

MINUTES OF TOWN BOARD MEETING
OF THE TOWN OF BRIGHTON, COUNTY OF
MONROE, NEW YORK, HELD AT THE
BRIGHTON TOWN HALL, 2300 ELMWOOD
AVENUE, ROCHESTER, NEW YORK
July 9, 2014

PRESENT:

Supervisor William Moehle
Councilmember James Vogel
Councilmember Louise Novros
Councilmember Jason DiPonzio
Councilmember Christopher Werner

Daniel Aman, Town Clerk
Kenneth Gordon, Attorney for the Town
Mark Henderson, Chief of Police
Timothy Keef, Commissioner of Public Works
Suzanne Zaso, Assistant to the Supervisor

MEETING CALLED TO ORDER AT 7:05 PM:

OPEN FORUM:

Laura Pearce
Josh Barouth

APPROVAL OF AGENDA:

Motion by Councilmember Jason DiPonzio seconded by Councilmember Christopher Werner to approve the agenda with the addition of new business regarding The Park at Allens Creek

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

APPROVE AND FILE TOWN BOARD MEETING MINUTES FOR:

June 11, 2014 Town Board Meeting
June 25, 2014 Town Board Meeting

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to approve and file the aforementioned minutes

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMUNICATIONS:

FROM Lawrence Howk, Treasurer, Brighton Fire District dated June 20, 2014 to Supervisor Re: Final 2013 Brighton Fire District Financial Report

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel to receive and file aforementioned communications

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

COMMITTEE REPORTS:

Parks and Recreation & Community Services – Next meeting 9/22/2014 at 4:30 PM at Brookside
Finance and Administrative Services – Next meeting 7/15/2014 at 2:00 PM in the Stage Conference Room
Public Safety Services – Next meeting 8/12/2014 at 8:00 AM in Downstairs Meeting Room
Public Works Services – Next meeting 8/4/2013 at 9:00 AM in Downstairs Meeting Room

NEW BUSINESS:**MATTER RE:** Reading and approval of claims

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Supervisor read and approve for payment the claims as set forth in Exhibit No. 1 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set August 13, 2014 as Public Hearing date for proposed Dog Seizure and Impoundment Local Law (see Resolution #1 and letter dated June 27, 2014 from Daniel Aman, Town Clerk/Receiver of Taxes).

Motion by Councilmember Jason DiPonzio seconded by Councilmember Christopher Werner that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 2 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Amended Incentive Zoning and Rezoning application for the proposed Jewish Senior Life project and;

- refer same to the Planning Board for review and comments, and
- set August 13, 2014 for public hearing to consider same

(see Resolution #2 and associated documents attached to letter dated June 26, 2014 from Ramsey Boehner, Environmental Review Liaison Officer).

Motion by Councilmember Louise Novros seconded by Councilmember James Vogel that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 3 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Proposed technical code amendments (see Resolution #3 and letter dated July 2, 2014 from Ramsey Boehner, Environmental Review Liaison Officer).

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 4 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Approval to adopt Standard Work Day and Reporting Resolution for newly elected and appointed officials used for retirement benefit calculations (see Resolution #4 and memorandum dated July 1, 2014 from Suzanne Zaso, Director of Finance).

Motion by Councilmember Christopher Werner seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 5 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTER RE: Set August 13, 2014 as Public Hearing for Temporary Amendment to Provisions of Town's Noise Law (see Resolution #5 and memorandum dated July 7, 2014 from Laura Pearce, Property Manager for The Park at Allen's Creek

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio that the Town Board adopt the resolution as prepared by the Attorney for the Town as set forth in Exhibit No. 6 attached

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MATTERS OF THE SUPERVISOR:

MATTER RE: Expense and Revenues for month ending June 30, 2014 with 2nd Quarter review.

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio that the aforementioned report be received and filed

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MOTION TO GO INTO EXECUTIVE SESSION AT 8:19 PM

Motion by Councilmember James Vogel seconded by Councilmember Jason DiPonzio to go into executive session to discuss matters of litigation regarding the West Brighton Fire Department

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

Motion by Councilmember Christopher Werner seconded by Councilmember James Vogel to come out of executive session at 9:11 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

MEETING ADJOURNED AT 9:12 PM

Motion by Councilmember Louise Novros seconded by Councilmember Jason DiPonzio to adjourn at 9:12 PM

UPON ROLL CALL VOTE

MOTION UNANIMOUSLY CARRIED

CERTIFICATION:

I, Daniel Aman, 131 Elmore Road, Rochester, NY do hereby certify that the foregoing is a true and accurate record of the proceeding of the Town of Brighton, County of Monroe, State of New York meeting held on the 9th day of July 2014 and that I recorded said minutes of the aforesaid meeting of the Town Board of the Town of Brighton, New York

CLAIMS FOR APPROVAL AT TOWN BOARD MEETING

July 9, 2014

THAT THE CLAIMS AS SUMMARIZED BELOW HAVING BEEN APPROVED BY THE RESPECTIVE DEPARTMENT HEADS AND AUDITED BY THE TOWN BOARD AUDIT COMMITTEE ARE HEREBY APPROVED FOR PAYMENT.

A - GENERAL	\$	<u>62,950.59</u>
D - HIGHWAY		<u>30,893.70</u>
L - LIBRARY		<u>800.00</u>
SA - AMBULANCE DIST		<u>5.50</u>
SF - FIRE DIST		<u>704.34</u>
SR-REFUSE DISTRICT		<u>68,789.49</u>
SS - SEWER DIST		<u>10,028.78</u>
TA - AGENCY TRUST		<u>5,988.61</u>
	TOTAL \$	<u>180,161.01</u>

UPON ROLL CALL

MOTION CARRIED _____

APPROVED BY:

SUPERVISOR_____
COUNCIL MEMBER_____
COUNCIL MEMBER

TO THE SUPERVISOR:

I CERTIFY THAT THE VOUCHERS LISTED ABOVE WERE AUDITED BY THE TOWN BOARD ON THE ABOVE DATE AND ALLOWED IN THE AMOUNTS SHOWN. YOU ARE HEREBY AUTHORIZED AND DIRECTED TO PAY TO EACH OF THE CLAIMANTS THE AMOUNT OPPOSITE HIS NAME.

DATE_____
TOWN CLERK

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 9th day of July, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated June 27, 2014 from Town Clerk, Daniel Aman, regarding a proposed Dog Seizure and Impoundment Local Law, together with a request to set a public hearing for August 13, 2014 at 7:30 pm at Brighton Town Hall, 2300 Elmwood Avenue regarding said Local Law and a copy of the proposed Local Law, be received and filed; and be it further

RESOLVED, that the Town Board hereby sets a public hearing for August 13, 2014 at 7:30 pm at Brighton Town Hall, 2300 Elmwood Avenue regarding said Local Law and directs the Town Clerk to post and publish such notice as is required by law regarding such public hearing.

Dated: July 9, 2014

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

Daniel Aman
Town Clerk/Receiver of Taxes

David Marcus
Deputy Clerk / Deputy Receiver

To: Honorable Town Board
From: Daniel Aman, Town Clerk / Receiver of Taxes
Date: June 27, 2014
Subject: Public Hearing for Code Amendments

Dear Supervisor Moehle and Town Council Members:

As you may be aware, I proposed several changes to the Town Code section 40-14 in relation to seizure and impoundment of dogs to the Public Safety Committee back in February. The current wording of the Code lists exact dollar amounts for fees. Each time the contract with the animal hospital comes up for renewal, the Town Board has to hold a public hearing to adjust the amount of the fees.

The proposed changes remove these dollar amounts to allow the Code to be evergreen and allow the fees to be changed simply by Town Board resolution.

I would therefore ask that the Town Board receive and file this communication, that a public hearing be set for this matter and any requisite notice be sent out. As always, your consideration of matters such as this is greatly appreciated.

Sincerely,

Daniel Aman
Town Clerk / Receiver of Taxes

Local Law #4 of 2014
"Dog Seizure and Impoundment" Local Law

Section 1. Title

This Local Law shall be known as the "Dog Seizure and Impoundment" Local Law of the Town of Brighton.

Section 2. Purpose.

It is the purpose and intent of this Local Law to amend the Town Code to provide clarification of the Town's policies on seizure and impoundment of dogs and the fees to be charged for a dog's release to its owner.

Section 3. Amendments to the Town Code.

Section 40-14 of the Brighton Town Code is hereby amended to read as follows (deleted language is shown as crossed out and additional language is underlined):

In accordance with § 117 of the Agriculture and Markets Law:

A. The Animal/Dog Control Officer shall seize:

- (1) Any dog which is not licensed, whether on or off the owner's premises.
- (2) Any licensed dog which is not in the control of its owner or custodian or not on the premises of the dog's owner or custodian, if there is probable cause to believe the dog is dangerous.

(3) Any dog which poses an immediate threat to the public safety.

B. The Animal/Dog Control Officer, when acting pursuant to his or her special duties, shall make and maintain a complete record of any seizure and subsequent disposition of any dog. Such record shall include, but not be limited to, a description of the dog, the date and hour of seizure, the municipal identification number of the such dog (if any), the location where seized, the reason for the seizure and the owner's name and address, if known.

C. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered at the expense of the Town during the redemption period as hereinafter provided.

D. Each dog which is not identified shall be held for a period of five days from the day seized if unlicensed at the time seized, and if licensed at the time of seizure for a period of seven days from the day the owner of said dog is notified personally of said seizure and for a period of nine days from the day of mailing by certified mail of notice of seizure to the owner of said dog if such notice is sent by mail~~seized if licensed at the time seized~~, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of this article and further provided that the owner pays the impoundment fees as established by Town Board resolution ~~and further provided that the owner pays the impoundment fees set forth below, which fees are subject to change by Town Board resolution.~~ If a dog is seized for a violation of § 40-5 hereof only and the dog is wearing an identification tag, the Animal Control Officer or peace officer shall ascertain the owner of the dog and shall give immediate notice by personally serving (or by service by certified mail, return receipt requested) such owner with a notice in writing stating that the dog has been seized and will be adopted or destroyed unless redeemed as herein provided.

~~(1) Not less than \$30 (\$50 for an unlicensed dog) for the first 24 hours or part thereof and \$10.50 for each additional 24 hours or part thereof for the first impoundment of any dog owned by that person.~~

~~(2) Not less than \$60 (\$75 for an unlicensed dog) for the first 24 hours or part thereof and \$10.50 for each additional 24 hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person.~~

~~(3) Not less than \$90 (\$100 for an unlicensed dog) for the first 24 hours or part thereof and \$10.50 for each additional 24 hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.~~

~~(4) If, upon redemption, any dog received a rabies vaccination, the charge for such vaccination shall be added to impoundment fees. the fee required to be paid for the release of the dog.~~

~~(5) In the event an owner seeks to redeem a licensed dog during a weekend or holiday, when the Clerk and/or Animal Control Officer are not available, the owner may redeem the dog by paying all applicable fees plus an additional special handling fee of \$35, directly to the animal hospital or other agent with whom the Town contracts to impound dogs, and upon such payment the animal hospital or other agent may thereupon release the dog to the owner.~~

E. If, at the end of the appropriate redemption period, said dog has not been redeemed by its owner, the owner shall forfeit all title to the dog and it shall be available for adoption or be released to an authorized humane society or shelter, or destroyed by the Animal Control Officer or such Officer's designee. In the case of adoption, the adopter must pay the incurred boarding costs to the Clerk, ~~unless payment of such fees is waived by the Clerk in her sole discretion,~~ and also obtain a license for such dog.

F.

Prior to releasing a dog to its owner or adopting out a dog, the Clerk shall deliver to the owner a statement of number of days the dog has been in the shelter and the costs for any veterinary care. The owner or person adopting the dog shall pay such statements and costs in full unless waived by the Clerk, pursuant to Subsection E. The owner or person adopting shall take such statement to the Animal Control Officer, whereupon the Animal Control Officer shall release such dog to the owner or adopter, as the case may be.

G.

If a dog is destroyed, the person who destroys the dog shall immediately dispose of the dog and make a written report of such destruction and disposition to the Town Clerk. The owner of such dog shall be responsible for the payment of impoundment and other fees incurred prior to disposition, and no license shall be issued to any other dog owned by such person until all such fees have been paid in full.

H.

In the event that emergency veterinary care (minimal life support as determined by the veterinarian) was necessary at the time of seizure and said care was provided pursuant to 40-14C, the owner of the dog or his agent must pay the costs incurred therefore before said dog may be redeemed.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 9th day of July, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated June 26, 2014 from Town Planner, Ramsey A. Boehner, regarding Jewish Senior Life's Incentive Zoning and Rezoning Application requesting certain action be taken by the Town Board with respect to said application including the setting of a public hearing for August 13, 2014 at 7:30 pm at Brighton Town Hall, 2300 Elmwood Avenue regarding said application and correspondence dated June 26, 2014 from Jerry A. Goldman, Esq. as counsel for Jewish Senior Life regarding an amended/supplemental letter of intent regarding the proposed project and correspondence dated June 18, 2014 from Executive Secretary of the Planning Board, Ramsey A. Boehner, setting forth certain comments of the Planning Board regarding the above referenced application, be received and filed; and be it further

RESOLVED, that the Town Board hereby directs that the Town's Environmental Review Officer coordinate review and seek lead agency status for the subject project pursuant to the State Environmental Quality Review Act, and it is further

RESOLVED, that the Town Board hereby directs the Town Planner to submit the required Development Referral Form and documents to the Monroe County Department of Planning and Development for review regarding the subject project and further directs the Town Planner to provide to the applicant a copy of the Town of Brighton's Policy on Public Notice for Incentive Zoning and Rezoning Applications, and it is further

RESOLVED, that the Town Board requests the Planning Board to review and prepare a report regarding the proposed rezoning amendment pursuant to

Section 225-6 of the Comprehensive Development Regulations, and it is further

RESOLVED, that the Town Board hereby sets a public hearing, pursuant to Section 261-b of the Town Law of the State of New York and Sections 209-5D and 225-8 of the Town Code, for August 13, 2014 at 7:30 pm at Brighton Town Hall, 2300 Elmwood Avenue regarding said application and directs the Town Clerk to post and publish such notice as is required by law regarding such public hearing.

Dated: July 9, 2014

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

June 26, 2014

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Brighton, NY 14618

Re: Jewish Senior Life Incentive Zoning and Rezoning Application

Honorable Supervisor and Members:

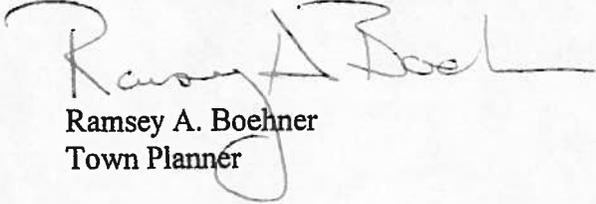
I recommend that your Honorable Body:

1. Receive and file this communication and the attached amended/supplemental letter of intent prepared and submitted by Jerry A. Goldman, dated June 26, 2014;
2. Directs the Environmental Review Liaison Officer, Ramsey Boehner to coordinate the review and to seek lead agency status for the project pursuant to the State Environmental Quality Review Act;
3. Receive and file the attached communication dated June 18, 2014 from Ramsey Boehner, Executive Secretary Planning Board;
4. Direct the Town Planner, Ramsey Boehner to submit the required Development Referral Form and documents to Monroe County Department of Planning and Development for review;
5. Request the Planning Board to review and prepare a report regarding the proposed rezoning amendment pursuant to 225-6 of the Comprehensive Development Regulations; and
6. Set a public hearing regarding the Incentive Zoning and Rezoning Application.



7. Direct the Town Planner to provide the applicant a copy of the Town of Brighton's Policy on Public Notice for Incentive Zoning and Rezoning Applications.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Ramsey A. Bohner". The signature is fluid and cursive, with a large initial "R" and "B".

Ramsey A. Bohner
Town Planner

cc: T. Keef
K. Gordan

attachments



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

June 18, 2014

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, N.Y. 14618

RE: Planning Board advisory report in regards to an Incentive Zoning/Rezoning request to construct four 3-story senior living "Green House" buildings, two one-story senior living "Green House" buildings and a 3-story 65 unit senior independent living apartment building on the grounds of the Jewish Home of Rochester, 2021 Winton Road South, known as Tax ID #s 149.12-01-034 and 150.09-01-001.1.

Dear Board Members:

At the June 18, 2014 Planning Board Meeting, the Planning Board reviewed the above referenced matter and offers the following comments regarding the adequacy of the proposal as it relates to site and the adjacent uses and structures.

General

1. The Planning Board supports the proposed application. The proposed project appears to be well suited for the project site and area.
2. Consider alternative site design and layout of the 3 story Independent Living Unit Building and parking area to minimize the amount of asphalt and visible parking along Meridian Centre Blvd .
3. The architectural design and building materials of the proposed buildings should be reviewed and approved by the Town of Brighton Architectural Review Board.
4. The proposed buildings will have to be sprinklered in accordance with Town requirements.
5. The Planning Board recommends a coordinated review be conducted with all involved and interested agencies to obtain comments pursuant to State Environmental Quality Review Act.
6. The Planning Board recommends that the Town move to a public hearing on this application only after receiving firm commitments on the proposed amenities. It is further recommended that the incentive zoning and rezoning approvals, if granted, do not include any commitment



regarding the site plan layout or any commitment regarding approval of the proposed overall density, except as a maximum limit.

7. Prior any granting any rezoning approvals, the Planning Board should review and prepare a report regarding the proposed rezoning amendment pursuant to 225-6 of the Comprehensive Development Regulations

Sustainability

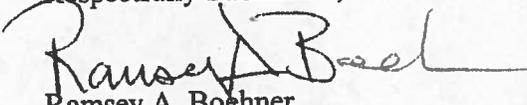
1. Regional materials should be used to construct the proposed project. Additionally, a waste reduction plan should be developed whose intent is to divert a minimum of 50% of construction debris from the waste stream.
2. The proposed project should include provisions for public transportation. The applicant should contact the Rochester Genesee Regional Transportation Authority to promote the use of public transportation to and from the proposed development.
3. The proposed project includes the construction of large impervious surfaces which cause the immediate area to become warmer than the surrounding land forming an island of higher temperatures known as the "heat island effect". Trees of substantial size should be provided along roadways and parking areas to create a canopy large enough to offset the "heat island effect". In addition, light roof colors should be provided which further reduces this phenomenon.
4. Consideration should be given to the proposed buildings being constructed to LEED standards.
5. The project should include provisions for recycling trash that will be generated by the residents occupying the site.
6. Alternative energy sources can significantly cut greenhouse gas emissions and energy costs over time. Consideration should be given to the installation of alternative energy technologies such as solar and geothermal?
7. The proposed buildings should consider orientation and spacing to maximize the potential for passive solar heating and shading devices to minimize the cooling load.
8. All landscaping material should be indigenous to this area. The Sustainable Oversight Committee discourages the installation of potable water lawn sprinkler system.
9. Pervious pavements should be considered where applicable such as sidewalks, trails, and driveways.
10. Consideration should be given to using LED lighting for the project.

Conservation Board

The Conservation Board had the following comments regarding this proposal:

1. The Board has no serious concerns with the project as presented.
2. Use of alternative energy sources is encouraged.
3. The Board will have additional comments as plans progress.

Respectfully Submitted,


Ramsey A. Bochner
Executive Secretary
Planning Board

Woods Oviatt Gilman LLP

Attorneys

700 Crossroads Building
2 State Street
Rochester, New York 14614

Tel: 585.987.2800
Fax: 585.454.5868
www.woodsoviatt.com

Writer's Direct Dial Number: 585.445.2726
Writer's Direct Fax Number: 585.445.2626
Email: jgoldman@woodsoviatt.com

June 26, 2014

Town Board
Town of Brighton
2300 Elmwood Avenue
Rochester, New York 14618

**Re: Application of Jewish Senior Life
Incentive Zoning and Rezoning
AMENDED/SUPPLEMENTAL LETTER OF INTENT**

Dear Board Members:

This office has been retained by Jewish Senior Life (and its related entities) to assist in obtaining municipal approvals for the enhancement for its existing facilities on the easterly portion of the Jewish Senior Life (JSL) Campus. The subject property is located west of South Winton Road, south of the Interstate 590 Expressway and north of Meridian Center Boulevard.

By letter dated May 8, 2014, we commenced the formal Incentive Zoning and Rezoning process. Since that time, the following events have occurred:

1. The application was received and filed by the Town Board and referred to the Planning Board for comment on May 14, 2014.
2. The Conservation Board reviewed the application on June 10, 2014 and provided their comments to the Planning Board.
3. The Planning Board reviewed the subject application on June 18, 2014 and adopted a resolution to send a referral letter to the Town Board.

In addition, further discussions have been conducted with the Town Administration with regard to the proposed amenities for the project. Again, no specific infrastructure needs were identified in the immediate area of the project and a cash amenity was confirmed. Based upon the Town administrations further analysis, the applicant is agreeable to a restructured amenity payment of \$75,000.00 upon issuance of the first building permit and \$40,000.00 annual payment in lieu of taxes (PILOT) payment, which would be adjusted annually. A formal amenity agreement superseding the prior amenity agreement entered into between the Town and the predecessor of Jewish Senior Life will be executed.

{2294523 : }

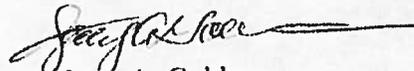
Town Board – Town of Brighton
LETTER OF INTENT
June 26, 2014
Page 2

It is our fervent hope that the Town Board will accept the Planning Board referral, declare its intent to be Lead Agency for environmental review under the State Environmental Quality Review Act (SEQRA) and schedule a public hearing on this matter at your July 9 meeting.

If you have any questions with regard to this matter, please do not hesitate to contact me.

Very truly yours,

WOODS OVIATT GILMAN LLP



Jerry A. Goldman

JAG/mxm
Enclosure

{2294523 }

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 9th day of July, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that correspondence dated July 2, 2014 from Environmental Review Liaison Officer, Ramsey A. Boehner, regarding a request to refer to the Planning Board for an advisory report certain proposed technical amendments to the Town Code recommended by the staff of the Building and Planning Department, and a memorandum from Commissioner of Public Works Timothy E. Keef, P.E. regarding such amendments and a copy of the proposed Code amendments, be received and filed; and be it further

RESOLVED, that the Town Board hereby refers the proposed amendments to the Planning Board for an advisory report regarding the proposed amendments; and be it further

RESOLVED, that the Town Board directs the Environmental Review Liaison Officer to send a letter referring the above referenced Code amendments to the Monroe County Department of Planning and Development to obtain its comments on the proposed Code amendments as is required by law.

Dated: July 9, 2014

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____



TOWN OF BRIGHTON
MONROE COUNTY, NEW YORK

July 2, 2014

Honorable Town Board
Town of Brighton
2300 Elmwood Avenue
Brighton, NY 14618

Re: Proposed Technical Code Amendments

Honorable Supervisor and Members:

I recommend that you receive and file this communication and the proposed technical code amendments to the Code of the Town of Brighton as described in the attached memoranda to Tim Keef, dated July 2, 2014.

I further recommend that your Honorable Body:

1. Request the Planning Board to review and prepare an advisory report regarding the proposed amendments; and
2. Direct the Town Planner, Ramsey Boehner to submit the required Development Referral Form and documents to Monroe County Department of Planning and Development for review.

Respectfully Submitted

Ramsey A. Boehner
Environmental Review Liaison Officer

cc: T. Keef
attachment



DRAFT

Town of Brighton
Interoffice Memo

To: Tim Keef
From: Building & Planning Staff
CC:
Date: July 2, 2014
Subject: Technical Amendments 2014-1

Page 2: Technical Amendment 2014-1.1

Amend Chapter 113, PARKS, to remove reference to the Director of Recreation and Parks and place all authority with the Commissioner of Public Works or designee.

Page 5: Technical Amendment 2014-1.2

Amend Chapter 175, TREES, to remove reference to the Director of Recreation and Parks and place all authority with the Commissioner of Public Works or designee.

Page 7: Technical Amendment 2014-1.3

- (1) Modify the definition of "Cultural Facilities" in §201-5, Definitions, to remove the reference to non-profit institutions and add reference to religious uses;
- (2) Modify §203-44(B)(2) and §203-52.2(B)(1) in the District Use Regulations to refer only to cultural facilities.

Page 8: Technical Amendment 2014-1.4

- (1) Revise the introduction to §209-5(B) in Chapter 209, Incentive Zoning, to require rather than allow submittal of sketch plans to the Planning Board, and
- (2) Change the text of §209-6, Cash payment in lieu of amenity, to conform to NYS Town Law §261-b 3. (h).

*Note that added language is **bolded and underlined**, language to be deleted is ~~lined out~~.*

DRAFT

Technical Amendment 2014-1.1

Amend Chapter 113, PARKS, to remove reference to the Director of Recreation and Parks and place all authority with the Commissioner of Public Works or designee.

Note that added language is **bolded and underlined**, language to be deleted is ~~lined out~~.

Chapter 113. PARKS

§113-2. Definitions

For the purpose of this chapter, terms used herein are defined as follows:

~~DIRECTOR OF PARKS~~

~~The Director of Recreation and Parks of the Town of Brighton or his/her duly authorized agents.~~

COMMISSIONER OF PUBLIC WORKS

The Commissioner of Public Works or his or her designee.

§ 113-3. Closing of parks.

No person shall be permitted to remain, stop or park within the confines of any town park between the hours of 10:00 p.m. and 7:00 a.m. or, for parks designated by the ~~Director of Parks~~ **Commissioner of Public Works**, sunset and 7:00 a.m., prevailing local time, in the Town of Brighton, except in an emergency or with a special permit from the ~~Director of Parks~~ **Commissioner of Public Works**. In case of an emergency or when, in the judgment of the ~~Director of Parks~~ **Commissioner of Public Works**, the public interest demands it, any portion of a park may be closed to the public or to designated persons until permission is given to reopen.

§ 113-4. Permits required for certain activities; issuance of permits.

A. A permit must be obtained from the ~~Director of Parks~~ **Commissioner of Public Works** for the following uses and activities:

- (1) The use of park lodges or pavilions.
- (2) Those acts prohibited without a written permit as set forth in this chapter.

B. Permits shall be issued by the ~~Director of Parks~~ **Commissioner of Public Works** or such other office as the ~~Director of Parks~~ **Commissioner of Public Works** may determine.

D. All permits issued shall be in writing by the ~~Director of Parks~~ **Commissioner of Public Works** and shall be subject to park rules and regulations. A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof and not in violation of any law, ordinance or rule or regulation governing parks. Any violation of any term or condition thereof or any law or ordinance or rule or regulation governing parks shall constitute grounds for revocation of said permit by the ~~Director of Parks~~ **Commissioner of Public Works**, whose action therein shall be final. No permit for the same purpose shall be issued to those persons whose permit has been revoked during the year in which such revocation is made.

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E. Upon obtaining a permit, the applicant shall pay a permit fee to the Town of Brighton in an amount established by the Town Board of the Town of Brighton. Such fee may vary according to the activity permitted and the facilities used.

§ 113-5. Use of park lodges and pavilions.

B. Park lodges or pavilions may be made available for overnight use upon written permission of the ~~Director~~ **Commissioner of Public Works**.

G. Use of units not already reserved may be arranged for with the ~~Director of Parks~~ **Commissioner of Public Works** or his or her authorized representative on a first-come-first-served basis, upon payment of a permit fee and issuance of a use slip within the park area.

§ 113-6. Certain acts prohibited without written permission.

No person shall commit any of the following acts within any park without a written permit from the ~~Director of Parks~~ **Commissioner of Public Works**:

C. Picnic or cook in any area not designated by the ~~Director~~ **Commissioner of Public Works** for that purpose or make or kindle any fire, except in places provided therefor, and then subject to such regulations as may be prescribed.

D. Write, paint or carve on any tree, bench or park structure or sleep, camp, lodge or reside in any park building, except in such places as designated for said purposes by the ~~Director of Parks~~ **Commissioner of Public Works**.

G. Carry any flowers or shrubs, slingshots, axe, saw, shovel or spade within the parks; violate the regulations of the ~~Director of Parks~~ **Commissioner of Public Works** relating to any building or place; damage any notice posted by order of the ~~Director of Parks~~ **Commissioner of Public Works**; cut parkway curbs for private drives; locate, grade or construct paths, driveways and roadways across or along any parkway or park road; or deposit materials in or upon any park or park road.

§ 113-7. General regulations.

A. Disorderly conduct.

(1) No person shall disturb the peace and good order in any park.

(2) No person shall congregate with others in a public place and refuse to comply with a lawful order of the police or the ~~Director of Parks~~ **Commissioner of Public Works** to disperse or leave the park.

B. Games regulated. No person shall engage in potentially dangerous games involving thrown or propelled objects, such as footballs, horseshoes, roller skates, golf balls or similar

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objects, except in areas designated for such usage, and then only subject to such rules as may be prescribed by the ~~Director of Parks~~ **Commissioner of Public Works**. All games of any description must be conducted in a safe and orderly manner, and no rough or boisterous practices will be allowed. No one shall play games for which a permit or fee is required without first obtaining such permit or paying such fees.

E. Littering, rubbish, garbage, sewage and noxious material.

(1) No person shall, without the specific written consent of the ~~Director of Parks~~ **Commissioner of Public Works**, bring into, leave behind or dump any material of any kind in the park, except the refuse, ashes, garbage and other material of a picnic, camp or other permitted activity, which material shall be deposited in receptacles or pits provided for such purposes. Refuse is not to be dropped, thrown or scattered on park property. Tin cans, bottles, glassware and metallic and plastic substances shall be deposited in park receptacles.

§ 113-8. Traffic regulations.

C. No person shall cause any bus, with or without passenger, nor any cart, wagon, truck or trailer or other vehicle carrying goods, merchandise, manure, soil or other articles, or solely in use for the carriage of goods, merchandise, manure or other articles, to enter or to be driven in any part of the park or parkway. This section shall not apply to vehicles engaged in the construction, maintenance or operation of the parks or parkways, or to buses under a permit from the ~~Director of Parks~~ **Commissioner of Public Works**.

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Technical Amendment 2014-1.2

Amend Chapter 175, TREES, to remove reference to the Director of Recreation and Parks and place all authority with the Commissioner of Public Works or designee.

Note that added language is **bolded and underlined**, language to be deleted is ~~lined out~~.

Chapter 175. TREES

§ 175-2

Word usage; definitions.

~~DIRECTOR OF PARKS AND RECREATION~~

~~The Director of Parks and Recreation of the Town of Brighton, or her/his authorized representative.~~

COMMISSIONER OF PUBLIC WORKS

The Commissioner of Public Works or his or her designee.

§ 175-3. Administration; enforcement.

The Town's Commissioner of Public Works ~~or his designee~~ shall have control of all trees in Town highways and in all Town **parks and** public places ~~(other than as specifically designated by the Town Council to be under the jurisdiction of the Director of Parks and Recreation)~~ and shall be authorized to investigate, resolve and prosecute complaints for injury to a Town tree or trees therein. ~~The Town's Director of Parks and Recreation or his designee shall have control of all trees in Town parks (and in those public places designated by the Town Council to be under his jurisdiction) and shall be authorized to investigate, resolve and prosecute complaints for injury to Town trees therein.~~ The Town Tree Council shall develop and recommend a comprehensive program promoting the purpose of this chapter, hereinafter referred to as the "Town Forestry Plan."

§ 175-5. Town Forestry Plan.

The Town Tree Council shall develop and present a written Town Forestry Plan to the Town Council and, as set forth in § 175-4, may request that the Town Board appoint a citizens' committee to assist in the development of such Forestry Plan. The Town Forestry Plan, after revision and adoption by the Town Council, shall constitute the official Town Forestry Plan for the Town of Brighton and shall be administered by the Commissioner of Public Works ~~and the Director of Parks and Recreation~~, and shall be subject to periodic review and revision by the Town Council. The Town Forestry Plan

§ 175-7. Maintenance.

C. No person other than the ~~Director of Parks and Recreation~~ **Commissioner of Public Works** ~~or his duly authorized deputy or agent~~ shall fertilize, spray, cable or brace, trim, prune, cut above ground or below ground or otherwise disturb any Town tree in a Town park or other public place within his jurisdiction without first obtaining a permit from the ~~Director of Parks and Recreation~~ **Commissioner of Public Works**. He shall issue a permit if he

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determines that the work proposed is necessary for the health and maintenance of the tree and that the methods and workmanship proposed are satisfactory. He may supervise and inspect all work done on Town trees under permits issued by him.

§ 175-8. Removal.

C. No person other than the ~~Director of Parks and Recreation~~ **Commissioner of Public Works** or his duly authorized deputy or agent shall cut down, remove or destroy any Town tree within his jurisdiction as described in § 175-3. Any removal of a significant Town tree or a Town tree that is not dead or diseased or that does not constitute a hazard to life or property is contrary to the statutory purpose of preserving the existing trees in the community and must be reviewed by the Town Council, following a public hearing on notice published in the Town newspaper at least 10 days prior to such hearing, to determine whether the ~~Director~~ **Commissioner of Public Works** has shown good cause for the removal.

§ 175-9. Replacement and replanting.

The Town's Commissioner of Public Works or the ~~Director of Parks and Recreation~~ shall see that Town trees which must be removed are replanted or replaced in accordance with the arboricultural specifications and standards of practice included in the Town Forestry Plan, provided that such replanting or replacement is consistent with the approved budget, and that all replacement trees are selected from the Master Tree List included in the Town Forestry Plan. If conditions prevent planting at the removal site, a tree removed from the tree lawn may be replanted or replaced at an alternative site in the same area; and a tree removed from a public place may be replanted or replaced at an alternative site in the same public place of the town.

§ 175-12. Penalties for offenses.

C. The Commissioner of Public Works, the ~~Director of Parks and Recreation or their designees~~ shall have the authority to issue an appearance ticket subscribed by him/her directing a designated person to appear in a designated criminal court at a designated future time in connection with the alleged commission of a designated violation of this chapter, or any order made thereunder.

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Technical Amendment 2014-1.3

- (1) Modify the definition of "Cultural Facilities" in §201-5, Definitions, to remove the reference to non-profit institutions and add reference to religious uses;
- (2) Modify §203-44(B)(2) and §203-52.2(B)(1) in the District Use Regulations to refer only to cultural facilities.

*Note that added language is **bolded and underlined**, language to be deleted is ~~lined out~~.*

Chapter 201, General Provisions

§ 201-5. Definitions.

CULTURAL FACILITIES - Establishments, such as libraries, museums, art galleries, **schools, places of worship,** botanical **gardens** and zoological gardens, of an **primarily** historic, educational or cultural interest. ~~This definition also includes nonprofit institutions for charitable, religious, cultural or community purposes~~

Chapter 203, District Use Regulations

Article VII, Office & Office Park District (BE1).

§203-44. Permitted and conditional uses.

B. Conditional uses shall be permitted as follows, . . .

~~(2) Nonprofit museums and art galleries and nonprofit institutions for charitable, religious, cultural and community social purposes.~~

(2) Cultural facilities.

Article VIIA. Office - Low Density District (BE-L)

§203-52.2. Permitted and conditional uses.

B. Conditional uses shall be permitted as follows, . . .

~~(1) Nonprofit museums and art galleries and nonprofit institutions for charitable, religious, cultural and community social purposes.~~

(1) Cultural facilities.

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Technical Amendment 2014-1.4

The following proposed amendments modify the Incentive Zoning regulations in Chapter 209 to:

- (1) Revise the introduction to §209-5(B) to require rather than allow submittal of sketch plans to the Planning Board, and
- (2) Change the text of §209-6, Cash payment in lieu of amenity, to conform to NYS Town Law §261-b 3. (h).

Note that added language is **bolded and underlined**, language to be deleted is ~~lined out~~.

§ 209-5. Criteria and procedure for approval.

B. The Town Board shall review the proposal and inform the applicant whether or not the proposal is worthy of further consideration. If it is deemed worthy of further consideration, the applicant ~~may~~ **shall** then submit two sketch plans to the Planning Board:

- (1) The first sketch plan

§ 209-6. Cash payment in lieu of amenity.

~~Under this article, if the Town Board finds that a community benefit is not suitable on site or cannot be reasonably provided, the Town Board may require a cash payment in lieu of the provision of the amenity. These funds shall be placed in a trust fund to be used by the Town Board exclusively for amenities specified prior to acceptance of funds. Cash payments shall be made prior to the issuance of a building permit. Cash payments in lieu of amenities are not to be used to pay general and ordinary Town expenses.~~

Under this article, if the Town Board determines that a suitable community benefit or amenity is not immediately feasible, or otherwise not practical, the board may require, in lieu thereof, a payment to the town of a sum to be determined by the board. If cash is accepted in lieu of other community benefit or amenity, provision shall be made for such sum to be deposited in a trust fund to be used by the town board exclusively for specific community benefits authorized by the town board.

(note: this section is modified to be identical to NYS Town Law with the exception of the last sentence and the text "Under this article")

At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 9th day of July, 2014.

PRESENT:

WILLIAM W. MOEHLE,

Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

RESOLVED, that a memorandum dated July 1, 2014 from Finance Director Suzanne Zaso and attached proposed form resolution regarding a request to adopt the Standard Work Day and Reporting Resolution for the New York State Retirement System required for elected and appointed officials who began a new or subsequent term on January 1, 2014, be received and filed; and be it further

RESOLVED, that the Town Board hereby adopts the proposed standard form resolution attached to the above memorandum that has been received and filed and directs the Town Clerk to take the actions needed to effectuate the certifications required for the resolution as set forth therein.

Dated: July 09, 2014

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____



SUZANNE ZASO, DIRECTOR OF FINANCE
2300 ELMWOOD AVENUE
ROCHESTER, NEW YORK 14618
Phone (585) 784-5210 Fax (585) 784-5396

MEMORANDUM

To: The Honorable Town Board
Attn.: Finance and Administrative Services Committee
From: Suzanne Zaso, Director of Finance *yz*
Date: July 1, 2014
Subject: New York State Retirement System Standard Work Day and Reporting Resolution for Elected and Appointed Officials

Per Regulation 315.4 of the New York State Retirement System, attached are a Standard Work Day and Reporting Resolution that is required to be adopted by the Town Board. The resolution covers elected Town officials who began a new or subsequent term on 1/1/14 and any appointed positions of those officials who are members of the NYS and Local Retirement System. The days per month reported on this resolution for elected and appointed Town officials who do not participate in the Town's time keeping system were calculated based upon the individual's Record of Activities (log) detailing hours worked on Town business for a 90 day period since the appointment or term commencement or based upon recertification of a prior Record of Activity.

I am recommending that the Town Board adopt the attached Standard Work Day and Reporting Resolution for Elected and Appointed Officials.

Copy to: G. Brandt



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A
 (Rev. 3/14)

BE IT RESOLVED, that the _____ / _____ hereby establishes the following standard work days for these titles and
 (Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No-If Yes, do not complete the last two columns)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials									
Supervisor	6	William Moshle			<input type="checkbox"/>	01/01/14-12/31/15	No	21.67	<input type="checkbox"/>
Council Member	6	James Vogel			<input type="checkbox"/>	01/01/14-12/31/17	No	21.67	<input type="checkbox"/>
Council Member	6	Louise Novros			<input type="checkbox"/>	01/01/14-12/31/17	No	18.89	<input type="checkbox"/>
Appointed Officials									
Assistant to the Supervisor	7	MaryAnn Hussar			<input type="checkbox"/>	01/01/14-12/31/15	Yes		<input type="checkbox"/>
Deputy Town Clerk/Rec Tax	7	David Marcus			<input type="checkbox"/>	01/01/14-12/31/15	Yes		<input type="checkbox"/>
Deputy Receiver of Taxes	7	Margaret Lull			<input type="checkbox"/>	01/01/14-12/31/15	Yes		<input type="checkbox"/>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

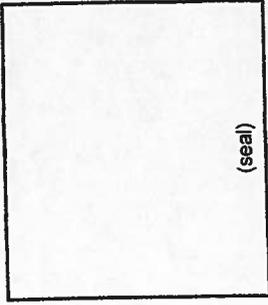
I, Daniel Aman, secretary/clerk of the governing board of the _____ of the State of New York,
 (Name of secretary or clerk) (Circle one) (Name of Employer)

do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the _____ day of _____, 20____ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the _____ on this _____ day of _____, 20____
 (Name of Employer) (Name of Employer)

Affidavit of Posting: I, Daniel Aman, being duly sworn, deposes and says that the posting of the Resolution began on _____ and continued for at least 30 days. That the Resolution was available to the public on the _____
 (Date) (Signature of the secretary or clerk)

- Employer's website at _____
- Official sign board at _____
- Main entrance secretary or clerk's office at _____



At a Town Board Meeting of the Town of Brighton, Monroe County, New York, held at the Brighton Town Hall, 2300 Elmwood Avenue, in said Town of Brighton on the 9th day of July, 2014.

PRESENT:

WILLIAM W. MOEHLE,
Supervisor

JAMES R. VOGEL
LOUISE NOVROS
CHRISTOPHER K. WERNER
JASON S. DIPONZIO

Councilpersons

WHEREAS, Laura Pearce, acting on behalf of the The Parks at Allens Creek, has requested a temporary amendment to the provisions of the Town's Noise Law that prohibit construction, demolition or excavation, other than during certain hours of the day, to permit certain work to be done to the Parks at Allens Creek during the evening to avoid disrupting normal business operations in the facility; and

WHEREAS, the Town Board desires to set a public hearing to consider such temporary amendment; it is therefore

RESOLVED, that correspondence from Laura Pearce, dated July 9, 2014, concerning a request for a temporary amendment to the Town's Noise Law, be received and filed; and be it further

RESOLVED, that the Town Board hereby sets a public hearing to be held on August 13, 2014 at 7:30 p.m. at Brighton Town Hall, 2300 Elmwood Avenue, to consider a proposed local law temporarily amending Chapter 102 of the Town Code, the Town's Noise Law, to permit certain construction activities at the Parks at Allens Creek in the Town, other than during the hours that such work is normally permitted under the Noise Law, subject to certain conditions, and directs the Town Clerk to post and publish such notice as is required by law regarding such public hearing.

Dated: July 9, 2014

William W. Moehle, Supervisor	Voting	_____
James R. Vogel, Councilperson	Voting	_____
Louise Novros, Councilperson	Voting	_____
Christopher K. Werner, Councilperson	Voting	_____
Jason S. DiPonzio, Councilperson	Voting	_____