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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

January 28, 2021
Zoom Meeting
Brighton Town Hall
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JERRY LUDWIG, CHAIRPERSON

WAYNE GOODMAN)
DAVID WHITAKER)
JUSTIN DELVECCHIO)
JOHN PAGE) BOARD MEMBERS

MARY JO LANPHEAR
Town Historian

KEN GORDON, ESQ.
Town Attorney

RAMSEY A. BOEHNER
Town Planner

NOT PRESENT:

DIANA ROBINSON

REPORTED BY:

HOLLY E. CASTLEMAN
Court Reporter,
FORBES COURT REPORTING SERVICES, LLC
21 Woodcrest Drive,
Batavia, NY 14020

1 CHAIRPERSON LUDWIG: Let's call the meeting
2 to order. Ramsey, would you call the roll, please?

3 MR. BOEHNER: Member Ludwig?

4 CHAIRPERSON LUDWIG: Here.

5 MR. BOEHNER: Goodman?

6 MR. GOODMAN: Here.

7 MR. BOEHNER: Whitaker?

8 MR. WHITAKER: Here.

9 MR. BOEHNER: Page?

10 MR. PAGE: Here.

11 MR. BOEHNER: Dreher?

12 MS. DREHER: Here.

13 MR. BOEHNER: Absent is Robinson and
14 Delvecchio.

15 MR. CARLOCK: Justin's just joining now.

16 MR. BOEHNER: Oh, is he?

17 CHAIRPERSON LUDWIG: Okay. Motion to
18 approve the agenda?

19 MR. WHITAKER: So moved.

20 CHAIRPERSON LUDWIG: Second?

21 MR. BOEHNER: Could the record reflect that
22 Justin Delvecchio has joined the meeting? Absent is
23 Robinson.

24 MR. DELVECCHIO: Hello.

25 CHAIRPERSON LUDWIG: May I have a second for

1 the --

2 MR. GOODMAN: If you need a second on that,
3 Jerry, I'll give you a second.

4 CHAIRPERSON LUDWIG: Thank you. All in
5 favor of approving the agenda?

6 ALL COUNCIL MEMBERS: Aye.

7 CHAIRPERSON LUDWIG: Thank you. Minutes.
8 Any additions or corrections?

9 MS. DREHER: I had just one substantive one.
10 Page 29 line 12, it says "destination" and it should
11 be "designation."

12 CHAIRPERSON LUDWIG: Okay. Just a minor one
13 on Page 24, line 8, "Rehouse" should be capitalized.
14 And then there were several "inaudibles." I assume
15 that doesn't have any substantive meaning.

16 Any other additions or corrections? Motion
17 to approve?

18 MS. DREHER: I'll move.

19 CHAIRPERSON LUDWIG: Second?

20 MR. WHITAKER: Second.

21 MR. BOEHNER: Whitaker seconds.

22 CHAIRPERSON: All in favor?

23 ALL COUNCIL MEMBERS: Aye.

24 CHAIRPERSON LUDWIG: Minutes stand approved.

25 Was this meeting duly advertised, Ramsey?

1 MR. BOEHNER: Yes, it was properly
2 advertised in the Brighton-Pittsford Post of January
3 21, 2021.

4 CHAIRPERSON LUDWIG: That meeting will now be
5 held. We have no communications, no designation of
6 landmarks. We do have a certificate of
7 appropriateness. 1H-01-21 application, of Rufus and
8 Amy Judson, owners of property at 3541 Elmwood Avenue,
9 tax number 137.12-2-15 for certificate of
10 appropriateness to install a spa, pool, full cabana,
11 covered outdoor dining area, planning and landscape
12 enhancements and the rehabilitation and modification
13 of the terrace located at the rear of the house.

14 Is there anyone here to speak on that
15 application?

16 MR. BAYER: I am here. I'm Mark Bayer with
17 Bayer Landscape Architecture. How is everybody
18 tonight?

19 CHAIRPERSON LUDWIG: Hi Mark. Welcome.

20 MR. BOEHNER: Than you, Mark.

21 MR. BAYER: Good, good.

22 CHAIRPERSON LUDWIG: Mark and I -- Mark and
23 I did meet. Mark, it's been what? Three, four years
24 since the Judson house?

25 MR. BAYER: Since we were at the Judson

1 house?

2 CHAIRPERSON LUDWIG: Right.

3 MR. BAYER: I think -- I was just -- I was
4 thinking about that. It was a little over two years
5 ago, I believe, Jerry.

6 MR. JUDSON: I was there too, Jerry.

7 CHAIRPERSON LUDWIG: Right. Yeah, that's
8 right. Hi, Rufus

9 MR. BOEHNER: Hi, Rufus. How are you? Amy,
10 How are you?

11 MR. JUDSON: We were on mute. Sorry.

12 MS. JUDSON: Oh, good. How are you?

13 MR. JUDSON: Hello.

14 MR. BOEHNER: All right. Mark, why don't
15 you give a presentation.

16 MR. BAYER: Okay.

17 MR. BOEHNER: Brett, if you could put the --
18 share the site plan. Here we go.

19 MR. BAYER: Great, great. Can everybody --
20 everybody can see okay?

21 ALL COUNCIL MEMBERS: Yes.

22 MR. BAYER: So, when I -- what Jerry was
23 referring to, we met a couple years back. I was
24 before the Preservation Commission regarding
25 improvements to the front of the property. And since

1 that time we -- we have completed about 90 percent of
2 those improvements. We have realigned the drive and
3 improved the auto port and done a lot of -- a lot of
4 planting to kind of enhance the front of the property.

5 And I'm here tonight with the Judsons and I
6 also have Samantha Paulukas with me who's in our
7 studio. And we want to talk about the -- the rear
8 yard in the rear of the property. And as Jerry had
9 read to you, both of the improvements for this phase
10 of work really begins at the rear of the house.

11 One of the major things we're doing is just
12 we're slightly enlarging the rear terrace off the back
13 of the house there and giving it a bit of soft-curved
14 form, a radial form, that essentially reaches out to
15 the spectacular south lawn that they have and gives
16 them a bit more room to enjoy that space. And it's --
17 you know, the intent is to do it in, you know, very
18 classic stone material. We've been using principally
19 bluestone on the site. And that -- you can see the
20 dashed outline of the existing terrace. So, it's --
21 it's not -- it's not a huge expansion or change, but
22 we are giving them a bit more room. It's a little
23 narrow to get furniture and --

24 The other thing that we are doing in the
25 rear terrace area is we're proposing a covered outdoor

1 dining and grilling area. The Judsons really enjoy
2 eating outside as much as possible and late into the
3 season oftentimes. And so, we are proposing to do a
4 covered grilling area which -- you know, we'll look at
5 images in a little bit, but essentially it's a
6 flat-roof structure that will extend out from what is
7 the major living space in the house which is the --
8 you know, the kitchen and family gathering areas are
9 on this east end of the building. And they open onto
10 the terrace from -- from that east end. And wanted to
11 do a covered grilling space, outdoor dining area, so
12 that they can enjoy it whether -- you know, whether
13 the weather is good or bad. And it's often -- you
14 know, the exposure is south and west here. So, having
15 a bit of sun protection is actually nice too. So,
16 that is another proposed improvement.

17 The structure's inspired by a lot of the --
18 the wood construction, particularly on the garage and
19 the connector wing from the garage, covered walk to
20 the house and the mud room and back of the house
21 there. So, that -- that was basically some of the
22 inspiration which I think you'll see in the drawings.

23 We are also proposing a spa. It will be a
24 gunite spa with a small, what we're calling a spa
25 terrace, a flagstone or bluestone terrace. That we're

1 putting in this position because -- for a couple
2 reasons. It will be very, very convenient to use all
3 year. And it will -- it's just a few steps from kind
4 of the kitchen, family room area. And as you can see,
5 it's -- it's also going it be nicely related to the
6 pool yard too. But -- so, that's -- that's part of
7 our proposal.

8 And then we have the --

9 MR. WHITAKER: You called it a spa. Is it a
10 hot tub?

11 MR. BAYER: It's a hot tub, yeah. It's
12 essentially -- it's a gunite raised spa. So, it's --
13 it's raised about 18 inches. So, you can sit down on
14 the edge and get in and out very easily. And it's --
15 it's basically outside of what is kind of the mud
16 room, service side of the building. And -- but it
17 will have a nice view to the yard from there. It's --
18 it's quite -- actually quite a nice view. And it
19 relates well to the what -- what we refer to as the
20 "pool yard."

21 And that is the -- the other improvement
22 that we're proposing is to create a pool yard. And I
23 call it a "pool yard" because it's very intentionally
24 designed as that. And it's a distinct space that will
25 have its own character and features. And it's very

1 intentionally pulled to the east property line. And
2 the reason for that is -- is we studied how to best
3 create a pool area on this property and where to put
4 it. It became clear after a number of iterations that
5 this was the best spot to put it and a very good spot
6 to put it.

7 And the reason for that is that -- if you
8 scroll down on the screen a bit. Pull -- pull us
9 down. No, the other way. The other way, please.
10 Yup. So, a little bit more. So, there we go.

11 So, you can see the -- the main rear
12 terrace. And one of -- one of the things that I have
13 always loved about this property is the vista from the
14 main rear terrace, south across the expansive lawn,
15 ultimately to the neighboring properties and the golf
16 course. So, there's about two or three -- 200 feet on
17 this property from the terrace out to the rear
18 property line. And then there's another -- probably a
19 couple hundred feet beyond that which makes for a
20 spectacular view.

21 And one of the things that -- one of our
22 objectives was to preserve that view and not interrupt
23 the formal part of the house with the new
24 improvements. So, that is one of the main reasons
25 that the pool is positioned where it is. And it's

1 more related to what is the kitchen end of the house.

2 And -- and we're -- we're designing it as a
3 pool yard. So, when you are on the rear terrace,
4 ultimately, it's going to be planted in a way where
5 you really don't experience the pool from the rear
6 terrace. You have to enter the pool yard to -- to
7 kind of experience that. So, it's two distinct kind
8 of zones within the property, preserving that
9 spectacular view from the terrace.

10 The pool area, pool yard, you'll enter past
11 the cabana. And on your way in to your left will be a
12 changing room and kind of concealed around the corner
13 on the side -- on the east side of the pool house is
14 the -- where we're going to keep the equipment so that
15 it'll be fully enclosed and concealed. It's adjacent
16 to Mr. and Mrs. San's pool equipment shed which is
17 right below that on the easterly property line. So,
18 the position's good in that respect as well.

19 So, you'll enter the pool yard, passing the
20 changing room. You'll go through a gate at -- at what
21 would be the southwest corner of the pool cabana. And
22 then you'll be in the space of the pool itself.

23 The pool's, as you can see, 16 by 42
24 inground gunite pool. The cabana is designed, again,
25 to kind of provide changing room and pool equipment

1 enclosed. And then there's just a -- a nice gathering
2 space for the family and friends. It will be in the
3 main room which -- of the pool cabana. That will open
4 up to the pool, the main pool terrace. And from the
5 pool terrace and the pool cabana we've positioned and
6 angled the pool so that, again, you'll get this great,
7 you know, view across the pool and out to the -- the
8 rear yard and beyond.

9 Planting will surround the pool. And the
10 fence -- the fencing you can see the contour line on
11 the -- would be the south end of the pool. And so,
12 what we're doing is we're dropping grade back down to
13 where -- the lower yard. And the pool fencing, you
14 can see, is at a little below 461. But, you know, the
15 pool deck is up around four -- a little -- about 465,
16 a little bit greater. So, you will look right out
17 over the fencing. And the fencing on the side will be
18 fully planted out. So, you won't see it from the main
19 terrace. So it'll be very -- a very much, you know,
20 tucked in there and the only view really out is going
21 to be to the south.

22 We're in a great position relative to
23 neighbors and neighboring homes. It's -- it's very
24 much not going to impact anyone in the neighborhood.
25 The buildings and the pool design, the inspiration of

1 New Energy Works Architectural Group has done the
2 design for the -- the pool cabana and the little
3 dining, covered dining area. We worked pretty closely
4 with them, kind of, explaining to them our objectives
5 in this plan. And they were very good collaborators
6 with us and I think listened well and helped -- helped
7 to really make a great space.

8 So, we're -- we're very exited about this.
9 The buildings themselves have been -- again, a lot of
10 the inspiration in the massing of the pool cabana has
11 really come from, you know, the house, the -- the roof
12 lines. And the detailing, as you'll see as we go --
13 as we go and look at some of the images, has all been
14 inspired from features in the building.

15 So, we can look quickly at -- at some of
16 these images. So, that's -- that's the kind of view
17 from out in the south lawn. Kind of looking back you
18 can see the grand lawn space that is preserved from
19 the main terrace. And then the fencing is really
20 going to be hidden by a heavy -- heavy border
21 planting. And it will kind of -- you know, from the
22 terrace this is going to look like, you know, a garden
23 border. And the fencing will be concealed. And, you
24 know, from within the pool area, when you're in the
25 pool area, you're basically looking out to the south

1 and you're in your own kind of private space there.

2 So, we can look -- here's that view from the
3 main terrace sitting area kind of giving you the sense
4 of the -- we kind of very intention -- to take a
5 forced perspective. So, our -- our borders are coming
6 in on each other which makes this space even longer
7 visually. And that's -- that was very -- like I said,
8 was very important in our design thinking to -- to
9 maintain that. And so, the pool area is off to the
10 left and this is your view from the main terrace.

11 I think we have one more image that shows
12 you -- yeah. So, this is just under that little
13 covered dining area. It's -- it's -- it's very open.
14 These -- these arched forms and timber-frame
15 construction inspired from the -- from the building,
16 the main building, particularly the covered walk and
17 the garage timber work. And this is very simple
18 structure. It basically is -- again, it's -- it's the
19 timber frame, flat -- flat roof. There'll be
20 tongue-and-groove Doug fir ceiling. And that -- and
21 it will all be stained. The timber work will all be
22 stained or painted the dark -- dark brown. The floor
23 of the terrace will be the bluestone. There is a
24 grilling counter to the left that you see. And again,
25 you have a -- you have a wonderful view from here.

1 And it kind of makes this more -- a little more three
2 season for them. To be able to sit out here in
3 different weather conditions.

4 The beautiful large oaks that flank the
5 terrace are -- we're taking super precautions with
6 those and they will be preserved. And we're going to
7 be doing, as I said, lots and lots of planting around
8 the pool.

9 So, these are the existing conditions
10 photos. I'm standing out there somewhere in the
11 distance in that view. And so, that's -- that's kind
12 of that view south from the main terrace again. And
13 the oak is to the left in that image.

14 And the pool area where the -- where the
15 hammock is, just beyond there, and you see a
16 trampoline in the distance, that is the eastern edge
17 of the property. That is the zone where the pool area
18 will go. And -- and we're tucking it in over there.

19 I think there's just a few more existing
20 conditions photos. Giving you a sense of the
21 condition of the terrace right now, it's -- it's, you
22 know -- it -- it needs to be reset and reworked. And
23 our intention is -- is to do that.

24 And then that's -- that's the -- this is the
25 garage and the covered walk where some of the -- the

1 forms and the detailing is coming from. And you'll
2 notice a little bit of -- in the eve line on the --
3 where the stairs go up the side of garage, there's a
4 little bit of vertical-board work there on that
5 triangular shape and a couple other places on the
6 structure, I believe. And we're -- we're -- the
7 cabana will -- will likely have a vertical-siding
8 material that will mimic that.

9 And again, the timber framework on the -- on
10 the covered-porch area is -- is again, there's --
11 there's timber frame on the building that we're going
12 to be using and as well as on the interior of the
13 cabana that will have some timber -- timber work as
14 well. And again, the forms of the -- you can see the
15 roof lines and the forms of the building inspired by
16 the -- the main house.

17 The chimney, we are doing a wood -- a wood
18 burning fireplace, in the building. The chimney --
19 we're actually -- if you recall when we did the front
20 improvements there was a lot of Medina cobble that was
21 in the -- the drives. We're actually going to
22 repurpose a lot of that Medina cobble in doing the
23 chimney work here on that east side. And so, that's,
24 I think, a fun thing to -- that we're going to
25 bring -- bring back into the -- into the site.

1 And again -- you know, what we've tried very
2 hard to do is -- is take our inspiration from the main
3 structure. You know, a little bit more modest in
4 material, but still very elegant and the forms relate.
5 And then tucking it away so that the main part of the
6 house has its space and breathing room. And this,
7 again, becomes a pool yard, if you will.

8 So, you know, again, I think it's perfectly
9 fitting for the -- for the property and the house. I
10 think the Judsons have a young family and they -- they
11 enjoy, you know, entertaining their friends and
12 family -- families. And this is going to be a
13 terrific resource for them.

14 I think the -- what I always try to do when
15 I have the room in designing a pool yard is -- is --
16 do just that. We rarely -- we rarely put a pool front
17 and center in our climate because we don't really
18 think it's appropriate, especially on a property like
19 this. And we don't like having, you know, the view of
20 pool covers and the clutter. And I just don't think
21 it would be even close to appropriate for a place like
22 this. So, this is why we've approached it the way we
23 have.

24 So, I can answer any questions. That's
25 probably enough talking for me. I'd be happy to -- to

1 answer any questions.

2 MR. WHITAKER: This is David -- this is
3 David Whitaker. You said the Sans' are next door. Is
4 that Robert or Richard?

5 MR. BAYER: Richard.

6 MR. WHITAKER: Okay. Were they consulted so
7 they know about it?

8 MR. BAYER: I -- I believe -- I believe
9 Mr. Judson touched base with Mr. Sans.

10 CHAIRPERSON LUDWIG: Mark, what do you --
11 what do you --

12 MR. JUDSON: One of -- one thing Richard was
13 very -- was very happy to know is Mark was involved
14 who also does his work. So, he took --

15 MR. WHITAKER: Good.

16 MR. JUDSON: Great.

17 MR. WHITAKER: Good.

18 MR. JUDSON: -- solace in that.

19 CHAIRPERSON LUDWIG: What -- what are you
20 looking for approval for tonight? The basic concept?

21 MR. BAYER: We're -- we're looking for
22 approval for the project so that we can move it
23 forward to -- we have to go to the Zoning Board on
24 February 3rd. And we -- we -- we have to get a
25 variance -- a variance for the pool cabana, two

1 variances for that. It's -- it's -- we need all the
2 set-back criteria, but the roof lines, being steep as
3 they are, exceed the -- the height -- you're only
4 allowed 16 feet. And we can't do a nice building in
5 this style with 16 feet. So, we have to get a height
6 variance and the -- putting the pool equipment away
7 and hiding that and doing the -- the changing room so
8 the kids don't have to run in and out of the house and
9 so on.

10 And we -- we are exceeding the 250-square
11 feet of allow -- allowable floor -- floor area. So,
12 we have to go and see them and in order to go see
13 them, we need I think, you know, a positive response
14 from -- from -- from this group and -- and then we can
15 go and hopefully be successful with the variances.

16 MR. PAGE: Yeah. So, Mark, this is a great
17 presentation as always. So, it's always a pleasure
18 when people are able to put together a full
19 presentation. And I -- I certainly got enough
20 information here. I think everything looks great. I
21 would -- I don't know if there's any particular way,
22 but I think you can tell, at least from me, and
23 possibly the rest of the board, that the size and
24 shape of the proposed cabana is appropriate for the
25 house and anything that tried to work within the

1 constriction of the -- of the zoning ordinance would
2 be inappropriate. Something we run into in any -- any
3 detached garage in any historic building. So, I -- I
4 appreciate all that. So, I'm -- I'm down. I'm good.
5 Great presentation.

6 MR. BAYER: Thank you, John. Appreciate it.

7 MR. GOODMAN: Mark, I just -- Mark, I just
8 wanted to say that, you know, as John mentioned,
9 excellent presentation as always. And I just want to
10 applaud your sensibilities here and the team that --
11 that came up with this design. It really is pretty --
12 pretty seamless. And I -- I think it does such a -- I
13 think it really elevates the property. And I -- I
14 love how that you've been able to tuck that pool yard
15 off and reserve the -- the viewscape. So, well done.

16 MR. BAYER: Thank you. Thank you, Wayne.

17 CHAIRPERSON LUDWIG: I agree.

18 MR. WHITAKER: I agree also.

19 CHAIRPERSON LUDWIG: I think it's a -- I
20 think it's a great presentation. I love it. I
21 think -- just a couple comments on the spa, especially
22 if you're planning a flagstone terrace. It
23 gets pretty -- flagstone gets pretty warm. So -- in
24 the hot sun. So, you might want to consider a couple
25 of indoor/outdoor rugs that you could throw down or

1 something like that for that area.

2 And also, are there any details on the fence
3 itself?

4 MR. BAYER: It's -- we're planning to do
5 like a vertical -- right now the thought is to do,
6 like a vertical picket in black. And -- and just make
7 it go away essentially.

8 CHAIRPERSON LUDWIG: Aluminum? Aluminum or
9 iron?

10 MR. BAYER: Likely -- it will likely be
11 aluminum. I will probably try to encourage Rufus and
12 Amy to do a steel frame on the gate so it feels nice
13 and heavy --

14 CHAIRPERSON LUDWIG: Right.

15 MR. BAYER: -- as you enter.

16 CHAIRPERSON LUDWIG: Right.

17 MR. BAYER: So, it doesn't feel wobbly and
18 rickety at the entrance. But I think I can twist
19 their arm to do that. So --

20 CHAIRPERSON LUDWIG: Okay. And then, I
21 guess, the other thing that we typically ask for on
22 the -- on the cabana will be some details on windows,
23 doors, that type of thing.

24 MR. BAYER: Yup. And --

25 CHAIRPERSON LUDWIG: I think the concept

1 is -- is outstanding. Well done.

2 MR. BAYER: Yup. And Rufus and Amy are --
3 are working with their building team to finalize those
4 decisions. They're going to -- they're going to do it
5 right, you know.

6 CHAIRPERSON LUDWIG: Of course.

7 MR. BAYER: They'll be using high quality
8 materials all the way through. And that will not even
9 be a question with -- with this project.

10 CHAIRPERSON LUDWIG: No, it's just a matter
11 for our -- our records that we know exactly what
12 materials are going to used. That's all.

13 MR. BAYER: Okay. So, Jerry, to be clear on
14 that, you know, do -- how -- how -- in terms of being
15 able to give us basically enough of an approval
16 tonight to -- to advance to the Zoning Board and so
17 on, is that something that, once we work through all
18 the budgetary issues and nail that down specifically,
19 we just advise you what we're doing? How does that --
20 how do you want that to work, I guess?

21 CHAIRPERSON LUDWIG: Well, typically what
22 happens is you would -- you would just give us some
23 indication of -- of elevations and materials for
24 windows and doors and --

25 MR. PAGE: So, Jerry, what we've -- seems

1 like what -- what we've done in the past is an
2 approval with the condition of the submittal of
3 product data for windows and doors and any other
4 element that we have a -- that we have a question
5 about that isn't answered in the current presentation,
6 which would I believe get them to the point where
7 we're not -- we don't have any problems with the
8 building, the building form, the building materials,
9 as we understand them, the placement of the building,
10 the expansion of the terrace, et cetera. We're just
11 looking for clarification on a couple of elements that
12 are still in -- in the design stage.

13 MR. BAYER: Yeah.

14 CHAIRPERSON LUDWIG: Yes, that's -- that's
15 correct.

16 MR. BAYER: Generally, Jerry --

17 CHAIRPERSON LUDWIG: The concept we'll
18 approve tonight, I think, without any problems. And
19 just, as John said, some specifics on the details, but
20 this should allow you to proceed.

21 MR. BAYER: Ramsey, is that -- is that good
22 with -- from your end, generally, as well?

23 MR. BOEHNER: I'm fine with that if the Town
24 Attorney is fine with that.

25 MR. BAYER: Yeah. Now, I mean, we have

1 enough --

2 MR. BOEHNER: So, what you usually have to
3 do, Mark, before we would issue a building
4 permanent --

5 MR. BAYER: Yeah.

6 MR. BOHENER: -- you need to come back and
7 address that condition.

8 MR. BAYER: Okay. I mean, I think --

9 MR. JUDSON: Can we talk through what we're
10 going to do and --

11 MR. BAYER: Yeah. I think we can --

12 MR. JUDSON: -- can we deal with that
13 tonight? I mean, I think we know what we're doing.

14 MR. BAYER: We know generally what we're
15 doing. I -- I think there's just a couple of
16 questions. And I think with Rufus and myself here, we
17 can -- we can walk through any questions you have.
18 And there are just a few budgetary issues that we're
19 still -- I think that still needs to be resolved.
20 But, generally, we understand the materials pretty
21 well.

22 MR. GOODMAN: Jerry, I -- I would be in
23 favor and -- and Mark and Rufus. I mean, I would be
24 in favor in getting as much approved her tonight. I
25 can't imagine that, you know, there's going to be

1 really subpar materials put -- put into this project.
2 So, I -- I would be in favor of just, you know, trying
3 as best we can to get as much approved --

4 MR. BAYER: Yeah.

5 MR. GOODMAN: -- you know, tonight. I'm not
6 in favor of holding this project up. If that's -- you
7 know, at all.

8 MR. JUDSON: I fully agree. Let's move it
9 forward.

10 CHAIRPERSON LUDWIG: You know, neither --
11 neither are we, but in the past certainly we have just
12 asked that those materials be defined, what type of
13 windows and so forth, what type of doors. And that
14 can come at a later date. But as far as the concept
15 goes, I think we're fine.

16 MR. BAYER: Yeah. I mean, we can talk about
17 the materials tonight, Jerry, to a large extent. I
18 think Rufus has a pretty good sense of what he wants.

19 MR. JUDSON: Yeah, shoot. We can -- we can
20 answer.

21 MR. BAYER: So, we're -- we'll -- we'll try
22 to answer any of those questions we can. I can -- I
23 can run through generally what we're thinking or you
24 can ask --

25 MR. BOEHNER: Well, Mark, do you have the

1 drawings showing the materials? Or a list of
2 materials?

3 MR. BAYER: If we just look at the
4 elevations we can talk -- we can talk it through.

5 MR. WHITAKER: Is that a metal roof on the
6 pool house?

7 MR. BAYER: Right now we're showing that
8 intent. And the ideal scenario would be standing seam
9 copper in Rufus's eyes, but I think we're realistic
10 enough to know that we -- we may want to do a --
11 depending on budget and cost on that material, we are
12 going to have an alternate material which would likely
13 be a high-end asphalt shingle. It would be in a color
14 compatible and sympathetic with the building. We have
15 to keep -- we do have to keep that -- that in mind.

16 So, we are going to have an alternate for --
17 for that kind of a product.

18 MR. GORDON: I'd like to -- I'd like to just
19 jump in here for a bit. This is Ken Gordon. I'm the
20 Town Attorney.

21 So, I want to back up what Jerry has said
22 and maybe say it a little bit more forcefully.

23 MR. BAYER: Okay.

24 MR. GORDON: When projects come in for
25 approval of the certificate of appropriateness, we as

1 the board need to have and have always had details as
2 to window material, door materials.

3 MR. BAYER: Okay.

4 MR. GORDON: Roofing materials. Specifics.
5 Because if you put on windows and doors that would not
6 be compatible with the historic character of this
7 property, you put on an asphalt roof that wouldn't be
8 consistent with the historic character of this
9 property, this Board might not approve that. So,
10 that's why Jerry's asking for those details. The job
11 of this Board is to determine whether your project is
12 compatible with the historic character of this
13 property. And -- and that's very important to have
14 those details.

15 I will also say as I listened to the
16 presentation -- and you did a fabulous job, Mark. I
17 mean, one of the best presentations I've really ever
18 heard and for this Board. But what struck me is
19 that -- and -- and John's comments sort of helped
20 solidify this -- the project as you proposed it, if --
21 if we can get those additional details, as is, sounds
22 like this Board is willing to support it. But if you
23 go to the Zoning Board of Appeals and the Zoning Board
24 of Appeals wants to tweak the project, wants to tweak
25 the size of your cabana or the pitch of the roof or

1 who knows what else they might want to tweak, we
2 suddenly might find a project that isn't compatible
3 with the historic character of this property.

4 So, I was thinking that one way or another,
5 you were going to come out of this meeting at best
6 with a conditional approval.

7 MR. BAYER: Okay.

8 MR. GORDON: Conditional approval being we
9 as the Board, or the Board, would approve this project
10 with the condition that it be built in accordance with
11 the plans you're showing us tonight. Which is what
12 you want, I understand.

13 MR. BAYER: Right.

14 MR. GORDON: But if you're forced to make
15 changes, you might have to come back and talk to us
16 and make sure we're okay. And they'll -- there might
17 be some give and take. I mean, if the Zoning Board of
18 Appeals is great with your design as is, this Board's
19 great with your design as is, then, you know, you got
20 a green light from those boards and you're going ahead
21 full steam.

22 MR. BAYER: Right. Right.

23 MR. GORDON: You understand what I'm saying?
24 Ramsey, do you have some input on that interplay
25 between the boards?

1 MR. BOEHNER: I think that that is true. We
2 often sometimes don't grant an approval knowing
3 variances are outstanding in case the drawings have to
4 change. Because if the drawings change, then you have
5 to start over again. That is a possibility. They
6 have to understand that if we were to approve this
7 with the condition that if there was changes to the
8 plans based on the Zoning Board meeting, they may need
9 to come back in front of this commission for
10 additional review and approval.

11 MR. GORDON: Is -- is it your impression,
12 Ramsey, that they need Historic Preservation approval
13 fully granted before they can go on to ZBA for their
14 variances?

15 MR. BOEHNER: No. There is no code
16 requirement. I think it always helps to know that a
17 board -- another board has approved the project or
18 signed off on the project or has a positive feeling
19 towards the project. That always helps the variance,
20 but it is not required that this Board gives it's
21 approval first before the variances will be granted.
22 The variance is looking at two different things, the
23 height and the size of the -- the pool house.

24 MR. GORDON: And which is -- which is what
25 John, I think, articulated he likes is that it is, you

1 know, an appropriately large size. And so I don't --
2 I'm just going to throw something out here as a
3 suggestion, folks. And I -- I will, of course, leave
4 it to the Board to make their decision ultimately, but
5 one idea might be for this board to simply pass a
6 resolution, not a certificate of appropriateness. But
7 just a simple resolution saying that you are
8 supportive of the design and the concept presented in
9 the bare drawings for the Judson residence for the
10 purpose of getting it in front of the ZBA. So, the
11 ZBA knows that you're okay with this design with the
12 understanding that if nothing changes, and we can get
13 those details on doors, windows and roof, this is a
14 go. But go and get your ZBA approval, go get your
15 variances so that you know you're not going to have to
16 make any changes.

17 MR. BAYER: That -- that makes great sense.
18 And --

19 MR. GORDON: Ramsey, what do you think on
20 that? You're -- you're muted. So, we -- we don't
21 know what you're saying. You're still muted. So, we
22 still don't know.

23 MR. BOEHNER: Okay. Sorry. My dog barged
24 in and he has a -- noisy claws. So, I had to get him
25 out of the room and mute myself.

1 What was the question, Ken? I'm sorry.

2 MR. GORDON: The idea was -- the idea that I
3 floated was to rather than -- rather than have a
4 formal approval of the C of A application, to simply
5 pass a resolution indicating support for the design
6 and the concepts as shown in the Bayer plans for the
7 Judson property so that they can convey that to the
8 Zoning Board of Appeals. Have them go in front of the
9 ZBA, get their variances, make sure there's no
10 design -- major design changes, and then come on back
11 and if everything is good and they can get us the
12 details of the roof, windows, and doors, they get
13 their C of A and they're done.

14 MR. BOEHNER: Yeah, no. That's fine.
15 Especially if the Zoning Board causes any changes in
16 the project. Those changes could be made and
17 resubmitted and the hearing just continues.

18 MR. GORDON: Yeah, exactly.

19 MR. PAGE: So, I'd -- I'd just like to
20 suggest that the resolution not only support it,
21 but -- but -- but supported -- support the request for
22 variance that they're asking for because the -- the
23 zoning ordinance in the case of a property and a
24 building like this, it's inadequate to -- to allow for
25 an appropriate response to a property and a building

1 like this. And we've seen this before. It's just a
2 pet peeve of mine actually, the 16-foot ceiling height
3 or -- or roof height because, you know, you virtually
4 have to do a -- a 1980's house to -- to meet that
5 requirement. And we've come before the Board on a
6 number of occasions for that. And then a 250-square
7 foot building is -- is like a dwarf on a -- on a -- on
8 a property like this. And in order to -- so, not only
9 the function that they're looking for, but just even
10 the relationship between the -- between the primary
11 structures that are already on the property are -- are
12 enhanced by having a building that's got a stature
13 that is appropriate to -- to the property.

14 MR. GORDON: We can -- we can write
15 something in that says, you know, the substantial size
16 and roof height and pitch of the proposed roof appears
17 to be consistent with the historic character and
18 enhances the overall design features of the property.
19 Something like that; right? I don't want to have this
20 Board intrude upon the ZBA --

21 MR. PAGE: That's fine.

22 MR. GORDON: -- decision making regarding
23 whether an area variance should or should not be
24 granted because there are other statutory factors
25 there that we haven't had kind of evidence or

1 testimony on in tonight's meeting, the impact on the
2 neighborhood, et cetera.

3 So, I would -- I'd caution against having
4 something specific in there that says we support the
5 granting of the variance. But I do think it's
6 appropriate to say we support this design, the size of
7 the structure, you know, the substantialness of this
8 out-building, the roof height, the pitch, all of those
9 design elements, I think, John, that you're -- you're
10 getting at, that make this an appropriate out-building
11 for this house on this property, consistent with the
12 historic character of the property. And you can even
13 go as far as saying a smaller structure with a lower
14 roof might not be as compatible with the historic
15 character of this property.

16 CHAIRPERSON LUDWIG: One quick suggestion on
17 the -- if the copper is not feasible for monetary
18 reasons, you might want to consider turned metal. I
19 really like the looks of the standing seam roof and I
20 hope that you can keep that.

21 MR. BAYER: Thank you, Jerry. You know,
22 we're -- I --

23 MR. JUDSON: Is it worth -- is it worth
24 discussing our plans for the windows and doors?

25 MR. GORDON: Well, I think just to get

1 feedback if nothing else.

2 MR. BOEHNER: It wouldn't hurt, Rufus.

3 MR. GORDON: Yeah.

4 MR. BOEHNER: As much as we can get done,
5 let's get done.

6 MR. GORDON: Yeah, yeah.

7 MS. DREHER: Yeah, I agree.

8 MR. BAYER: So, do you want to -- do you
9 want to go back to the elevation drawings for a
10 minute? If -- Is that what I'm hearing? Yeah?

11 MR. BOEHNER: Yeah, he's getting them, Mark.

12 MR. BAYER: Okay. So, I mean, I think
13 the -- the design intent and the inspiration on the
14 windows with the exception, of course, of -- you know,
15 the lower -- the lower level basically doors that we
16 have. You know, I think Rufus and Amy on both the
17 south elevation and on that west elevation we're
18 hoping to be able to open the building up on the low
19 level with a folding-back style door. Correct, Rufus?
20 That's the intent; right?

21 And the inspiration for the upper windows
22 and the way they're detailed and treated is all coming
23 from the house. They're planning to use a high-end
24 window unit. It's the -- working with New Energy
25 Works. Their notes to me is basically an aluminum

1 clad wood. That will be dark in color, bronze color,
2 both interior and exterior. That's currently what
3 they are planning.

4 And the -- again, I -- I mentioned the
5 siding being a vertical board siding. Well, a
6 vertical groove that is inspired by that photo we
7 looked at on the side of the garage. There's some
8 detail there that we're looking to kind of repeat into
9 the building, the pool building, kind of -- again, as
10 related to the wood components of the -- of the garage
11 and breezeway. Color-wise, it will be stained dark in
12 the brown range.

13 And the -- again, the roofing materials,
14 Rufus has thought about, Amy and Rufus have been
15 talking about the standing seam copper versus the
16 other metallic-type standing seam that would look
17 copper like. And then probably the third choice is --
18 is that other -- some sort of an architectural shingle
19 that would be -- we don't have that nailed down
20 because we need to know the budget numbers yet.

21 That's -- the chimney, as I mentioned, would
22 be all stone. That is being done -- our plan is to
23 recycle and reuse all the Medina stone that came from
24 the -- from the old driveway cobble and utilize that.

25 And gutters and downspouts would all be

1 copper is our plan. And I'm trying to think of the,
2 you know, interior timber work, if that's an issue, is
3 all -- you know, that's still -- that's planned to
4 timber frame interior. We're planning to do some kind
5 of a stone tile-type flooring.

6 Is there other -- other material questions
7 you might have?

8 MR. PAGE: Only exterior materials.

9 MR. BAYER: Okay.

10 MR. PAGE: So -- so, the -- the panel door,
11 the door that looks a little bit tudor-ish, is that --
12 what is that.

13 MR. BAYER: Which elevation, John?

14 MR. PAGE: East elevation.

15 MR. BAYER: East elevation. To the best of
16 my knowledge, I -- you know -- Rufus, do you want to
17 speak to that?

18 MR. JUDSON: Yeah. I mean, it'll be --
19 it'll be a wood painted door to match the -- in terms
20 of color and in terms of whatever the fascia is it'll
21 be a good solid door, a good wood door. And there is
22 a -- you can see the lights, the three lights at the
23 top.

24 MR. PAGE: Right. Yeah. It's a lovely
25 door. So, normally -- you know, and you've been

1 through this, Mark -- normally people would come in
2 with products that was, you know, supportive of the --
3 of the elevations and --

4 MR. BAYER: Okay.

5 MR. PAGE: And they would all be wrapped up
6 in the -- the C of A.

7 MR. BAYER: Okay. That's --

8 MR. JUDSON: So, just mechanically that'll
9 be -- we have to come back to another historical
10 review or would it be something we can submit through
11 Ramsey for -- for -- as noted, so to speak?

12 MR. PAGE: So, Ramsey, you'd come back with
13 the -- with the --

14 MR. JUDSON: We'd appear, again. Okay.

15 MR. GORDON: Yeah, you would would be --
16 what I was going to propose is that you would come
17 back at the very next Historic Preservation Committee
18 meeting after you get your variances granted by the
19 ZBA. So, whenever that is, whenever you get a
20 grant -- a variance grant by the ZBA, you're back in
21 front of this Board the very next meeting to get your
22 final C of A approval.

23 MR. BOEHNER: That is February 25th.

24 MR. GORDON: Assuming, Ramsey, that they get
25 their ZBA variances on the 3rd.

1 MR. BOEHNER: Mm-hmm.

2 MR. GOODMAN: I -- I think that's a great
3 approach. And it prevents -- you know, prevents, you
4 know, holding them back; correct? From -- from
5 waiting another month to get our approval before they
6 went to the ZBA; right?

7 MR. GORDON: Right. Which I was -- I mean,
8 I -- I don't know if there's more discussion here to
9 be had on the windows and doors and roof materials,
10 but just to jump ahead --

11 MR. GOODMAN: Yeah, yeah.

12 MR. GORDON: -- and keep that in mind, I
13 would want -- I would want to have the Judsons
14 request, frankly, that the Board adjourn the C of A
15 public hearing, the certificate of appropriateness
16 public hearing, until the Historic Preservation
17 Commission meeting following the granting of the
18 variances for their project. And then we would also
19 have a resolution by this board expressing its
20 position to the ZBA relative to the project.

21 MR. GOODMAN: That's -- that sounds like a
22 good approach to me.

23 CHAIRPERSON LUDWIG: One quick question.
24 There is no stucco on this? It's all -- the exterior
25 is all wood; is that correct?

1 MR. BAYER: Yes.

2 CHAIRPERSON LUDWIG: Okay. Thanks.

3 MR. BAYER: It's a wood product.

4 CHAIRPERSON LUDWIG: Yup. Okay.

5 MR. BAYER: A grooved -- a grooved siding,
6 basically.

7 CHAIRPERSON LUDWIG: Sure. That's fine.
8 Thank you.

9 So, does that answer what you need to know
10 tonight or as best we can?

11 MR. BAYER: I -- I think so. I think,
12 again, I think with a resolution just --

13 MR. JUDSON: You want -- I'm sorry, Mark.
14 You want -- you want product data on windows, doors
15 and roof, just to be clear.

16 MS. DREHER: And siding usually as well;
17 right?

18 MR. JUDSON: Then that's -- that would be
19 great to get a list of what we need then.

20 MR. BAYER: I think -- I think we're pretty
21 clear on what -- what's needed.

22 MR. JUDSON: Siding or no?

23 MR. BOEHNER: Yeah, siding is usually
24 included in the material lists.

25 MR. JUDSON: Okay.

1 MR. BAYER: And so --

2 MR. GORDON: And just -- I don't want to
3 throw more -- more at you, but Jerry had mentioned
4 fence material. Do you want that or are you okay with
5 that, guys?

6 CHAIRPERSON LUDWIG: I'm -- I think -- no, I
7 think we're -- I'm okay with that.

8 MR. GORDON: And their -- their rendering
9 did show fencing. So, I think you can see those
10 details. So, I don't think you need more on that.

11 CHAIRPERSON LUDWIG: No, I think we're okay
12 on fencing.

13 MR. GORDON: Yup.

14 CHAIRPERSON LUDWIG: At least on my end.

15 MR. BAYER: Okay. So -- and again, I
16 think -- I think with -- with the resolution that
17 basically is supportive of the design intent, and
18 scale and massing -- you know, we understand that it
19 is important to get the ZBA approval before you can
20 give -- both sign off just to make sure that there
21 aren't changes. We -- I understand that. And, you
22 know, I think -- we go on February 3rd to the Zoning
23 Board of Appeals. Hopefully we'll be successful
24 there. And then we can follow back up and have
25 materials list organized for you. And -- and, you

1 know, generally our intent, as I described it with
2 Rufus is, short of having specific manufacturer's and
3 product data, that -- that is our -- our general
4 direction and intent on the materials. So --

5 MR. JUDSON: So, is it fair to say that
6 based on our discussion -- and I understand we have to
7 come back -- but based on our discussion on the
8 siding, the windows, the doors and the -- the roofing
9 materials that, in general, everybody feels good about
10 our game plan?

11 CHAIRPERSON LUDWIG: Yes, I do.

12 MR. PAGE: Yeah. We've had this situation
13 before where folks have come in with a project of a
14 good scale and that was -- had good design and was
15 planning on using good materials. And they've gone
16 away pretty much knowing that the project wasn't going
17 to receive any substantial pushback from us. So, it
18 didn't prevent them from progressing the project
19 toward the point where they could get a building
20 permit at the same time as they were waiting for the
21 next meeting to finalize all the -- all the details.
22 And it's -- those have all turned out very successful,
23 I think.

24 MR. JUDSON: I appreciate that, John. Yeah,
25 and obviously I'm happily paying folks like Mark and

1 Samantha to draw. So, I just want to make sure we're
2 on track. So, that's great. And also --

3 CHAIRPERSON LUDWIG: Other than -- other than
4 flipping the plan, it looks fine. I'm just kidding.
5 No, it looks great. Looks great. Well done.

6 MR. BAYER: Thank you. We're super excited.

7 Mr. JUDSON: Thank you.

8 MR. BOEHNER: Beautiful. Absolutely
9 beautiful.

10 MR. BAYER: Thank you.

11 CHAIRPERSON LUDWIG: Thanks, Mark.

12 MR. GORDON: Jerry, I didn't know if there
13 was anyone else on the Zoom meeting here who wanted to
14 comment on these plans?

15 CHAIRPERSON LUDWIG: Well, let's ask.
16 Ramsey, is anyone in the waiting room that you know
17 of?

18 MR. BOEHNER: Looking. If there is anyone
19 out here that would want to speak on this application,
20 if you could raise your hand.

21 CHAIRPERSON LUDWIG: I guess not.

22 MR. BOEHNER: I'm not seeing anyone. Nope.
23 I'm not finding anyone. No one's raised their hand or
24 gave any indication.

25 CHAIRPERSON LUDWIG: All right. And then,

1 Mr. And Ms. Judson, are you in fact requesting that
2 the Board hold open the public hearing and adjourn the
3 matter to the next Historic Preservation Commission
4 meeting following the granting of the variances by the
5 ZBA for your project?

6 MR. JUDSON: That's what we want, Mark?

7 MR. BAYER: Yeah. That's what we want
8 ideally. And then, yeah, I liked your idea, Ken, of
9 having a resolution if that's possible.

10 MR. GORDON: I'm prepared to put that forth.

11 MR. BAYER: Thank you.

12 MR. GORDON: Jerry, do you want a resolution
13 from me?

14 MR. JUDSON: Yes.

15 CHAIRPERSON LUDWIG: I would like that very
16 much. Thank you.

17 MR. GORDON: I would propose the following
18 resolution with respect to the project as detailed in
19 application 1H-01-21 for the property located at 3541
20 Elmwood Avenue owned by Rufus and Amy Judson. It is
21 hereby resolved that the Historic Preservation
22 Commission wishes to express to the Brighton Zoning
23 Board of Appeals its support for the design features
24 of the project including, but not limited to, the
25 substantial size of the planned out-building, the

1 height and pitch of the roof of the out-building and
2 the location of the proposed pool yard, as such design
3 features enhance the compatibility of the proposed
4 project with the historic character of this designated
5 property.

6 CHAIRPERSON LUDWIG: Would someone like to
7 put forth that resolution?

8 MR. WHITAKER: I make the resolution.
9 Whitaker.

10 CHAIRPERSON LUDWIG: Thank you. Can I have a
11 second?

12 MR. GOODMAN: I'll second.

13 CHAIRPERSON LUDWIG: All in favor?

14 MR. BOEHNER: Whitaker made the motion.
15 Delvecchio made the second.

16 MR. DELVECCHIO: Yes.

17 MR. GOODMAN: I think -- I think -- I made
18 the second, I think, Ramsey.

19 MR. DELVECCHIO: Wayne did. Wayne did.
20 Wayne did, I do support.

21 MR. BOEHNER: Okay. So, I got Wayne making
22 the second. The steno, how's that?

23 CHAIRPERSON LUDWIG: All right. Any
24 discussion?

25 MR. BOEHNER: Wayne Goodman.

1 CHAIRPERSON LUDWIG: Okay. Ramsey.
2 MR. BOEHNER: Ludwig?
3 CHAIRPERSON LUDWIG: Yes.
4 MR. BOEHNER: Delvecchio?
5 MR. DELVECCHIO: Yes.
6 MR. BOEHNER: Goodman?
7 MR. GOODMAN: Yes.
8 MR. BOEHNER: Whitaker?
9 MR. WHITAKER: Yes.
10 MR. BOEHNER: Page?
11 MR. PAGE: Yes.
12 MR. BOEHNER: Dreher?
13 MS. DREHER: Yes.
14 MR. BOEHNER: Motion passes. Resolution
15 passes.
16 CHAIRPERSON LUDWIG: Very good.
17 MR. GORDON: And the -- and the record
18 should reflect that application 1H-01-21 for
19 certificate of appropriateness has been adjourned to
20 the next meeting of the Historic Preservation
21 Commission following the granting by the ZBA of
22 variances for this project at the request of Rufus and
23 Amy Judson.
24 CHAIRPERSON LUDWIG: Very well. There are no
25 hardship applications. Public hearings are closed for

1 tonight. Any new business? Any old business? May I
2 have a motion -- I guess, there are no presentations.
3 May I have a motion to adjourn?

4 MS. DREHER: I'll move.

5 CHAIRPERSON LUDWIG: Thank you. Second?

6 MR. WHITAKER: Second.

7 CHAIRPERSON LUDWIG: All in favor?

8 ALL COUNCIL MEMBERS: Aye.

9 CHAIRPERSON LUDWIG: Meeting stands
10 adjourned. Hi Stephanie.

11 (Proceedings concluded.)

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REPORTER CERTIFICATE

I, Holly E. Castleman, do hereby certify that I did report the foregoing proceeding, which was taken down by me in a verbatim manner by means of machine shorthand.

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 22th day of February, 2021
at Rochester, New York.

Holly E. Castleman

Holly E. Castleman,