10 of reasons.

11 And, so you now provided information about the
12 windows, you provided information about the doors, that I
13 think are very good. I'm -- so, what I'm feeling is that at
14 least plan wise and certain -- and the doors and the windows,
15 I have no problem with those.

16 And in looking at the addition, I am sort of
17 torn between, even though I think that it was something that
18 is worth considering, is that I might prefer stucco on the
19 addition to the board siding, but they're both appropriate
20 for the house. And then, I would be satisfied with either
21 the parapet as you have it indicated, or with a steeper slope
22 mansard that went around everything.

23 But, so, those are my comments at the moment.
24 I am pleased to see a solution that doesn't have the low
25 sloped roofs incorporated.

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3 CHRIS HENNESSEY: Agreed. And I think that
4 the flat roof maybe is a little better, just so that we don't
5 block any windows on the second floor.

6 MR. PAGE: Right. Well, that's part of the
7 geometry trying to work out that made it so tricky.

8 CHRIS HENNESSEY: Yes.

9 CHAIRPERSON LUDWIG: What I don't know -- this
10 may be stated somewhere, but I didn't see it. But are you
11 going to use the rubber membrane on the roof?

12 CHRIS HENNESSEY: Yes.

13 CHAIRPERSON LUDWIG: Okay. One thing I
14 mentioned to John is living in an old house myself, I don't
15 know how much insulation is on the upper roofs, but I think
16 you are going to end up with probably some snow dump on the
17 flat roof from above. I would plan on integrating some ice
18 melting cables on the upper gutters and also extending from
19 the flat roof into the stupors and down the downspouts.

20 We have a flat roof over our family room that
21 was added in the 80s, and the roof itself is fine, but we
22 felt we ended up needing ice cables for the two stupors on
23 the flat roof and down the downspouts.

24 So, as part of this, you might want to
25 consider an exterior receptacle located somewhere near the

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3 flat roof and the cables.

4 CHRIS HENNESSEY: Okay.

5 CHAIRPERSON LUDWIG: And preferably with a
6 switch inside.

7 CHRIS HENNESSEY: Yes.

8 CHAIRPERSON LUDWIG: Okay. And as far as the
9 boards go, I tend to agree with John. I mean, stucco would
10 be nice, but this way you don't have to worry about matching
11 the stucco.

12 CHRIS HENNESSEY: Right. And that entire
13 elevation right now is the vertical wood siding.

14 CHAIRPERSON LUDWIG: Okay. And that would be
15 what kind of material? Are you talking about a V joint or
16 just a flush joint tongue in groove?

17 CHRIS HENNESSEY: I think it's a tongue in
18 groove type.

19 CHAIRPERSON LUDWIG: And that would be cedar?

20 CHRIS HENNESSEY: Yes.

21 CHAIRPERSON LUDWIG: Okay.

22 MR. PAGE: I presume your intent is to match
23 the siding in there, that's there, in terms of the dimension
24 and --

25 CHRIS HENNESSEY: Correct.

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3 MR. PAGE: -- and detail and whatever color
4 everything ends up?

5 CHRIS HENNESSEY: Definitely, yes.

6 MR. GOODMAN: Hey, Jerry, one of my comments
7 is that, I almost tend to think that it's easier using those
8 vertical wood. It just seems like that's a easier match, I
9 would think than maybe going after a match on the stucco.

10 CHAIRPERSON LUDWIG: Yes.

11 MR. GOODMAN: And if you get a mismatch on the
12 stucco that could look really off. I'll tell you though, I
13 did want to just say that this is a good design. This is a
14 tough project. So, kudos to figuring all of this out.

15 CHAIRPERSON LUDWIG: I was going to say,
16 finding someone to do siding is going to be easier than
17 finding people to do the stucco. A lot of my associates are
18 either at or nearing retirement age and stucco is tricky,
19 very tricky. So I think stucco would have been nice, but I
20 think the wood will be fine.

21 MR. WHITAKER: I was going to say the same
22 thing as Jerry did. The problem of snow and ice on the flat
23 roof. The heating coil would resolve that.

24 CHRIS HENNESSEY: Yes.

25 CHAIRPERSON LUDWIG: Who else to speak?

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3 MS. ROBINSON: I have a question about the
4 door swing on the man door. Are they opening against the
5 wall?

6 CHRIS HENNESSEY: Oh --

7 CHAIRPERSON LUDWIG: Opening inward, isn't it?

8 CHRIS HENNESSEY: Yes, for sure opening
9 inward.

10 MS. ROBINSON: Okay, got it.

11 CHRIS HENNESSEY: Yeah, was that the question?

12 MS. ROBINSON: Yes, that was my question.

13 CHRIS HENNESSEY: Oh, yeah, yes.

14 CHAIRPERSON LUDWIG: John?

15 MR. PAGE: I don't have any other comments.

16 CHAIRPERSON LUDWIG: Okay. Anyone else?

17 CHARIS LEE: If I might, it's Charis. We are
18 actually thinking of doing some stucco, just that's been sort
19 of eaten away by some of the ivy. Do you have any
20 recommendations for someone who might be able to help with
21 that?

22 CHAIRPERSON LUDWIG: Maybe.

23 CHARIS LEE: Okay.

24 CHAIRPERSON LUDWIG: Why don't you e-mail
25 John. I don't know if John -- Jim Keane was very good. He's

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3 retired, but there is a stucco person -- hang on just a
4 second.

5 CHARIS LEE: It's okay, I can e-mail later.

6 CHAIRPERSON LUDWIG: I just wanted to, my
7 perfectly tidy desk, I found it --

8 MR. BOEHNER: That's why you don't clean up
9 the desk, Jerry. Once you clean it up you can't find
10 anything.

11 CHAIRPERSON LUDWIG: The only reason I wanted
12 to mention this is in case anyone else says that he's
13 retired. But he's done work for us and a few other people.

14 MR. GOODMAN: Jerry, I just wanted to mention
15 to Charis, if she wanted to get in touch with the Landmark
16 Society they would probably have some contractors as well.

17 CHARIS LEE: That sounds great, thank you.

18 CHAIRPERSON LUDWIG: You are members, aren't
19 you? If you are not, you should be.

20 Okay, Mike Dube -- doobie used to refer to
21 something else -- Mike is good. He's done some work for us.
22 We had some repairs to do -- or some alterations to our
23 kitchen wing and also on the garage. And Mike is very good,
24 his number 315-1640.

25 CHARIS LEE: Perfect, thank you.

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3 CHAIRPERSON LUDWIG: And there may be some
4 others, but I'd want to consult with Landmark, because like I
5 said, they're either dead or retired.

6 CHARIS LEE: Okay.

7 CHAIRPERSON LUDWIG: Anyone else with
8 questions, concerns?

9 Just out of curiosity, when do you plan to get
10 started?

11 CHARIS LEE: We planned to get started in
12 June, last June, so I'm not sure.

13 CHAIRPERSON LUDWIG: So maybe soon.

14 ROBERT BURKE: As soon as somebody becomes
15 available, yes.

16 MR. BOEHNER: Okay. I just want to make sure,
17 and ask if anyone wants to speak on the matter?

18 CHAIRPERSON LUDWIG: Yes, anyone that's not
19 online right now?

20 MR. BOEHNER: If you could raise your hand?

21 CHAIRPERSON LUDWIG: I guess not, the Public
22 Hearings are now closed.

23 MR. BOEHNER: Well, we have another Public
24 Hearing.

25 CHAIRPERSON LUDWIG: Oh, this Public Hearing

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3 is closed.

4 Do you want to vote on this one first? Ken?

5 MR. GORDON: Thank you, Jerry. I have a
6 question for the Board as to its pleasure with this
7 resolution. It seems as if there's been some revisions made
8 since the original application was filed. I have in the
9 materials that were provided to me, a set of drawings by CKH
10 Architecture. Those drawings are dated November 2020, the
11 revision date in the box is April of 2017, is revision number
12 one. That seems wrong to me.

13 CHRIS HENNESSEY: That's wrong. It probably
14 was just on the template, so ignore that.

15 MR. GORDON: So, I'm going to in this
16 resolution refer to CKH Architecture drawings and elevations
17 dated November of 2020, make sure that the project is done in
18 conformance with those.

19 Are there any other things that you would want
20 me to include in the resolution? I thought perhaps I would
21 specific reference to the heartwood door detail drawings as
22 well.

23 Anything else, Board? This is not for you,
24 Miss Hennessy.

25 CHRIS HENNESSEY: Perfect.

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MS. ROBINSON: Did the plan change at all?

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CHRIS HENNESSEY: No. Just that step in from
the existing exterior wall of the kitchen.

6

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MR. BOEHNER: Right now we closed the hearing,
there can't be any further dialog.

8

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MR. GORDON: Right, so, I'm asking for
clarification --

10

MR. BOEHNER: If we could --

11

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MR. GORDON: We can have dialog, Ramsey,
between the Board members.

13

MR. BOEHNER: Yes, exactly.

14

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MR. GORDON: Yeah. That's my query to the
Board members, if there's any other conditions you want to
see included in this resolution other than the standard
conditions we have to complete the project, et cetera.

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MR. PAGE: I believe that the new application
with the revised drawings and the product data that they
submitted are pretty much sufficient for what we need.

21

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MR. GORDON: Okay, I thought so as well, John.
I just wanted to check as sometimes I miss some of the
technical details that you guys know.

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MR. BOEHNER: No, there were the dorm windows
submitted.

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MR. GORDON: Ramsey, I missed that.

4

MR. BOEHNER: We did get -- the last drawings we got were the windows and doors.

5

MR. GORDON: The heartwood door --

6

MR. BOEHNER: Yes.

7

MR. GORDON: -- drawings. They're windows and doors -- I'm sorry, door and window detail. I'll make note of that.

8

9

MR. PAGE: I think that those are the doors, and I believe if I understand correctly, that the windows are basically salvaged as stated on the --

10

11

MR. GORDON: So they are dated for the drawings.

12

13

MR. BOEHNER: Yes, sorry.

14

MR. GORDON: Just the door details, very good.

15

Okay. Jerry, I have a proposed resolution.

16

Whereas, Application Number 10H-01-20 has been submitted for a Certificate of Appropriateness under the Town's Historic Preservation Law for improvements of property locate at 106 Oak Lane, owned by Charis Lee and Robert Burke, to perform work described as a 335-square-foot addition to the rear of the home.

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And whereas, the Historic Preservation

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3 Commission duly called a Public Hearing to consider the
4 matter on November 19, 2020.

5 And whereas, the necessary legal notice was
6 published and the required sign posted pursuant to Town Code.

7 And whereas, the Public Hearing was held and
8 all persons having an interest in such matter having had an
9 opportunity to be heard therein.

10 And whereas, the Historic Preservation
11 Commission hereby determined pursuant to the factors set
12 forth in Section 224-5 of the Town Code, that the proposed
13 above described work to the subject property is consistent
14 with the purposes of the Town's Historic Preservation Law and
15 compatible with the property's historic character based upon
16 it's review of the application and documents on file and
17 received at the Public Hearing and the testimony presented at
18 the Public Hearing.

19 Now it is hereby resolved that the Historic
20 Preservation Commission hereby receives and files the above
21 described application and all of the supporting materials.

22 And it is further resolved that the Historic
23 Preservation Commission approves Application Number 10H-01-20
24 for a Certificate of Appropriateness for the above described
25 work to be performed on the property located at 106 Oak Lane,

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3 subject to the conditions that the above described work be
4 performed and be completed consistent with the revised
5 drawings and elevations provided by CKH Architecture dated
6 November 2020, and the door details on the heartwood door
7 drawings.

8 And subject further to the condition that the
9 above described work be completed within one year from the
10 date of approval.

11 And be it further resolved that pursuant to
12 Chapter 224 of the Town Code, the above described work
13 qualifies for the exemptions set fourth in New York Real
14 Property Tax Law Section 444-A.

15 CHAIRPERSON LUDWIG: Ken, just a point of
16 order, given the current COVID issues and so forth, should
17 we -- are we able to extend that deadline for completing the
18 project maybe beyond a year, like, 18 months or so? Or is
19 that something that we have to seek relief elsewhere?

20 MR. GORDON: Ramsey --

21 MR. BOEHNER: I think there's a way of doing
22 it, Jerry. I am not sure what the process would be.

23 MS. ROBINSON: You can ask for an extension
24 because we did. We asked for an extension and you get
25 a letter.

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3 MR. BOEHNER: I just don't know what the
4 process is right now. There needs to be a way and just say,
5 if there wasn't, then we just make everything right now and
6 just redo it again. Hopefully that's not going to be the
7 case.

8 CHAIRPERSON LUDWIG: Okay. Let's hope.

9 I just thought since I can't get white chili
10 mix --

11 MR. BOEHNER: There's an unless renewed on
12 application, so they can renew it and there's no limit to the
13 renewals.

14 CHAIRPERSON LUDWIG: Okay, very good.

15 Would someone like to put forth the motion,
16 please?

17 MR. PAGE: I will make that motion.

18 CHAIRPERSON LUDWIG: Thank you, John. Second.

19 MR. BOEHNER: Did I hear Amanda?

20 MS. DREHER: Yes, I will second.

21 CHAIRPERSON LUDWIG: Thank you, Amanda.

22 MR. BOEHNER: Dreher, second. I'm going to
23 call the vote.

24 Mr. Ludwig?

25 CHAIRPERSON LUDWIG: Yes.

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MR. BOEHNER: Ms. Robinson?

MS. ROBINSON: Yes.

MR. BOEHNER: Mr. Goodman?

MR. GOODMAN: Yes.

MR. BOEHNER: Mr. Whitaker?

MR. WHITAKER: Yes.

MR. BOEHNER: Mr. Page.

MR. PAGE: Yes.

MR. BOEHNER: Ms. Dreher?

MS. DREHER: Yes.

MR. BOEHNER: Motion passes. Proof of conditions?

MR. PAGE: I would like to thank the applicant and their architect for doing all of this good work and coming in and meeting with us. Thank you.

MR. BOEHNER: Let us know if there's anything we can do to help you.

CHAIRPERSON LUDWIG: Looks likes a fine project, anxious to see it come to fruition.

ROBERT BURKE: Thank you. Thanks, Chris.

CHAIRPERSON LUDWIG: Next on the list is a Certificate of Appropriateness 11H-01-20.

APPLICATION 11H-01-20

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3 11H-01-20 Application of Jonathan and Diana
4 Robinson-Berkner, owners of property at 407 Edgewood Avenue,
5 tax number 150.06-5-16, for a Certificate of Appropriateness
6 to install solar panels on south side of house. All as
7 described on application and documents on file.

8 MR. BOEHNER: I think we just couldn't let
9 Michael in -- there he is.

10 MICHAEL BALDINO: Hello.

11 MR. BOEHNER: Glad you got the e-mail.

12 MICHAEL BALDINO: Yes.

13 CHAIRPERSON LUDWIG: Okay. Diana, I guess you
14 have the floor.

15 MR. BOEHNER: Diana, you're going to recuse
16 yourself and abstain?

17 MS. ROBINSON: Yes, of course.

18 MR. GORDON: And just to be clear, let me
19 just, normally what we would have happen here is that Diana
20 would step down from the front table and go over to the
21 podium and present from the podium, making it clear that she
22 is not participating in the discussion, debate or decision
23 relative to her application for a Certificate of
24 Appropriateness.

25 However, given that we are on this Zoom

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3 platform and all just sort of spread across, It's understood
4 that Diana is not participating here as a Commission or Board
5 member, that she is only presenting as a homeowner with an
6 application before the Board, just like any.

7 I'm sorry to interrupt, go ahead, Diana.

8 MR. BOEHNER: Thank you for doing that.

9 DIANA ROBINSON: We met Mike's father a while
10 ago and I'm not sure what triggered it, it's something we've
11 always talked about, and I actually thought the cost was much
12 more prohibitive. Finally Mike came over and his dad and
13 seems like we have a perfect roof side. It gets -- it's
14 situated properly and sufficiently and you really can't see
15 it. I drove up and down the street, really, I was worried
16 about it being --

17 MR. GORDON: Diana, you muted yourself
18 somehow, so unmute yourself please.

19 DIANA ROBINSON: I did now?

20 MR. BOEHNER: Yes. There you go.

21 DIANA ROBINSON: Okay. I tried to take a
22 picture going down the street but I actually couldn't,
23 because I really couldn't see it between the trees. So, the
24 only place you will see it is as you are standing right near
25 our front yard looking at it.

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3 MR. BOEHNER: Diana, you have skylights in the
4 roof; is that right?

5 DIANA ROBINSON: In the new addition.

6 MR. BOEHNER: Where the solar panels are
7 going, is it the same roof?

8 DIANA ROBINSON: No, no, no. I sent you some
9 photographs. I put some photographs in the application,
10 right there. Well, that's not a photograph, but that's where
11 they go, so it's very simple, they just have a big rectangle,
12 no fussy stuff.

13 MR. PAGE: Yeah, Ramsey, you can see the
14 skylights in a different roof there.

15 MR. BOEHNER: Yeah, I do see them now, John.
16 I got it now.

17 MR. PAGE: That's a very good drawing to
18 understand what's being proposed. Thank you.

19 MR. BOEHNER: Yeah. But if you, if there's a
20 way you could just show the roof plane? There you go.

21 DIANA ROBINSON: The three skylights are in
22 the new addition and the two little skylights, we did almost
23 right away when we moved in. And so, we were not historic
24 then.

25 Anyways, the price is actually quite

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3 reasonable. There are big credits. There's a New York State
4 credit and a Federal credit. Our roofer's already reroofed
5 that side of the roof a few weeks ago, so we are all set.

6 MR. BOEHNER: Michael, you were aware of the
7 Town Solar Energy System Law?

8 MICHAEL BALDINO: Not necessarily.

9 MR. BOEHNER: You should because you're going
10 to need to meet those requirements in order to get a building
11 permit.

12 MICHAEL BALDINO: Are they different from the
13 New York State requirements?

14 MR. BOEHNER: You should review those. That I
15 have not analyzed, I haven't look at them both.

16 DIANA ROBINSON: Ramsey, I believe I spoke to
17 Tracey and she was of the opinion that she had everything she
18 needed for the building permit except this motion tonight.

19 MR. BOEHNER: Yeah, but it's not that it meets
20 code. She gave me drawings and an application, she did not
21 review the code compliance.

22 DIANA ROBINSON: Is that the section about the
23 solar stuff that's in the code?

24 MR. BOEHNER: Yes.

25 DIANA ROBINSON: I read that and I can say it

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3 does comply.

4 MR. BOEHNER: Okay. I just wanted to make
5 sure someone was aware of what the Town Code was saying to
6 the process.

7 DIANA ROBINSON: I actually put those pages in
8 the application too, three or four or five pages of the code.
9 I think I did, I guess I didn't.

10 MR. BOEHNER: The person that's installing it,
11 Diana, it's important they know the code.

12 DIANA ROBINSON: Okay. There's something
13 wrong here. This is not -- go down a little bit -- I don't
14 think, I think this is a previous submittal, because Jonathan
15 was not supposed to be the signer of this application. I put
16 in an application, I sent it to Ramsey and he gave me a
17 couple ideas and I resubmitted it.

18 MR. BOEHNER: To me or to Gretchen?

19 DIANA ROBINSON: I probably put both of you on
20 the e-mail address, because I had included photographs and
21 also the building code pages. Let me see if I can find it.
22 I have a paper copy and I threw all the rest of those away,
23 so.

24 MR. BOEHNER: Well, right now I want to make
25 sure we're understanding what the code is.

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3 DIANA ROBINSON: Right. But I am just saying
4 this isn't the applicant that you're supposed to be looking
5 at.

6 MR. PAGE: Is there anything that's in this
7 application that's incorrect, Diana? I mean, you're going to
8 put panels on the roof roughly as they're shown there. We
9 have seen product data on what the panels look like. Our
10 approval for this would not have any effect on the building
11 code issue, that's a separate issue. The building code is
12 not going to -- if the building code's substantially changed
13 what you proposed then you would have to come back.

14 MR. GORDON: Ramsey, actually, can I speak to
15 John's point that he just made, because I'm struggling a
16 little bit on this. I'm sorry that we didn't get a chance to
17 talk about this offline before and outside of the context of
18 this Public Hearing, but I think we need to have this
19 conversation now before we go too far.

20 Our local code has specific criteria for the
21 ARB to consider when looking at a solar panel installation.
22 There's like eight or nine criteria that needs to be reviewed
23 by the ARB in reviewing one of these. I assume that given
24 that this is a historic home, the ARB is not going to get to
25 see this set of drawings. And, therefore, do those

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3 obligations fall on the Historic Preservation Commission?
4 Are we now effectively the ARB for purposes of the solar
5 panel law?

6 And, again, I'm sorry that I'm throwing this
7 at you and maybe I should have the answer to that, but I am
8 sort of thinking out loud here. So what I was specifically
9 referring to is Section 207-48(c), ARB guidelines.

10 MR. BOEHNER: Did you read 27-48?

11 MR. GORDON: 207-48(c).

12 MR. BOEHNER: Just 48, the installation?

13 MR. GORDON: 7-48(c), as in Charlie.

14 DIANA ROBINSON: I'm holding it up for you.

15 MR. BOEHNER: But what I'm saying, Ken, it's
16 clear in the code that they're supposed to be in front of the
17 Historic Preservation Commission. I'm not sure what the --

18 MR. GORDON: Right. So, what I'm saying is, I
19 think we need to be considering -- what John just said is the
20 code is the code and that doesn't really affect what we're
21 doing here tonight. I think it does. I think our --

22 MR. BOEHNER: I'm sorry, Ken. I thought you
23 were saying it wasn't supposed to be here.

24 MR. GORDON: Oh, no, no, no. It's
25 definitely --

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3 MR. BOEHNER: No, there's a building code and
4 we have to meet the building code. In order for us to issue
5 a building permit they also have to meet the zoning code.
6 And the zoning code, which is part of the --

7 MR. GORDON: I'm sorry, Ramsey, maybe I'm not
8 explaining this clearly. So, typically when we -- let's
9 start from scratch.

10 Typically when we're considering a Certificate
11 of Appropriateness, the sole issue that we're considering is
12 whether an improvement project is consistent with the
13 historic character of the property. What I believe the solar
14 energy system's local law provides, is that in addition to
15 that normal criteria that we must consider as the Historic
16 Preservation Commission, we are also supposed to consider the
17 eight items listed at 207-48(c) in determining whether this
18 particular project is a project that should be approved.

19 So, I think they are additional criteria that
20 we must look at. I don't know, I haven't reviewed the
21 application to see if these particular criteria are even
22 articulated in the application to allow this Board to make
23 those determinations. But I'm making my point because John
24 just said, we don't need to worry about the code. I think we
25 do in this context because the code says we do. Is that

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3 clear what I'm saying?

4 DIANA ROBINSON: I just need to repeat, this
5 is not the application, this was a few weeks earlier. So I
6 don't know --

7 MR. GORDON: I'm not talking about the
8 specific application right now, Diana. And I'm really
9 putting this to the Board and you are not the Board in this
10 case.

11 DIANA ROBINSON: Sorry.

12 MR. GORDON: And I'm addressing this to Ramsey
13 and the Board. I'm asking the Board if you understand the
14 additional criteria, if you are familiar with the additional
15 criteria? If you are prepared to review those additional
16 criteria? And would you like me to review those with you?

17 I mean, it would seem to me if you are going
18 to have to consider the additional criteria during this
19 Public Hearing, which is still open and on going, we would
20 want to make sure that we give the applicant an opportunity
21 to address each and every one of those criteria.

22 Ramsey, am I at least making sense?

23 MR. BOEHNER: I would recommend to the Board
24 that the criteria of the code is being met by this
25 application. The Town attorney is asking does the

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2
3 application meet the criteria of the findings and the
4 guidelines that are outlined in 207-4(c), that this Board is
5 required to look at and meet?

6 And there's a number of them. And I believe,
7 in looking at these codes and reviewing the plans, that that
8 criteria is being met and the guidelines are being met. And
9 they're very basic, very straight forward, but not blocking
10 vents. That's why I was asking about the windows.

11 MS. DREHER: I'm sorry, Ramsey, can you give
12 us the section again?

13 MR. BOEHNER: Yes, it's 207-48(c), of the
14 comprehensive development regulations.

15 MS. DREHER: It does seem like there might be
16 an issue. Ramsey, when you were talking about the
17 application does meet the criteria of the code, do you have
18 the application, the updated one that Diana submitted?

19 MR. BOEHNER: No. There are a number of
20 applications and a number of things the department received.
21 They all seem to be the same, I'm looking at what at least I
22 have in the folder. I don't know exactly what got posted and
23 what Brett is able to show. They are very similar, and what
24 was added was a picture of the house and then sections of the
25 code.

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3 The drawings about where the arrays are going
4 to be located are included in the application. And then,
5 attached in that application is the local law, and looking at
6 the other stuff that we have in it, it all seems to be pretty
7 much the same.

8 MS. DREHER: I'm just looking at them now and
9 they do seem to be straight forward, but I don't know the
10 comfort of the rest of the Board. Can everyone look at them?
11 Can we take a few minutes to make sure? We could go over
12 them?

13 MR. GORDON: Why don't we go through them one
14 by one. It won't take that long and that way we can know
15 that we did our job.

16 CHAIRPERSON LUDWIG: Ken, do you have it in
17 front of you?

18 MR. GORDON: I do.

19 CHAIRPERSON LUDWIG: Okay. Why don't you
20 proceed.

21 COUNCILMEMBER WERNER: Number one, is the
22 slope and proportions of a roof-mounted solar array should
23 match the slope and proportions of the roof. The distance
24 from the roof's surface should be minimized.

25 CHAIRPERSON LUDWIG: Okay. Michael --

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3 MICHAEL BALDINO: Yes. The modules, they run
4 parallel with the slope of the roof and they sit about three
5 inches above the roof's surface.

6 CHAIRPERSON LUDWIG: Is it uniform?

7 MICHAEL BALDINO: Yes.

8 CHAIRPERSON LUDWIG: Okay.

9 MR. GORDON: Number two, solar array should be
10 installed in a regular shape, usually rectangular, using
11 other geometric shapes where appropriate. Such as to match
12 hip or mansard roofs.

13 CHAIRPERSON LUDWIG: I'd say we're good there.

14 MR. GORDON: Yes. Number 3, single arrays of
15 panels are preferred, but multiple panel arrays may be used
16 where deemed appropriate.

17 CHAIRPERSON LUDWIG: Well, this looks like a
18 single array to me.

19 MR. GORDON: Yes. Number four, interruptions
20 of the array with rooftop projections such as vents or
21 skylights should be avoided if feasible. Doesn't seem like
22 that's a problem.

23 CHAIRPERSON LUDWIG: No.

24 MR. GORDON: Number 5, frame panel and
25 equipment colors should match or compliment the colors of the

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3 roof or wall where mounted while maintaining the functional
4 integrity and visibility of the system.

5 CHAIRPERSON LUDWIG: Michael, what's the
6 framing around the panels?

7 MICHAEL BALDINO: The frame is anodized, black
8 anodized aluminum, the back sheets of the modules are black,
9 and the solar cells themselves are also black. So the module
10 and the racking as well is also black, that the modules are
11 attached to, that attach to the roof. So the entire visible
12 system is black to match the color of the shingles.

13 CHAIRPERSON LUDWIG: Shingles are dark gray;
14 is that right, or are they black?

15 MICHAEL BALDINO: I'm not exactly sure of the
16 most recent -- they were dark gray when I was there, but they
17 have been since shingled over since then.

18 CHAIRPERSON LUDWIG: Diana, what's the latest?

19 DIANA ROBINSON: Yeah, they pretty much match
20 the color of the existing, but they are the architectural
21 instead of the plain.

22 CHAIRPERSON LUDWIG: Okay. That sounds like
23 that's in order.

24 MR. PAGE: Yes.

25 MR. GORDON: Yes. Number 6, durable,

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3 nonreflective factory applied coatings should be used.

4 CHAIRPERSON LUDWIG: Michael?

5 MR. PAGE: Anodized is good.

6 MR. GORDON: That was John?

7 MR. GOODMAN: Yeah, that was John.

8 MR. GORDON: Number 7, text, advertising
9 and/or logos should not be visible.

10 MICHAEL BALDINO: There's no text or
11 advertising or logos on the array.

12 MR. GORDON: Number 8, the visibility of
13 equipment, conduits, pipes, transformers, et cetera should be
14 minimized. Where visible, the conduit should be painted to
15 match the background color.

16 MICHAEL BALDINO: So, our method of
17 installation is the utilization of a device called a
18 soladeck. It is fully flashed, water-tight penetration
19 through the roof, and then we run our conduit through the
20 attic. And in the case of this application, there's a clear
21 path from the attic to the basement inside of the house so
22 there will be no exterior conduit, with the exception of the
23 national electric code requires a disconnect at the point of
24 service entry. Which is a small three-inch by five-inch,
25 it's basically a similar disconnect that would be used in a

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3 hot tub application. And that would be located at the
4 service entrance and that would be only, aside from the
5 array, that would be the only electrical equipment that's
6 visible outside.

7 CHAIRPERSON LUDWIG: By the service entrance,
8 do you mean the service entrance of the electrical --

9 MICHAEL BALDINO: Correct.

10 CHAIRPERSON LUDWIG: Okay, that sounds okay.

11 MR. GORDON: Those are all of the criteria.

12 CHAIRPERSON LUDWIG: I'd say it meets it.

13 MS. DREHER: Agreed.

14 MR. GORDON: Thank you for letting me run
15 through those with you.

16 CHAIRPERSON LUDWIG: Good exercise. It's the
17 first time I think we as a group have heard the criteria.
18 So, thank you, Ken.

19 MR. PAGE: News to us.

20 MR. GORDON: Can I ask a question of Diana, or
21 Michael? Could one of you tell me from a compass direction,
22 what roof are we looking at here?

23 DIANA ROBINSON: South.

24 MR. GORDON: It's the south roof of the main
25 house; is that correct?

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MICHAEL BALDINO: Yes.

4

DIANA ROBINSON: Yes.

5

6 MR. GORDON: I just want that for the
resolution.

7

MR. PAGE: South gables.

8

9 CHAIRPERSON LUDWIG: Exactly. I was going to
say the same thing.

10

Any other questions?

11

12 MR. BOEHNER: Anyone to speak on the
application?

13

14 CHAIRPERSON LUDWIG: If there's anyone, please
raise your hand, we will Zoom you in.

15

16 I guess not. Then the Public Hearing is
closed.

17

Ken, would you read the motion please?

18

19 MR. GORDON: Sure. Whereas Application Number
20 11H-01-20 has been submitted for a Certificate of
21 Appropriateness under the Town's Historic Preservation Law
22 for improvement to property located at 407 Edgewood Avenue
23 owned by Diana Robinson, to perform work described as the
24 installation of solar panels on the south gable of the roof
of the main house.

25

And whereas, the Historic Preservation

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3 Commission duly called a Public Hearing to consider the
4 matter on November 19, 2020.

5 And whereas, the necessary legal notice was
6 published and the required sign posted pursuant to Town Code.

7 And whereas, the Public Hearing was held and
8 all persons having an interest in such matter having had an
9 opportunity to be heard therein.

10 And whereas, the Historic Preservation
11 Commission hereby determines pursuant to the factors set
12 forth in 224-5 of the Town Code, that the proposed above
13 described work to the subject project is consistent with the
14 purposes of the Town's Historic Preservation Law and
15 compatible with the property's historic character.

16 And further determines that the proposed
17 installation of solar panels on the south gable of the roof
18 of the main house meets the criteria set forth in Town Code
19 Section 207-48(c).

20 Upon it's review of the application and the
21 documents on file with the Town and received at the Public
22 Hearing and the testimony presented at the Public Hearing, it
23 is hereby now resolved that the Historic Preservation
24 Commission hereby receives and files the above described
25 application and all supporting material.

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3 And it is further resolved that the Historic
4 Preservation Commission hereby approves Application Number
5 11H-01-20 for a Certificate of Appropriateness for the above
6 described work be to be performed at the property located at
7 407 Edgewood Avenue. Subject to the condition that the above
8 work be completed within one year from the date of approval.

9 And be it further resolved that pursuant to
10 Chapter 224 of the Town Code, the above described work
11 qualifies for the exemptions set forth in New York Real
12 Property Tax Law Section 444-A.

13 CHAIRPERSON LUDWIG: Thank you, Ken.

14 Would someone like to put forth a motion?

15 MR. WHITAKER: I would.

16 CHAIRPERSON LUDWIG: Thank you, David.

17 Second please.

18 MR. PAGE: I will second.

19 CHAIRPERSON LUDWIG: Thank you.

20 Any discussion?

21 MR. PAGE: This looks like a nice system.

22 MR. GORDON: I'm envious. Oh, I'm not
23 supposed to discuss that.

24 CHAIRPERSON LUDWIG: Ramsey, would you call
25 the vote?

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MR. BOEHNER: I will.

4

Mr. Ludwig?

5

CHAIRPERSON LUDWIG: Yes.

6

MR. BOEHNER: Ms. Robinson -- nope.

7

MR. BOEHNER: Mr. Goodman?

8

MR. GOODMAN: Yes.

9

MR. BOEHNER: Mr. Whitaker?

10

MR. WHITAKER: Yes.

11

MR. BOEHNER: Mr. Page.

12

MR. PAGE: Yes.

13

MR. BOEHNER: Ms. Dreher?

14

MS. DREHER: Yes.

15

MR. BOEHNER: Motion passes.

16

MR. GORDON: Just to clarify for the record,
17 for transcription purposes. While Member Robinson's name was
18 called and it was immediately followed by Ramsey saying no,
19 Member Robinson was not voting on this matter and did not
20 vote in any way with yes or no with respect to this proposal.

21

CHAIRPERSON LUDWIG: Very good.

22

23 No hardship applications, Public Hearings are
24 now closed. Any new business? Any old business that we
25 haven't talked about? Presentations, announcements?
Concerns of the church? Motion to adjourn.

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MS. DREHER: I will move.

MR. GOODMAN: I will second.

CHAIRPERSON LUDWIG: All in favor.

ALL COUNCIL MEMBERS: Aye.

CHAIRPERSON LUDWIG: Thank you all, very much.

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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 December, 2020.

At Rochester, New York

Rhoda Collins
Rhoda Collins