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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

May 27th, 2021

Zoom Meeting
2300 Elmwood Avenue
Rochester, New York 14618

PRESENT:

JERRY LUDWIG, CHAIRPERSON

DAVID WHITAKER)
JOHN PAGE) BOARD MEMBERS
AMANDA DREHER)

KEN GORDON, ESQ.
Town Attorney

RAMSEY BOEHNER
Town Planner

BRETT CARLOCK

NOT PRESENT:

DIANA ROBINSON
JUSTIN DEL VECCHIO
WAYNE GOODMAN

MARY JO LANPHEAR
Town Historian

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

1 MR. BOEHNER: Thank you. Jerry, you can start.

2 CHAIRPERSON LUDWIG: Thank you. Is there anyone
3 here for open forum?

4 MR. BOEHNER: If there is, raise your hand.

5 MR. GORDON: People are just getting connected by
6 audio. So just give it a couple minutes, Jerry.

7 It looks like everyone's in now.

8 MR. BOEHNER: I don't see anyone raising their
9 hands. So I think we can move on.

10 CHAIRPERSON LUDWIG: Okay. Like to call the
11 meeting to order. Thank you all for coming. Mr.
12 Secretary, would you call the roll, please.

13 MR. BOEHNER: Dreher?

14 MS. DREHER: Here.

15 MR. BOEHNER: Page?

16 MR. PAGE: Here.

17 MR. BOEHNER: Whitaker?

18 MR. WHITAKER: Here.

19 MR. BOEHNER: Ludwig?

20 CHAIRPERSON LUDWIG: Here.

21 MR. BOEHNER: Absent is Robinson, DelVecchio, and
22 Goodman.

23 CHAIRPERSON LUDWIG: Like to have a motion to
24 approve the agenda.

25 MR. PAGE: I'll make that motion. John Page.

1 MS. DREHER: I'll second.

2 CHAIRPERSON LUDWIG: Thank you, Amanda. All in
3 favor?

4 ALL BOARD MEMBERS: Aye.

5 CHAIRPERSON LUDWIG: Agenda is approved. We're
6 going to hold up on approving the minutes until next
7 month. Ramsey, was this meeting duly advertised?

8 MR. BOEHNER: Yes. It was properly advertised in
9 the Brighton-Pittsford Post, May 13th, 2021.

10 CHAIRPERSON LUDWIG: That meeting is duly
11 advertised. Will now be held.

12 First item on the agenda, public hearing. The
13 establishment, rules and/or polices pursuant to Town Code
14 Section 224-4 for determining when repairs to and
15 maintenance of landmarks will not require a certificate of
16 appropriateness. The specific rules/policy under
17 consideration is not to require a certificate of
18 appropriateness for the removal of a dead or dying tree
19 from the designated property.

20 MR. BOEHNER: As the commission has asked the
21 Town Attorney and us have discussed that he had written up
22 this policy, which can also be amended as time goes on if
23 the Board feels that their in support of this, if there's
24 other amendments that you might want -- or policies that
25 you want to add to this in the future, we'll be able to do

1 that just by amending this policy from time to time after
2 we call a public hearing.

3 You will see the one question I -- I do have
4 while in talking about this, it says a dead tree. Could
5 it be trees or are we just going to limit it to that you
6 can take down one tree?

7 MR. PAGE: Well, I think it should be trees. But
8 I have a -- a question about -- is this intended to be
9 enforced by the property owner. In other words, is there
10 -- before somebody makes the decision to remove a tree, do
11 they -- what do they have to do to avoid -- I mean, this
12 probably wouldn't come up, but let's -- let's say somebody
13 removed a tree and somebody thought that it wasn't dead
14 and they complained about it. I mean, before we talked
15 about having some sort of evidence. I mean, are we
16 looking for anything like that on this or do we just want
17 this to be very much up to the property owner and not
18 worry about it?

19 MR. BOEHNER: Part of the reason that wasn't in
20 the -- when we discussed having this public hearing
21 scheduled, when I brought that up I -- I heard some of the
22 members not being supportive of it. It is something I
23 sometimes ask people. Especially if the tree's more dying
24 than dead. Sometimes it could be hard to tell what's
25 going on with the tree. But sometimes if a professional

1 goes out and looks at it, they can verify. They often do
2 that with the clearing and excavation exemptions. Because
3 in our Town if you have one acre or more you need a
4 clearing and excavation permit to take down trees. But if
5 they're dead or dying it's exempt under the law, and
6 sometimes someone will give me a letter saying, "I had
7 someone come out and said these trees are dying and they
8 need to be removed." And I'd say, "Understand. That's --
9 that's fine." But it's the pleasure of the Board.

10 CHAIRPERSON LUDWIG: I think -- I think the --
11 when we talked about this issue the last time, part of --
12 part of the policy I think is to streamline or make less
13 -- less of a burden on the homeowner. So if there's a
14 tree that's dead or dying, I don't think we should require
15 someone to go out -- a nursery person to go out and say,
16 "Well, the tree's dead or dying." I think -- I think we
17 should -- I think this is a good policy just the way it
18 stands.

19 MS. DREHER: I agree with Jerry.

20 MR. PAGE: So Ramsey, you're seeing this as a --
21 as a gateway policy? I don't -- I had a -- a list of
22 other things that I was thinking about in preparation for
23 this but it -- it may be -- it's fine also to put it off.
24 But that's -- there's things that I think that came up,
25 other things, like removal of a piece of equipment that's

1 no longer needed. For instance, like, an air conditioner.
2 The reciprocal of that was also putting a compressor on
3 the property in order have -- anyway there's a -- a
4 discrete list of things that probably could be considered
5 and added in the future to what you're creating here.

6 MR. BOEHNER: That -- that -- that is -- Yeah.
7 That is the idea. The good idea that Ken came up with is
8 that we have this policy, and that after we call a public
9 hearing, we could amend that policy to add additional
10 things. Because I think as time goes on, it is felt that
11 this would be helpful to the people that follow down the
12 road, ten years from now, five years from now when some of
13 us may or may not be here or even remember what we did.
14 We would have it actually in writing and I think it's a
15 very good idea. So, John, we could at another time do
16 this again on a different a topic and add it to the list.

17 MR. PAGE: Okay.

18 MR. BOEHNER: That's the beauty of the list.

19 CHAIRPERSON LUDWIG: And -- and the one thing
20 about air conditioning and compressors and also
21 generators, is that they do require building permits. So
22 there is some protection there and the other advantage to
23 those items are that they're readily removable, and they
24 do not affect the fabric of the house itself.

25 MR. PAGE: Right. Which is why I thought there's

1 something that could be considered. However, when you're
2 talking about something like that you -- may want to have
3 something in there that says not in front of the house,
4 for example.

5 CHAIRPERSON LUDWIG: Well, that's the code. The
6 code requires --

7 MR. PAGE: Okay.

8 MR. BOEHNER: Yeah, but you got to understand if
9 they're applying for a variance, you will not see it if
10 you do that. But this is probably for a different -- a
11 different topic. Because right now we're having the
12 public hearing on the policy as drafted by the -- the Town
13 Attorney. And then maybe after that we can pick back up
14 another policy if we would like.

15 CHAIRPERSON LUDWIG: So Ramsey, basically the
16 blueprint, once this is in place and approved and we have
17 the public hearing, then we can just add to it as we see
18 fit.

19 MR. BOEHNER: No. Well, you have to hold a
20 public hearing each time.

21 CHAIRPERSON LUDWIG: Each time?

22 MR. BOEHNER: Each time.

23 MR. GORDON: Right. I -- I drafted this thing so
24 you'd have a format to drop things in. There's a reason
25 that this is not -- this rule is rule number -- number

1 one. I wasn't intending -- expecting that you would add
2 rules to it. I wouldn't have done it that way. So it's
3 there. All you got to do is -- you know, it's going to
4 make amending this rule easier, and you just have a
5 proposed rule to add or proposed policy that, you know,
6 something -- remember it has to be under the code related
7 to maintenance or repair, and it would obviate the need of
8 coming to the Board for a C of A.

9 And really, as Ramsey alluded to, this is a tool
10 more for the use of staff than anyone else. Right? So
11 you put the policy in place. But you're putting the
12 policy in place really for staff so that when somebody
13 picks up the phone and says, "Hey, do I need to get a C of
14 A for my designated house because I want to remove a dead
15 tree?" Now, staff can clearly say, "No. You don't need a
16 C of A. Don't worry about it." And if you want to add to
17 it for air conditioners, et cetera; same -- same
18 application. Similarly, if somebody says, "Hey, my next
19 door neighbor whose house is designated took down a dead
20 tree. I think the Town should go fine them or bring a
21 code violation against them." Again, we know that that's
22 now okay.

23 So the utility of the policy and the rules is
24 really for staff to have clarity. And, you know, Ramsey
25 and I know where your heads are at, but we want to put

1 something in writing. So that when you all aren't around,
2 and when Ramsey and I aren't around, some future boards,
3 and future staff folks will know -- will know what to do.

4 MR. PAGE: Okay. What's next?

5 MR. GORDON: Somebody would need to ask if
6 there's anyone in the Zoom audience who would like to make
7 comments during part of this public hearing.

8 MR. BOEHNER: If there is, if you could raise
9 your hand.

10 We don't have any hand raisers, so --

11 CHAIRPERSON LUDWIG: Would you like a motion,
12 Ken?

13 MR. GORDON: I think we can close the public
14 hearing. If you want to do that, Jerry.

15 CHAIRPERSON LUDWIG: Okay. Let's close the
16 public hearing. And any discussion among the Board.
17 Well, let's -- let's ask for a motion first, please.

18 MR. GORDON: Yup. I think the motion could
19 simply be to adopt the policy that is before the Board.
20 That is being adopted pursuant to Town Code Section 224-4,
21 which will put in place a policy that will not require a
22 certificate of appropriateness for a designated property
23 owner to remove a dead or dying tree from a designated
24 property.

25 CHAIRPERSON LUDWIG: Very good. May I have

1 someone put forth that motion, please.

2 MR. WHITAKER: I'll make it.

3 CHAIRPERSON LUDWIG: Thank you, David. Second,
4 please.

5 MR. PAGE: I'll second it. John Page.

6 CHAIRPERSON LUDWIG: Thank you, John. Any
7 discussion?

8 MR. PAGE: Thank you, Ken.

9 CHAIRPERSON LUDWIG: Ramsey, would you call the
10 roll, please?

11 MR. BOEHNER: Ludwig?

12 CHAIRPERSON LUDWIG: Yes.

13 MR. BOEHNER: Witaker?

14 MR. WHITAKER: Yes.

15 MR. BOEHNER: Page?

16 MR. PAGE: Yes.

17 MR. BOEHNER: Dreher?

18 MS. DREHER: Yes.

19 MR. BOEHNER: Motion passes.

20 CHAIRPERSON LUDWIG: Thank you. Thank you, Ken.

21 We have no designation of landmarks. We have no
22 certificates of appropriateness. No hardship application.
23 Public hearings are now closed. New business? Any new
24 business? Okay. Old business? Application of William
25 and Jason Barnecut-Kearns for a certificate of

1 appropriateness renewal located at 30 Stoneham Road.

2 MR. BARNECUT-KEARNS: Good evening.

3 CHAIRPERSON LUDWIG: Good evening.

4 MR. BOEHNER: Bill, how are you?

5 MR. BARNECUT-KEARNS: We are well. Thank you.

6 We are -- we're applying for the extension. We have --
7 due Covid and supply line and contractor issues, our
8 windows -- the agreed upon windows arrived after the
9 expiration of our existing certificate of appropriateness.
10 So we just wanted to apply for an extension to do the work
11 that was already approved.

12 CHAIRPERSON LUDWIG: So -- so Bill, are you
13 living in your car now? Is that it?

14 MR. BARNECUT-KEARNE: So yes, I am.

15 CHAIRPERSON LUDWIG: Oh, okay. Well, you can
16 drive your -- you can live in your car, but you can't
17 drive your house. So there you go.

18 MR. BARNECUT-KEARNE: Exactly. So we did. We
19 ordered the agreed upon Anderson windows. They arrived.
20 We just simply wanted -- our contractor is now available
21 to start the work. But we were beyond our date so we
22 wanted to do the right thing and make sure that we had --
23 you know, Ramsey advised us to apply for an extension.

24 CHAIRPERSON LUDWIG: Very good. Well, thank you
25 for doing that.

1 MR. BARNECUT-KEARNS: Of course.

2 CHAIRPERSON LUDWIG: Ramsey, do you want to speak
3 to this?

4 MR. BOEHNER: Yeah. And it's not too much to
5 say. I think Bill did a pretty good job of summarizing
6 it. The code does allow for the commission to renew their
7 approval. And that is what they're here to do. It sounds
8 like they're about to start work. You can extend it for a
9 year. You can extend it maybe for a specific time, I
10 believe, that's up to the commission.

11 MR. PAGE: I recommend extending it for a year.

12 MR. BOEHNER: It would be good to have a motion.

13 CHAIRPERSON LUDWIG: Ken, would you like to
14 prepare a motion?

15 MR. BOEHNER: You're on mute, Ken.

16 MR. GORDON: I would like to hear a little more
17 about what the pleasure of the Board is relative to the
18 length of time that the extension would be granted. I
19 would recommend that the extension be granted certainly no
20 more than a year. But certainly, you could make that
21 extension less than a year.

22 CHAIRPERSON LUDWIG: Well, John suggested a year
23 and, I -- I think that's fine.

24 MR. BOEHNER: Okay. Yeah. I agree.

25 MS. DREHER: I agree.

1 MR. GORDON: Do you want it -- do you want it
2 extended a year from when it expired or a year from today?

3 MR. BOEHNER: May be simpler if we just -- I
4 don't think it matters to the applicant, but maybe if they
5 could just extend it from the date that they got it.

6 MR. GORDON: Does it matter to the applicant,
7 Bill?

8 MR. BARNECUT-KEARNS: We're prepared to start.
9 So it does not matter to us.

10 CHAIRPERSON LUDWIG: Agree. Okay.

11 MR. GORDON: So what is -- just tell me what the
12 pleasure of the Board is, and I'll give you a resolution.

13 CHAIRPERSON LUDWIG: Well, let's extend it for a
14 year from today. If that's --

15 MR. GORDON: Sure. I can make that happen. All
16 right. So I would propose a resolution that would renew
17 the certificate of appropriateness, which was granted
18 under application 2H-01-20 for property at 30 Stoneham
19 Road in the Town of Brighton, owned by William and Jason
20 Barnecut-Kearns, and that the renewal of that certificate
21 of appropriateness will expire one year from today on May
22 27th, 2022.

23 MR. PAGE: I'll make that motion.

24 CHAIRPERSON LUDWIG: Thanks, John. Do we have a
25 second?

1 MS. DREHER: I'll second the motion.

2 CHAIRPERSON LUDWIG: Thank you, Amanda. Any
3 discussion? Ramsey, would you call the vote, please?

4 MR. BOEHNER: Ludwig?

5 CHAIRPERSON LUDWIG: Yes.

6 MR. BOEHNER: Whitaker?

7 MR. WHITAKEER: Yes.

8 MR. BOEHNER: Page?

9 MR. PAGE: Yes.

10 MR. BOEHNER: Dreher?

11 MS. DREHER: Yes.

12 MR. BOEHNER: Motion passes. You guys are
13 renewed. Good luck with the windows.

14 MR. BARNECUT-KEARNS: Thank you all very much.
15 And Ramsey, thank you and to Gretchen for your help with
16 this. We appreciate it.

17 MR. BOEHNER: I will. I'll let Gretchen know.
18 I'll let Gretchen know. Thank you, Bill.

19 MR. BARNECUT-KEARNS: Thank you. Take care,
20 everyone.

21 MR. BOEHNER: All right. We'll see ya.

22 CHAIRPERSON LUDWIG: Good luck.

23 MR. BARNECUT-KEARNS: Thank you.

24 CHAIRPERSON LUDWIG: Ramsey, where are we with
25 the surveys. Have we sent out a request?

1 MR. BOEHNER: No. I have not sent it out, Jerry.
2 I'm a little backed up. I did get a Town Board approval
3 to send out the RFP.

4 CHAIRPERSON LUDWIG: Okay.

5 MR. BOEHNER: So the -- so the ball's in my
6 court.

7 CHAIRPERSON LUDWIG: All right. That's fine.
8 Any -- any other business before the commission? Motion
9 to adjourn? Hello?

10 MR. WHITAKER: So moved.

11 CHAIRPERSON LUDWIG: Thank you, David. A second?

12 MR. PAGE: I'll second.

13 CHAIRPERSON LUDWIG: All in favor?

14 ALL BOARD MEMBERS: Aye.

15 MS. DREHER: Reluctantly, yes.

16 MR. GORDON: Got to go back to the kids, Amanda?

17 MS. DREHER: Bath time's not even over.

18 MR. BOEHNER: Put your head phones on. Listen to
19 -- Pretend you're at a meeting.

20 MR. GORDON: Amanda, there's several lengthy
21 matters that you and I need to discuss.

22 MR. BOEHNER: You're not the only mom that we
23 have on the Board that feels that way when the meetings go
24 so quickly. They're looking at us going wait, wait. It's
25 my night out.

1 MS. DREHER: It's okay. It's -- we're in a rough
2 stage right now. The kids are a little crazy. So --

3 MR. BOEHNER: Yeah. Yeah. Okay. Well, everyone,
4 have a good weekend.

5 MS. DREHER: Have a good night.

6 CHAIRPERSON LUDWIG: Have a nice Memorial Day.
7 I'll see you in July.

8 MR. BOEHNER: See you everyone. Steno, thank
9 you. Brett, thank you.

10 (Proceedings concluded.)

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REPORTER CERTIFICATE

I, Alyssa Thomas, 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 28th day of May, 2021

At Rochester, New York.

Alyssa Thomas
Alyssa Thomas