

Village of Pittsford
Architectural and Preservation Review Board
Monday December 5, 2016 at 7:00 PM

PRESENT:

Chairperson: Maria Huot
Members: William McBride
Cristina Lanahan
Lisa Cove
Scott Latshaw

Village Attorney: Jeff Turner
Building Insp.: Floyd Kofahl
Recording Sec.: Linda Habeeb

Chairperson Huot called the meeting to order at 7:05 pm.

Conflict of Interest Disclosure

Chairperson Huot asked if any of the Board members had a conflict of interest with any of the applications before the Board.

- Member Cove stated that “After reviewing more than 150 pages of depositions from the Mattia request and with careful consideration of being fully prepared and knowledgeable of the decision at hand, along with the disclosure of my social connection with the family, I have chosen to abstain from voting on the 44 Sutherland Street application.”
- Member McBride Member McBride disclosed that he has a personal and professional relationship with the applicant for 36 Sutherland Street and will recuse himself from that discussion and vote.

Christina Rodriguez, 10 Eastview Terrace ~ Fence

Present: Christina Rodriguez, Homeowner

Application: Submitted, date-stamped, and Building Inspector reviewed on 11/21/16.

Discussion: The applicant is proposing installing a six-foot-high stockade fence on the side of the house and a three-foot-high picket fence in the front of the house, which is located at 10 Eastview Terrace. The stockade fence will run from the garage to the front of the screened-in porch. The applicant submitted photographs and documentation showing the specifications of, and location for, the proposed fence.

Findings of Fact:

- The applicant is proposing installing two types of fence: a three-foot picket fence, and a six-foot stockade privacy fence.
- The pickets of the front fence will be installed facing the street.
- The applicant submitted the specifications and proposed location for the fences.
- The proposed style of fences is appropriate to the character of the Village.

Motion: Chairperson Huot made a motion, seconded by Member McBride, to approve the application for installation of a fence, as submitted.

Vote: McBride – yes; Huot – yes; Lanahan – yes; Latshaw – yes; Cove - yes. **Motion carried. This decision was filed in the Office of the Village Clerk on December 5, 2016.**

~~~~~

**Jeff Hanson, 65 W. Jefferson Rd. ~ Restoration**

**Present:** Jeff Hanson, Homeowner

**Application: Submitted, date-stamped, and Building Inspector reviewed on 11/3/16.**

**Discussion:** The applicant presented a proposal for restoration of the façade of the house to the original stucco material. The applicants submitted a report from Bero Architecture documenting the history of the house. The report indicated that the restoration of the original material will be a very positive asset to the community.

***Findings of Fact:***

- The house was built circa 1911.
- The restoration will follow the documents and photographs submitted by the applicants.
- The material and style will match the original house.

**Motion:** Chairperson Huot made a motion, seconded by Member McBride, to approve the application for restoration of the original material of the house located at 65 West Jefferson Road.

**Vote:** McBride – yes; Huot – yes; Lanahan – yes; Latshaw – yes; Cove - yes. **Motion carried. This decision was filed in the Office of the Village Clerk on December 5, 2016.**

~~~~~

Michael Newcomb, 6 Washington Rd ~ Windows

Present: Michael Newcomb, Homeowner

Application: Submitted, date-stamped, and Building Inspector reviewed on 11/15/16.

Discussion: The applicant is proposing replacing some of the existing windows on the house with new Kolbe and Kolbe Heritage Series, double-hung, two-over-two, simulated divided light windows. He is also proposing relocating the front door from the porch to its original location.

Findings of Fact:

- The house is Colonial Revival style house built in 1872.
- The proposal is for replacement of some of the windows on the house and relocation of the door.
- The replacement windows will be made of wood.
- The shutters on the windows will be removed, and the windows will match the existing two-over-two windows.
- The front door overhang will be similar to the one in the photograph of 32 North Main Street.

Motion: Chairperson Huot made a motion, seconded by Member McBride, to approve the application for replacement windows and relocation of the door, as submitted.

Vote: McBride – yes; Huot – yes; Lanahan – yes; Latshaw – yes; Cove - yes. Motion carried. This decision was filed in the Office of the Village Clerk on December 5, 2016.

~~~~~

**Mary Cannon, 24 Sunset Blvd. ~ Windows**

**Present:** Mary & Jim Cannon, Homeowners

**Application: Submitted, date-stamped, and Building Inspector reviewed on 11/15/16.**

**Discussion:** The proposal is for replacement of original 1950's windows with Anderson 400 Series double-hung windows on the house located at 24 Sunset Blvd. The applicants submitted documentation with the specifications for the proposed windows.

**Findings of Fact:**

- The proposal is to change three windows in the front façade with the option to replace five windows.
- The replacement windows will be Anderson 400 Series windows with simulated divided lights.
- The proposed windows have wood casings and will be eight-over-eight, the same as the original windows.
- These windows have been approved in houses of similar periods in the Village.

**Motion:** Chairperson Huot made a motion, seconded by Member McBride, to approve the application for replacement windows, as modified.

**Vote: McBride – yes; Huot – yes; Lanahan – yes; Latshaw – yes; Cove - yes. Motion carried. This decision was filed in the Office of the Village Clerk on December 5, 2016.**

~~~~~

Michael Camarella, 36 Sutherland Street. ~ Modifications to approved application

Present: Michael & Carmela Camarella, Homeowners

Application: Submitted, date-stamped, and Building Inspector reviewed on 8/24/16.

Discussion: At the October 3, 2016 APRB meeting, the applicants were granted approval for construction of additions on the house located at 36 Sutherland Street. The applicant stated that he is proposing the following modifications to the approved plans:

Findings of Fact:

- The roof of the addition to the north (left-hand side as viewed from the street) has been changed to a gable end roof. It was approved as a hip roof.
- The roof of the dormer facing Sutherland Street in the above-mentioned roof has been changed to a gable to create more symmetry with the front elevation. It was approved as a shed. The proposed gable complements the dormer on the south side roof.
- There is a hip roofed bay added to the rear of the attached garage. The effort to step the addition in one foot on either side of the existing house resulted in a garage bay that was very tight in depth for the vehicle the family uses to transport their children.

- The new side entry has been relocated to allow placement of a home office. The entry door now faces east.
- The porch roof off the dining room on the east elevation has been greatly reduced in depth.
- The screen porch screen panels now sit on an 18" high knee wall. They were approved as full-height to the porch deck.
- Brackets were added at the garage metal roofing.
- A cupola has been added to the garage.
- Specifications with detailed modifications have been submitted.

Board members discussed the addition of the cupola to the garage. Member Huot stated her opinion that the addition of the cupola is not compatible with the style of the garage.

Motion: Chairperson Huot made a motion, seconded by Member McBride, to approve the modified application, except for the cupola on the garage.

Vote: McBride – abstain; Huot – yes; Lanahan – yes; Latshaw – yes; Cove - yes. **Motion carried. This decision was filed in the Office of the Village Clerk on December 5, 2016.**

~~~~~

#### **Dave & Tina Mattia, 44 Sutherland Street ~ Demolition**

**Present:** Dave & Tina Mattia, Homeowner; John Schick, Architect; Mary Ellen Holvey, Envoy Environmental Consultants; Steven Nardozi, Rochester Environmental LLC; Dan O'Brian, Betsy Brugg, Woods, Oviatt, Gilman LLP

**Application: Submitted, date-stamped, and Building Inspector reviewed on 9/22/15.**

**Discussion:** This is a continuation of an open application from October, 2015 for demolition of the house located at 44 Sutherland Street and construction of a new house on the lot. Chairperson Huot asked the applicants if they had any new information to present.

Mr. O'Brien stated that at the APRB meeting that was held on August 31, 2016, a number of experts spoke, including several in support of the application. He stated that the most compelling thing that happened at that meeting was Mr. Kofahl's statements that he had visited the property that day and found that it was uninhabitable, which was consistent with what the applicants had maintained. In fact, he said that he had to issue a violation notice so that no one could live there. At the October 3, 2016 APRB meeting, the Board decided to hire Fisher Associates, an engineering firm in the area, to evaluate the condition of the house and make a determination as to whether or not it could be remediated. Mr. Stein, who was the representative of Fisher Associates, would inspect the house and make a determination as to whether or not it could be remediated. He said that what Fisher Associates would be looking for is interior and exterior damage and the physical overall integrity of the property, such as the roof, framing, and electrical structures.

Mr. O'Brien stated that Mary Ellen Holvey, a Certified Industrial Hygienist, has prepared a response and would like to comment on Mr. Stein's report. He further noted that Mr. Stein has made it clear that a full mold assessment has to be done by somebody else. He's made no attempt to identify what needs to be done to remediate the property and has provided no protocols for what remediation should be undertaken. As a result, it is almost impossible to determine whether or not his opinions can be verified. There's no indication in his report that he's going to review any testing. He's made no comment on the testing, even though full mold assessments were done, and our position is that while the village has received an opinion

from him, it is conclusory and doesn't really rebut any of the recommendations that have been made by the experts that the applicants have presented, who have been at 44 Sutherland Street on numerous occasions.

Ms. Holvey stated that, in her opinion, Mr. Stein does not have an extensive amount of experience with mold assessments. Chairperson Huot asked Ms. Holvey if she was questioning Mr. Stein's credentials. She stated that she wasn't questioning his credentials, just the amount of experience he has with mold assessment. Ms. Holvey also stated that she does not know how many mold assessments Mr. Stein has performed. She stated that Mr. Stein said that in the basement of the house, there is some evidence of water staining, but there was a pile of water in the basement, a puddle. It was in the same places: it's in the corners; it's in the alcove where there are shelving units; and it's near the furnace. She stated that Mr. Stein's report did not reflect the amount of water that she saw.

Chairperson Huot stated that there is a great deal of water, but the gutters and pipes are very close to the house, and that could be the reason that there is this water.

Member McBride stated that the pictures that Mr. Stein took were not the same as the pictures that were taken six months before in terms of the visual mold. He asked Ms. Holvey whether she saw a difference in the appearance of those infected areas in her inspection with him versus the previous views. She stated that the original mold that she saw is there. Member McBride stated that Mr. Stein's pictures appear different from the original pictures that the Board saw, sometimes of the same areas. Ms. Holvey stated that her concern was that some of the mold that Mr. Stein was identifying, whether it was in the kitchen or even behind the wallpaper, was attributed to only about five square feet. She stated that in her opinion, Mr. Stein did not delineate the extent of the mold that he saw. Member McBride stated that Mr. Stein's assignment was not to go in and critique the previous inspections. He asked Ms. Holvey whether she disagrees with Mr. Stein's conclusion that this can be remediated highly effectively, because she doesn't think that he assessed the degree of the mold problem the way she did. She stated that that is correct.

Chairperson Huot asked Ms. Holvey if it is her conclusion that Mr. Stein's report does not reflect the same amount of mold that she observed, even though she pointed it out to him. She stated that that is correct. Chairperson Huot asked Ms. Holvey what determines that there is catastrophic failure and that the house is not livable. Ms. Holvey stated that based on what she has seen, the house cannot be remediated. She stated that there are structural problems with the house that make the growth of mold more pronounced, and Mr. Stein made no indication at all of the difficulties in remediating the property because of those structural issues.

Mr. Steve Nardoizzi, of Rochester Environmental, stated that he is a certified remediator. He pointed out that Mr. Stein, from Fisher Associates, is an assessor. He stated that in his report, he provided a very detailed explanation on how to remediate the house, and Fisher Associates did not provide such a report. Chairperson Huot asked Mr. Nardoizzi if his report indicates that the total investment for remediation is \$91,950, and he stated that that is correct. Mr. Nardoizzi stated that this does not mean that he agrees that the house can be remediated to a healthy level. He stated that his report matches the way the law works in that an assessor writes a protocol, and the remediator follows the protocol. It does not constitute whether or not it can be remediated. Anything can be remediated, but what is the satisfaction of the remediation for a future event, a future warranty, and a future health problem that could happen with mold. He further explained that because mold is a living organism, if the house is not remediated successfully, it will be written right in the estimate. It will not be successfully remediated based upon the condition of the mold the way it exists, the elevated levels that are there, and the construction of the house.

Member McBride asked Mr. Nardoizzi if one can ever make that assurance on a house that has a significant amount of mold. Mr. Nardoizzi stated that since mold is a naturally occurring substance, if he can't remove

an elevated situation of mold to a highly successful level, he is effectively leaving the house with a festering problem. Spores lag and they can sit like a seed, and if we don't get all the spores within the walls, or take it down to the skeleton of what it is, they're going to lay there and it's an elevated problem. Once that problem becomes moisture ridden, there will be a bloom inside the walls. Member McBride asked Mr. Nardozzi if he has performed a lot of remediations in his career. Mr. Nardozzi stated that he has performed thousands of remediations in his career. Member McBride asked of the thousands of structures he has remediated, could he give an assurance to the owners that he was ninety-nine percent certain the problem was corrected and that it's not going to reoccur? Mr. Nardozzi stated that he could not give that assurance for any of the structures that he has remediated, because it's a natural living organism. Member McBride asked Mr. Nardozzi how this house is different from the average house that he's remediated. Mr. Nardozzi stated that this house is very different in that the elevation of mold inside the house is very high. Also, the structure of the house with the vapor barriers and the slab on grade construction is different from any residential structure that he has seen.

Mr. O'Brien stated that an appraiser, Kevin Bruckner, has visited the house and would like to address the Board. He stated that one of the things that Board members refer to in making a decision is how the condition of the property affects the marketability of the house. Mr. Bruckner stated that he is the managing partner of a real estate appraisal and consulting firm, and he has been in the business for many years. He stated that he has inspected the property and observed the mold in the house. He also noted that there are areas in the house that they will probably not be able to get to, for example, the exterior wall and some of the foundation areas, that even if they do the remediation, they are not going to be able to do a complete remediation of the house. He stated that in answer to the question of where to draw the line, where you draw the line is whether or not there's still a stigma attached to the house after the remediation is completed. And the issue here is that this house is so infested, and there are so many areas that they can't get to -- the foundation and exterior walls-- that even after they do the remediation, there's still going to be a stigma attached to this house. Even after they remediate the house and put it all back together, this is public knowledge. If they go to list that house, the broker and the owner will have to disclose to potential buyers that this house has gone through a complete remediation of the mold, and they may be subject to providing some additional information on the remediation. The house becomes unmarketable at that point, because nobody wants to deal with mold. He stated his opinion that the property is only worth its land value, and the house should be demolished, because it is not economically feasible to go through the remediation process.

Chairperson Huot asked Mr. Bruckner if he is familiar with the Village of Pittsford. He stated that he owned a house in the Village and is very familiar with the area.

Mr. Mattia stated that their original intention was to renovate the house and live in the Village. He expressed frustration that this process has gone on so long, and he urged the Board to move this forward and vote to demolish the house. He stated that all members who came before the Board in support of the application have been honest, truthful, and professional. Regarding the construction of the house, there are areas that are inaccessible. In a wood-framed house, the areas that are behind the wood framing, between the wood framing, the studs, and the frame -- the studs and headers and such represent twenty-five percent of the wall surface. This mold is in the wall cavities. Twenty-five percent of the area of the surface of the house is inaccessible to remediation. There's an air cavity between the brick and the wall sheathing. Mr. O'Brien stated that based on the opinions of the applicants' experts, there is a consistent theme that regardless of what remediation is undertaken, it is not going to be able to fully remediate the house. He also pointed out that this house is minimally visible from the road, and what is the most visible part from the road is the garage, which is the new addition. In terms of its architectural and historical significance, it's very modest.

Mr. Kofahl stated that he wanted to comment on his relationship with Fisher Associates. He stated that the relationship was purely professional in that the company was used in two other municipalities where he was employed. Their reputation is one of the reasons this Board chose them. Member McBride pointed out that the applicant agreed with that when the Board decided to hire them. Member McBride asked Mr. Kofahl whether Mr. Stein commented on whether the house could be remediated at a reasonable confidence level. Mr. Kofahl stated that based on Mr. Stein's letter, he reaffirmed that in his opinion, the house could be remediated, and that it was a very basic remediation level based on his inspection. Mr. Turner questioned Mr. Kofahl about the violation notice that he sent to the owners of the house. Mr. Kofahl stated that the notice indicated that the house was not habitable. Mr. Turner asked if that meant that it's not remediable, and Mr. Kofahl stated that it did not.

Chairperson Huot stated that, in terms of the process, the first thing that board members need to do is discuss whether preservation of the structure is warranted under the general standards set forth in the article under the village code.

"The 1977 addition is not appropriate to the style and character of the house, but the structure itself represents a period and a history of the village, and it represents almost all the work of the architects of Rochester. Based on that, the structure or the building is worth preserving.

#### Preservation of the Structure:

The National Register of Historic Places is the official system for documenting and recognizing buildings and districts that are significant in the history, architecture, and culture of the nation. The house at 44 Sutherland Street was built in 1949 and is considered a contributing building of the Village of Pittsford because it is part of the historic district. The original house was designed by the noted Rochester architectural firm of Kaelber and Waasdorp and embodies the distinctive characteristics of a mid-century Tudor Revival style, which is representative of the construction and style of mid-century architecture in Rochester. The house represents the work of two influential architects of the period in Rochester who were involved in multiple influential architecture projects in Rochester, such as the Eastman Theater and the Sibley Building. While the 1977 garage addition presents a significant change in the configuration and character of the house, the addition remains sympathetic to the original construction, and the significant features of the original structure remain evident, notwithstanding the 1977 addition."

Chairperson Huot stated that based on this information, Board members need to decide if the building is worth preserving.

**Motion:** Chairperson Huot made a motion, seconded by Member McBride, stating that the house at 44 Sutherland Street is worth preserving.

**Vote:** McBride – yes; Huot – yes; Lanahan – yes; Latshaw – yes; Cove - abstain. **Motion carried. This decision was filed in the Office of the Village Clerk on December 5, 2016.**

**Motion:** Chairperson Huot made a motion, seconded by Member McBride, stating that the deterioration of the structure can be remediated.

**Vote:** McBride – yes; Huot – no; Lanahan – yes; Latshaw – no; Cove - abstain.

Member Lanahan left the meeting at this time.

**Motion:** Member McBride made a motion stating that the deterioration of the structure cannot be remediated to a reasonable level.

**Vote: McBride – yes; Huot – yes; Lanahan – absent; Latshaw – yes; Cove - abstain. Motion carried. This decision was filed in the Office of the Village Clerk on December 5, 2016.**

Chairperson Huot stated that any house that is maintained properly will not deteriorate to this level. She further stated that it is her opinion, not as Chair of the APRB, that there has been neglect in this situation.

**Motion:** Chairperson Huot made a motion, seconded by Member McBride, to grant a certificate of demolition for the house located at 44 Sutherland Street; demolition may be permitted only after the applicant has submitted and obtained approval for plans for new development, including APRB approval for new construction.

**Vote: McBride – yes; Huot – yes; Latshaw – yes; Cove - abstain. Motion carried. This decision was filed in the Office of the Village Clerk on December 5, 2016.**

**ADJOURNMENT:** There being no further business, Chairperson Huot adjourned the meeting at 9:00 pm.

---

Linda Habeeb, Recording Secretary