

ADDENDUM TO THE FEBRUARY 27, 2014 meeting of the HISTORIC  
PRESERVATION COMMISSION

AT THE END OF THE MEETING SPELLING - MR. GORDON NOT GORDONE

PAGE 2 Spelling bottom of page by Mr. Gordon it is Board not Bord

SPELLING NOT C. Storrs "MARROWS" BUT BARROWS throughout the minutes.

Proceedings held before the Historic Preservation Commission of Brighton, at 2300 Elmwood Avenue, Rochester New York on February 27, 2014 commencing at approximately 7:30.

PRESENT: Jerry Ludwig, Chairman  
John Page,  
Wayne Goodman  
Diana Robinson  
Justin J. DelVecchio  
Arlene Wright

NOT PRESENT David Whitaker

Ramsey Boehner, Town Planner  
Mary Jo Lanphear, Historian  
Kenneth W. Gordon, Town Attorney

FIRE ALARM PROCEDURES WERE GIVEN

MR. CHAIRMAN: I would like to call the February 27, 2014 meeting to order. We have the minutes from the January 23, 2014 meeting.

MR. PAGE: I move to approve the February 27, 2014 minutes of the Historic Preservation Commission.

MR. GOODMAN: Second.

|                     |                            |
|---------------------|----------------------------|
| UPON ROLL CALL VOTE | MOTION UNANIMOUSLY CARRIED |
| MR. LUDWIG YES      | MR. GOODMAN YES            |
| MS. WRIGHT YES      | MR. DELVECCHIO YES.        |
| MR. PAGE YES        | MS. ROBINSON YES           |

MR. CHAIRMAN: Has the meeting been duly advertized.

MR. BOEHNER: Yes, it was properly advertised in the Brighton Pittsford Post of February 13, 2014.

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

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DESIGNATION OF LANDMARKS

2H-01-14 Application of Mary Jo Lanphear, Town Historian, for property owned by Robert F. Burke Jr. and Chris A. Lee, located at 106 Oak Lane, tax number 138.05-1-1-9 for landmark designation pursuant to the Historic Preservation Local Law of the Town of Brighton. All as described on application and documents on file.

MS. LANPHEAR: This is a slam dunk application. This house fulfills all four criteria of the town's Historic Preservation Law.. It possesses historical value as part of the Cultural, Political, Economic, Architectural and Social history of the Town. It is identified with the Marion E. Fulsom, the Secretary of Health, Education and Welfare during Isac Powers administration and also at Kodak he was involved with the Rochester Plan which was the forerunner to the Social Security System which was of big importance as a national figure as well as a local figure. The house also embodies the distinctive characteristics of the Tudor Revival Style and lastly and of importance to me the house was designed by C Storrs Marrows who was one of the greatest architects not only of the City but of the State. And for that reason I think this house should be designated as a Brighton landmark.

MR. CHAIRMAN: Any additional comments?

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MR. GORDON: I would note that we did receive a letter from John T. Refermat, dated February 4, 2014. Mr. Refermat represents the owners. Robert Burke and Charis Lee of 106 Oak Lane and they do not plan on appearing formally or object to the application for landmark designation and thank the Board for its meeting on January 23<sup>rd</sup> and found the discussion with the Boad to be useful, pleasant and were encouraged by the indication it would be representative to the plans that had been discussed with the Board.

MR. CHAIRMAN: Any other comments? I would like to close the hearing. May we have a motion please?

MR. GORDON: Sure.

WHEREAS application number 2H-01-14 has been submitted for the designation of 106 Oak Lane in the Town of Brighton and County of Monroe, State of New York, tax parcel 138.05-1-9, as a landmark under the Town's Historical Preservation Law.

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AND WHEREAS the Historic Preservation Commission duly called a public hearing to consider such matter which public hearing was duly held on February 27<sup>th</sup>, 2014 and all persons having an interest in such matter having had an opportunity to be heard therein

AND WHEREAS based on the materials and testimony from the public hearing the Historic Preservation Commission finds that the structure located on such property possesses such historic value based upon the fact that it possesses historic value as part of the cultural, political, economic and architectural and social history of the town. That is identified with Marion E. Folsom a local and national figure. That the house embodies the distinguished characteristics of the Tudor Revival Style and that the house was designed by a significant architect C. Storrs Marrows.

IT IS THEREFORE RESOLVED that the Town of Brighton application number 2H-01-14 for the designation of the landmark of the property known as 106 Oak Lane to the Town of Brighton, County of Monroe and State of New York together with the letter dated February 4, 2014 from John Refermat, as attorney for the owner of 106 Oak lane, together with cultural resources and materials which have been previously provided to the Historic Preservation Commission that have been received and filed.

AND BE IT FURTHER RESOLVED that the Town's Historic Preservation Commission hereby designates the structure and property located at 106 Oak Lane, tax parcel I.D. number 138.05-1-9 and all of said parcel as a historic landmark under the Town's Historic Preservation Law based upon the fact that it is significant to the economic, cultural, social and architectural history of the Town rejoin and state and that the medium embodies the distinguishing characteristics of the architectural style of the Tudor Revival Style and it is identified with a historic person and family.

MS. WRIGHT: So moved.

MR. DELVECCHIO: Second.]

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UPON ROLL CALL VOTE  
MR. LUDWIG YES  
MS. WRIGHT YES  
MR. PAGE YES

MOTION UNANIMOUSLY CARRIED  
MR. GOODMAN YES  
MR. DELVECCHIO YES.  
MS. ROBINSON YES

CERTIFICATE OF APPROPRIATENESS

NONE

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HARDSHIP APPLICATION

NONE

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MR. CHAIRMAN: The public hearings are closed.

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NEW BUSINESS

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MR. CHAIRMAN: A builder is coming in to ask if there is anything significant about that house. So I would ask Mary Jo do a little digging on that.

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MS. LANPHEAR: That house was moved from Elmwood Avenue according to Cynthia Howk to 1340 and in the course of that she remembers the house being moved from Elmwood Avenue to the location on Winton Road South because he was being courted by Brighton High school for football and part of the requirements was residency. The house wasn't on the 1931 tax book. The building style is old style.

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MR. BOEHNER: Are you saying a survey should be done on? I think more research should be done on it and I will try to.

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MR. CHAIRMAN: Are you saying the house was moved around 1930?

MS. LANPHEAR: Sometime around then.

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OLD BUSINESS

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LIST OF PROPERTIES TO BE UPDATED & SURVEYED

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2585 East Avenue – Dr. Ron Reed – fence realignment.

MR. BAYER: Mark Bayer. This is a very simple request. There is a little change in our fence line. Our survey was slightly wrong and this walnut tree, this is our original proposal with the fence line to run basically straight through and our contractor laid the map down - but essentially the change is to make a jog down the fence in back to get around the walnut tree and everything else remains the same. So that is the reason why I am here.

MR. CHAIRMAN: We did not send it back to the Zoning Board of Appeals – I would say we approve it.

MR. GORDON: I know of no rule that allows this Board to make exceptions and say it is a minor modification. The problem with that is the precedent it would set. Asking some homeowners to come back and some not. I know that sounds harsh but we don't want anyone else to say it wasn't properly approved and it has to be torn down.

MR. BOEHNER: You are not wrong in your assessment.

MR. CHAIRMAN: Let's put it on the agenda for March.

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1468 Monroe Avenue Dan Mossein – window replacement

MR. MOSSEIN: I guess we got a letter because we have done something without asking you guys. I remember he was to replace three storm windows. ON the right you will see the original windows and in front there is a round painted storm window with no screen and around the air conditioners it is the same deal. The one on the left they have triple track bottom window and then if we go to the right center on the right side there is a replacement window. The one in the center has a white triple track with out the bronze triple track. Up in the right corner you will see a triple track vinyl, the middle one is a triple track vinyl and the left one is a triple track replacement vinyl. The original windows can't be seen and on the left side is what he did without asking he put triple track on the windows to match what was already on the building. And behind that he put vinyl double glazed replacement windows because the windows were kind of falling apart. His problem with this whole building is that the ceilings aren't insulated, and the attic is ventilated so any heat goes right through and the tenants have to pay the heat and that is why there isn't

any tenants. So we fully insulated the entire attic floor and then insulated the stairwell walls and the guy on the left said he would move in if the wind stopped blowing in the apartment. So we put the triple tracks with the vinyl replacement windows. So since you can't see them I couldn't see any harm in them. And what he did is a lot better.

MR. CHAIRMAN: That is a matter of opinion.

MR. GORDON: So Section 224-4 of the code says no person shall carry out any, the word is any, exterior alteration, restoration reconstruction or new construction, in this specifically the landlord, without getting a Certificate of Appropriateness. And so the question I think Mr. Mossien makes is was this an alteration to the exterior or was this something from the interior. Section 224-12 A says nothing in this chapter shall be construed to prevent ordinary maintenance and repair of any exterior architectural feature of a landmark which does not involve a change in design material or outward appearance. The congress of that if there is a change in design materials or outward appearance any of them or all of them then it is not considered a maintenance issue.

MR. CHAIRMAN: It is very clear.

MR. MOSSEIN: So which part is very clear because we replaced torn storm windows that were already in the building and you can't see the windows behind them.

MR. CHAIRMAN: Well, whether you can see the windows behind them or not you replaced the original windows with something different than what was there and you need a Certificate of Appropriateness.

MR. MOSSEIN: Even though you are not seeing it from the outside.

MR. CHAIRMAN: It doesn't make any difference.

MR. MOSSEIN: I beg to differ so what do I do from here.

MR. CHAIRMAN: You will need a Certificate of Appropriateness because our survey that was done not too long before the building was designated shows no vinyl windows at all. Mr. Lipman put in one and then came before us afterwards for permission. Therefore some where along the line a bunch of the windows were replaced.

MS. WRIGHT: There was a list of expenses that came before us and some paperwork and this was about 7,000 dollars or more towards a window replacement.

MR. CHAIRMAN: There are two categories in here tenant improvements windows, doors and locks for 7200 dollars and then we have attic windows and insulation 12,000 dollars and then we have windows in apartments 2,3, and 4, 4600 dollars. That obviously is more than storm windows. That is what clued us in and we went by the building and saw things that were considerably different than when it was designated.

MR. MOSSEIN: How much were the windows for 2,3, and 4?

MR. CHAIRMAN: I think 4600 it is all in this.

MR. GORDON: It was part of a hardship application.

MR. BOEHNER: I sent them a letter requesting that an application for a Certificate of Appropriateness has to be made by February 25 for our March meeting. Dan e-mailed me that there was a discrepancy about who did what. I asked him to come in tonight. It has been my opinion that a Certificate of Appropriateness is necessary just based on what the Town Attorney.

MR. GORDON: What would you do next?

MR. BOEHNER: We would write a letter and get people to come in and do what they were supposed to do in the first place which is to come in and get the Certificate of Appropriateness. If the Board is fine with those changes they could approve that application and if they can't they can deny that application and they can file the hardship application if they want. There is a process through the code. If he fails to make the application I am left with no

other choice after a while to site him for a violation that he didn't get the Certificate of Appropriateness. I do want to say to the Commission we had talked about the situation, he was aware of the windows and he did call Dan. He has not ignored it. He acknowledged it and that is pretty much where we are.

MR. CHAIRMAN: We don't need to take a vote on this or anything.

MR. BOEHNER: No, it has already been done.

MR. CHAIRMAN: Okay see you sometime.

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2 Greenfield Lane

MR. BOEHNER: I have sent a letter out on January 24 telling them the property has been considered by this Board as a landmark and have not heard from them. We will set a public hearing at the next meeting in March.

2530 Highland Avenue (HELD OVER)

363 Penfield Road (HELD OVER)

124 Summit Drive (HELD OVER)

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#### PRESENTATIONS

NONE

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#### COMMUNICATIONS

Letter to Ramsey Boehner, dated February 4, 2014 from John T. Refermat, Attorney representing his clients, Robert F Burke, Jr. and Charis A Lee, M. D. , owners of 106 Oak Lane and historic designation of the property.

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

MS. WRIGHT: So moved.

MR. GOODMAN: Second.

MR. CHAIRMAN: All in favor. The meeting  
stands adjourned. Thank you all.

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CERTIFICATION

I, Judy Almekinder, 7633 Bauer Van Wickle Road,  
Lyons, New York 14489, do hereby state that the minutes of the February 13,  
2014 , meeting of the Planning Board of the Town of Brighton  
at 2300 Elmwood Avenue, is a true and accurate transcription of those notes to  
the best of my ability as recorded and transcribed by me.

  
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Judy Almekinder

On this 12 day of February 2014 before me personally came Judy  
Almekinder to me known and known to me to be the person described herein and  
who executed the foregoing instrument, and she acknowledge to me that she  
executed the same.

  
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Notary Public

RICHARD C. WUNDER  
NOTARY PUBLIC, County of Wayne  
New York State #59-4517642  
My Commission Expires December 31, 2014